AGENDA

Regular Meeting of the

CITY COUNCIL
OF THE CITY OF TROY

AUGUST 15, 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

August 15, 2005 – 7:30 PM
Council Chambers
City Hall - 500 West Big Beaver
Troy, Michigan 48084
(248) 524-3317

CALL TO ORDER: 1

INVOCATION & PLEDGE OF ALLEGIANCE: Pastor Dennis Wegner - Troy Church of the Nazarene 1

ROLL CALL: 1

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CALL TO ORDER:

INVOCATION & PLEDGE OF ALLEGIANCE: Pastor Dennis Wegner - Troy Church of the Nazarene

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) Recognition of the City of Troy's 50th Anniversary of Council-Manager Government by the ICMA – International City/Council Management Association

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 Parking Variance – 701-705 Minnesota

Suggested Resolution
Resolution #2005-08-
Moved by
Seconded by

Proposed Resolution A (For Approval)

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

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

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

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

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

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, That the request from Raj Patel for waiver of 6 additional parking spaces at the development at 701 – 705 Minnesota be **APPROVED**.

Or Proposed Resolution B (For Denial)

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

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, That the request from Raj Patel for waiver of 6 additional parking spaces at the development at 701 – 705 Minnesota be **DENIED**.

Yes:
No:

C-2 Zoning Ordinance Text Amendment (ZOTA 212) – Articles IV, XXV, XXVI and XXVII – Freestanding Restaurants, Banks and Daycare Facilities in the R-C, O-M and O-S-C Districts

Suggested Resolution
Resolution #2005-08-
Moved by
Seconded by

RESOLVED, That Article IV (DEFINITIONS), Articles XXV (O-M OFFICE MID-RISE DISTRICT), XXVI (O-S-C OFFICE–SERVICE-COMMERCIAL DISTRICT), and XXVII (R-C RESEARCH CENTER DISTRICT) of the City of Troy Zoning Ordinance, be **AMENDED** to read as written in the proposed Zoning Ordinance Text Amendment (ZOTA 212), dated June 21, 2005, as recommended by the Planning Commission and City Management.

Yes:
No:

C-3 Rezoning Application (Z 705) – West Side of Rochester Road, North of Creston, Between Long Lake and Trinway, Section 10 – R-1C to R-1T

Suggested Resolution
Resolution #2005-08-
Moved by
Seconded by

RESOLVED, That the R-1C to R-1T rezoning request, located on the west side of Rochester Road, north of Creston, between Long Lake and Trinway, Section 10, being 29,040 square feet in size, is hereby **GRANTED**, as recommended by City Management and the Planning Commission.

Yes:
No:

POSTPONED ITEMS: No Postponed Items

CONSENT AGENDA:

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

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

Suggested Resolution
Resolution #2005-08-
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

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E-2 Approval of City Council Minutes

Suggested Resolution
Resolution #2005-08-

RESOLVED, That the Minutes of the Regular City Council Meeting of August 1, 2005 be **APPROVED** as submitted.

E-3 Proposed City of Troy Proclamation

Suggested Resolution
Resolution #2005-08-

a) Proclamation Celebrating 85 Years – American Legion Charles Edwards Post 14 – Birmingham/Troy

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E-4 Standard Purchasing Resolutions

a) Standard Purchasing Resolution 3: Exercise Renewal Option – Tee Shirt Contract

Suggested Resolution
Resolution #2005-08-

WHEREAS, On October 18, 2004, a one year contract with an option to renew for one additional year for Tee Shirts was awarded to the low bidder, Kel Graphics of Cadillac, Michigan (Resolution #2004-10-546-E-17);

WHEREAS, Kel Graphics has agreed to exercise the one-year option to renew the contract under the same pricing, terms and conditions.

NOW, THEREFORE, BE IT RESOLVED, That the option to renew the contract is hereby **EXERCISED** with Kel Graphics to provide Tee Shirts under the same prices, terms, and conditions for one year at an estimated total cost of $27,153.00, to expire September 30, 2006.

b) Standard Purchasing Resolution 6: Grant Approval and Authorization to Expend City Funds – Safer Star Software and Associated Equipment

Suggested Resolution
Resolution #2005-08-

RESOLVED, That the Troy City Council does hereby **AUTHORIZE** the Troy Fire Department to receive a State of Michigan Homeland Security Critical Infrastructure Grant and **EXPEND** funds for the purchase of Safer Star Software from Safer Systems, LLC, of Camarillo, CA, the sole source provider of proprietary software, at an estimated cost of $300,000.00; and

BE IT FURTHER RESOLVED, That the Fire Department Operations equipment budget is hereby **AMENDED** due to the grant award in the amount of $300,000.00.

c) Standard Purchasing Resolution 10: Travel Authorization and Approval to Expend Funds for Troy City Council Members' Travel Expenses – Michigan Municipal League 107th Annual Convention

(1) Resolution Authorizing Attendance of Mayor and City Council Members

Suggested Resolution
Resolution #2005-08-

RESOLVED, That pursuant to the Rules of Procedure of the City Council of the City of Troy, the City Council hereby **APPROVES** the payment and use of City funds for transportation, registration, pre-conference workshops, food, and lodging for the Mayor and City Council Members to attend the Michigan Municipal League Annual Conference to be held in Grand Rapids, Michigan, September 20 through 23, 2005, all in accordance with the accounting procedures of the City of Troy.

(2) Resolution for Designation of Voting Delegates at Annual Meeting

Suggested Resolution
Resolution #2005-08-

RESOLVED, That _____ is hereby **DESIGNATED** as Voting Delegate and _____ is hereby **DESIGNATED** as the Alternate Voting

Delegate to cast the vote of the City of Troy at the Annual Meeting of the Michigan Municipal League to be held September 20 through September 23, 2005 in Grand Rapids, Michigan.

E-5 Application to Transfer Location of a Class C Liquor License – TGI Friday's, Inc. (TGI Friday's Restaurant)

(a) License Transfer

Suggested Resolution
Resolution #2005-08-

RESOLVED, That the request from TGI FRIDAY'S INC. (A NEW YORK CORPORATION), to transfer the location of a 2005 Class C licensed business (in escrow), with official permit (food), and outdoor service (1 area), from 911 Wilshire, Troy, MI 48084, Oakland County, to 591 W. Big Beaver, Troy, MI 48084, Oakland County, be **CONSIDERED** for **APPROVAL**.

It is the consensus of this legislative body that the application **BE RECOMMENDED** "above all others" for issuance.

(b) Agreement

Suggested Resolution
Resolution #2005-08-

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

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby **APPROVES** an agreement with TGI FRIDAY'S INC. (A NEW YORK CORPORATION), to transfer location of a 2005 Class C licensed business (in escrow), with official permit (food), and outdoor service (1 area), from 911 Wilshire, Troy, MI 48084, Oakland County, to 591 W. Big Beaver, Troy, MI 48084, Oakland County, and the Mayor and City Clerk are **AUTHORIZED** to execute the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-6 Fireworks Permit – Troy Daze

Suggested Resolution
Resolution #2005-08-

RESOLVED, That a fireworks permit be **ISSUED** to Mad Bomber Fireworks Productions, of Kingsbury, IN for the display of fireworks at the conclusion of the 2005 Troy Daze Festival.

E-7 Private Agreement for Hidden Creek Site Condominiums – Project No. 03.909.3

Suggested Resolution
Resolution #2005-08-

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-8 Request for Approval of Increased Interest Differential Payment and Closing Cost Payment – Emad and Niran Youno, 2955 Thames, Sidwell #88-20-25-229-005 – Big Beaver, Rochester to Dequindre Road Project #01.105.5

Suggested Resolution
Resolution #2005-08-

RESOLVED, That as required by Michigan Laws and Federal Regulations, an Increased Interest Differential payment of $8,215.49 and reimbursable closing costs payment of $5,431.04 are hereby **APPROVED** to be paid to Emad and Niran Youno as part of the relocation payments for relocating from 2955 Thames, having Sidwell #88-20-25-229-005, which was acquired by the City of Troy for the Big Beaver to Dequindre Road improvement project.

E-9 Request for Recognition as a Nonprofit Organization Status from the Kimberly Anne Gillary Foundation for the Purpose of Obtaining a Charitable Gaming License

Suggested Resolution
Resolution #2005-08-

RESOLVED, That the request from the Kimberly Anne Gillary Foundation, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license be **APPROVED** as recommended by City Management.

E-10 Gerback et. al v. City of Troy

Suggested Resolution
Resolution #2005-08-

RESOLVED, That the City Attorney is hereby **AUTHORIZED** and **DIRECTED** to represent the City of Troy in the matter of James Gerback, et al v City of Troy and to pay all expenses and to retain any necessary expert witnesses to adequately represent the City.

E-11 Municipal Credit and Community Credit Agreement

Suggested Resolution
Resolution #2005-08-

RESOLVED, That Municipal Credit Funds and Community Credit Funds in the amount of $76,084.00 and $93,916.00 respectively, for a total of $170,000.00 are hereby **TRANSFERRED**

to Troy Medi-Go Plus for transportation services of senior citizens and persons with disabilities; and

BE IT FURTHER RESOLVED, That the City is **AUTHORIZED** to retain Community Credit Funds in the amount of $4,518.00 to purchase discount tickets for Smart Dial-A-Ride; and

BE IT FINALLY RESOLVED, That the Mayor and City Council are **AUTHORIZED** to **EXECUTE** the master agreement from SMART for the 2005/2006 fiscal year, and a copy shall be **ATTACHED** to the original Minutes of this meeting.

PUBLIC COMMENT: Limited to Items Not on the Agenda

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

REGULAR BUSINESS:

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

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

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

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

(a) Mayoral Appointments – No Appointments Scheduled

(b) City Council Appointments

Suggested Resolution
Resolution #2005-08-
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
O. Carlene Geier	08/10/05	08/15/05
Peggy Hammond	08/01/05	08/15/05
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 Pritzlaff	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

CURRENT MEMBERS

NAME	TERM EXPIRES
Edward J. Bortner **(Does not request reappointment)**	07/31/05
Rayma Gopal **(Student)**	07/01/06
Roger Kaniarz	07/31/08
Rosemary Kornacki	07/31/08
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 Pritzlaff	04/17/03-04/2005	04/28/03
Remedios Solarte	09/15/04	09/20/04
Renee Uitto	12/03/04-12/2006	12/06/04
Nancy Wheeler	03/08/04-03/2006	04/12/04

Liquor Committee

Appointed by Council - (7) – 3 years

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

CURRENT MEMBERS

NAME	TERM EXPIRES
Henry W. Allemon	01/31/06
Alex Bennett	01/31/06
Max K. Ehlert	01/31/06
W.S. Godlewski	01/31/08

Patrick C. Hall	01/31/06
James R. Peard	01/31/06
Bohdan L. Ukrainec	01/31/08
Emily Polet **(Student)**	07/01/05
Capt. Gary Mayer	(Ex-officio)

INTERESTED STUDENT APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
None on file.		

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		

Yes:
No:

F-2 Local Match for a Michigan Economic Growth Authority (MEGA) Retention Incentive Package

Suggested Resolution
Resolution #2005-08-
Moved by
Seconded by

RESOLVED, That the Troy City Council **APPROVE** the commitment of daily and/or annual Aquatic Center passes (limited to 15 annual passes per year for 3 years) at a value not to exceed $7,000 as part of the local match for a MEGA incentive package to retain ASTI in Troy.

Yes:
No:

F-3 Traffic Committee Recommendations – July 20, 2005

Suggested Resolution
Resolution #2005-08-
Moved by
Seconded by

a) No Changes be Made to the Intersection on Berwyck at Hampshire

RESOLVED, That **NO CHANGES** be made to the intersection on Berwyck at Hampshire.

b) Establishment of Fire Lanes/Tow Away Zones at 1650 Research Drive

RESOLVED, That fire lanes/tow away zones shown in the attached sketch **BE ESTABLISHED** at 1650 Research Drive.

c) Establishment of Fire Lanes/Tow Away Zones at 1775 Research Drive

RESOLVED, That fire lanes/tow away zones shown in the attached sketch **BE ESTABLISHED** at 1775 Research Drive.

d) Establishment of Fire Lanes/Tow Away Zones at 1850 Research Drive

RESOLVED, That fire lanes/tow away zones shown in the attached sketch **BE ESTABLISHED** at 1850 Research Drive.

e) Establishment of Fire Lanes/Tow Away Zones at 1875 Research Drive

RESOLVED, That fire lanes/tow away zones shown in the attached sketch **BE ESTABLISHED** at 1875 Research Drive.

f) Establishment of Fire Lanes/Tow Away Zones at 1960 Research Drive

RESOLVED, That fire lanes/tow away zones shown in the attached sketch **BE ESTABLISHED** at 1960 Research Drive.

g) Establishment of Fire Lanes/Tow Away Zones at 1965 Research Drive

RESOLVED, That fire lanes/tow away zones shown in the attached sketch **BE ESTABLISHED** at 1965 Research Drive.

Yes:
No:

F-4 2006 City Calendar Contract Extension

Suggested Resolution
Resolution #2005-08-
Moved by
Seconded by

RESOLVED, That a contract be **AWARDED** to University Lithoprinters to print 40,000 copies of the 2006 City Calendar including an 8-page spread for the Popular Annual Financial Report (PAFR) and an 8-page spread for advertising at an estimated cost of $38,650.00 with the Community Affairs Department to sell approximately $15,775.00 in advertising resulting in an estimated net cost to the City of Troy of approximately $22,875.00.

Yes:
No:

F-5 Authority to Initiate Lawsuit to Abate Public Nuisance – 2766 Rhodes

Suggested Resolution
Resolution #2005-08-
Moved by
Seconded by

RESOLVED, That the City Attorney is **AUTHORIZED** to initiate a nuisance abatement lawsuit against the owners of the home located at 2766 Rhodes, and to expend the necessary funds expedient for the litigation of such proceedings.

Yes:
No:

F-6 Bid Waiver – Troy Daze Large Tents

Suggested Resolution
Resolution #2005-08-
Moved by
Seconded by

WHEREAS, The Troy Daze Festival requires tents to house various community, cultural, and entertainment activities for their annual event;

WHEREAS, No companies submitted a bid during the formal bid process on the two large tents;

WHEREAS, Staff has been able to locate a company, Dial Tent and Awning, of Saginaw, MI who does have the sizes of the two large tents and can make them available for the event.

NOW, THEREFORE, BE IT RESOLVED, That formal bid procedures be hereby **WAIVED** and a contract be **APPROVED** to rent two large tents from Dial Tent and Awning, of Saginaw, MI for the estimated total cost of $11,000.00 **CONTINGENT** upon submission of required insurance certificates.

Yes:
No:

F-7 Resolution Supporting the Legislative Correction of the WPW v. Troy Taxable Value Inequity

Suggested Resolution
Resolution #2005-08-
Moved by
Seconded by

WHEREAS, The Michigan Supreme court issued a decision in the WPW Acquisitions v City of Troy case concerning the assessment of property taxes on commercial properties;

WHEREAS, The Supreme Court's decision has resulted in inequities as it relates to property assessments whose value is based on occupancy rates;

WHEREAS, The WPW decision declared the "additions" language for increase in occupancy is unconstitutional but did not address the offsetting "loss" language, which has a large impact on many properties in the State;

WHEREAS, Prior to this decision, a commercial/industrial property owner could work with their local assessor for assessment relief if the property's occupancy rated dropped (loss), and subsequently, when the occupancy rate improved, the assessment would return to a stabilized level when the occupancy recovered (addition);

WHEREAS, This was a fair and reasonable way to help property owners who were struggling with a particular property, and the "addition" and "loss" sections of the statute worked in harmony, providing temporary relief for decrease in occupancy;

WHEREAS, Since the "addition" section of the statute has been ruled unconstitutional, commercial property owners can now manipulate the system by decreasing their occupancy level to achieve a permanent reduction in their Taxable Value and then lock in non-market property taxes at a reduced level;

WHEREAS, The decision unintentionally rewards those commercial property owners who operate inefficiently and maintain high vacancy rates while penalizing those property managers who offer competitive lease rates;

WHEREAS, The decision is unfair to residential taxpayers as the resulting effect will shift the property tax burden to residential taxpayers over time since, theoretically, property taxes collected from commercial properties as a percentage of total tax revenues will decrease;

WHEREAS, The potential loss in property tax revenue within the City of Troy as a result of the Supreme Court decision is significant. Such potential revenue loss will not only impact the City of Troy, but also the County of Oakland and the Local and Intermediate school district(s), the State of Michigan Education Tax, etc.

NOW THEREFORE BE IT RESOLVED, That the City of Troy **STRONGLY URGES** its State Legislators to establish tax equity and correct the impact of the WPW Acquisitions v City of Troy decision by supporting legislation to remove both the additions and losses sections of the General Property Tax Act (MCL 211.34d(1)(b)(vii) and 211.34d(1)(h)(iii); and

BE IT FURTHER RESOLVED, That copies of this resolution be **SENT** to Governor Granholm, State Senator Shirley Johnson, Representative Robert Gosselin and the MML State and Federal Affairs Division.

Yes:
No:

F-8 Authority to Initiate Lawsuit to Abate Public Nuisance – 5165 Prentis

Suggested Resolution
Resolution #2005-08-
Moved by
Seconded by

RESOLVED, That the City Attorney is **AUTHORIZED** to initiate a nuisance abatement lawsuit against the owners of the home located at 5165 Prentis, and to **EXPEND** the necessary funds expedient for the litigation of such proceedings.

Yes:
No:

F-9 Proposed Revision of Troy's Sign Ordinances

City Management requests a 5-minute presentation regarding this item.

a) Proposed Revision of Sign Ordinance – Enact Chapter 85

Suggested Resolution
Resolution #2005-08-
Moved by
Seconded by

RESOLVED, That an ordinance to enact Chapter 85 – Signs, is hereby **ADOPTED** as recommended by the City Administration. A copy of this ordinance shall be **ATTACHED** to the original Minutes of this meeting.

Yes:
No:

b) Proposed Revision of Sign Ordinance – Amendment to Chapter 60

Suggested Resolution
Resolution #2005-08-

Moved by
Seconded by

RESOLVED, That an ordinance amendment to Chapter 60, Section 60.03, is hereby **ADOPTED** as recommended by the City Administration. A copy of this ordinance shall be **ATTACHED** to the original Minutes of this meeting.

Yes:
No:

c) Proposed Revision of Sign Ordinance – Amendment to Chapter 3

Suggested Resolution
Resolution #2005-08-
Moved by
Seconded by

RESOLVED, That an ordinance amendment to Chapter 3, Section 1.141(6), is hereby **ADOPTED** as recommended by the City Administration. A copy of this ordinance shall be **ATTACHED** to the original Minutes of this meeting.

Yes:
No:

d) Proposed Revision of Sign Ordinance – Chapter 78 Repealed

Suggested Resolution
Resolution #2005-08-
Moved by
Seconded by

RESOLVED, That Chapter 78 – Signs, of the Troy City Code, is hereby **REPEALED**.

Yes:
No:

e) Proposed Revision of Sign Ordinance – Chapter 85-A Repealed

Suggested Resolution
Resolution #2005-08-
Moved by
Seconded by

RESOLVED, That Chapter 85-A – Political Signs, of the Troy City Code, is hereby **REPEALED**.

Yes:
No:

F-10 Public Benefit Requirement to Satisfy Preliminary Approval of Planned Unit Development (PUD-004) – The Monarch Private Residences

Suggested Resolution
Resolution #2005-08-
Moved by
Seconded by

WHEREAS**,** The Troy City Council granted conditional preliminary planned unit development approval PUD-004, the Monarch private residences on July 18, 2005, Resolution # 2005-07-357;

WHEREAS**,** The resolution contains a condition related to the appropriate public benefit, which was either the purchase of the two properties to the north or a donation to the City to implement the results of the Big Beaver corridor study;

WHEREAS, The petitioner, property owners of 3128 Alpine (Sidwell #88-20-20-402-016) and 3141 McClure (Sidwell #88-20-20-402-030) and the Troy City Management signed a Letter of Understanding dated August 9, 2005 and is attached to this resolution.

NOW THEREFORE, BE IT RESOLVED, That City Council **ACCEPTS** the attached Letter of Understanding dated August 9, 2005 as the appropriate public benefit for preliminary approval of PUD-004.

Yes:
No:

F-11 Intergovernmental Cable Communications Authority (ICCA) Contract with Community Media Network (CMN)

Suggested Resolution
Resolution #2005-08-
Moved by
Seconded by

RESOLVED, That the Troy City Council **APPROVES** the proposed contract and bylaws between the Intergovernmental Cable Communications Authority (ICCA) and Community Media Network (CMN) as presented for a three-year contract which will expire on December 31, 2007 for the purpose of Public Access Television Services.

Yes:
No:

F-12 Bid Waiver – Authorization to Purchase an Enterprise Content Management System

Suggested Resolution
Resolution #2005-08-
Moved by

Seconded by

RESOLVED, That formal bidding procedures are hereby **WAIVED** and a contract to purchase an Enterprise-wide Content Management (ECM) System from Liberty Information Management Systems and Ricoh Business Systems is hereby **APPROVED** at an estimated cost of $542,000.00, plus an estimated $59,000.00 per year for maintenance and support, in accordance with Appendix A, Detailed Pricing; and

BE IT FURTHER RESOLVED, Those contracts to purchase the necessary hardware, software, and back file conversion services from REMC and State of Michigan contracts are hereby **APPROVED**.

Yes:
No:

F-13 Proposed Revisions to Chapter 19 – Sanitary Sewer Service – Elimination of Connection Requirement

Suggested Resolution
Resolution #2005-08-
Moved by
Seconded by

RESOLVED, That Sections 19.01, 19.02, 19.03 and 19.05 of Chapter 19 – Sanitary Sewer Service, of the Troy City Code be **REVISED** in accordance with the proposal prepared by City Management, a copy of which shall be **ATTACHED** to the original Minutes of the meeting.

Yes:
No:

F-14 Replacement of November 2005 Ballot Proposals

Suggested Resolution
Resolution #2005-08-
Moved by
Seconded by

Proposed Resolution #1

RESOLVED, That Resolution #2005-07-346, Resolution #2005-08-382, and Resolution #2005-08-383 are hereby **RESCINDED** by the Troy City Council.

Proposed Resolution #2

1. RESOLVED, That the Troy City Council **APPROVES AS TO FORM** the following proposed Charter Amendment Proposal 1 for the November 8, 2005 City General Election, and the revised Charter language, should the voters approve Charter Amendment Proposal 1 at that election:

Charter Amendment Proposal 1

AMENDMENT OF SECTIONS 3.4 (TERMS OF OFFICE) and 7.5 (ELECTIVE OFFICERS AND TERMS OF OFFICE) OF THE TROY CITY CHARTER TO REFLECT THE CURRENT FOUR-YEAR TERMS OF THE MAYOR AND CITY COUNCIL MEMBERS

Shall Sections 3.4 (Terms of Office) and 7.5 (Elective Officers and Terms of Office) of the Troy City Charter be amended by deleting section 7.5 and incorporating the former section 7.5 as the first sentence of section 3.4 with the terms of the Mayor and the Council Members being four years to reflect the change from three years to four years on account of the 2004 election consolidation legislation and providing that these terms expire at 7:30 pm (rather than 8 pm) on the first Monday following the regular City election in the fourth year of these terms?

Revised Charter Provision (If Proposal 1 Passes)

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.

2. RESOLVED, That the Troy City Council **APPROVES AS TO FORM** the following proposed Charter Amendment Proposal 2 for the November 8, 2005 City General Election, and the revised Charter language, should the voters approve Charter Amendment Proposal 2 at that election:

Charter Amendment Proposal 2

AMENDMENT TO RE-NUMBER SECTION 7.5.5 OF THE TROY CITY CHARTER AS SECTION 3.4.1, ADD A TITLE TO THE SECTION, AND CHANGE THE SECTION'S DEFINITION OF "TERM" IN ITS THIRD SENTENCE

Shall Section 7.5.5 of the Troy City Charter be re-numbered as section 3.4.1 to state as follows:

"3.4.1- Elective Officers Term Limitations
Any 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" ?

Revised Charter Provision (If Proposal 2 Passes)

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.

3. RESOLVED, That the Troy City Council **APPROVES AS TO FORM** the following proposed Charter Amendment Proposal 3 for the November 8, 2005 City General Election, and the revised Charter language, should the voters approve Charter Amendment Proposal 3 at that election:

Charter Amendment Proposal 3

PROPOSAL FOR A NEW SECTION 3.4.2 (STAGGERING TERMS OF OFFICE) OF THE TROY CITY CHARTER TO PROVIDE FOR THREE COUNCIL MEMBERS TO BE ELECTED TO FOUR-YEAR TERMS EVERY TWO YEARS

In lieu of the current provision under the 2004 election consolidation legislation for four council members and the Mayor to be elected in 2007 and every four years thereafter and two council members to be elected in 2009 and every four years thereafter, shall section 3.4.2 be added to the Troy City Charter to provide for a two-year transitional term (2007-2009) for one council member, so that the Mayor and three members of the council will be elected in 2007 and every four years thereafter and three members will be elected in 2009 and every four years thereafter?

Revised Charter Provision (If Proposal 3 Passes)

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. RESOLVED, That the Troy City Council **APPROVES AS TO FORM** the following proposed Charter Amendment Proposal 4 for the November 8, 2005 City General Election, and the revised Charter language, should the voters approve Charter Amendment Proposal 4 at that election:

Charter Amendment Proposal 4

AMENDMENT OF SECTION 7.3 (ELECTION DATE) OF THE TROY CITY CHARTER TO REFLECT THE CURRENT REQUIREMENT FOR REGULAR ELECTIONS IN NOVEMBER OF EACH ODD- NUMBERED YEAR

Shall Section 7.3 (Election Date) be amended to provide for regular City elections in November of each odd-numbered year to reflect the current requirements of the 2004 election consolidation legislation?

Revised Charter Provision (If Proposal 4 Passes)

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.

5. RESOLVED, That the Troy City Council **APPROVES AS TO FORM** the following proposed Charter Amendment Proposal 5 for the November 8, 2005 City General Election, and the revised Charter language, should the voters approve Charter Amendment Proposal 5 at that election:

Charter Amendment Proposal 5

PROPOSAL TO RE-STATE SECTION 7.6 (SPECIAL ELECTION) OF THE TROY CITY CHARTER

Shall Section 7.6 of the Troy City Charter be re-stated by providing: "Special City elections shall be called in the manner and time as provided by State Statute" 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"?

Revised Charter Provision (If Proposal 5 Passes)

Section 7.6- Special Election:
Special City Elections shall be called in the manner and time as provided by State Statute.

6. RESOLVED, That the Troy City Council **APPROVES AS TO FORM** the following proposed Charter Amendment Proposal 6 for the November 8, 2005 City General Election, and the revised Charter language, should the voters approve Charter Amendment Proposal 6 at that election:

Charter Amendment Proposal 6

PROPOSAL TO AMEND SECTION 7.9 (NOMINATIONS) OF THE TROY CITY CHARTER TO DELETE A PROVISION THAT IS INCONSISTENT WITH MICHIGAN ELECTION LAW

Shall the second and third sentences of Section 7.9 (Nominations) of the Troy City Charter, rejecting any signatures on nominating petitions where a voter has signed more nominating petitions for candidates for any city office than there are persons to be elected to that office, be deleted to reflect that the counting of some of these signatures is permitted under the provisions of section 547(a) of the Michigan Election Code [(MCL 168.547(a)]?

Revised Charter Provision (If Proposal 6 Passes)

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.

7. RESOLVED, That the Troy City Council **APPROVES AS TO FORM** the following proposed Charter Amendment Proposal 7 for the November 8, 2005 City General Election, and the revised Charter language, should the voters approve Charter Amendment Proposal 7 at that election:

Charter Amendment Proposal 7

PROPOSAL TO AMEND SECTION 7.10 (FORM OF PETITIONS) OF THE TROY CITY CHARTER TO DELETE A PROVISION THAT IS INCONSISTENT WITH MICHIGAN LAW

Shall the first sentence of Section 7.10 of the Troy City Charter be re-stated 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 substituting "Nominating petitions shall be in a form as provided by Michigan Election Law"?

Revised Charter Provision (If Proposal 7 Passes)

Section 7.10- Form of Petitions:
Nominating Petitions shall be in a form as provided by State Statue. A supply of official petition forms shall be provided and maintained by the Clerk.

8. RESOLVED, That the Troy City Council **APPROVES AS TO FORM** the following proposed Charter Amendment Proposal 8 for the November 8, 2005 City General

Election, and the revised Charter language, should the voters approve Charter Amendment Proposal 8 at that election:

Charter Amendment Proposal 8

PROPOSAL TO AMEND SECTION 5.13 (SUBMISSION OF INITIATORY AND REFERENDARY ORDINANCES TO ELECTORS) OF THE TROY CITY CHARTER, REGARDING ITS REQUIREMENTS FOR SPECIAL ELECTIONS FOR INITIATIVE PROPOSALS

Shall section 5.13 of the Troy City Charter be amended to delete the 60 day deadline for the City Council to call a special election for an initiative proposal, where the Council declines to enact the proposal as an ordinance and no election is to be held in the City for any other purpose within 150 days from the date the proposal is presented to the Council, to provide that these special elections shall be scheduled in accordance with Michigan election law and to specify that Council decisions under this section shall be by affirmative vote of the members elect?

Revised Charter Provision (If Proposal 8 Passes)

Section 5.13- Submission of Initiatory and Referendary Ordinances to Electors: Should the Council, by an affirmative vote of the members elect, decide to submit the proposal to the electors, it shall be submitted at the next election held in the City for any other purpose, or, in the discretion of the Council, at a special election called for that specific purpose in accordance with State Election Law. In the case of any initiatory petition, if no election is to be held in the City for any other purpose within one hundred fifty days from the time the petition is presented to the Council and the Council does not enact the ordinance, then the Council shall call a special election in accordance with State Election Law. The result of all elections held under the provisions of this section shall be determined by a majority vote of the electors voting thereon, except in cases where otherwise required by Statute or the Constitution.

9. RESOLVED, That the Troy City Council **APPROVES AS TO FORM** the following proposed Charter Amendment Proposal 9 for the November 8, 2005 City General Election, and the revised Charter language, should the voters approve Charter Amendment Proposal 9 at that election:

Charter Amendment Proposal 9

A PROPOSAL TO ADD TO THE TROY CITY CHARTER SECTION 7.9.5 (COUNCIL INITIATED BALLOT QUESTIONS) TO THE TROY CITY CHARTER TO ALLOW CITY COUNCIL TO PLACE ADVISORY QUESTION ON REGULAR CITY ELECTIONS BALLOTS

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?

Revised Charter Provision (If Proposal 9 Passes)

Section 7.9.5- Submission of Council Initiated Advisory Ballot Questions to Electors:
Should the Council, by an affirmative vote of the members elect, decide to submit an advisory ballot question to the electors, it shall be submitted at the next Regular City Election. The results of all elections held under the provisions of this section shall be determined by a majority vote of the electors voting thereon except in cases where otherwise required by Statue or the Constitution.

10. RESOLVED, That the Troy City Council **APPROVES AS TO FORM** the following proposed Charter Amendment Proposal 10 for the November 8, 2005 City General Election, and the revised Charter language, should the voters approve Charter Amendment Proposal 10 at that election:

Charter Amendment Proposal 10

PROPOSAL TO AMEND SECTION 12.3 (RESTRICTIONS ON POWERS TO LEASE PROPERTY) OF THE TROY CHARTER TO SUBJECT LONG TERM USE AGREEMENTS TO THE RESTRICTIONS ON LEASING AND RENTING CITY PROPERTY SET FORTH IN THAT SECTION

Shall Section 12.3 of the Troy City Charter be amended to subject long-term (more than 3 years) use agreements to the restrictions in this section for the leasing or renting of City property, including the requirements for fair consideration as determined by the city council and the provision for referendum petitions for such agreements?

Revised Charter Provision (If Proposal 10 Passes)

Section 12.3- Restriction on Powers to Lease Property:
Any agreement or contract for the renting or leasing or long term use of public property to any person for a period longer than three years shall be subject to the same referendum procedure as is provided in the case of ordinances passed by the Council, but any petition for such referendum must be filed within thirty days after publication of the proceedings of the meeting of the Council at which such agreement or contract is authorized.

The transfer or assignment of any agreement or contract for such renting or leasing or long-term agreements exceeding three years for public property may be made only upon approval of the Council, but approval of such transfer shall not be subject to referendum.

Rentals, leases, long-term use agreements exceeding three years, and renewals thereof shall be for a fair consideration, as determined by the Council.

Yes:
No:

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

a) Commercial Vehicle Appeal – 2239 East Maple Road – September 12, 2005

b) Rezoning Application – South Side of Long Lake Road, West of Calvert Drive, Section 14 – R-1C to CR-1 (Z 706) – September 12, 2005

G-2 Green Memorandums:

a) Options for Remnant Parcel – Site for Troy's First Volunteer Fire Station

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) Troy Historic District Study Committee/Final – June 7, 2005

b) Building Code Board of Appeals/Final – July 6, 2005

c) Planning Commission Regular/Draft – July 12, 2005

d) Employees' Retirement System Board of Trustees/Draft – July 13, 2005

e) Retiree Health Care Benefits Plan & Trust Minutes/Draft – July 13, 2005

f) Planning Commission Special/Study/Draft – July 26, 2005

J-2 Department Reports:

a) Building Department – Permits Issued During the Month of July, 2005

b) Police Department – 2005 Year-to-Date Crime and Calls for Service Report

c) Planning Department – Zoning Ordinance Test Amendment (ZOTA 214) – Article XXVIII – Group Day Care Homes in the R-1A Through R-1E Districts

d) Purchasing Department – Auction (Off Site and On-line) – Vehicle Sale in Port Huron, Michigan and an On-Line Auction for a Diamond Bracelet on BidNet

e) Building Department – Additional Information on Examples of Allowable Accessory Structures Based Upon Final Action – ZOTA 215A

J-3 Letters of Appreciation:

a) Letter of Thanks to Mayor Schilling from Paul Marcus, Barton Malow Company, Thanking Gary Bowers, Rick Kessler, Doug Smith, Ron Figlan, Bob Matlick, Mark Stimac, Bill Jawlik, Pat Pettito, Gary Streight, the Entire Inspection Staff, and the Very Kind Administrators in the Building Department for Their Cooperation with Planning and Construction of Automation Alley's Technology Center

b) Letter of Thanks to John Szerlag from Harriet Barnard, Thanking Brian Murphy for City Staff's Quick Response

c) Letter of Thanks to Carol Anderson from Stacy Pilut, Thanking Her for the Nursery School Olympics

d) Letter of Thanks to Chief Craft from Clive D. Mattice, Jr., Thanking Officer Melissa Baroky for Her Assistance on I-75

e) Letter of Thanks to Carol Anderson from Lynn and Brian Coury, Thanking Ron Hynd for His Prompt Service, Attention and Courtesy

f) Letter to Chief Nelson from Vicki Barnett, Mayor, and Richard Marinucci, Fire Chief, of Farmington Hills, Thanking Chief Nelson and the Troy Fire Department for Participating in FARMEX II.

g) Letter to Troy Fire Department from Mothers & More, in Appreciation of the Demonstration at Their Annual Family Picnic.

h) Letter of Appreciation to Steve Vandette from Richard Bury for His Assistance.

J-4 Proposed Proclamations/Resolutions from Other Organizations:

a) Resolution from the City of Ferndale Extending Appreciation to the Mayors of Hiroshima and Nagasaki for their Leadership in Working for the Elimination of Nuclear Weapons.

b) Resolution from Charter Township of White Lake Regarding Local Control of Liquor Licenses

c) Resolution from the City of Ferndale – I-75 Final Environment Impact Statement – M-102 to M-59 Proposed Expansion

J-5 Calendar

J-6 Standard & Poor's Annual Review of "AAA" United States Municipalities

J-7 Municipal Sign Regulations v. the First Amendment

J-8 Cable Franchise Lawsuit Against the City of Troy

J-9 Memo from the Friends of the Troy Public Library Book Shop Management Committee

STUDY ITEMS:

K-1 No Study Items Submitted

PUBLIC COMMENT: Address of "K" Items

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

CLOSED SESSION:

L-1 Closed Session – No Closed Session Requested

RECESSED

RECONVENED

ADJOURNMENT

Respectfully submitted,

John Szerlag, City Manager

SCHEDULED CITY COUNCIL MEETINGS:

Monday, 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

ICMA

RESOLUTION IN RECOGNITION OF THE 50TH ANNIVERSARY OF COUNCIL-MANAGER GOVERNMENT

in the

CITY OF TROY, MICHIGAN

WHEREAS, The year 2005 is recognized as the 50th anniversary of Council-Manager government in the City of Troy, Michigan; and

WHEREAS, In 1955, the City of Troy municipal government was organized under the Council-Manager Form, in which all policy-making power in concentration in an elected legislative body consisting of the mayor a mayor pro tem and five council members, and a manager is appointed by the legislative body as municipal chief administrative officer and is fully accountable to the Board; and

WHEREAS, Today the City of Troy is one of 205 Michigan municipalities that operate under the Council-Manager form by referendum, which serves thousands of Michigan residents by improving and enhancing the quality of life in their communities; and

WHEREAS, The professional managers of the City of Troy have served the City's citizens proudly, diligently, and professionally; and

WHEREAS, Their considerable talent and sense of civic duty provide an excellent example to all those who live and work in the Troy;

NOW, THEREFORE, BE IT RESOLVED: That the International City/Council Management Association recognizes the City of Troy for its 50-year history of efficient and effective professional management.

Signed this first day of August, 2005

President, ICMA

DATE: July 20, 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, 701 – 705 Minnesota

We have received a permit application from Raj Patel, the owner of the existing multi-tenant industrial building at 701 – 705 Minnesota to construct a number of mezzanines within the existing building. When we include the area of these mezzanines in the area of the building we come up with a gross floor area for this building of 18,680 square feet. A total of 42 parking spaces would be required for the building based upon the requirements of Section 40.21.81 of the Zoning Ordinance. The existing development has only 36 parking spaces available.

In light of this 6 parking space deficiency the plans for the construction of the mezzanines has 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 August 15, 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 18 2005
BUILDING DEPT.

TO TROY CITY COUNCIL

DATE: _____

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: DEVRAJ LLC / RAJ PATEL Phone: C. 248-376-6301 248-583-1801

Address: 701/703/705 MINNESOTA DR. TROY MI 48083

Address of Property: SAME

Lot # _____ Subdivision: _____

Zoning District: LT. IND. Sidwell # 88-20-36-401-041

Owner of Property: DEVRAJ LLC Phone: _____

Address: SAME

This appeal is made on a determination by the Director of Building & Zoning, in the enforcement of the Zoning Ordinance, in a letter dated: 7/6/05

Has there been a previous appeal involving this property? NO If Yes, state date _____

and particulars _____

REASON FOR VARIANCE:

Dimension of Stall? – Parking Spaces Required: 42

Number of Stalls? – Parking Spaces Provided: 36

Other Dimensions? – Variance Requested: 06

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)

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: 7/18/05 _____
(Signature of Applicant)

Signed and Sworn to before me this 18th day of July 20 05

Pamela A Carterenah
Notary Public

Notary Public, State of Michigan, County of Macomb
My Commission Expires September 1, 2007
Acting in the County of Oakland

My Commission Expires: _____

Filing Fee $200.00	Date Paid 7-18-05

REV:2/2002

AMTECH
electrocircuits
Concept To Consumer

701 Minnesota Dr.
Troy, MI 48083
www.amelectro.com

Tel: 248 583-1801
Fax: 248 583-1802
E-Mail: info@amelectro.com

June 2, 2005

Mr. Richard Kessler
500 W Big Beaver
Troy, MI 48084

In response to my conversation with you regarding the usage of the mezzanine area in 701, 703 and 705 Minnesota Drive are as follows:

701 Minnesota Drive mezzanine area will be used for kitchen, lunch area, bathrooms, and storage area.

703 Minnesota Drive mezzanine will be used for office and storage area.

705 Minnesota Drive mezzanine will be used for office and storage area.

If you have any further questions please feel free to contact me.

Thank you,

Raj Patel

Office: 248-583-1801
Cell: 248-376-6301

RECEIVED
JUN 06 2005
BUILDING DEPARTMENT

36 PROVIDE

18,679 ; 41.51 SPACES REQ'D

42

36 Parking

S 87°59'58" E 224.51'

S 88°31'00" E 44.02'

S 03°03'49" W 39.74'

S 03°03'49" W 122.05'

N 88°31'00" W 263.68'

CONCRETE PAVEMENT

705 703 701

# 3 SECTION
40X80 = 3200

# 2 SECTION
60X80 = 4800

1 SECTION
SHOP - 70X80 = 5600
OFFICE - 20X80 = 1600
TOTAL 7,200

No. 701
ONE & TWO STORY CONC. BLOCK & BRICK INDUSTRIAL BUILDING W/ FLAT ROOF & NO BASEMENT
15,243 S.F.

PART OF LOT 65

SHOP

OFFICE

OFFICE 1600

NEW 705

EXISTING 703 701

DTE DTE

MINNESOTA AVENUE

701 — 7,200
703 — 4,800
705 — 3,200
TOTAL 15,200 SQFT

1654 A 701 PROPOSED MEZANINE. 7+1+6=14+2=16 mix
25x25 625 B 703 TO BE PROPOSED MEZ. 7+1+6=14+2=16 - OFFICE
12x60 720 C 705 TO BE PROPOSED MEZ 8+2+8=18+2=20 - OFFICE
1 D 16x30 480 705 EXISTING MEZANINE 8+2+8=18+2=20 mix
(FLOOR CEILING) (ROOF MAX)
MEZ. BLDG. TOTAL
(A) 1655 + (B) 625 + (C) 720 + (D) 480 = 3480 + 15,200 = 18,680

PLOT PLAN

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

Area code (248)

Assessing
524-3311

Bldg. Inspections
524-3344

Bldg. Maintenance
524-3368

City Clerk
524-3316

City Manager
524-3330

Community Affairs
524-1147

Engineering
524-3383

Finance
524-3411

Fire-Administration
524-3419

Human Resources
524-3339

Information Services
619-7279

Law
524-3320

Library
524-3545

Parks & Recreation
524-3484

Planning
524-3364

Police-Administration
524-3443

Public Works
524-3370

Purchasing
524-3338

Real Estate & Development
524-3498

Treasurer
524-3334

General Information
524-3300

RECEIVED
JUL 18 2005
BUILDING DEPT.

July 6, 2005

Raj Patel
Amtech Electronics
701 Minnesota Drive
Troy, MI 48083

Dear Mr. Patel:

We are in receipt of your application for a Building Permit to construct a series of mezzanines in the shop area of 701, 703 and 705 Minnesota.

This application does not meet the requirements set forth in the Zoning Ordinance for the following reasons:

The construction of these new mezzanines will result in a total gross floor area for this building of 18,680 square feet. Section 40.21.81 requires one parking space for every 450 square feet of gross building area. The building including the proposed mezzanines is therefore required to have 42 parking spaces. Your plan indicates that the site has only 36 parking spaces available making the site deficient by 6 spaces.

Therefore, unless you revise your plans to comply, we are unable to issue this permit. However, if you so desire, you may make application to City Council for relief of the requirements. Applications for a parking variance are available at the Building Department.

If you have any questions regarding the above, please feel free to contact me.

Sincerely,

CITY OF TROY

Mark Stimac, R.A., C.B.O.
Director of Building and Zoning

Date: August 4, 2005

To: John Szerlag, City Manager

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

Subject: AGENDA ITEM – PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 212) – Articles IV, XXV, XXVI and XXVII, Freestanding Restaurants, Banks and Daycare Facilities in the R-C, O-M and O-S-C Districts.

The intent of this amendment is to permit restaurants, daycare facilities, banks, and financial institutions in the R-C, O-M and O-S-C Districts, subject to special use approval. The uses could sit on separate parcels created from the office property and would generally be located closer to the street than the existing office buildings. This will have the effect of strengthening the relationship between the street and the buildings on the site, and also improving marketability for existing office properties.

Presently daycare facilities, banks and financial institutions are not permitted in the R-C district; daycare facilities are not permitted in the O-M and O-S-C districts. Restaurants are permitted as accessory uses in the R-C, O-M and O-S-C district, provided the restaurant is "designed so as to provide a logical extension of the floor plan of the principal structure". This requirement has contributed to the creation of large off-street parking areas surrounding large office/restaurant buildings. Generally these buildings are set back a considerable distance from the street with little relationship to the street.

New definitions for "fast food restaurant", "financial institution" and "full service restaurant" were provided. Note that fast food restaurants will not be permitted uses in the O-M, O-S-C and R-C districts.

The Planning Commission held a public hearing on ZOTA 212 at the June 14, 2005 Regular Meeting, and recommended approval of the proposed text amendment. City Management recommends approval of ZOTA 212.

A Public Hearing will be held on this item at the August 15, 2005 City Council Meeting.

Attachments:
1. ZOTA 212, dated 6/21/05
2. Minutes from June 14, 2005 Planning Commission Regular Meeting.

Prepared by RBS/MFM

G:\ZOTAs\ZOTA 212 Freestanding Restaurants in RC\CC Public Hearing Memo 08 15 05.doc

PROPOSED ZONING ORDINANCE TEXT AMENDMENT
(ZOTA 212)
6/21/05
Text Amendment for Freestanding Restaurants, Banks, Bank Branches and Financial Institutions, and Nursery schools, day nurseries and child care centers in the R-C, OM and O-S-C Zoning Districts

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

The City of Troy ordains:

Section 1. Amendment to Chapter 39

Chapter 39 of the City of Troy Code is amended by the re-numbering of section 04.20.59 to 04.20.60, and by the addition of new sections 04.20.57 to 04.20.60 to read as follows:

04.00.00 **ARTICLE IV DEFINITIONS**

04.20.00 DEFINITIONS

04.20.55 EXCAVATION: any breaking of ground, except common household gardening and ground care.

04.20.56~~9~~ FAMILY: One or two persons or parents, with their direct lineal descendents and adopted children (and including the domestic employees thereof) together with not more than two persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit. Every additional group of two or less persons living on such housekeeping unit shall be considered a separate family for the purposes of this Chapter.

04.20.57~~60~~ FAMILY DAY CARE HOME: A private residence in which one (1) to six (6) children under the age of eighteen (18) are received for care and supervision from other than a parent or legal guardian for periods of less than twenty-four (24) hours a day, in addition to children related to an adult member of the family by blood, marriage or adoption. Family Day Care Home includes a home that gives care to such unrelated children for more than a total of thirty (30) days during a calendar year.

04.20.58 FAST FOOD RESTAURANT: An establishment that provides food and beverages to patrons that is primarily designed for over-the-counter sale of ready-to-eat foods and/or beverages from a limited, standardized menu,

and which does not have waiter/waitress service at dining tables; and where the food is typically paid for prior to eating. Such facilities may also sell food and beverages through a drive-up or drive-through service window.

04.20.59 FINANCIAL INSTITUTION: A savings and loan, credit union, mortgage office, or similar institution, including automated teller machines.

04.20.60 FULL SERVICE RESTAURANT: An establishment that provides food and beverages to patrons who order and are served while seated (i.e. waiter/waitress service) and typically pay after eating, and that may also provide this type of service in combination with alcoholic beverages prepared, served and consumed on the premises, takeout services, limited outdoor seating/dining, or live non-theatrical entertainment.

Chapter 39 of the City of Troy Code is amended by the addition of text to section 25.10.00 and the addition of new section 25.30.05, 25.30.06 and 25.30.07 to read as follows:

25.00.00 ARTICLE XXV O-M MID-RISE OFFICE DISTRICT

25.10.00 INTENT:

The O-M, Office Mid-Rise, District is intended to accommodate office buildings and restricted related retail and service establishments on large land parcels in proximity to areas of major commercial or civic development. Civic development shall mean Civic Center building. Such Districts are intended to provide transition between these areas and major thoroughfares, and areas of less intense development. Because of the large land area involved, it is felt that greater flexibility as to building height and related uses is warranted, as compared to the O-1 (Office Building) District. Because of this flexibility, great care must be taken as to planning of such areas and the development which is to occur within them. Site plan approval of each development is thus a necessity in order to assure that such Districts are fully compatible with adjacent areas. The O-M District is intended to encourage the development of uses and services that will support and enhance the marketability of office buildings in the O-M District, and to preserve the economic vitality of the area through the development of uses and services for the benefit of tenants and local residents.

25.30.05 Free-standing, full service restaurants situated on “pad-sites” or individual out-parcels subject to the following conditions:

A. Fast foot restaurants and restaurants with drive-up windows or service facilities shall be prohibited.

B. Minimum gross floor area of the building shall be 3500 square feet.

C. Individual parcels may be subdivided from existing developed parcels provided that the newly created lots shall comply with the density, area and bulk requirements for the zone.

D. Tables and seating for outdoor dining are permitted provided that the maximum seating area does not exceed 25% of the gross floor area of the building and provided that such outdoor areas are situated on a patio surface composed of concrete, pavers, or other similar materials. Such outdoor dining areas shall be partially screened by the use of planters, hedges, walls, fences, landscaping materials or any combination thereof to a minimum height of 36 inches, the design of such screening to be approved by the Planning Commission.

E. No portion of any outdoor seating area shall be located closer than 300 feet from any residential district. Live or recorded music is prohibited in outdoor seating areas.

F. Restaurants and food service establishments selling or serving alcoholic beverages shall further be subject to the requirements of the Michigan Liquor Control Commission.

G. The site shall be designed to ensure a safe and convenient pedestrian connection between the restaurant and the office building.

25.30.06 Banks, bank branches and financial institutions, subject to the following:

A. Individual parcels may be subdivided from existing developed parcels provided that the newly created lots shall comply with the density, area and bulk requirements for the zone.

B. Ingress and egress shall be provided so as not to conflict with adjacent uses or adversely affect traffic flow on adjacent thoroughfares

C. Drive-up windows or service facilities shall include the provision of back-up or waiting space, physically separated from off-street parking areas and drives, at the rate of four (4) car spaces for each service window or facility, in addition to the space at the service window or facility. Drives providing such waiting spaces shall have a minimum clear width of thirteen (13) feet.

D. The site shall be designed to ensure a safe and convenient pedestrian connection between the bank and the office building.

25.30.07 Nursery schools, day nurseries and child care centers (not including dormitories), subject to the following:

A. Individual parcels may be subdivided from existing developed parcels provided that the newly created lots shall comply with all zone requirements for lot area, building setbacks, and parking

B. The site shall be designed to ensure a safe and convenient pedestrian connection between the facility and the office building.

C. The facility shall be licensed with the Family Independence Agency or the appropriate licensing agency, should the licensing duties be provided by another organization.

Chapter 39 of the City of Troy Code is amended by the addition of text to section 26.10.00 and the addition of new section 26.30.05, 26.30.06 and 26.30.07 to read as follows:

26.00.00 **ARTICLE XXVI O-S-C OFFICE-SERVICE-COMMERCIAL DISTRICT**

26.10.00 INTENT:

The O-S-C (Office-Service-Commercial) District is designed and intended to accommodate large office buildings and restricted retail and service establishments which serve large numbers of people. A major purpose of this District is to provide limited areas for buildings of greater height and more intensive land use activity in an otherwise low-density community. Because of the greater building height, intensity of land use, and associated high volumes of vehicular and pedestrian traffic, this District is not compatible in conjunction with low-density residential areas. It is therefore intended that this District be located only in proximity to areas of major commercial or civic development, and to major thoroughfares or freeways. The O-S-C District is intended to encourage the development of uses and services that will support and enhance the marketability of office buildings in the O-S-C District, and to preserve the economic vitality of the area through the development of uses and services for the benefit of tenants and local residents. Further, because of the intensity of use and the potential diversification of land uses in such a District, great care must be taken as to the planning of such areas and the development which is to occur within them. Site plan approval of each development is thus an absolute necessity to assure a compatible arrangement of the varied land uses which are permitted to be established.

26.30.00 USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL

26.30.05 Free-standing, full service restaurants situated on “pad-sites” or individual out-parcels subject to the following conditions:

A. Fast foot restaurants and restaurants with drive-up windows or service facilities shall be prohibited.

B. Minimum gross floor area of the building shall be 3500 square feet

C. Individual parcels may be subdivided from existing developed parcels provided that the newly created lots shall comply with the density, area and bulk requirements for the zone.

D. Tables and seating for outdoor dining are permitted provided that the maximum seating area does not exceed 25% of the gross floor area of the building and provided that such outdoor areas are situated on a patio surface composed of concrete, pavers, or other similar materials. Such outdoor dining areas shall be partially screened by the use of planters, hedges, walls, fences, landscaping materials or any combination thereof to a minimum height of 36 inches, the design of such screening to be approved by the Planning Commission.

E. No portion of any outdoor seating area shall be located closer than 300 feet from any residential district. Live or recorded music is prohibited in outdoor seating areas.

F. Restaurants and food service establishments selling or serving alcoholic beverages shall further be subject to the requirements of the Michigan Liquor Control Commission.

G. The site shall be designed to ensure a safe and convenient pedestrian connection between the restaurant and the office building.

26.30.06 Banks, bank branches and financial institutions, subject to the following:

A. Individual parcels may be subdivided from existing developed parcels provided that the newly created lots shall comply with the density, area and bulk requirements for the zone.

B. Ingress and egress shall be provided so as not to conflict with adjacent uses or adversely affect traffic flow on adjacent thoroughfares

C. Drive-up windows or service facilities shall include the provision of back-up or waiting space, physically separated from off-street parking

areas and drives, at the rate of four (4) car spaces for each service window or facility, in addition to the space at the service window or facility. Drives providing such waiting spaces shall have a minimum clear width of thirteen (13) feet.

D. The site shall be designed to ensure a safe and convenient pedestrian connection between the bank and the office building.

26.30.07 Nursery schools, day nurseries and child care centers (not including dormitories), subject to the following:

A. Individual parcels may be subdivided from existing developed parcels provided that the newly created lots shall comply with all zone requirements for lot area, building setbacks, and parking

B. The site shall be designed to ensure a safe and convenient pedestrian connection between the facility and the office building.

C. The facility shall be licensed with the Family Independence Agency or the appropriate licensing agency, should the licensing duties be provided by another organization.

Chapter 39 of the City of Troy Code is amended by the addition of text to section 27.10.00 and the addition of new section 27.30.04, 27.30.04 and 27.30.05 to read as follows:

27.00.00 **ARTICLE XXVII R-C RESEARCH CENTER DISTRICT**

27.10.00 INTENT:

The R-C (Research Center) District is designed to provide for industrial-research and office uses in planned developments. Such districts are to be located and developed so as to complement the significant light industrial character of the community, while at the same time providing for the necessary related non-manufacturing uses such as corporate office and research facilities. The R-C District is intended to encourage the development of uses and services that will support and enhance the marketability of office buildings in the R-C District, and to preserve the economic vitality of the area through the development of uses and services for the benefit of tenants and local residents. Further, the Research Center District is intended to provide for those major industrial-research, and office, and training uses which require proximity to major non-residential areas, rather than for smaller local-serving uses such as medical offices, real estate offices, etc., which could reasonably be located in local commercial and service areas elsewhere in the community.

27.10.00 INTENT

To encourage the development of uses and services that will support and enhance the marketability of office buildings in the R-C District.

To preserve the economic vitality of the area through the development of uses and services for the benefit of tenants and local residents.

27.30.00 USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL

27.30.03 Free-standing, full service restaurants situated on "pad-sites" or individual out-parcels subject to the following conditions:

A. Fast foot restaurants and restaurants with drive-up windows or service facilities shall be prohibited.

B. Minimum gross floor area of the building shall be 3500 square feet.

C. Individual parcels may be subdivided from existing developed parcels provided that the newly created lots shall comply with the density, area and bulk requirements for the zone.

D. Tables and seating for outdoor dining are permitted provided that the maximum seating area does not exceed 25% of the gross floor area of the building and provided that such outdoor areas are situated on a patio surface composed of concrete, pavers, or other similar materials. Such outdoor dining areas shall be partially screened by the use of planters, hedges, walls, fences, landscaping materials or any combination thereof to a minimum height of 36 inches, the design of such screening to be approved by the Planning Commission.

E. No portion of any outdoor seating area shall be located closer than 300 feet from any residential district. Live or recorded music is prohibited in outdoor seating areas.

F. Restaurants and food service establishments selling or serving alcoholic beverages shall further be subject to the requirements of the Michigan Liquor Control Commission.

G. The site shall be designed to ensure a safe and convenient pedestrian connection between the restaurant and the office building.

27.30.04 Banks, bank branches and financial institutions, subject to the following:

A. Individual parcels may be subdivided from existing developed parcels provided that the newly created lots shall comply with the density, area and bulk requirements for the zone.

B. Ingress and egress shall be provided so as not to conflict with adjacent uses or adversely affect traffic flow on adjacent thoroughfares

C. Drive-up windows or service facilities shall include the provision of back-up or waiting space, physically separated from off-street parking areas and drives, at the rate of four (4) car spaces for each service window or facility, in addition to the space at the service window or facility. Drives providing such waiting spaces shall have a minimum clear width of thirteen (13) feet.

D. The site shall be designed to ensure a safe and convenient pedestrian connection between the bank and the office building.

27.30.05 Nursery schools, day nurseries and child care centers (not including dormitories), subject to the following:

A. Individual parcels may be subdivided from existing developed parcels provided that the newly created lots shall comply with all zone requirements for lot area, building setbacks, and parking

B. The site shall be designed to ensure a safe and convenient pedestrian connection between the facility and the office building.

C. The facility shall be licensed with the Family Independence Agency or the appropriate licensing agency, should the licensing duties be provided by another organization.

Section 2. Effective Date

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

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the ____ day of _____, 2005.

_____
Louise Schilling, Mayor

_____
Tonni Bartholomew, City Clerk

G:\ZOTAs\ZOTA 212 Freestanding Restaurants in RC\Draft 6 21 05.doc

ZONING ORDINANCE TEXT AMENDMENT

11. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 212) – Articles XXV, XXVI, and XXVII – Freestanding Restaurants, Banks and Daycare Facilities in the O-M (Mid-Rise Office), O-S-C (Office-Service-Commercial) and R-C (Research Center) Districts

Mr. Savidant presented a summary of the proposed zoning ordinance text amendment. He reviewed the latest three revisions that were incorporated in the proposed text. Mr. Savidant reported that City Management concurs with the proposed text amendment.

Items briefly discussed were the size of the play area with respect to State and City requirements, and the minimum height of a fence for outdoor dining with respect to requirements of the Michigan Liquor Control Commission.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2005-06-104
Moved by: Waller
Seconded by: Khan

RESOLVED, That the Planning Commission hereby recommends to the City Council that Articles IV, XXV, XXVI and XXVII, pertaining to Freestanding Restaurants, Banks and Daycare Facilities in the O-M, O-S-C and R-C Zoning Districts, and related additional definitions, be amended as printed on the Proposed Zoning Ordinance Text Amendment, and

BE IT FURTHER RESOLVED, That any reference to the requirement of the City ordinance for square footage of a play area be altered to match the requirements by State law.

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

MOTION CARRIED

Ms. Drake-Batts said daycare facilities do not belong in parking lots and she expressed concern for the safety of children. She said the accessory uses would reduce the value of the buildings, affect leasing opportunities and generate litter.

DATE: August 4, 2005

TO: John Szerlag, City Manager

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

SUBJECT: AGENDA ITEM – PUBLIC HEARING – REZONING APPLICATION (Z 705) – West side of Rochester Road, North of Creston, between Long Lake and Trinway, Section 10 – R-1C to R-1T

RECOMMENDATION

The proposed rezoning is consistent with the Future Land Use Plan and the proposed zoning district is compatible with abutting uses and zoning districts. The Planning Commission recommended approval of the rezoning request at the June 14, 2005 Regular Meeting. City Management recommends approval of the rezoning request.

GENERAL INFORMATION

Name of Owner / Applicant:
The owner is Delores Khatami. The applicant is Fadi Nassar.

Location of Subject Property:
The property is located on the west side of Rochester Road and north side of Creston, between Long Lake and Trinway, in section 10.

Size of Subject Parcel:
The parcel is approximately 29,040 square feet in area.

Current Use of Subject Property:
A single family home presently sits on the property.

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

Proposed Zoning of Subject Parcel:
R-1T One Family Attached District.

Proposed Uses and Buildings on Subject Parcel:
The applicant proposes to construct a 5-unit condominium development on the property.

Current Use of Adjacent Parcels:
North: Vacant.
South: Office and retail.
East: Single family residential.
West: Single family residential.

Zoning Classification of Adjacent Parcels:
North: R-1C One Family Residential.
South: B-2 Community Business.
East: R-1C One Family Residential.
West: R-1C One Family Residential.

ANALYSIS

Range of Uses Permitted in the Proposed R-1T Zoning District and Potential Build-out Scenario:

PRINCIPAL USES PERMITTED:

All principal uses permitted and as regulated in the nearest R-1A through R-1E One Family Residential Districts.

Two family dwellings developed in accordance with the provisions of the Condominium Act, MCL 559.1, et seq.

One family attached dwellings as defined in sub-Section 04.20.44 developed in accordance with the provisions of the Condominium Act, MCL 559.1, et seq.

Accessory buildings and uses customarily incidental to the above principal uses.

USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL:

Churches and other facilities normally incidental thereto.

Schools.

Child care centers.

Utility and public service buildings and uses.

Vehicular and Non-motorized Access:
The parcel fronts on Creston Avenue and Rochester Road, a major thoroughfare. The units will front on Creston and will face the back of a restaurant and an office building, including dumpsters. This may affect marketability.

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

Natural Features and Floodplains:
The Natural Features Map indicates there is a drain located on the property. It will need to be determined during the site plan review process whether there are any wetlands on the property.

Compliance with Future Land Use Plan:
The Future Land Use Plan classifies the Rochester Road frontage in this area as Medium Density Residential. The Medium Density Residential classification correlates with the R-1T Zoning District in the Plan. The exact depth of the Medium Density Residential classification cannot be determined from the Future Land Use Plan because it is conceptual in nature. Creston appears to be the demarcation line between Community Service Area and Medium Density Residential. The subject parcel falls within the area designated as Medium Density Residential. The parcel is relatively small in area, however the applicant has provided a site plan that indicates it can be developed as an attached condominium development. The rezoning application is consistent with the Future Land Use Plan.

Compliance with Location Standards:

Article 12.40.01 states that the R-1T (One-family Attached Residential) District may be applied to property when one or more of the following conditions prevail:

(A) When the application of such a classification is consistent with the intent of the Master Land Use Plan, and therefore involves areas indicated as medium density or high density residential.

(B) When the application of such a classification would be an integral part of a planned residential development approach, such as a planned neighborhood development (34.50.00), wherein the overall density is consistent with the intent of the Master Land Use Plan.

The application meets the standard of (A) above and therefore meets the Location Standards of the R-1T District.

Attachments:
1. Maps.
2. Applicant Statement of Request.
3. Proposed Troy Condominium Development (conceptual site plan)
4. Minutes from the June 14, 2005 Planning Commission Regular Meeting.

PREPARED BY RBS/MFM

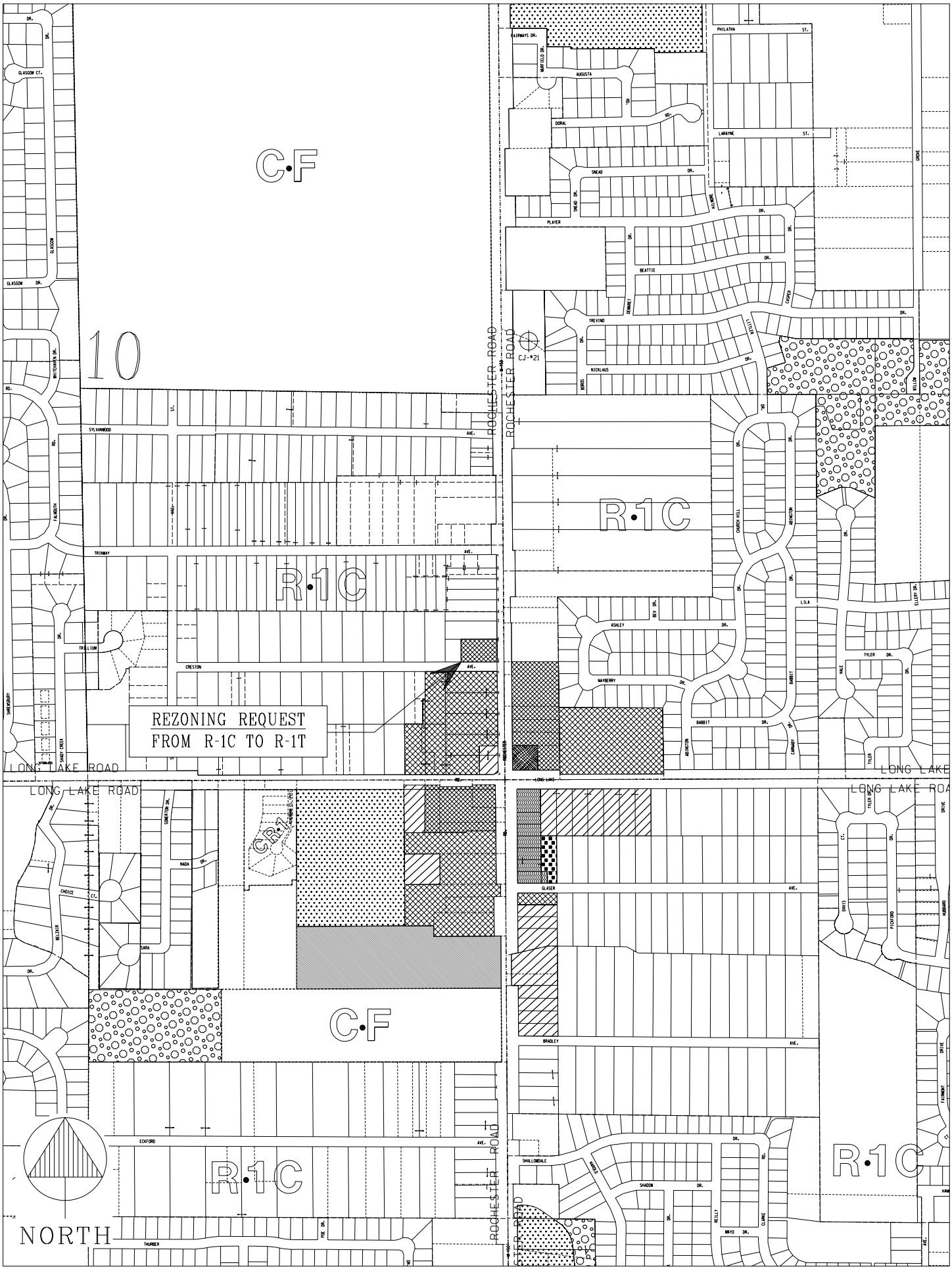
cc: Applicant
File (Z 705)

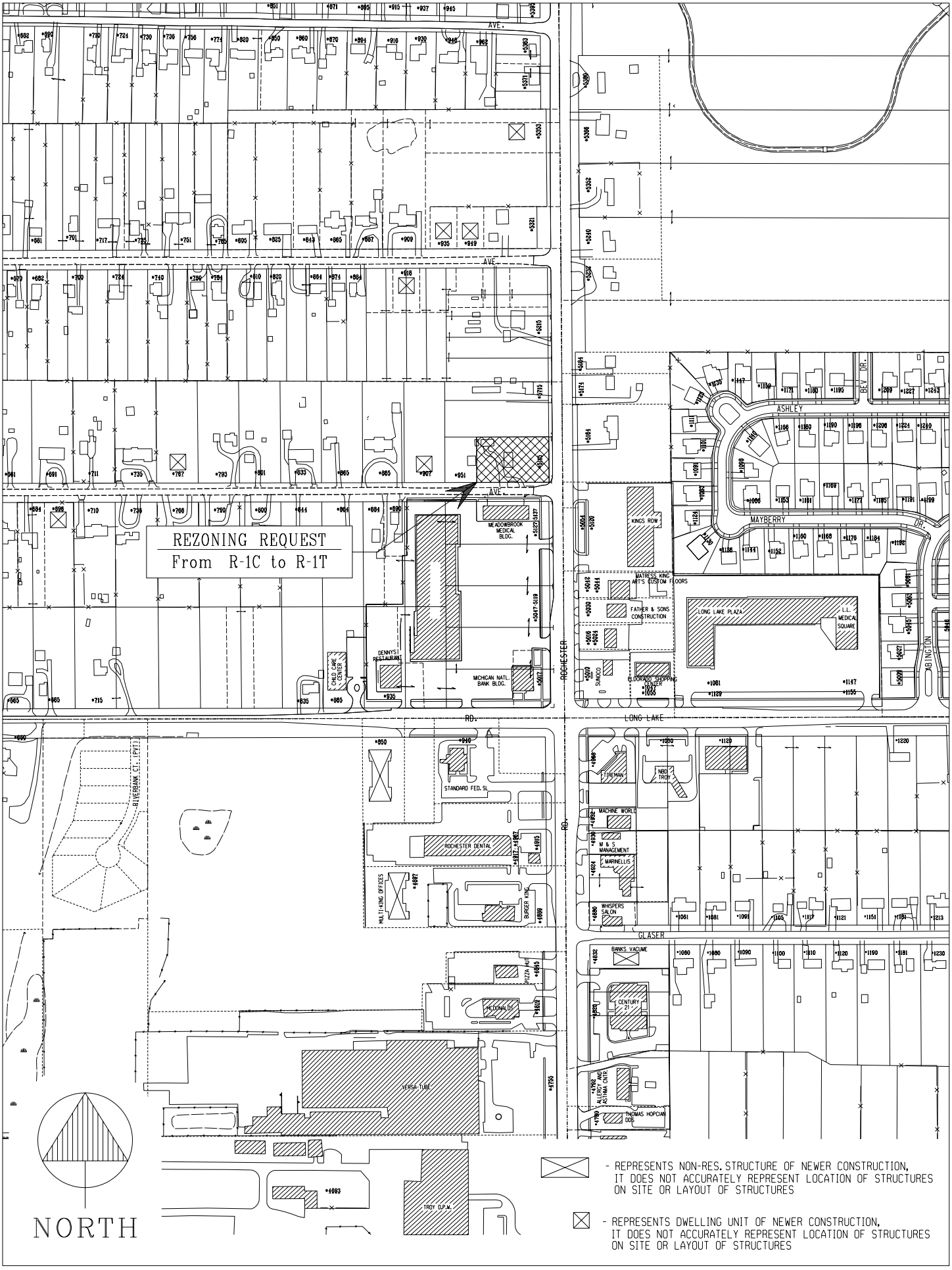
G:\REZONING REQUESTS\Z-705 Robin's Nest Sec 10\CC Public Hearing Robins Nest 08 15 05.doc

CITY OF TROY

PREPARED BY CITY OF TROY PLANNING DEPT.

REZONING REQUEST
PROPOSED ROBIN'S NEST CONDOMINIUM
FROM R-1C TO R-1T
NW CORNER OF ROCHESTER & CRESTON
SEC. 10 (Z-705)
REZONING REQUEST
FROM R-1C TO R-1T
TRINWAY
CRESTON
ROCHESTER
BEV
ASHLEY
MAYBERRY
BABBIT
ABINGTON
E LONG LAKE
Feet
0 50 100 200 300 400

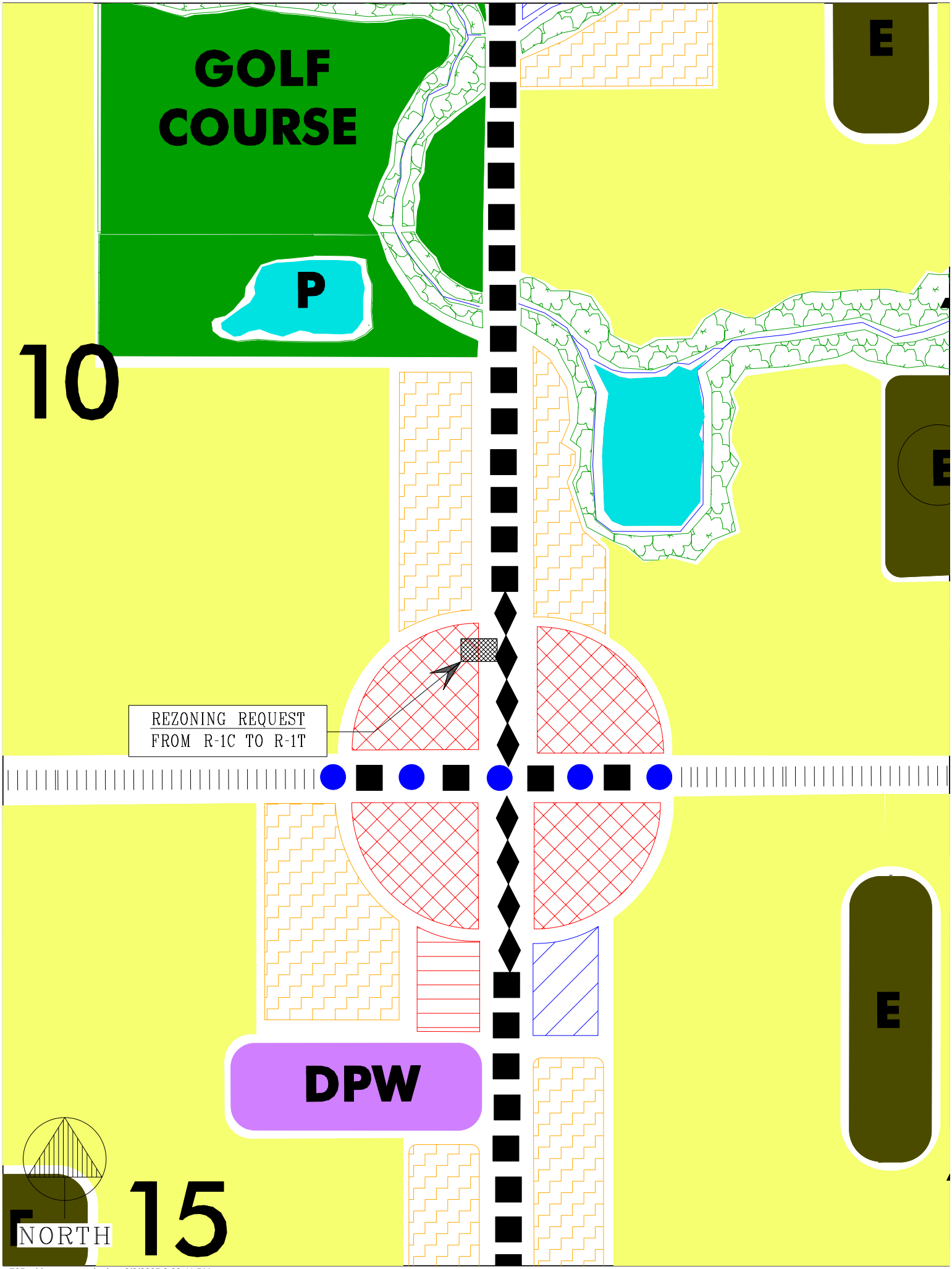

REZONING REQUEST
FROM R-1C TO R-1T
C·F
R·1C
CR·1
ROCHESTER ROAD
LONG LAKE ROAD
NORTH
10
CJ-#21
GLASGOW CT.
GLASGOW DR.
WHITEHAVEN DR.
SYLVANWOOD AVE.
FALMOUTH RD.
TRINWAY AVE.
TRILLIUM DR.
CRESTON AVE.
SHREWSBURY DR.
SHADY CREEK DR.
SOMERTON DR.
NADA DR.
CHOICE CT.
BELZAR DR.
SARA DR.
ECKFORD AVE.
THURBER DR.
PIG DR.
AIRWAYS DR.
MARFIELD DR.
AUGUSTA RD.
DORAL DR.
SNEAD DR.
PLAYER DR.
BEATTIE DR.
BENNETT DR.
TREVINO DR.
NICKLAUS DR.
BIRDS DR.
LITTLER DR.
COOPER DR.
PHILATHA ST.
LARAYNE ST.
GROVE DR.
WILLOW DR.
CHURCH HILL DR.
ABINGTON DR.
LILA DR.
ELLERY DR.
ASHLEY DR.
BLT DR.
MAYBERRY DR.
BABBIT DR.
CANAAN DR.
TYLER DR.
HALE DR.
GLASER AVE.
BRADLEY AVE.
DAVIS CT.
PICKFORD DR.
HOWARD DR.
SHALLONDALE DR.
SHADOW DR.
REILLY DR.
MAYO DR.
CLARE RD.
HAMPSHIRE DRIVE
FAIRMONT DRIVE



- REPRESENTS NON-RES. STRUCTURE OF NEWER CONSTRUCTION, IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES ON SITE OR LAYOUT OF STRUCTURES

- REPRESENTS DWELLING UNIT OF NEWER CONSTRUCTION, IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES ON SITE OR LAYOUT OF STRUCTURES

Z-705 / SEC. 10 / 05-23-05



z 705 robins nest condo.dgn 6/8/2005 3:09:41 PM

NASSAR ACQUISITIONS, LLC
6645 Schaefer Road
Dearborn, MI 48126
313-582-7781 phone 313-582-7791 facsimile
fnassar@sbcglobal.net

April 28, 2005

City of Troy Planning Department
500 W. Big Beaver Road
Troy, MI 48084

RE: Request to Rezone property located at
5115 Rochester Rd., Troy MI 48085

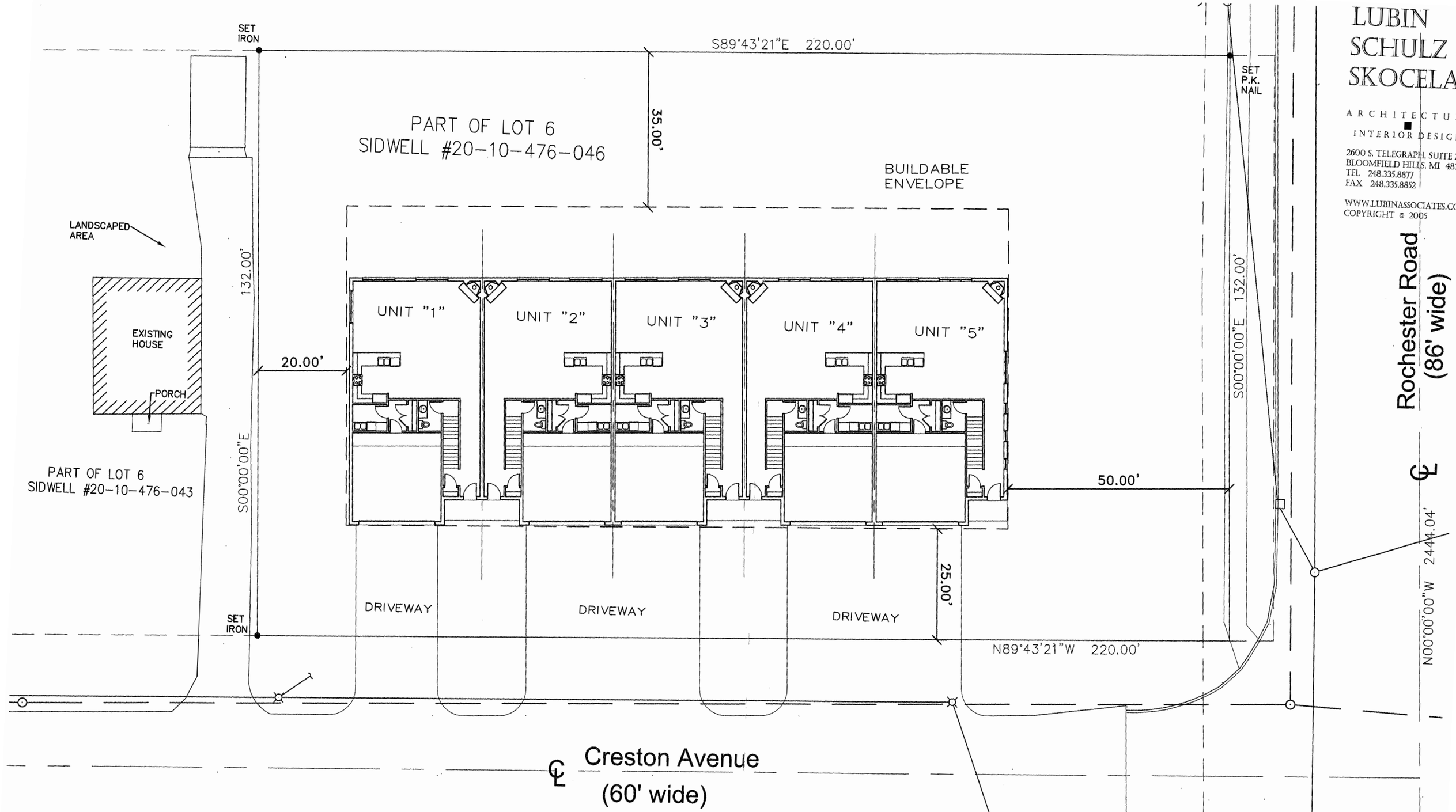
To Whom It May Concern:

We are proposing to build five upscale three bedroom, two and one half bath condominiums ranging from 2,000 to 2,200 square feet. Based on our study we believe that the market demand is present for condos with the above mentioned specifications. This project should add to the immediate area acting as a buffer from Rochester Road to the residential subdivision immediately surrounding the subject property.

Should you have any questions or concerns please feel free to contact me at any of the telephone numbers above.

Best regards,

Fredrick Nassar, President
Nassar Acquisitions



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INTERIOR DESIGN
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BLOOMFIELD HILLS, MI 48302
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FAX 248.335.8852
WWW.LUBINASSOCIATES.COM
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PROPOSED TROY CONDOMINUM DEVELOPMENT

NASSAR ACQUISTIONS, LLC

SITE PLAN

SCALE : 1" = 20'

APRIL 25, 2005

9. PUBLIC HEARING – PROPOSED REZONING (Z 705) – Proposed Robin's Nest Condominium, North side of Creston, West side of Rochester, Section 10 – From R-1C to R-1T

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

The petitioner, Fadi Nassar of 930 Smith Avenue, Birmingham, was present. Mr. Nassar said the proposed high-end development would complement the area and act as a nice buffer.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2005-06-102
Moved by: Littman
Seconded by: Wright

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1C to R-1T rezoning request, located on the north side of Creston and west side of Rochester, within Section 10, being approximately 0.67 acres in size, be granted.

Yes: All present (9)

MOTION CARRIED

A Regular Meeting of the Troy City Council was held Monday, August 1, 2005, at City Hall, 500 W. Big Beaver Road. Mayor Pro Tem Beltramini called the Meeting to order at 7:30 PM.

Mr. Chad Lewis from Troy Christian Chapel gave the Invocation and the Pledge of Allegiance to the Flag was given.

ROLL CALL:

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

Vote on Resolution to Excuse Mayor Schilling

Resolution #2005-08-370
Moved by Lambert
Seconded by Broomfield

RESOLVED, That Mayor Schilling's absence at the Regular City Council meeting of Monday, August 1, 2005 is **EXCUSED** due to illness.

Yes: All-6
No: None
Absent: Schilling

CERTIFICATES OF RECOGNITION:

A-1 Presentations: No Presentations

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 Rezoning Application – 600 Stephenson Highway, East Side of Stephenson Highway, North of Fourteen Mile Road, Section 35 – R-C to O-1 (Z-703)

Resolution #2005-08-371
Moved by Eisenbacher
Seconded by Stine

RESOLVED, That the R-C to O-1 rezoning request, located on the east side of Stephenson Highway, north of Fourteen Mile Road, Section 35, being 1.74 acres in size, is hereby **GRANTED**, as recommended by City Management and the Planning Commission.

Yes: All-6
No: None
Absent: Schilling

C-2 Rezoning Application – Proposed Binson's Home Health Care Center, Northwest Corner of Rochester and Marengo, Section 3 – R-1B to B-1 (Z 180-B)

Resolution
Moved by Stine
Seconded by Beltramini

RESOLVED, That the R-C to O-1 rezoning request, located on the northwest corner of Rochester and Marengo, section 3, being 39,000 square feet in size, is hereby **DENIED** for the following reasons, as recommended by City Management and the Planning Commission:

1. The application does not comply with the Future Land Use Plan.
2. Making a recommendation that is contrary to the Future Land Use Plan would weaken the validity of the Plan and make it more difficult to defend future zoning decisions.
3. Rezoning this parcel to B-1 would result in the enlargement of an undesirable commercial "spot zone" along an area along the Rochester Road corridor that is planned for medium density use.
4. Approval of the rezoning request could open the door for further commercial rezoning applications along the Rochester Road corridor.

Vote on Resolution to Amend

Resolution #2005-08-372
Moved by Beltramini
Seconded by Eisenbacher

RESOLVED, That the Resolution for *Rezoning Application for Proposed Binson's Home Health Care Center, Northwest Corner of Rochester and Marengo, Section 3 – R-1B to B-1 (Z180-B)* be **AMENDED** by **INSERTING** "BE IT FURTHER RESOLVED, That Troy City Council hereby DIRECTS the Planning Commission to consider amending the Future Land Use Plan in the Rochester Road Corridor between Square Lake and South Boulevard before the first City Council Meeting scheduled for March 2006.

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

MOTION CARRIED

Vote on Resolution Postpone

Resolution #2005-08-373
Moved by Eisenbacher
Seconded by Howrylak

RESOLVED, That the *Rezoning Application for Proposed Binson's Home Health Care Center, Northwest Corner of Rochester and Marengo, Section 3 – R-1B to B-1 (Z180-B)* be **POSTPONED** until the first Regular City Council Meeting scheduled for March 2006.

Yes: All-6
No: None
Absent: Schilling

C-3 Rezoning Application – Proposed Dunkin Donuts, South Side of Vanderpool, West of Rochester Road and East of Ellenboro, Section 22 – R-1E to B-2 (Z-704)

Resolution #2005-08-374
Moved by Howrylak
Seconded by Stine

RESOLVED, That the R-1E to B-2 rezoning request, located on the south side of Vanderpool, west of Rochester Road and east of Ellenboro, Section 22, being 0.5 acres in size, is hereby **DENIED**.

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

MOTION CARRIED

The meeting **RECESSED** at 9:22 PM.

The meeting **RECONVENED** at 9:32 PM.

POSTPONED ITEMS: No Postponed Items

CONSENT AGENDA:

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

Resolution #2005-08-375
Moved by Lambert
Seconded by Broomfield

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Item E-7 which was withdrawn by City Management.

Yes: All-6
No: None
Absent: Schilling

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

E-2 Approval of City Council Minutes

Resolution #2005-08-375-E-2

RESOLVED, That the Minutes of the Regular City Council Meeting of July 18, 2005 be **APPROVED** as submitted.

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

E-4 Standard Purchasing Resolutions

a) Standard Purchasing Resolution 3: Exercise Two-Year Renewal Option – Janitorial Services

Resolution #2005-08-375-E-4a

WHEREAS, A two-year contract to provide Janitorial Services with an option to renew for two additional years was awarded to the low bidders for each Group on October 20, 2003 (Resolution 2003-10-533);

WHEREAS, All awarded contractors have agreed to exercise the option to renew the contract under the same terms and conditions as the 2003 contract that included a provision to increase contract prices in relation to lowest Consumer Price Index.

NOW, THEREFORE, BE IT RESOLVED, That the option to renew the contract is hereby **EXERCISED** under the same contract terms and conditions for two additional years expiring October 30, 2007 to the following vendors:

		Estimated Total Annual Cost
Group 1:	Road Runr Maintenance Inc.	$498,889.39
Group 2:	Elite Maintenance	$ 17,984.78
Group 4:	Elite Maintenance	$ 26,936.66
Group 3:	American Cleaning	$ 30,479.51
Group 5:	This is It!	$ 10,117.34

b) Standard Purchasing Resolution 1: Award to Low Bidder – Major Street Pavement Marking

Resolution #2005-08-375-E-4b

RESOLVED, That a two-year contract with an option to renew for one additional year to provide Major Street Pavement Marking is hereby **AWARDED** to the low bidder, P.K. Contracting, Inc., at an estimated total cost of $63,179.00 for the first year and $66,435.00 for the second year at unit prices contained in the bid tabulation opened July 8, 2005, a copy of which shall be ATTACHED to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That the award is contingent upon contractor submission of properly executed bid and contract documents, including bonds, insurance certificates and all other specified requirements; 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 total project cost each year.

c) Standard Purchasing Resolution 1: Award to Low Bidder – Contract 05-7 – Section 10 Bituminous Overlay

Resolution #2005-08-375-E-4c

RESOLVED, That Contract No. 05-7, Section 10 Bituminous Overlay, be **AWARDED** to Cadillac Asphalt, 4751 White Lake Road, Clarkston, MI 48346 at an estimated total cost of $174,680.25; and

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

d) Standard Purchasing Resolution 1: Award to Low Bidder – Portable Radio Maintenance and Repair

Resolution #2005-08-375-E-4d

RESOLVED, That a (3) three-year contract to maintain and repair portable radio transceivers, with an option to renew for one additional year, is hereby **AWARDED** to the low bidder, Cynergy Wireless of Troy, MI, for an estimated total three-year cost of $26,550.00, or $8,850.00 annually plus parts with discounts of 10%, at unit prices contained in the bid tabulation opened July 11, 2005, a copy of which shall be **ATTACHED** to the original Minutes of this meeting with a contract expiration date of July 31, 2008; and

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

E-5 Acceptance of Permanent Storm Sewer Easement – Permanent Sanitary Sewer Easement – Permanent Non-Access Greenbelt Easement – Timbercrest Estates Site Condominium – Sidwell #88-20-24-201-002, 003

Resolution #2005-08-375-E-5

RESOLVED, That the Permanent Storm Sewer Easement, Permanent Sanitary Sewer Easement, and the Permanent Non-Access Greenbelt Easement, all being part of the Timbercrest Estates Condominium project, are hereby **ACCEPTED**; and

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

E-6 Acceptance of Permanent Easement for Watermain, Tepel Land, L.L.C. – Sidwell #88-20-26-479-040, 039 & 038

Resolution #2005-08-375-E-6

RESOLVED, That the permanent easement for watermain from Tepel Land, L.L.C., owner of property having Sidwell #88-20-26-479-040, 039 & 038 is hereby **ACCEPTED** for the operation, maintenance and repair or replacement of watermain; 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-7 Sale of Rochester Road Remnant Parcel, Sidwell #20-22-426-057, Section 22 – Part of Lots 42, 43 and 45 of Supervisors Plat #17 – *Withdrawn by City Management*

E-8 Private Agreement for Kilmer Property Splits – Project No. 05.905.3

Resolution #2005-08-375-E-8

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and GFA Development, 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-9 Private Agreement for Morton's Restaurant – Project No. 05.908.3

Resolution #2005-08-375-E-9

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Redico, is hereby **APPROVED** for the installation of water main, sanitary sewer, sidewalks, paving 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 Payment for Installation of a Portion of McCulloch Drain as Part of the Hidden Forest Site Condominium Development – Project No. 04.908.3

Resolution #2005-08-375-E-10

RESOLVED, That reimbursement to GFA Development / Michigan Home Builders for the installation of approximately 900 feet of 36" storm sewer and related work as part of the McCulloch Drain within the Hidden Forest Site Condominium development in the amount of $120,720.00 is hereby **APPROVED** upon completion of construction and final approval by the Engineering Department.

E-11 Acceptance of Permanent Easement for Watermain, 888 West Big Beaver, L.L.C. – Sidwell #88-20-21-351-013

Resolution #2005-08-375-E-11

RESOLVED, That the permanent easement for watermain from 888 West Big Beaver, L.L.C., owner of property having Sidwell #88-20-21-351-013 is hereby **ACCEPTED** for the operation, maintenance and repair or replacement of watermain; 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-12 Bid Waiver – Purchase of Thirteen Treadmills for the Troy Community Center

Resolution #2005-08-375-E-12

WHEREAS, On January 10, 2005, a contract to purchase and install new physical fitness equipment at the Community Center was awarded to the lowest bidder meeting specifications, All Pro Exercise, Inc. of Farmington Hills, MI (Resolution #2005-01-023-E4);

WHEREAS, All Pro Exercise, Inc. has agreed to extend the pricing for thirteen (13) additional Precor treadmills at original bid prices of $4,495.00 with three-year service agreements of $225.00 each, and allow $800.00 for each trade-in;

WHEREAS, All Pro Exercise, Inc. is the only authorized Precor dealer in the State of Michigan.

NOW, THEREFORE, BE IT RESOLVED, That formal bidding procedures are hereby **WAIVED** and a contract to purchase thirteen (13) Precor treadmills less thirteen (13) trade-ins are hereby **AWARDED** to All Pro Exercise, Inc. of Farmington Hills, MI for an estimated net cost of $50,960.00.

E-13 Approval to Pay Closing Costs – Saoud Jamo and Nidhal Jamo, 2907 Thames, Sidwell #88-20-25-229-001 – Big Beaver, Rochester to Dequindre Road Project #01.105.5

Resolution #2005-08-375-E-13

RESOLVED, That as required by Michigan Laws and Federal Regulations, the reasonable closing costs not to exceed the amount of $6,647.50 are hereby **APPROVED** to be paid to Saoud Jamo and Nidhal Jamo as part of the relocation payments for relocating from 2907 Thames, having Sidwell # 88-20-25-229-001, which is being acquired by the City of Troy for the Big Beaver to Dequindre Road improvement project.

E-14 Adoption of the Oakland County Hazard Mitigation Plan

Resolution #2005-08-375-E-14

WHEREAS, The mission of the City of Troy includes the charge to protect the health, safety, and general welfare of the people of Troy;

WHEREAS, The City of Troy, Michigan is subject to flooding, tornadoes, winter storms, and other natural, technological, and human hazards;

WHEREAS, The Oakland County Local Emergency Planning Committee, comprised of representatives from the County, municipalities, and stakeholder organizations, has prepared a recommended Hazard Mitigation Plan that reviews the options to protect people and reduce damage from these hazards;

WHEREAS, The City of Troy has participated in the planning process for the development of this Plan, providing information specific to local hazard priorities, encouraging public participation, identifying desired hazard mitigation strategies, and reviewing the draft Plan;

WHEREAS, On February 17, 2005, the Oakland County Board of Commissioners passed resolution No.05-022 adopting the Oakland County Hazard Mitigation Plan as an official document of the County and established the County Hazard Mitigation Coordinating Committee, pursuant to the Disaster Mitigation Act of 2000 (PL-106-390) and associated regulation (44 CFR 210.6);

WHEREAS, The Plan has been widely circulated for review by the County's residents, municipal officials, and state, federal and local review agencies and has been revised to reflect their concerns.

NOW, THEREFORE, BE IT RESOLVED, That:

1. The Oakland County Hazard Mitigation Plan and sections of the Plan specific to the affected community is hereby **ADOPTED** as an official plan of the City of Troy.

2. The City Manager is **CHARGED** with supervising the implementation of the Plan's recommendations, as they pertain to the City of Troy City and within the funding limitations as provided by the City of Troy City Council or other sources.

3. The City Manager shall give special attention to the following action items recommended in portions of the plan specific to the City of Troy:

    a) 5.2.56 City of Troy
    Tornadoes, winter weather hazards, fires in one of the many high rises in Troy, and a chemical spill or release from one of many commercial trucks that carry hazardous materials are just a few concerns for the citizens of Troy. Secondarily, with the many corporate headquarters and high profile business, the threat of terrorism is always a concern.
    b) 6.3.1.56 Mitigation Strategies

1. Visit other municipalities who have had critical incidents and have activated their Emergency Operations Centers to learn and update our current EOC.
2. Continue educational and planning programs in the area of severe weather, terrorism planning and fire education to the citizens and businesses of Troy ensure safety amongst all.

PUBLIC COMMENT: Limited to Items Not on the Agenda

REGULAR BUSINESS:

F-1 Appointments to Boards and Committees: a) Mayoral Appointments: No Appointments Scheduled; b) City Council Appointments: Historical Commission; Library Advisory Board and Parks and Recreation Board

(a) Mayoral Appointments – No Appointments Scheduled

(b) City Council Appointments

Resolution #2005-08-376
Moved by Broomfield
Seconded by Stine

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

Historical Commission
Appointed by Council – (7) – 3 years

Roger Kaniarz Term Expires 07/31/08

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

Mary E. Shiner Unexpired Term 04/30/08

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

Gary Hauff (Troy School District Recommendation) Term Expires 07/31/06

Yes: All-6
No: None
Absent: Schilling

F-2 Approval of Radio System Agreement with Oakland County

Resolution #2005-08-377
Moved by Lambert
Seconded by Stine

RESOLVED, That the Oakland County Radio System Agreement is **APPROVED.**

Yes: All-6
No: None
Absent: Schilling

F-3 Final Payment for Gibson Lake Cleanout – Cost Participation Agreement with Sterling Heights

Resolution #2005-08-378
Moved by Stine
Seconded by Broomfield

RESOLVED, That Final Payment in the amount of $140,893.74 for the Gibson Lake Cleanout work performed under a cost participation agreement with the City of Sterling Heights is hereby **APPROVED**.

Yes: All-6
No: None
Absent: Schilling

F-4 DOCVIEW, L.L.C. Service Agreement

Resolution #2005-08-379
Moved by Stine
Seconded by Lambert

WHEREAS, DOCVIEW, LLC of Lansing Michigan, makes traffic crash reports available on TRACView, their secure website, to police departments, other government agencies, insurance companies and authorized individuals;

WHEREAS, The agreement details the responsibilities and compensation for each party and will improve customer service by providing customers with another way to obtain copies of traffic crash reports.

NOW, THEREFORE, BE IT RESOLVED, That the City of Troy is **AUTHORIZED** to enter into a one-year service agreement with DOCVIEW, LLC, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, renewing each successive year, unless either party notifies the other in writing 30 days prior to cancellation.

Yes: All-6
No: None
Absent: Schilling

F-5 Sole Source – Self-Contained Riding Greens Aerator

Resolution #2005-08-380
Moved by Stine
Seconded by Broomfield

WHEREAS, WF Miller Company of Novi, Michigan is the sole provider of Jacobson/Ryan equipment in Michigan;

WHEREAS, With the addition of Sanctuary Lake Golf Course to the City of Troy's Golf Division, It is necessary to purchase an additional Ryan GA-30 self-contained riding aerator.

NOW, THEREFORE, BE IT RESOLVED, That the City of Troy Parks and Recreation Department is **AUTHORIZED** to purchase a self-contained riding Ryan GA-30 greens aerator including attachments from WF Miller Company of Novi, Michigan at an estimated total cost of $17,094.00.

Yes: All-6
No: None
Absent: Schilling

F-6 Proposed Revisions to Chapter 19 – Sanitary Sewer Service Elimination of Connection Requirement – *Withdrawn by City Management*

F-7 Charter Revision Committee Recommendations

Vote on the Approval of Ballot Question Proposals:

Resolution #2005-08-381
Moved by Beltramini
Seconded by Eisenbacher

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 #10 (86 words)

Shall Section 4.2.5,Study Meetings, be created to provide for Study meetings of Council with the meetings to be called by the Clerk on the written request of the Mayor, or any two members of the Council on at least twenty-four hours written notice to each member of the Council, served personally or left at his usual place of residence; but a study meeting may be held on shorter notice if all members of the Council are present or have waived notice thereof in writing?

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

MOTION FAILED

RECOMMENDED CHARTER REVISION PROPOSAL #11 (27 words)

Shall Section 4.3.5, Business at Study Meetings, be created to limit the business transacted at any Study meeting of the Council to no action taken?

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

MOTION FAILED

RECOMMENDED CHARTER REVISION PROPOSAL #12 (70 words)

Shall Section 5.13, Submission of Initiatory and Referendary Ordinance to Electors, be amended to implement election consolidation revisions to Michigan Election Law, by providing for the scheduling of the election in accordance with State Election Law and striking "within sixty days from such date of presentation for the submission of the initiative proposal" with the submittal to be made by an affirmative vote of the Council members elect?

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

MOTION FAILED

RECOMMENDED CHARTER REVISION PROPOSAL #14 (41 words)

Shall Section 12.3, Restriction on Powers to Lease Property, be amended to include long-term use agreements as an additional type of ownership that is subject to the City's same restriction on powers to lease property procedure for renting or leasing of public property?

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

MOTION FAILED

Vote on the Approval of Ballot Question Proposals #12 & #14:

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

Resolution #2005-08-382
Moved by Howrylak
Seconded by Broomfield

RECOMMENDED CHARTER REVISION PROPOSAL #12 (70 words)

Shall Section 5.13, Submission of Initiatory and Referendary Ordinance to Electors, be amended to implement election consolidation revisions to Michigan Election Law, by providing for the scheduling of the election in accordance with

State Election Law and striking "within sixty days from such date of presentation for the submission of the initiative proposal" with the submittal to be made by an affirmative vote of the Council members elect?

RECOMMENDED CHARTER REVISION PROPOSAL #14 (41 words)

Shall Section 12.3, Restriction on Powers to Lease Property, be amended to include long-term use agreements as an additional type of ownership that is subject to the City's same restriction on powers to lease property procedure for renting or leasing of public property?

Yes: All-6
No: None
Absent: Schilling

Vote on the Approval of The Ballot Question Order:

Resolution #2005-08-383
Moved by Broomfield
Seconded by Eisenbacher

RESOLVED, That the Troy City Council **APPROVES** the following ballot question order of the proposed Charter Amendment proposals on the November 8, 2005 City General Election:

Grouping A – Election Consolidation Mandated Amendments
Sections 3.4 (7.5), 3.4, 7.5.5 (3.4.1), 7.5.5, 3.4.2, 7.3, 7.6, 7.9 and 7.10
Grouping B – Advisory Questions Amendment
Sections 5.13 and 7.9.5
Grouping C – Long-Term Use Agreements Amendment
Section 12.3

Yes: All-6
No: None
Absent: Schilling

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

a) Parking Variance – 701-705 Minnesota – August 15, 2005
b) Zoning Ordinance Text Amendment (ZOTA 212) – Articles IV, XXV, XXVI and XXVII, Freestanding Restaurants, Banks and Daycare Facilities in the R-C, O-M and O-S-C Districts – August 15, 2005
c) Rezoning Application – West Side of Rochester Road, North of Creston, Between Long Lake and Trinway, Section 10 – R-1C to R-1T (Z 705) – August 15, 2005

Noted and Filed

G-2 Green Memorandums:

a) Bid Waiver – Authorization to Purchase an Enterprise Content Management System

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) Employees' Retirement System Board of Trustees/Final – June 8, 2005
b) Planning Commission/Final – June 14, 2005
c) Charter Revision Committee/Final – June 20, 2005
d) Board of Zoning Appeals/Final – June 21, 2005
e) Planning Commission Special/Study/Final – June 28, 2005
f) Charter Revision Committee/Draft – July 25, 2005

Noted and Filed

J-2 Department Reports:

a) City Attorney's Office – Hunciag v. City of Troy
b) City Attorney's Office – Williams et. al v. City of Troy

Noted and Filed

J-3 Letters of Appreciation:

a) Letter to Chief Craft from Darlene Gist, Manager of Skate World of Troy, Thanking the Troy Police Department for Assistance
b) Letter to Chief Craft from Keith Pretty, J.D., President of Walsh College, Thanking Lt. Pappas and the Troy Police Department for Their Assistance During Commencement Ceremonies
c) Letter to Chief Craft from Wayne Wright, Thanking Officer Lenczewski for His Assistance

Noted and Filed

J-4 Proposed Proclamations/Resolutions from Other Organizations:

a) Resolution from the City of Ferndale – Metro Council Declaration of Metro Interdependence
b) State of Michigan Notice of Hearing for Natural Gas Customers of Consumers Energy Company – Case No. U-14547

Noted and Filed

J-5 Calendar

Noted and Filed

STUDY ITEMS:

K-1 No Study Items Submitted

PUBLIC COMMENT: Address of "K" Items

CLOSED SESSION:

L-1 Closed Session: No Closed Session Requested

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

Robin E. Beltramini, Mayor Pro Tem

Tonni L. Bartholomew, City Clerk

PROCLAMATION
CELEBRATING 85 YEARS
THE AMERICAN LEGION CHARLES EDWARDS POST 14 – BIRMINGHAM/TROY

WHEREAS, A group of veterans serving in France conceived the idea to form a national organization of all veterans who served their country during periods of war or conflict, and in 1919, the American Legion was chartered by Congress; and

WHEREAS, **The American Legion–Charles Edwards Post 14** was chartered on August 10, 1920, with the signatures of 21 World War I Veterans. Named in honor of Charles Edwards, the first Birmingham resident killed in action in World War I, Post 14 includes the Sons of the American Legion Squadron 14 (chartered September 1962); the American Legion Auxiliary Unit 14 (chartered April 1978); and the American Legion Riders Chapter 14 (chartered February 2005); and

WHEREAS, The Charles Edwards Post 14 sparked national debate in the 1960s on the practice of segregation in cemeteries, and eventually, laws were passed to end discrimination in public cemeteries; and

WHEREAS, Members continue to support efforts for GI bills; benefits for Agent Orange casualties; rescue of MIAs; WW II, Korean and Viet Nam memorials; gifts to servicemen in Iraq, Selfridge Reservist families and the Troy Veterans Memorial Fund; and many other projects that benefit both veterans and the civilian community; and

WHEREAS, The Legion's motto "For God and Country" reflects a national heritage and an individual dedication to all veterans. In the spirit of comradeship, they pledge their assistance, and even their lives, to their fellow veterans; and

NOW, THEREFORE, BE IT RESOLVED That the Troy City Council does hereby congratulate **The American Legion CHARLES EDWARDS POST 14 – Birmingham/Troy** as it celebrates its **85th Anniversary** on August 6, 2005 and recognizes the tremendous activities of its dedicated members who assist fellow veterans and people in the community.

BE IT FURTHER RESOLVED, That the City Council join the citizens of this community in appreciation and celebration of **The American Legion CHARLES EDWARDS POST 14 — Birmingham/Troy 85th Anniversary.**

Presented this 6th day of August 2005.

July 28, 2005

TO: John Szerlag, City Manager

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

Re: **Agenda Item** - Standard Purchasing Resolution 3: Exercise Renewal Option – Tee Shirt Contract

RECOMMENDATION

On October 18, 2004, City Council approved a one-year contract to purchase Tee shirts (various types) with an option to renew for one additional year to the low bidder, Kel Graphics of Cadillac, MI (Council Resolution #2004-10-546-E-17). City management recommends the City exercise the option to renew for one (1) additional year with Kel Graphics, under the same prices, terms and conditions to expire September 30, 2006.

DESCRIPTION	PRICE/EACH
50/50 SHORT SLEEVE SHIRTS w/1-COLOR SILK SCREEN	
Youth – Small, Medium, Large	$2.55
Adult – Small, Medium, Large, X-Large	$2.55
Adult – XX-Large	$3.55
Adult – XXX-Large	$3.65
Single Digit	$ .35
Double Digits	$ .35
100% COTTON SHIRTS w/1-COLOR SILK SCREEN	
Adult – Medium, Large, X-Large- Short Sleeve	$2.75
Adult – XX-Large	$3.65
Adult – Medium, Large, X-Large – Long Sleeve	$4.50
100% COTTON SHIRTS – NO SILK SCREENING	
Adult –Medium, Large, X-Large	$2.00
Adult – XX-Large	$3.00
50/50 SHORT SLEEVE SHIRTS w/2-COLORS FRONT & 1-COLOR BACK	
Youth – Small, Medium, Large	$2.80
Adult – Medium, Large, X-Large	$2.85
100% COTTON w/2 COLORS FRONT & BACK	
Adult – Medium, Large, X-Large	$2.95
Adult – XX-Large	$3.95

MARKET SURVEY

A market survey conducted by the Purchasing Department indicates the major change to affect market prices will be the increase cost of fuel and concurs with the recommendation to exercise the option to renew for one additional year.

BUDGET

Funds are available for the purchase of these tee shirts in the Parks and Recreation Summer and Winter Program Operating Supply Accounts.

Prepared by: Barb Rupas, Recreation Supervisor

June 30, 2005

TO: Jeanette Bennett
Purchasing Director

FROM: Linda N. Bockstanz
Associate Buyer

RE: MARKET SURVEY – T-SHIRTS

CREATIVE AWARDS– Joe (586) 739-4999
Joe has indicated that T-Shirts will be the same in price and will have no changes in the near future.

MACKELLAR ASSOICATE, INC.– Brian (248) 852-7526
According to Brian, all prices will be the same for T-Shirt – for at least three to six months. Their Company buys T-Shirts ahead of time in big quantities so shipping is free. There is no freight cost either.

RAINBOW SPORTS- Brian (989) 777-2428
Brian believes there will be an increase of $2.00 to $4.00 on Hanes T-Shirts, because of the increase in price for Oil and Fuel. (Transportation and freight costs.) Secondly, would be the Trade Agreement that the US has with China.

CREATIVE DESIGN & EMBROIDERY– Michelle (248) 373-1300
Michelle told me that the only increase in price for T-Shirts would be .15 to .20 cents per shirt for Fruit of the Loom products. Fruit of the Loom has a shortage of T-Shirts this year. As far as she knows Hanes is going to be the same in price.

SIGNATURE SPORTS & PRO – Ken (586) 360-0222
Ken has indicated to me that because of fuel costs that are high, T-Shirts will increase anywhere from $2.00 to $4.00, because of transportation costs and shipping, which will be passed onto the consumer.

WORK'N GEAR – (734) 284-0763
Called 4 times – left 4 messages – no response

Based upon the above comments, I respectfully recommend that the City accept the offer to renew the contract for T-Shirts with the current vendor based on the fact costs will increase in price for some manufacturers due to transportation costs, fuel, and inventory shortages.

CC: Susan Leirstien

City of Troy

June 23, 2005

ATTN: Jane Morrill
Kel Graphics
110 W. River
Cadillac, MI 49601

Dear: Jane,

On October 1, 2004, the City of Troy entered into contract #20400357 OB with Kel Graphics to provide one-year requirements of tee shirts. This contract contained an option to renew for one additional year at the same prices, terms, and conditions as the original contract.

Please fax this letter back indicating if Kel Graphics wishes to renew this contract through September 30, 2006. Our fax number is (248) 689-6497. It should be understood that this request to renew the contract is subject to a favorable market survey. A request by City staff to determine the successful bidder's interest in renewing the contract in no way obligates the City. The option cannot be exercised without Troy City Council approval and a blanket purchase order issued.

If you have any questions please call me at (248) 524-3484.

CHECK ONE:

Kel Graphics is interested in renewing the contract under the same prices, terms, and conditions: (✓)

Kel Graphics is not interested in renewing the contract: ( )

X Jane E Morrill
Signed: Authorized Company Representative

Date: 6/23/05

Thank you,
Barbara Rupas, Recreation Supervisor
Parks and Recreation
City of Troy

Monday, November 14, 21 & 28
Monday, December 5 & 19 (two meetings due to end of month holidays)

Liquor Violation Hearings:
Wednesday, February 16 at 7:30 pm
Wednesday, February 23 at 7:30 pm

BE IT FURTHER RESOLVED, That Study meetings may be scheduled as needed.

E-15 Park and Ride Agreement with Royal Transportation and the City of Troy

Resolution #2004-10-546-E-15

RESOLVED, That City Council hereby **APPROVES** the Agreement between the City of Troy and Royal Transportation for a Park and Ride lot for GM employees and **AUTHORIZE** the Mayor and Clerk to sign said Agreement; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-16 Private Agreement for Westin Downs Condominiums – Project No. 01.912.3

Resolution #2004-10-546-E-16

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Mondrain Properties, is hereby **APPROVED** for the installation of sanitary sewer, storm sewer, water main, sidewalks and paving on the site and in the 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-17 Standard Purchasing Resolution 1: Award to Low Bidder – Tee Shirt Contract

Resolution #2004-10-546-E-17

RESOLVED, That a one-year contract, with an option to renew for one additional year, to provide Parks and Recreation Tee shirts (various types) is hereby **AWARDED** to the low bidder, Kel Graphics of Cadillac, Michigan, for an estimated total cost of $27,153.00 at unit prices contained in the bid tabulation opened October 8, 2004; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

ITEM TAKEN OUT OF ORDER

E-14 Implementation of Display Policy for Troy City Plaza

Resolution #2004-10-547
Moved by Beltramini
Seconded by Stine

October 12, 2004

TO: John Szerlag, City Manager

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

SUBJECT: **Agenda Item** - Standard Purchasing Resolution 1: Award To Low Bidder – Tee Shirt Contract

RECOMMENDATION

On Friday, October 8, 2004, bids were opened for one (1) year requirements of Tee Shirts (various types) with an option to renew for one additional year. City management recommends awarding the contract to the low bidder, Kel Graphics of Cadillac, MI at an estimated total cost of $27,153.00, at unit prices contained in the attached bid tabulation. The contract shall commence on the date of award and expire September 30, 2005.

SUMMARY

Seven companies submitted competitive bids. The bid was awarded to the low total bidder in each Item category – Kel Graphics.

Tee shirts are purchased for various camp programs and as youth sport uniforms, and included with the registration fee. Part time, seasonal staff, camp counselors, and team awards for adult league programs receive shirts as well.

BUDGET

Funds are available in the various Parks and Recreation Program Accounts.

113 Vendors Notified on MITN System
7 Bid Responses Rec'd
9 No Bids: (5) Companies not interested at this time
(1) Company cannot meet specifications
(1) Company does not handle product specified
(1) Company cannot be competitive
(1) Company found out too late to respond

Prepared by: Barb Rupas, Recreation Supervisor

Opening Date -- 10-8-04
Date Prepared -- 10/12/04

CITY OF TROY
BID TABULATION
COTTON & 50/50 TEE SHIRTS

	VENDOR NAME: *	KEL GRAPHICS	CREATIVE AWARDS	MAC KELLAR ASSOC INC	RAINBOW SPORTS & TROPHIES
	CHECK #	ON FILE	6514010	372896034	53194164034
	CHECK AMOUNT	**$500.00**	**$500.00**	**$500.00**	**$500.00**
EST QTY	DESCRIPTION	PRICE/ EACH	PRICE/ EACH	PRICE/ EACH	PRICE/ EACH
ITEM #1-- 50/50 Short Sleeve Shirts					
	(50% Cotton & 50% Polyester w/One Color Imprint)				
2500	Youth - Small, Med,Large	**$ 2.55**	$ 2.80	$ 2.59	$ 2.59
2700	Adult - Small,Med,Large,Xlarge	**$ 2.55**	$ 2.85	$ 2.57	$ 3.99
80	Adult - XXLarge	**$ 3.55**	$ 3.95	$ 3.88	$ 4.05
20	Adult - XXXLarge	**$ 3.65**	$ 4.95	$ 4.07	$ 5.05
2000	Single Digit	**$ 0.35**	$ 0.26	$ 0.29	$ 0.23
400	Double Digit	**$ 0.35**	$ 0.26	$ 0.58	$ 0.46
	QUOTING ON STYLE:	50/50 G-800	G8000/G8000B	G8000 50/50	G8000/G8000B
	MANUFACTURED BY:	GILDAN	GILDAN	GILDAN	GILDAN
	NUMBER OF COLORS AVAILABLE:	24	30	24 ADULT 19 YOUTH	21 / 19
	ESTIMATED TOTAL (ITEM#1):	**$ 14,457.00**	$ 15,734.00	$ 14,617.80	$ 18,317.00
ITEM #2 -- 100% Cotton - Short and Long Sleeve					
	One (1) Color Imprint on Front				
240	Adult - Med,Large,Xlarge-Short Sleeve	**$ 2.75**	$ 3.00	$ 2.81	$ 3.38
35	Adult - XXLarge-Short Sleeve	**$ 3.65**	$ 4.00	$ 4.04	$ 3.88
100	Adult - Med,Large,Xlarge-Long Sleeve	**$ 4.50**	$ 4.49	$ 4.70	$ 5.10
	QUOTING ON STYLE:	G-240 G-500	G2000/G2400	G2400 / G2000	G2000/G2400
	MANUFACTURED BY:	GILDAN	GILDAN	GILDAN	GILDAN
	NUMBER OF COLORS AVAILABLE:	24	48 / 20	24+	48 / 20
	ESTIMATED TOTAL (ITEM#2):	**$ 1,237.75**	$ 1,309.00	$ 1,285.80	$ 1,457.00
ITEM #3 -- 100% Cotton - Short Sleeve Shirts (No Imprinting)					
800	Adult - Med,Large,Xlarge	**$ 2.00**	$ 2.39	$ 2.31	$ 2.40
200	Adult - XXLarge	**$ 3.00**	$ 3.59	$ 3.41	$ 3.49
	QUOTING ON STYLE:	G-500	G2000	G2000	G2000
	MANUFACTURED BY:	GILDAN	GILDAN	GILDAN	GILDAN
	NUMBER OF COLORS AVAILABLE:	24	48	24+	48
	ESTIMATED TOTAL (ITEM#3):	**$ 2,200.00**	$ 2,630.00	$ 2,530.00	$ 2,618.00
ITEM #4 -- 50% Cotton/50% Polyester Blend					
	Short Sleeve Shirts w/Two Colors & 1 Color Back				
1000	Youth -Small, Medium, Large	**$ 2.80**	$ 2.80	$ 3.45	$ 3.34
1700	Adult - Medium, Large, X-Large	**$ 2.85**	$ 2.85	$ 3.40	$ 3.39
	QUOTING ON STYLE:	G-200	G8000B/G8000	G2000	G8000/G8000B
	MANUFACTURED BY:	GILDAN	GILDAN	GILDAN	GILDAN
	NUMBER OF COLORS AVAILABLE:	24	30	24+	21 / 19
	ESTIMATED TOTAL (ITEM#4):	**$ 7,645.00**	$ 7,645.00	$ 9,230.00	$ 9,103.00

Opening Date -- 10-8-04
Date Prepared -- 10/12/04

CITY OF TROY
BID TABULATION
COTTON & 50/50 TEE SHIRTS

VENDOR NAME:	* KEL GRAPHICS	CREATIVE AWARDS	MAC KELLAR ASSOC INC	RAINBOW SPORTS & TROPHIES
EST QTY / DESCRIPTION	PRICE/ EACH	PRICE/ EACH	PRICE/ EACH	PRICE/ EACH
ITEM #5 -- 100% Cotton - Two Color Imprint - Front & Back				
Short Sleeve Shirts				
500 Adult-Medium, Large, X-Large	**$ 2.95**	$ 3.05	$ 4.15	$ 3.90
35 Adult - XX-Large	**$ 3.95**	$ 4.35	$ 5.45	$ 4.40
QUOTING ON STYLE:	G-500	G2000	G2000	G2000
MANUFACTURED BY:	GILDAN	GILDAN	GILDAN	GILDAN
NUMBER OF COLORS AVAILABLE:	24	48	24+	48
ESTIMATED TOTAL (ITEM#5):	**$ 1,613.25**	$ 1,677.25	$ 2,265.75	$ 2,104.00
ESTIMATED GRAND TOTAL ALL ITEMS	**$ 27,153.00**	$ 28,995.25	$ 29,929.35	$ 33,599.00
SAMPLES INCLUDED Y or N	NO	NO	NO	NO
CONTACT INFORMATION Hrs of Op	8-5	9-6	8-5 M-FRI	9-5:30
Phone #	(800)331-5251	(586)549-4004	(248)320-4525	(989)777-2428
	(231)775-6870			
TERMS	NET 30	NET 30	NET 30	NET 30
DELIVERY	AS NEEDED	10 WORKING DAYS	INCLUDED	30 DAYS ARO
WARRANTY	BLANK	BLANK	DEFECTIVE GOODS REPLACED	REPLACE AS NEEDED PER INSPECTION
EXCEPTIONS	BLANK	BLANK	"ONE LOT" PRICING	N/A
ACKNOWLEDGEMENT: Y or N	YES	YES	YES	YES

NO BIDS:
- Beacon Forms & Labels
- Cadillac Overall Supply
- Contractors Clothing Co
- Harwood Uniforms
- Libra Industries
- McNish Sports
- Metro Promotions
- Michigan State Industries
- Safety & Security Int'l

PROPOSAL -- One Year Requirements of Tee Shirts (Various Types)
with an Option to Renew for One Additional Year

*** DENOTES LOW BIDDER**

Jeanette Bennett
Purchasing Director

EST QTY	DESCRIPTION	SIGNATURE SPORTS & PROMOTION	CREATIVE DESIGN & EMBROIDERY	WORK'N GEAR	
	VENDOR NAME:	SIGNATURE SPORTS & PROMOTION	CREATIVE DESIGN & EMBROIDERY	WORK'N GEAR	
	CHECK #	009106	556852501	765429656	
	CHECK AMOUNT	**$500.00**	**$500.00**	**$500.00**	**$500.00**
		PRICE/ EACH	PRICE/ EACH	PRICE/ EACH	PRICE/ EACH
ITEM #1-- 50/50 Short Sleeve Shirts					
	(50% Cotton & 50% Polyester w/One Color Imprint)				
2500	Youth - Small, Med,Large	$ 3.09	$ 3.15	$ 4.80	
2700	Adult - Small,Med,Large,Xlarge	$ 3.09	$ 3.25	$ 4.82	
80	Adult - XXLarge	$ 3.95	$ 4.25	$ 6.07	
20	Adult - XXXLarge	$ 4.85	$ 5.75	$ 6.07	
2000	Single Digit	$ 0.29	$ 0.45	BLANK	
400	Double Digit	$ 0.58	$ 0.80	BLANK	
	QUOTING ON STYLE:	GILDAN	GILDAN	G8000B/G8000	
	MANUFACTURED BY:	GILDAN	GILDAN	GILDAN	
	NUMBER OF COLORS AVAILABLE:	26	SEE CATALOG	20 / 21	
	ESTIMATED TOTAL (ITEM#1):	$ 17,293.00	$ 18,325.00	$ 25,621.00	
ITEM #2 -- 100% Cotton - Short and Long Sleeve					
	One (1) Color Imprint on Front				
240	Adult - Med,Large,Xlarge-Short Sleeve	$ 3.09	$ 3.39	$ 5.82	
35	Adult - XXLarge-Short Sleeve	$ 3.95	$ 4.29	$ 6.35	
100	Adult - Med,Large,Xlarge-Long Sleeve	$ 5.78	$ 7.95	$ 7.50	
	QUOTING ON STYLE:	GILDAN	GILDAN	G2000/G2400	
	MANUFACTURED BY:	GILDAN	GILDAN	GILDAN	
	NUMBER OF COLORS AVAILABLE:	26	SEE CATALOG	45 / 15	
	ESTIMATED TOTAL (ITEM#2):	$ 1,457.85	$ 1,758.75	$ 2,369.05	
ITEM #3 -- 100% Cotton - Short Sleeve Shirts (No Imprinting)					
800	Adult - Med,Large,Xlarge	$ 2.09	$ 2.65	$ 2.52	
200	Adult - XXLarge	$ 2.94	$ 3.60	$ 3.64	
	QUOTING ON STYLE:	GILDAN	GILDAN	G2000	
	MANUFACTURED BY:	GILDAN	GILDAN	GILDAN	
	NUMBER OF COLORS AVAILABLE:	26	SEE CATALOG	47	
	ESTIMATED TOTAL (ITEM#3):	$ 2,260.00	$ 2,840.00	$ 2,744.00	
ITEM #4 -- 50% Cotton/50% Polyester Blend					
	Short Sleeve Shirts w/Two Colors & 1 Color Back				
1000	Youth -Small, Medium, Large	$ 4.19	$ 3.95	$ 4.80	
1700	Adult - Medium, Large, X-Large	$ 4.19	$ 3.95	$ 4.82	
	QUOTING ON STYLE:	GILDAN	GILDAN	G8000B/G8000	
	MANUFACTURED BY:	GILDAN	GILDAN	GILDAN	
	NUMBER OF COLORS AVAILABLE:	10	SEE CATALOG	20 / 21	
	ESTIMATED TOTAL (ITEM#4):	$ 11,313.00	$ 10,665.00	$ 12,994.00	

Opening Date -- 10-8-04
Date Prepared -- 10/12/04

CITY OF TROY
BID TABULATION
COTTON & 50/50 TEE SHIRTS

EST QTY	DESCRIPTION	SIGNATURE SPORTS & PROMOTIONS PRICE/ EACH	CREATIVE DESIGN & EMBROIDERY PRICE/ EACH	WORK'N GEAR PRICE/ EACH	PRICE/ EACH
ITEM #5 -- 100% Cotton - Two Color Imprint - Front & Back					
	Short Sleeve Shirts				
500	Adult-Medium, Large, X-Large	$ 4.60	$ 3.95	$ 5.82	
35	Adult - XX-Large	$ 5.50	$ 3.95	$ 6.35	
	QUOTING ON STYLE:	GILDAN	GILDAN	G2000	
	MANUFACTURED BY:	GILDAN	GILDAN	GILDAN	
	NUMBER OF COLORS AVAILABLE:	10	SEE CATALOG	47	
	ESTIMATED TOTAL (ITEM#5):	$ 2,492.50	$ 2,113.25	$ 3,132.25	
	ESTIMATED GRAND TOTAL ALL ITEMS	$ 34,816.35	$ 35,702.00	$ 46,860.30	
	SAMPLES INCLUDED Y or N	NO	NO	NO	
	CONTACT INFORMATION Hrs of Op	7-5	8:30-5PM	8-5PM	
	Phone #	(586)465-5900	(248)373-1300	(847)471-4052	
	TERMS	NET 30	NET 30	(871)746-0158 NET 30	
	DELIVERY	2-3 WEEKS	7 DAYS	FOB DESTINATION	
	WARRANTY	1 YEAR	YES	MFG	
	EXCEPTIONS	BLANK	LISTED	LISTED	
			IN BID	IN BID	
	ACKNOWLEDGEMENT: Y or N	YES	YES	YES	

ATTEST:
Cheryl Morrell
Barb Rupas
Linda Bockstanz

Downloading History for ITB-COT 04-48 Tee Shirts

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 **10/12/2004.**

Document Title:	Various Types of Tee Shirts for the Troy Parks & Recreation Dept.
Date Issued:	9/23/2004
Close Date:	10/8/2004

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
13152	A-Plus Printing	Free	9/27/2004	
12214	A.T.C. Uniforms Inc.	E-mail		
16603	Ad-Tech Agency Inc.	E-mail		
13160	All Star Printing	E-mail	9/30/2004	
12522	ALLIE BROTHERS UNIFORMS	E-mail	9/28/2004	
13234	ALYKO Enterprises LLC	Free	9/29/2004	
14262	Ameri-Time LLC	Free	9/27/2004	
18867	American Silkscreen & Embroidery	Free	10/4/2004	
13031	Anaconda Sports	E-mail	9/23/2004	
10481	Angers Equipment Company, Inc	E-mail	10/6/2004	
14228	Apparel Brands Inc.	E-mail		
10815	ARAMARK - WearGuard Corporation	E-mail		
10497	ATD-AMERICAN CO	E-mail	9/28/2004	
17989	Austin Embroidery and Screenprinting	E-mail		
13089	Bachman Embroidery & Design	E-mail		
11898	Beacon Forms & Labels, Inc.	E-mail	9/23/2004	
10988	Bill Fritz Sports Corporation	Free		
15092	Bizarre Promotions, Inc.	E-mail		
10717	Blue Pencil Creative Group, Ltd.	E-mail		
12553	Bulldog Promotions	E-mail	9/24/2004	
11702				

	Cadillac Overall Supply	E-mail	9/23/2004	
12856	CCH Incorporated	Free	9/28/2004	
13474	Cintas Corporation	E-mail		
13348	Corporate Images	Free	10/1/2004	
15655	Creative Awards	E-mail	10/4/2004	
18794	Creative Design & Embroidery	E-mail	10/4/2004	
18758	D&L Embroidery	E-mail	9/27/2004	
13468	DESIGN GROUP	Free	9/24/2004	
18786	E. Howard Hughs & Associates, Inc. dba Million Dol	Free	9/25/2004	
16733	E.J. Steve	E-mail		
14715	Ebon Group LLC	E-mail	10/7/2004	
13051	Flint-Genesee Economic Growth Alliance	Free	10/5/2004	
13037	Galls Incorporated	E-mail		
18756	Global Service and Trade	Free	9/23/2004	
17238	Gold-Mark Promotions	E-mail		
18789	Goldman Promotions	Free	9/27/2004	
13400	Gordon International	E-mail	9/29/2004	
11071	Hamilton Uniforms	E-mail		
11885	Harwood Tuxedo & Uniforms, Inc.	E-mail	9/23/2004	
10602	Henry Frank Wholesale Ltd.	E-mail		
11766	HES STALLINGS-JULIEN SALES & SERVICE	E-mail		
13808	Hoyle Athletic Supply, Inc.	E-mail	9/23/2004	
17444	ImageNation Inc.	E-mail		
16060	Imperial Graphics & Design	E-mail		
18406	Impressive Promotional Products	E-mail	10/6/2004	
13405	J. Pigford Co.	E-mail		
11445	JCB Promotions	Fax		
10365	JEM Industries Inc.	E-mail		
12429	K2id, LLC	E-mail		
17528	Kalamazoo Sportswear	E-mail		
10039	KelGraphics	E-mail	9/23/2004	
18598	Lee Specialty Company	E-mail	9/23/2004	
11359	Leslee Scott, Inc.	Free	10/6/2004	
11815	Libra Industries	Free	9/29/2004	
13184	Mackellar and Associates	E-mail	10/7/2004	
18155	Majestic Sales	E-mail		
13143	maurer's	E-mail		
18911	McNish Sporting Goods & Trophies, Inc.	E-mail	10/7/2004	
11598	Media Connection Advertising Inc	E-mail	9/23/2004	
11798	Mercy Sales & Service, Inc	E-mail	9/23/2004	
18772	Merritt Concepts, LLC	Free	9/24/2004	

18926	Metro Promotional Specialties	Free	10/7/2004	
10172	Metropolitan Uniform	E-mail		
18550	michigan industrial shoe	E-mail		
11241	Michigan State Industries	Free	10/1/2004	
17889	MK & Company	E-mail		
16902	Muzzall Graphics	E-mail	9/28/2004	
10539	national diversified	E-mail	9/23/2004	
10476	National Dry Goods	Fax		
17116	National Ladder & Scaffold Co.	E-mail	9/28/2004	
12190	New York Police Supply Inc.	E-mail		
10295	NLS Lawn Care Inc.	Free	9/24/2004	
13376	O'Mara Products, Inc.	E-mail		
18380	OccuMed3	E-mail		
14369	Perfect Promotion Inc.	E-mail		
18156	Performance Creative Resources, Inc.	E-mail	9/23/2004	
17090	pet magic	Free	10/5/2004	
16120	PlaySmart Recreational Construction Inc.	Free	9/27/2004	
12224	Prizm	E-mail		
14883	Pyramid School Products	E-mail		
15669	QFS Printing & Marketing	E-mail	10/5/2004	
15891	Quality Metal Images, Inc.	Free	9/28/2004	
10098	Quanta Enterprises, LLC.	E-mail		
10842	Quartermaster, Inc.	E-mail		
17958	Rainbow Sports & Trophies	E-mail	10/4/2004	
15189	Regina's All-Star Apparel & Accessories	E-mail		
11105	Robinson Textiles, Inc.	E-mail		
18144	Safety & Security International	Free	9/24/2004	
18848	Sawicki and Son	Free	10/1/2004	
18785	Sellitdotcom	Free	9/25/2004	
18222	Signature Sprots & Promotions	E-mail	9/28/2004	
12886	Sky Promotions/Benquin Business	E-mail	9/30/2004	
16852	Slick Shirts Screen Printing Inc.	Fax		
16450	SourceMaster	E-mail		
14604	SS Graphics, Inc.	E-mail		
13599	Superior Engineering Assoc. Inc.	E-mail	10/6/2004	
11737	Tabb Textiles Inc.	E-mail		
17718	Team Sports Inc.	E-mail	9/24/2004	
18820	TEXTILE SALES, INC	Free	9/29/2004	
12369	The Art Department	Free	9/23/2004	
12693	the liberty store	Free	10/7/2004	
18284	THE PARKER GROUP, INC.	E-mail	9/30/2004	
14994	The Towne Companies, LLC d/b/a Sew Devine	E-mail		

18558	Totally Stitchin'	Free	9/29/2004	
15005	Tournaments USA	E-mail		
12607	Uniforms Manufacturing, Inc.	E-mail	9/23/2004	
14903	Unique Expressions	E-mail		
13359	Unitex Direct, Inc.	E-mail		
17758	Uproar Communications Ltd.	Free	9/23/2004	
11123	USA Patch Company	E-mail	9/30/2004	
14785	Weingartz	E-mail	9/29/2004	
14561	Work'n Gear	E-mail	9/23/2004	
15709	Zatkoff Sport-Plex	E-mail		

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August 8, 2005

TO: John Szerlag, City Manager

FROM: John M. Lamerato, Assistant City Manager Finance/Administration
Jeanette Bennett, Purchasing Director
Gert Paraskevin, IT Director
William S. Nelson, Fire Chief

SUBJECT: **Agenda Item** - Standard Purchasing Resolution 6: Grant Approval And Authorization To Expend City Funds - Safer Star Software and Associated Equipment

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RECOMMENDATION

City management recommends that the Troy City Council approve the use of funds received from a Homeland Security Critical Infrastructure Grant through the State of Michigan and authorizes the purchase of Safer Star Software from Safer Systems, LLC, of Camarillo, CA, the sole provider of this proprietary software, for an estimated cost of $300,000.00.

BACKGROUND

The City of Troy has received a Homeland Security Critical Infrastructure Grant from the State of Michigan for $300,000 to purchase Safer Star Project Software and associated equipment. This software, which will be used by the Special Response Unit, integrates air monitoring sensors, meteorological sensors, and GIS data to provide real-time plume modeling for chemical releases. This software and hardware is in use by every major railroad in the United States and Canada and is also used by many petrochemical facilities.

Safer Systems is the only vendor that has a real-time application capable of integrating the monitoring instrument data, meteorological data, and GIS data to provide multiple modeling modes for chemical releases.

This is a 100% state funded project with no local match. Troy has been selected as the first regional Response Team in the state to implement this capability.

BUDGET

The resolution amends the Fire department budget to receive the grant funding and allows it to be expended on the designated items.

MICHIGAN STAR

Quote: BG4179R2 (4 Met Stations)

SAFER Systems, LLC.
5141 Verdugo Way, Suite B
Camarillo, CA 93012, USA
Toll Free (USA): 800-621-7237 Tel: 805-383-9711
Email: sales@safersystem.com Fax: 805-383-6344

Name:	William S. Nelson
Company:	City of Troy Fire Department
Address:	500 West Big Beaver Rd. Troy, MI 48084-5254
Tel:	248-524-3419

Question? Please Call
Bob Gerow
1-800-621-7237 ext143

Date: **July 25, 2005**

Quote Expires: **August 30, 2005**

SAFER STAR PRIMARY and CLIENT LICENSE

SAFER REF #	Description	Qty	Unit Cost	Total
STAR-DIS-1	**SAFER STAR Dispersion Model Basic Package:** **STAR-610:** Evaporation and Dispersion Model **STAR-611:** Fire & Explosion Model **STAR-621:** Tank & Pipe Model **STAR-622:** Back Calculation Model **STAR-623:** Multi-component Evaporation Model **STAR-631:** Hydrogen Fluoride Model **STAR-651:** Infiltration Model **STAR-671:** Data Acquisition Server **STAR-673:** Meteorological Monitor **STAR-675:** Quick Response **STAR-641:** Complex Terrain Dispersion Model **STAR-643:** Generation Windfield in Complex Terrain	**1**	**$95,000**	**$95,000**
STAR-DIS-C1	**Client License** - for running identical copy of software at a remote location for back-up and support purposes. Remote or additional systems require their own met station. **PLEASE NOTE:** This is also the cost of client copies for deployment to additional Departments and Municipalities in Michigan to collect and share met data and conduct plume dispersion and consequence analysis. The flexibility to share data and use it on-line is available when the client has access to a state government TCP-IP intranet and they purchase a license copy of the software and met tower for their use. Alternately, data can also be obtained from existing air monitoring networks given the implementation of the proper information exchange protocols. Please contact SAFER Systems L.L.C. for additional information and costs related to custom connectivity and communication protocols.	**1**	**$14,250**	**$14,250**
			SUB-TOTAL	**$109,250**

MICHIGAN STAR

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ANNUAL SOFTWARE SUPPORT, LICENSING & UPGRADES

NOTE: As requested, SAFER Systems LLC will provide 7 years of software support, licensing and upgrades for the discounted cost of our 5 year program. This includes the 20% discount from the regular 5 yr support program cost and an additional 2 years of support for a total of 7 years of coverage. Support will be invoiced in a single lump sum with the software upon receipt of the purchase order.

SAFER REF #	Description	Qty	Unit Cost	Total
RDS-SPT-1	Annual Software Support for Years 1-5 (5 Years Total) (20% of software list price)	5	$21,850 Per Year	$109,250
DISCOUNT-1	20% Discount Per Year for 5 Year Commitment	5	($4,370) Per Year	($21,850)
DISCOUNT-2	Two (2) additional years of software support and upgrade in recognition for the 5 yr lump sum payment.	2	Incl.	Incl.
	Lump sum payment for 7 years of Software Support and Upgrades			**$87,400**

MICHIGAN STAR

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ENGINEERING SERVICES & DATA				
SAFER REF #	**Description**	**Qty**	**Unit Cost**	**Total**
SRV-641	**CUSTOM GIS DATA INTEGRATION FOR MICHIGAN – Client will provide ESRI based *.shp files for use in SAFER STAR.** Customer to provide all initial map information in ESRI SHP file format. Customer to provide all receptor information (locations of concern like schools, churches, hospitals, day-care centers etc.) SAFER to interpret, integrate and test data in system. Budget 3 days for state map data integration.	3	1,250	$3,750
STAR-644	**PRIMARY AND CLIENT USER LICENSE – TOPOGRAPHICAL TERRAIN DATA FOR THE STATE OF MICHIGAN –** Formatted and processed for use in SAFER STAR.	1	$6,210	$6,210
SFT-633	**SCENARIO DEVELOPMENT-** Development of 50 pre-defined, custom scenarios	50	$110	$5,500
STAR-TRN-1	**SAFER STAR TRAINING** Initial 3-day licensee training to be conducted at customer provided location in Michigan (includes travel and hotel expenses). Customer to provide suitable workstations for students for the duration of training session.	1	$6,500	$6,500
STAR-SRV-650	**Annual Training Support Program**		TBD	
STAR-SRV-651	**Annual Met Audit Support Program**		TBD	
			SUB-TOTAL	**$21,960**

MICHIGAN STAR

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1-800-621-7237 ext143

Date: **July 25, 2005**

Quote Expires: **August 30, 2005**

METEOROLOGICAL HARDWARE				
SAFER REF #	**Description**	**Qty**	**Unit Cost**	**Total**
SWP-S1517	**SAFER WEATHERPAK 2000 – RAE Radio Telemetry**	**4**	**$18,012**	**$72,048**
S1030	**WEATHERPAK®-2000** - ZENO 3200 Data Logger with 32-bit microprocessor, A/D circuitry, signal conditioning, transient protection, heavy-duty mil-spec waterproof housing, 256KB data storage, ZENOSOFT Operating Software, METEXPERT Self-diagnostic programming.			
S1510W	**Sensor** – Wind Monitor, Ultrasonic "No-Moving-Parts", 0-134 Mph			
S1085W	**Sensor** - Compass - built-in, electronic fluxgate. Automatically finds true north to determine wind direction. Recommended for portable use.			
S1276W	**Sensor** - Relative Humidity and Air Temperature - Accuracy - AT +/- 0.4° C, RH +/-2%			
S1114Z	**Sensor –** Removable Solar Radiation Sensor Shortwave, 5%			
S1010	**Custom Mounting Arm –** for Solar Radiation Sensor w/mil Spec connector.			
S0511	Additional Junction Box Terminal for Solar sensor.			
S1064W	**Radio Transmitter** – integrated 900MHz RAE Systems radio modem			
S1521W	**Power Supply** – Outdoors Rated, 110VAC, 12 VDC			
S1522W	**Cable** - Custom, Power cable, Includes Mil-Spec connectors and "pig-tail" connector for user supplied battery and "pig-tail" for A/C power supply.			
S1519W	**Tower/Tripod** - Heavy-duty aluminum, 3 meter, junction box, quick release and 9 D-cell batteries.			
ABSNPN	**ABS Carry Case:** Hard-Sided Triangular Case With Custom Cut Foam Inserts.			
			SUB-TOTAL	**$72,048**

MICHIGAN STAR

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Date: **July 25, 2005**

Quote Expires: **August 30, 2005**

Available Met System Options		
SAFER REF #	**DESCRIPTION**	**Unit Cost**
S1336	**POWER OPTION** – Sealed Lead Acid Gel Cell, 12VDC, 38AH with mount	**$265**

HARDWARE NOTES:

This is a fully integrated and self contained, portable solution with various power supply options. The client is responsible for radio licensing and any custom communication, power, tower deployment and anchoring configurations.

SYSTEM CPU (Primary & Client Systems)				
SAFER REF #	**Description**	**Qty**	**Unit Cost**	**Total**
STAR-PC	**Notebook Computer** – Pentium 4 @ 2.8 GHz, 512MB RAM, 80 GB HD, CD / DVD Burner, Extra Battery, MS Win XP Pro, MS Office Pro, Norton Anti Virus, Nylon Carry Case, configured and set up for wireless data monitoring from RAE Systems RAELink and WeatherPak systems.	**2**	**$3,300**	**$6,600**
			TOTAL	**$6,600**

MICHIGAN STAR

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1-800-621-7237 ext143

Date: **July 25, 2005**

Quote Expires: **August 30, 2005**

QUOTATION SUMMARY	
Software for Primary and Client / Back Up SAFER STAR License	$109,250
**7 years of Annual Software Support & Licensing	$87,400
Engineering Services and data purchase: Customer GIS Data Implementation, Digital Elevation Model Data, Pre-Defined Scenario Development, User Training	$21,960
Meteorological Hardware (portable wireless met stations)	$72,048
CPU – Laptops for running Primary and Client / Back Up systems	$6,600
TOTAL	**$297,258**

****PLEASE NOTE:**

SAFER Systems LLC will provide 7 years of software support, licensing and upgrades for the discounted cost of our 5 year program with the customers' upfront support program payment. This includes the 20% discount from the regular 5 yr support program cost and an additional 2 years of support for a total of 7 years of coverage. Support will be invoiced in a single lump sum with the software upon receipt of the purchase order.

Purchase of SAFER Software is subject to Terms and Conditions of SAFER Software License and Support Agreement

Notes:

1. Prices quoted are in U. S. Dollars and exclude taxes, VAT, import duties, freight or any other miscellaneous charges.
2. Software support for this proposal is included in for a period of 7 years from the date of installation and training.
3. Software support fee will be adjusted if any optional software modules or clients are purchased.
4. The cost of future purchases will be based on the then retail prices.
5. Payment terms are net 30 on approved accounts for all U.S. orders and L/C for international orders.
6. Payment terms for software support, hardware, training and services are net 30 days.

E-04c

August 11, 2005

OK
JP

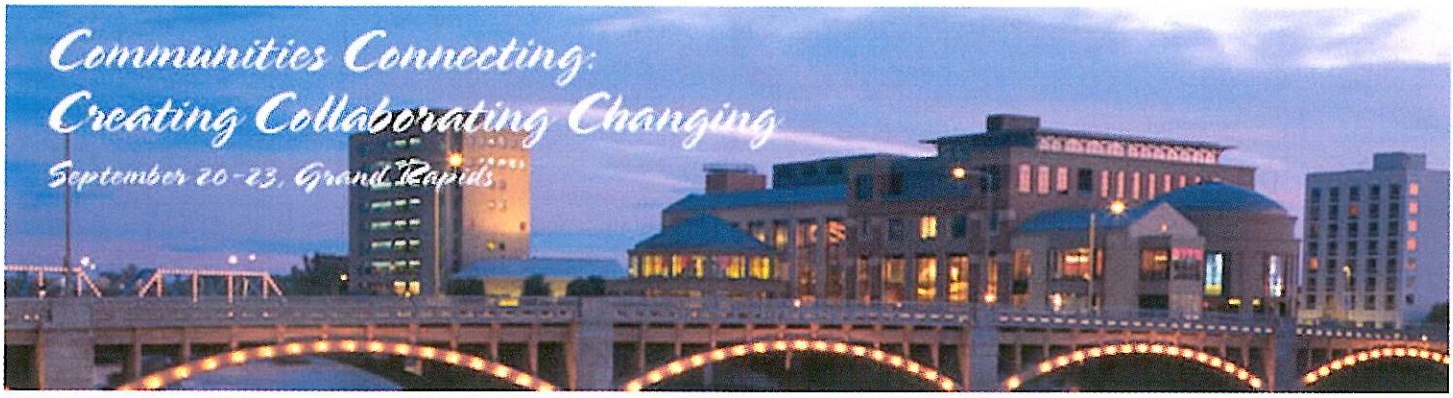
TO: John Szerlag, City Manager

FROM: Mary Redden, Office Coordinator MR

SUBJECT: Agenda Item – Standard Purchasing Resolution 10
Travel Authorization and Approval to Expend Funds for Troy City Council Members' Travel Expenses - Michigan Municipal League 107th Annual Convention

Authorization is requested for Council Members' attendance of the MML's 107th Annual Convention to be held in Grand Rapids from September 20 – 23, 2005.

Council Members may submit registrations materials to me if they wish, and I can handle registration and travel arrangements using our department's procurement card.



Convention Information

- Why Should you attend?
- Schedule-at-a-Glance
- Parade of Flags
- Great Communities
- Expo
- Mobile Workshops
- Silent Auction
- Affiliate Events
- Guest Tours
- General Information

Registration Forms (pdf)

- Session Interest Form
- Registration Form
- Guest Registration Form
- Student Registration Form
- Great Communities Form
- Parade of Flags Form
- PreConvention Sessions Form
- Housing Form
- Complete Information

PreConvention Sessions

- Effective Human Resources Systems
- City Income Tax: Is it Right for Your Community?
- The Freedom of Information Act
- Shaping Your Community's Image
- Tax Abatement: Past Practice and Current Policy Implications
- Registration Policies

Convention Resources

- COMING SOON!
- Convention Updates
- Convention Communique
- Session Handouts
- Sponsors

Michigan Municipal League, 1675 Green Road Ann Arbor, MI 48105 - Phone 734-662-3246 or 800-653-2483 - Fax 734-662-8083

Michigan Municipal League
Serving Michigan Cities and Villages Since 1899

Training/Events Library Legislative Insurance Classifieds Links Listserves Search

Training & Events

- MML Home
- League Calendar
- Convention
- Legislative Conference
- Regional Meetings
- Training Seminars
- On-Site Seminars
- Elected Officials Academy
- Speaker Bureau

Training Seminars - September 2005

Scheduled Seminars

9/20/05 - Effective Human Resources Systems - Grand Rapids

9/20/05 - City Income Tax: Is it Right for Your Community? - Grand Rapids

9/20/05 - Shaping Your Community's Image- Signs, Landscaping and Aesthetics - Grand Rapids

9/20/05 - Tax Abatement — Past Practice and Current Policy Implications - Grand Rapids

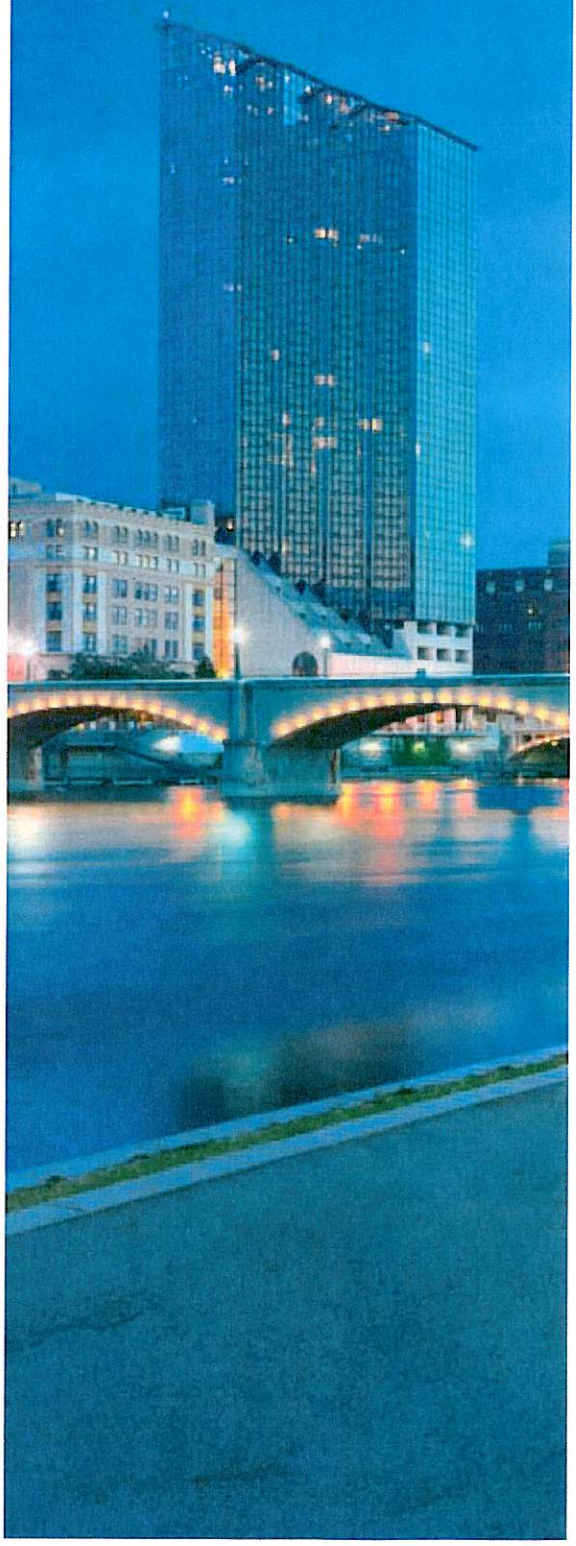
9/20/05 - The Freedom of Information Act - Grand Rapids

Back to Education Calendar

Michigan Municipal League, 1675 Green Road Ann Arbor, MI 48105 - Phone 734-662-3246 or 800-653-2483 - Fax 734-662-8083

We're planning our best convention ever!

Join us September 20-23, 2005 at
the Amway Grand Plaza Hotel and
DeVos Place Convention Center in Grand Rapids



Why Should You Attend?

As a community leader you are the connection between the citizens you represent and the responsible governance they expect. When you take part in the Michigan Municipal League convention you will have the chance to share your ideas and brainstorm with other officials about the difficult issues facing your community.

At the convention you will find sessions that will give you vital skills and background information on a vast array of topics including municipal finance, grantwriting, downtown development, transportation, brownfield redevelopment and media partnerships.

Join Michigan's municipal leaders at this year's MML convention and take home new solutions to share with the citizens you represent.

Convention Program

- General sessions by best-selling author David Osborne; National League of Cities President Anthony Williams; and President and CEO of the Manchester Craftsmen's Guild in Pittsburgh, PA Bill Strickland
- Over 35 information packed concurrent sessions presented by experts in their fields
- Handouts available online prior to the start of convention at www.mml.org. Print the handouts for the sessions you will be attending and bring them with you. When you pick up your name badge you will be given a binder to keep all your handouts together, take additional notes and create a valuable resource to use and share with others back home.

Networking Opportunities

Networking is a proven way to find solutions to the issues facing your community. Be sure to introduce yourself to the officials you'll see during these networking events.

- Great Communities Welcoming Reception
- Achievement Awards Lunch
- Host City Reception
- Affiliate Lunches
- Michigan Women In Municipal Government High Tea
- Banquet
- Afterglow Party
- Closing Breakfast

Parade of Flags

Wave your colors proudly and participate in the convention's exhilarating opening event. Every year officials from communities around the state proudly show their colors in the Parade of Flags demonstrating the strength and pride of Michigan cities and villages. Wouldn't you like to be a part of the action?

A representative of your community will carry the flag on its staff during the ceremony. After the parade and throughout the convention, the flags will be on display in the Amway Grand Plaza Hotel lobby.

Specific information about the Parade of Flags is available at www.mml.org and will be sent to you after we receive your Parade of Flags registration form.

Great Communities Welcoming Reception

Waving your colors in the Parade of Flags isn't the only way to show your pride. Make sure everyone can see the great things happening in your municipality and join us for the Great Communities Welcoming Reception on Tuesday, September 20, 2005, 5:00-9:00 pm. Communities will have an 8-foot table to highlight a project, future downtown plans, festival, special events or a noted local business. This is a great opportunity to share the beauty and unique features of your city and village. You know how great your community is; why not let everyone else know exactly why your community counts!

Specific information on creating a display is available at www.mml.org and will be sent to you after we receive your Great Communities Welcoming Reception registration form.

Expo

The Exhibit Hall hours:

- Tuesday, September 20, 5:00-9:00 pm
- Wednesday, September 21, 8:00 am-3:00 pm

Mobile Workshops

Wednesday, September 21, 2005 –
Arts, Historic Renovation and Preservation Mobile Workshop

Thursday, September 22, 2005 –
Water, Environmental and Building Green Mobile Workshop

Sign up for one of the mobile workshops to see just why Grand Rapids is a Cool City! On Wednesday participants will visit the Avenue for the Arts, Heritage Hill and Millennium Park. On Thursday attendees will enjoy a tour of the City of Grand Rapids Water and Environmental Services Building, the Wastewater Treatment Plant and a retail development which uses green technology that is compatible with historic district standards.

Mobile workshop participants – you must sign up for the mobile workshop you plan to attend at the MML registration desk before getting on the bus. Space is limited to 50 people.

"No matter how much you think you know about municipal affairs, when you go to the League convention you'll find out that there is still more to learn. The glass never fills and the League keeps filling your glass with information from the experts in their field. No fluff, just good solid information.

Each year, at the business meeting, the goals and policy needs of municipalities are debated and voted on. This is not a wish list, it's the conscience of good municipal government. Through the years many of these dreams have become a reality. This is because many come from cities all over the state, big and small, and we speak as one loud, rational voice.

It's not all work, work, work. When the day's sessions are over there is that wonderful hospitality of the host community that wants to show off their city as the fine place it is. Just for example, what could top the City of Detroit's reception at the Detroit Institute of Arts or the City of Dearborn's reception at the Henry Ford Museum at Greenfield Village?
I can only imagine what a great time Grand Rapids has in store for us!"

– Gary Tuzinowski
Councilmember
Algonac

Thank you to our generous sponsors!

(List includes commitments through June 3, 2005)

Platinum Level ($5,001+)

- **Dickinson Wright PLLC**
  Delegate Tote/Binders
- **Hewlett Packard Company**
  Cyber Café and Convention Banners
- **International Transmission Company**
  Opening General Session
- **MuniVEST Financial Group, LLC**
  Thursday Colloquium Session with David Osborne and Project Showcase Session
- **Plunkett & Cooney, PC**
  MML Foundation Silent Auction

Gold Level ($3001-$5000)

- **Consumers Energy**
  Friday Closing Breakfast with Bill Strickland
- **DTE Energy**
  Thursday Councilmembers/Youth Luncheon
- **Garan Lucow Miller, PC,**
  Tuesday Celebrating Great Communities Welcoming Reception
- **Michigan Local Government Management Association,**
  Thursday Colloquium Session with David Osborne
- **Republic Services of Michigan**
  Thursday Afterglow Dance Party
- **Secant Technologies**
  Cyber Café

Silver Level ($1001-$3000)

- **Concrete Paving Association of Michigan**
  Mobile Workshop Session
- **Earth Tech, Inc.**
  Mobile Workshop Session
- **Fishbeck, Thompson, Carr & Huber**
  Mobile Workshop Session
- **Kalamazoo BannerWorks by Consort**
  Convention Banners
- **Private Label**
  Custom Labeled Bottled Water
- **Smart Office Systems**
  Furniture in MML Expo Areas
- **TBF Graphics**
  Printing of Convention Program
- **Terra Land Group**
  Project Showcase Session
- **Wilcox Professional Services**
  Project Showcase Session

Bronze Level (under $1000)

- **Miller Canfield Paddock & Stone, PLC**
  Oppenheimer & Co., Inc.
  Wade Trim
  Co-Sponsored Hospitality Suite

Elected Officials Academy

By attending the convention you can earn Elected Officials Academy credits. These credits will help officials enrolled in the Academy to achieve Level One: Education Award, Level Two: Leadership Award or Level Three: Governance Award. Eligible activities include:

- Attending the Convention
  (4 convention/conference credits total, 2 per day)
- Attending a Pre-Convention Workshop
  (up to 6 education credits)
- Serving as a panelist or speaker
  (2 leadership credits)
- Serving as a moderator, invocator or volunteer
  (1 leadership credit)
- Coordinating and staffing your community's display in the Great Communities Welcoming Reception
  (1 leadership credit)
- Writing an article for the *Convention Communiqué*
  (2 leadership credits)

Dress Code

Business casual. On Thursday of the convention, please wear your community pride on your sleeve. Shirts! Hats! Buttons! Pins! You decide. Many people like to dress up for the banquet on Thursday evening.

Housing

The host hotel is the Amway Grand Plaza Hotel. You will find the housing reservation form on our website at www.mml.org. You may download the form and fax it to the hotel at 616-458-6641. Please call the hotel at 800-253-3590 with questions about reservations.

Questions

Visit the MML web site at www.mml.org, call us at 734-662-3246 or 800-653-2483 or write to MML Convention, PO Box 1487, Ann Arbor, MI 48106-1487.

Photographs

Photographs in this brochure are courtesy of the Grand Rapids/ Kent County Convention and Visitors Bureau.

Schedule At-a-Glance

Tuesday, September 20, 2005

9:00 am-4:00 pm ..... Full-day pre-convention workshops: Effective HR Systems; City Income Tax
1:00-4:00 pm ..... Afternoon pre-convention workshops: The Freedom of Information Act; Shaping Your Community's Image; Tax Abatement
2:00-7:00 pm ..... MML Convention Registration open
2:00 pm ..... MML Board of Trustees meeting
4:15-5:15 pm ..... Volunteers meeting
5:00-9:00 pm ..... Great Communities Welcoming Reception; Expo open; Silent Auction Viewing
9:00 pm ..... Hospitality Suites open

Wednesday, September 21, 2005

7:30 am ..... MML Convention Registration open
8:00 am ..... Continental Breakfast; Expo open; Silent Auction open; First Timer Attendee/Student Orientation; *Communiqué* room open
9:00 am ..... Opening general session: Presentation of Colors; Parade of Flags; Legislative Priorities from NLC President and Washington DC Mayor Anthony Williams
10:15-10:45 am ..... Refreshment break in the Expo
10:45 am ..... MML Annual Business Meeting
12:30-1:45 pm ..... Michigan Municipal Achievement Awards Lunch
1:45-2:30 pm ..... Dessert break in the Expo
2:45-4:00 pm ..... Concurrent sessions
3:00 pm ..... Expo/Silent Auction closes
4:00-4:15 pm ..... Refreshment break
4:15-5:30 pm ..... Concurrent sessions; MBC-LEO affiliate meeting
6:00-8:00 pm ..... Host City Reception: Van Andel Museum
8:00 pm ..... Hospitality Suites

Thursday, September 22, 2005

7:30 am ..... Registration open; Continental breakfast
9:00 am ..... Downtown Consultation Clinics
9:00 am ..... General session: MLGMA Colloquium – The Price of Government, David Osborne
10:30-11:00 am ..... Networking break
11:00 am-noon ..... General session: MML Strategic Plan, Daniel P. Gilmartin and MML Board of Trustees
12:15 pm ..... Affiliate Lunches: MLGMA; MAM; Council/Student Delegates; MAMA
2:15-3:30 pm ..... Concurrent sessions; MAMC affiliate meeting
3:30-3:45 pm ..... Refreshment break
3:45-5:00 pm ..... Concurrent sessions; MWIMG High Tea
6:30 pm ..... Reception
7:00 pm ..... Annual Banquet: Presentation of Awards of Merit and Honorary Life Membership
9:00 pm ..... Afterglow Dance Party

Friday, September 23, 2005

8:30 am ..... Closing breakfast: The Revitalizing of a Community through Creativity, Bill Strickland; Prize Drawing!

Guest Tours

Lakeshore Lunch and Shopping

Wednesday 9:00 am-4:30 pm $28.00

Enjoy shopping and lunch in beautiful Saugatuck. This trendy and artsy community is often referred to as the "Cape Cod of the Midwest." There are a multitude of galleries, antique shops and lakeshore activities to tempt you. In the afternoon you'll enjoy a visit to the boardwalk in charming Grand Haven, home of the world's largest musical fountain. The boardwalk is 2½ miles along the Grand Haven Harbor and is lined with shops, restaurants and marinas. For those who prefer boat watching, there are plenty of grassy knolls and benches. (www.saugatuck.com; www.grandhaven.org)

Gerald R. Ford Museum

Wednesday & Thursday 9:00 am-5:00 pm $4

Within walking distance of the Amway Grand Plaza Hotel. This museum allows visitors to participate in history, not just view it, while reviewing the highlights of the lives of President and Mrs. Ford. The museum evokes emotions that stimulate learning, reflection and a sense of democratic citizenship. The permanent exhibits are the core of the museum's program, however you may also enjoy special exhibits, such as Bob Hope: American Patriot.

Frederik Meijer Gardens and Robinette's Apple Haus and Gift Barn

Thursday 9:00 am-1:30 pm, lunch included, $20

Ten minutes from downtown Grand Rapids is the 125-acre Frederik Meijer Gardens and Sculpture Park, where you'll see the monumental Leonardo da Vinci Horse and over 120 other sculptures, as well as Michigan's largest indoor conservatory. After lunch you'll visit Robinette's Apple Haus and Gift Barn. The Apple Haus houses a bakery, cider mill, home grown fresh fruits in season and a variety of other tasty treats and gift boxes. Take a stroll through the apple room where you can get the feel (and a taste!) of their fruit production.

Grand Lady Riverboat

Thursday 1:45-4:00 pm $15

Take a ride on the Grand Lady Riverboat, just a short jaunt away in Grandville – the "city of churches and parks." You will see the river landings and town sites of the 1800's while cruising this scenic stretch of the river.

Grand Rapids attractions

There are many things to do within walking distance of the hotel and convention center: 2½ mile riverwalk; four museums; performing arts; exciting nightlife with live entertainment; unique restaurants; and over 50 outdoor sculptures. For details visit www.grandrapidsattendee.com.

WEB

MML Convention 2005 Delegate Registration Form

Fax with credit card payment to 734-662-8083 or

Fax to 734-662-8083 then **mail with check** payable to Michigan Municipal League to:
MML Convention, PO Box 7409, Ann Arbor, MI 48107-7409.

Delegate Registration Fee

The delegate registration fee includes all educational sessions, handouts, refreshment breaks, access to the Expo, receptions and meal events except the Banquet and the Women in Municipal Government High Tea. First time attendee discount is only for members who are first time attendees and are registering for the full convention.

Convention Registration	Before 8/15 with payment	After 8/15 with payment	On-site/Without payment	Non member/Vendor	Total
Full Registration	☐ $329 (AA)	☐ $385 (AB)	☐ $430 (AC)	☐ $460 (AD)	$
First Time Attendee Discount	☐ $269 (AE)	☐ $325 (AF)	☐ $370 (AG)	N/A	$
Wednesday Only Registration	☐ $165 (AH)	☐ $205 (AI)	☐ $260 (AJ)	☐ $285 (AK)	$
Thursday Only Registration	☐ $165 (AL)	☐ $205 (AM)	☐ $260 (AN)	☐ $285 (AO)	$
				Registration Total	$

Municipality

Name

Title

Business/Municipal Address

City, State, Zip

Daytime Phone

Fax Number

Delegate Email Address (for your convention confirmation)

First Name for Badge

☐ I will bring a student from my city/village.
(Please complete the Student Registration Form.)

☐ I will bring a guest.
(Please complete the Guest Registration Form.)

☐ I will attend the Great Communities Welcoming Reception on Tuesday September 20, 2005. (DA)

☐ I will attend the Host City Reception on Wednesday September 21, 2005. (DB)

☐ This is my first convention. (FA)

☐ I will attend the First Time Attendee Orientation. (FB)

☐ I volunteer to write for the *Convention Communiqué*. (FC)

Additional Delegate Fee Events

MWIMG High Tea ($25) (DH) $_____

Banquet ($50) (DI) $_____

Additional Event Total $_____

Guest/Student Event Totals

Guest Event Total $_____

Student Event Total $_____

Guest/Student Event Total $_____

Payment Type

Total Fees $_____

Please check one:

☐ Check ☐ Visa ☐ MasterCard ☐ Discover ☐ Amex

Check #

Card # Expiration Date

Cardholder Name

Authorized Signature

Special Needs

☐ If you require special arrangements related to facility access, communication and/or diet, please attach a separate sheet describing your requirements. We are not able to accommodate such requests on site. (FD)

Cancellation Policy

All cancellations must be submitted in writing and are subject to a $60.00 cancellation fee. No refunds will be given for cancellation requests received after Monday September 12, 2005. Mail cancellation requests to MML, PO Box 1487, Ann Arbor, MI 48106-1487 or FAX them to 734-662-8083.

Pre-Convention Sessions

To register for pre-convention sessions, use the Pre-Convention Sessions Registration Form.

New! $269 First Time Attendee Pricing

If you have never attended an MML convention, register today and see for yourself why officials are saying the MML convention is the best convention they've attended.

Price Saving

The registration fee reflects a 20% savings from previous years, thanks to our generous sponsors.

Registration fee includes

- Tuesday Welcoming Reception
- Wednesday Continental Breakfast
- Wednesday Awards Lunch
- Wednesday Host City Reception
- Thursday Continental Breakfast
- Thursday Affiliate Lunches
- Thursday Afterglow Party
- Friday Closing Breakfast
- All concurrent & general sessions & mobile workshops

Guest Registration Form

Municipal officials must use the delegate registration form.

1. **Only one guest registrant per form, please. You may duplicate this form as necessary.**

Municipality: _____

Name of Guest: _____

Nickname for Badge: _____

Name of Delegate: _____

2. **Guest Registration**

The guest registration fee is $55. It includes receptions and entitles your guest to attend convention sessions or to register for guest tours and to buy event/meal tickets.

	Fee	Amount
Guest Registration Fee	$55	_____ (BA)

3. **Guest Event/Meal Tickets**

Wed Awards Lunch	$25	_____ (DC)
Thur Lunch		
Attorneys (MAMA)	$25	_____ (DD)
Council/Student	$25	_____ (DE)
Managers (MLGMA)	$25	_____ (DF)
Mayors (MAM)	$25	_____ (DG)
Thur MWIMG High Tea	$25	_____ (DH)
Thur Annual Banquet	$50	_____ (DI)
Fri Closing Breakfast	$20	_____ (DJ)

4. **Guest Tours**

Lakeshore Lunch and Shopping - Wed	$28	_____ (EA)
Gerald R. Ford Museum - Wed	$ 4	_____ (EB)
Gerald R. Ford Museum - Thur	$ 4	_____ (EC)
Frederik Meijer Gardens - Thur	$20	_____ (ED)
Grand Lady Riverboat - Thur	$15	_____ (EE)

Guest Event Total _____

Please write this amount on the line for "Guest Event Total" on the delegate registration form.

5. **Receptions**

☐ Guest will attend the Great Communities Welcoming Reception on Tuesday September 20, 2005. (DA)

☐ Guest will attend the Host City Reception on Wednesday September 21, 2005. (DB)

6. **Special Needs**

☐ If you require special arrangements related to facility access, communication and/or diet, please attach a separate sheet describing your requirements. We are not able to accommodate such requests on site. (FD)

7. **Cancellation Policy**

Cancellation requests may be made by fax to 734-662-8083 or in writing to MML, PO Box 1487, Ann Arbor, MI 48106-1487. Cancellations must be received by September 12, 2005.

Please mail or fax this form with the delegate convention registration form & payment.

Student Registration Form

1. **Only one student registrant per form, please. You may duplicate this form as necessary.**

Municipality: _____

Name of Student: (CA) _____

Nickname for Badge: _____

Name of Sponsor: (CB) _____

Sponsor's Daytime Phone: _____

2. **Photo Release**

During the convention we take photographs of events and sessions. Please have the student's parent or guardian complete the section below so that we may use photographs that include students.

* * * *

I grant my permission for photographs taken at the Michigan Municipal League Convention that include my son/daughter to be published in the following ways. (Please check the boxes representing the media you are granting permission for.)

☐ MML printed materials (CC)

☐ local newspapers or other publications (CD)

☐ MML promotional CD (CE)

☐ MML web site (CF)

Parent/Guardian Signature: _____

Date: _____

3. **E-mail address to receive group photo file**

_____

4. **Student Event/Meal Tickets**

Wed Awards Lunch	$25	_____ (DC)
Thur Council/Student Lunch	$25	_____ (DE)
Thur MWIMG High Tea	$25	_____ (DH)
Thur Annual Banquet	$50	_____ (DI)
Fri Closing Breakfast	$20	_____ (DJ)

Student Event Total _____

Please write this amount on the line for "Student Event Total" on the delegate registration form

5. **First Time Attendee Orientation**

☐ Student delegate will attend (FB)

6. **Receptions**

☐ Student delegate will attend the Great Communities Welcoming Reception on Tuesday September 20, 2005. (DA)

☐ Student delegate will attend the Host City Reception on Wednesday September 21, 2005. (DB)

7. **Special Needs**

☐ If you require special arrangements related to facility access, communication and/or diet, please attach a separate sheet describing your requirements. We are not able to accommodate such requests on site. (FD)

8. **Cancellation Policy**

Cancellation requests may be made by fax to 734-662-8083 or in writing to MML, PO Box 1487, Ann Arbor, MI 48106-1487. Cancellations must be received by September 12, 2005.

Please mail or fax this form with the delegate convention registration form & payment.

MML Foundation

Annual Silent Auction, Tuesday and Wednesday, September 20-21, 2005

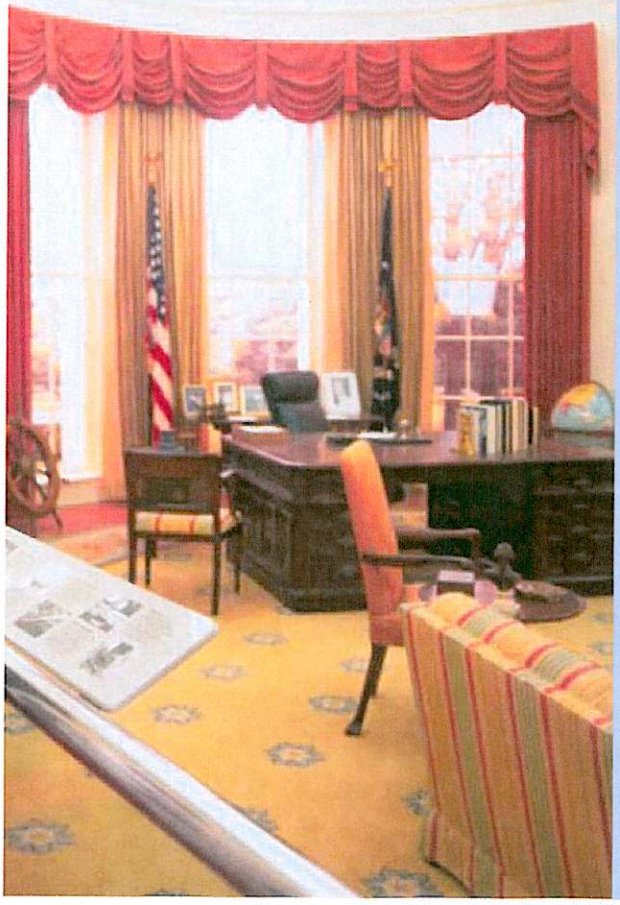
All proceeds of the Silent Auction Fundraiser benefit the Michigan Municipal League Foundation. Your community can help by donating an auction item!

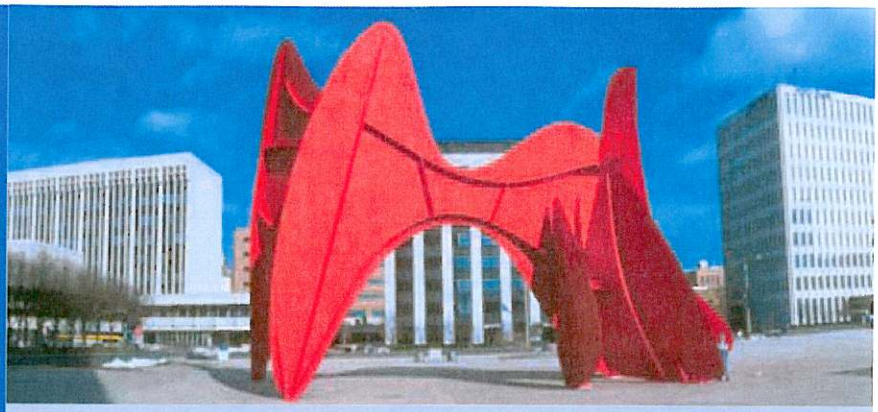
- Bring visitors to your community by donating a weekend getaway for two.
- Promote your local businesses by encouraging them to contribute their wares.
- Highlight your resident artists by donating a painting or photograph.
- Show off a local restaurant, theater, festival, ski resort or golf course by donating a pass to an outing, performance or meal.

For more information on donating an item call Terri Murphy at 734-669-6342.

Silent Auction books will be available at the MML registration desk and at the Silent Auction display area. Items will be on display on Tuesday and Wednesday. Highest bidders will be announced on Wednesday afternoon.

Oval Office of the Ford Museum





MML Affiliate Events

Michigan Association of Municipal Attorneys (MAMA)

Fall Meeting, Wednesday & Thursday, September 21-22, 2005

This event offers an ideal opportunity to network with other municipal attorneys and gain a great deal of information and problem-solving ideas. **NEW for 2005,** the Fall Meeting will be expanded to a two day session including educational seminars coordinated with Michigan Municipal League Convention seminars. Educational topics include:

- Background check liability
- The Fair Labor Standards Act
- New challenges in the electronic age
- Ethics surrounding conflicts of interests, gifts and gratuities and improper disclosure of confidential information

The Annual Meeting and lunch will take place on Thursday, September 22, 2005 and the lunch keynote speaker will be Judge Sara Smolenski of the Michigan 63rd District Court. There will also be updates on legislative issues provided by the Michigan Municipal League's State and Federal Affairs Division. Finally, you'll enjoy the perennial favorite "cracker barrel," where attorneys will discuss experiences, issues and conundrums.

Michigan Association of Mayors (MAM)

Annual Lunch and Business Meeting
Thursday, September 22, 2005

All mayors and village presidents are invited to attend the mayors' lunch and business meeting.

Michigan Association of Municipal Clerks (MAMC)

Affiliate Meeting, 2:15-3:30 pm, Thursday, September 22, 2005

Clerks are invited to attend the annual affiliate meeting.

Michigan Local Government Management Association (MLGMA)

Annual Lunch, Thursday, September 22, 2005

Capitalize on the opportunity to interact with other MLGMA members during the managers' lunch.

Michigan Women in Municipal Government (MWIMG)

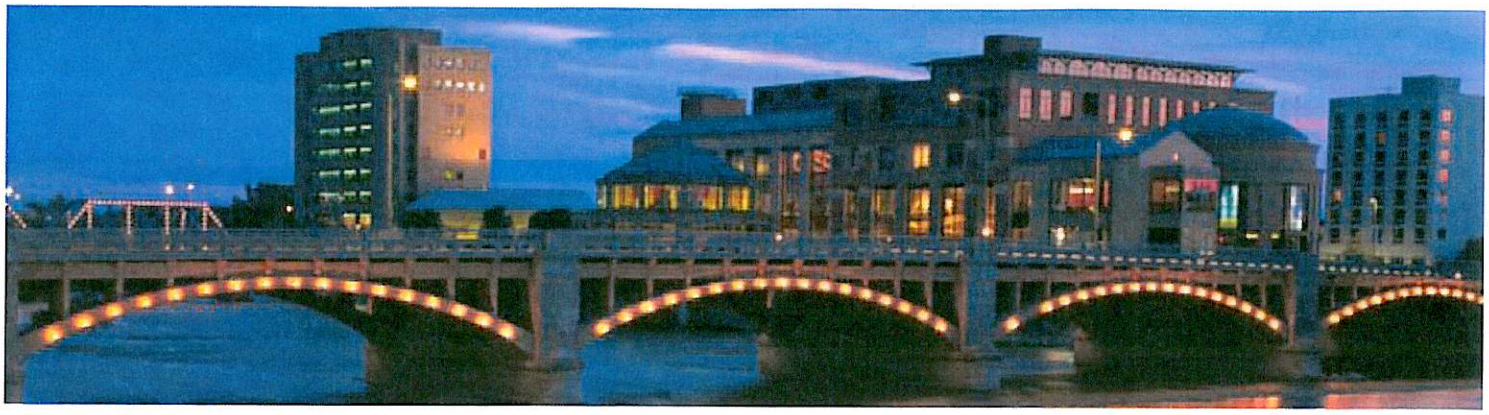
High Tea, 3:45 pm, Thursday, September 22, 2005

Come meet new people, renew old friendships and just talk. It's the best way to find out what's going on around the state and learn how women positively affect leadership in local government.

Michigan Black Caucus - Local Elected Officials (MBC-LEO)

Affiliate Meeting, 4:15-5:30 pm, Wednesday, September 21, 2005

Take this opportunity to meet and interact with other MBC-LEO members.



Great Communities Welcoming Reception Display Registration

Municipality _____

Contact Person _____

Title _____

Phone _____

Fax _____

Email _____

To set up a community display in the Great Communities Welcoming Reception on Tuesday September 20, 2005:
Fax this form to Erica Hagendorff at 734-662-9399 or mail it with your delegate registration form.

Parade of Flags at the Opening General Session

Municipality _____

Contact Person _____

Title _____

Phone _____

Fax _____

Email _____

To participate in the Parade of Flags on Wednesday September 21, 2005:
Fax this form to Erica Hagendorff at 734-662-9399 or mail it with your delegate registration form.

Concurrent Session Interest Form

Convention Attendees, Please Help Us!

Please mark the one concurrent session under each time slot that you are most interested in attending. We will use this information ONLY to determine which session to assign to which room (i.e., the sessions with the most responses will be assigned to the largest rooms). You are NOT obligated to attend these sessions if you should change your mind. Please include this form with your convention registration information. Thank you!

Wednesday, September 21

2:45-4:00 pm

__ Michigan Economics
__ Perceptions of Public Service
__ State and Federal Affairs Update
__ Local Government 101
__ Investing: Meet the Feds
__ The Retail Big Box
__ The Challenge of Retiree Health Care
__ Mobile Workshop (2:45-5:00)
__ Legal Track: Electronic Communications

4:15-5:30 pm

__ Transportation
__ Warning Signs for Public Infrastructure Projects
__ Grantwriting
__ Sister Cities
__ Blueprints for Michigan's Downtowns
__ MBC-LEO Affiliate Meeting
__ Media Partnerships
__ The MML Foundation: A Roadmap to the Future
__ Legal Track: A Primer of Not-For-Profits, Foundations and other Entities for Municipalities

Thursday, September 22

2:15-3:30 pm

__ Book Discussion with David Osborne
__ Basic Public Purchasing Principles
__ Clerks Affiliate Meeting
__ Brownfield Redevelopment
__ Strengthening Your Downtown
__ CRC Survey on Local Government Services and Fiscal Constraints
__ WiFi
__ The ADA: 15 Years Later
__ Mobile Workshop (2:15-5:00)
__ Legal Track: Ethics

3:45-5:00 pm

__ Creating a Hospitable Community
__ OMA and FOIA
__ Earned Income Tax Credit
__ Historic Preservation
__ American Community Survey
__ MWIMG High Tea
__ Turn Your Community into a Pedestrian Magnet
__ Environmental
__ Boundless Playgrounds
__ Legal Track: Update on FLSA

Pre-Convention Workshops

Take advantage of the great pricing on these exceptional workshops.

When 3 or more people from your community register at the same time for the same session, a 4th person from your community can attend that session absolutely FREE!

Pre-registration

Pre-registration is recommended so that we can notify registrants if unforeseen circumstances require us to cancel or reschedule a course.

Reservations made by mail or fax, unless canceled, will be considered a commitment to attend. No-shows will be billed, because meeting and meal arrangements have to be made for all registrants.

Guest Lunches

For a $15 fee guests may join attendees for program lunches if space permits. This will be determined at the program on the day of the program. No advanced reservations will be accepted for guest lunches.

Who Should I Call?

- For registration verification, call MML Registration at 734-669-6352.
- For information about the program content, call 734-669-6310.
- For special needs/diet requests, call 734-669-6310.

Cancellation Policies

Refunds will be made ONLY if the MML is notified of cancellation in writing, 4 business days before the program, either by fax or mail. If you have registered and find that you cannot attend, you may transfer your registration to another person. Please notify MML of this occurrence. If the League cancels a program, registrants will receive notice one week before the program is scheduled. Refunds will be issued two to three weeks after the canceled program.

Special Needs

If you require special arrangements related to facility access,communication and/or diet, please contact the League's education coordinator no later than seven days before the program date. We are not able to accommodate such requests on the day of the program.

Meeting room temperatures vary; please wear layers of clothing for your comfort.

Discrimination Policy

The MML will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, familial status, height, weight, disability or political beliefs.

Educational Credit Policy

If you arrive late for a program or have to leave early your educational credits will be adjusted accordingly.

Effective Human Resources Systems

Tuesday, September 20, 2005

This program is designed to offer a comprehensive overview of human resource systems and best practices in the public sector. The overview and accompanying resource materials will serve as a guide for determining which areas within your organization need more attention. (05I-01)

1. Recruitment & Selection (Hiring Do's & Don'ts)
2. FLSA Designations
3. Personnel Policies and Procedures
4. Job Analysis and Job Descriptions
5. Compensation System Design and Administration
6. Managing Performance/Performance Evaluation
7. Promoting Strong Organizational Morale

This workshop is both for people new to human resources and those who are responsible for human resources as one of many other diverse responsibilities. Professional human resources administrators may find this program helpful as a refresher, but are likely already well-versed in most areas presented. (05I-01)

- Check-in 8:30 a.m.; Begin 9:00 a.m.; Lunch; Adjourn 4:00 p.m.
- Amway Grand Plaza Hotel, Grand Rapids 800-253-3590
- Speaker – Heather Van Poucker, Consultant, MML
- Cost Code A; If 3 or more people from your community register at the same time, the 4th registration is free.
- Credits: CEU .6, EOA 6

City Income Tax: Is it Right for Your Community?

Tuesday, September 20, 2005

The financial stress facing many Michigan cities has forced them to consider the possibility of enacting a city income tax as permitted under PA 284 of 1964. This is a "must attend" training session for any elected or appointed city official considering this option.

The morning session will deal with a method of determining whether or not this alternative is right for your city and an assessment of what will be required to implement a city income tax if it is approved by the voters. The afternoon session will examine various tools you can use to educate the community on the need for passage of the income tax – or any other ballot initiative. The speakers at each session have had actual, hands-on experience in each phase of the process. (05I-02)

- Check-in 8:30 a.m.; Begin 9:00 a.m.; Lunch; Adjourn 4:00 p.m.
- Amway Grand Plaza Hotel, Grand Rapids 800-253-3590
- Speaker – A panel of experienced speakers
- Cost Code A; If 3 or more people from your community register at the same time, the 4th registration is free.
- Credits: CEU .6, EOA 6

The Freedom of Information Act: A Comprehensive Overview

Tuesday Afternoon, September 20, 2005

This presentation about the Freedom of Information Act will cover: An introduction of FOIA, appointment of a FOIA coordinator, the ability to inspect public records, collectible fees for providing records, the response requirements of a city or village, records that are not required to be disclosed or that are exempt, and municipal tips for litigating claims in Michigan. (05I-03)

- Check-in 12:30 p.m.; Begin 1:00 p.m.; Adjourn 4:00 p.m.
- Amway Grand Plaza Hotel, Grand Rapids 800-253-3590
- Speaker – John Gillooly, Senior Partner, Garan, Lucow, Miller, P.C.
- Cost Code B; If 3 or more people from your community register at the same time, the 4th registration is free.
- Credits: CEU .3, EOA 3

Shaping Your Community's Image – Signs, Landscaping and Aesthetics

Tuesday Afternoon, September 20, 2005

This seminar focuses on those items that have a direct impact on the appearance and image of the community. Gain an understanding of what factors impact the appearance of a community and how you can influence the design. Some of the specific features to be covered include building design, landscaping, lighting, access/parking, signs and overall site layout. Practical implementation techniques will be discussed along with successful examples from a variety of Michigan communities. We will also discuss the pros and cons of including design standards in the zoning ordinance versus establishing guidelines by resolution. (05I-04)

- Check-in 12:30 p.m.; Begin 1:00 p.m.; Adjourn 4:00 p.m.
- Amway Grand Plaza Hotel, Grand Rapids 800-253-3590
- Speaker – Steven Langworthy, LSL Planning
- Cost Code B; If 3 or more people from your community register at the same time, the 4th registration is free.
- Credits: CEU .3, EOA 3

Tax Abatement – Past Practice and Current Policy Implications

Tuesday Afternoon, September 20, 2005

Does your municipality award tax abatements for industrial facilities? What is the process used by your council in considering such requests? Does your staff monitor company actions to insure that the investments promised are in fact made? What impact have abatements had on your community? What impact have such abatements had on the state as a whole over the past two decades?

Is it time to rethink our abatement policy? (05I-05)

- Check-in 12:30 p.m.; Begin 1:00 p.m.; Adjourn 4:00 p.m.
- Amway Grand Plaza Hotel, Grand Rapids 800-253-3590
- Speakers – Laura Reese, Ph.D., Urban Planning, Wayne State University
  Gary Sands, Ph.D., Urban Planning, Wayne State University
- Cost Code B; If 3 or more people from your community register at the same time, the 4th registration is free.
- Credits: CEU .3, EOA 3

Pre-Convention Workshop Registration Form

Would you like to receive more training information from the MML? ☐ Yes ☐ No
☐ Email ☐ Fax

Name of Municipality or Firm:			
Name:			
Title:			
Billing Address:			
City			Zip:
Phone:		Attendee Fax:	
Attendee Email:			
Payment Info:	Check Enclosed	Check #:	Credit Card
Master Card/Visa/Discover/American Express #:			
Signature:			Exp. Date
Name on Card (Please Print):			

Please check the box that corresponds to the program you wish to register for.

	Date	Title	Cost Code
☐	9/20/05	Effective Human Resources Systems (05I-01)	A
☐	9/20/05	City Income Tax: Is it Right for Your Community? (05I-02)	A
☐	9/20/05	The Freedom of Information Act (05I-03)	B
☐	9/20/05	Shaping Your Community's Image – Signs, Landscaping and Aesthetics (05I-04)	B
☐	9/20/05	Tax Abatement – Past Practice and Current Policy Implications (05I-05)	B

Late Fee: $_____

Total Due: $_____

To Register:

1. **Fax form to 734-662-8083, then**
2. **If paying by check please mail this form along with a check payable to the Michigan Municipal League, to MML Education Services, P.O. Box 7409, Ann Arbor, MI 48107-7409. Credit card payments may be faxed or mailed to MML, P.O. Box 7409, Ann Arbor, MI 48107-7409.**

Cost Codes

Cost Code A: When registered one week before the program, Member cities and villages, $109; Other units of government, $145; Non-members $190. Less than one week before the program add $35 to the fee.

Cost Code B: When registered one week before the program, Member cities and villages, $69; Other units of government, $100; Non-members $125. Less than one week before the program add $35 to the fee.

AMWAY GRAND PLAZA HOTEL RESERVATION FORM FOR
Michigan Municipal League
September 19, 2005 – September 23, 2005

Circle preferred accommodations.
If room type requested is not available,
Nearest room type will be confirmed.
*Rates are subject to 6 % sales tax**
and 7 % county lodging tax.

PLEASE PRINT:

ACCOMMODATIONS	*RATE*
One Bed (1 person)	*$140.00*
One Bed (2 persons)	*$140.00*
Two Beds (2 persons)	*$140.00*
Two Beds (3 persons)	*$155.00*
Two Beds (4 persons)	*$155.00*

Check Preference
__ Nonsmoking _____
__ Smoking _____

Name: _____

Company: _____

Address: _____

City: _____

Zip Code: _____

Phone Number: _____

Signature: _____

Include first night's deposit plus 13 % tax
with this form to confirm reservation...
Or use your American Express, Master
Card, VISA or Diner's Club credit card
to guarantee your reservation.

Arrival Date / / Departure Date / /
Card Holders Name
Card # _____
Expiration Date / Card Type _____
(Reservations must be canceled 48 hours
prior to scheduled arrival to receive refund from
hotel or to avoid a charge being placed on your
credit card.)

Group Code ***MUN0919***

Reservations must be received by ***August 25, 2005***
Suite Information: Contact our Reservations
Department: Local number is 616-774-2000,
Toll-free 1-800-253-3590
Please reserve the following accommodations at
the Amway Grand Plaza Hotel.
Reminder – Please make check or money order
Payable to: Amway Grand Plaza Hotel
(do not send currency).

Sharing With: _____

Room will be shared by third and/or fourth person
Third Person Name: _____

Fourth Person Name: _____

*To avoid state taxes on your hotel the room has to be paid with a check from your municipality or with a credit card that has the municipality name on it. You will need to bring your proof of tax exempt status with you to the hotel.

** At time of check-in a $25 refundable deposit is required of all cash or check paying guests for incidentals.*
*** A $50 early departure fee will be assessed upon check-out to those departing prior to original departure date.*
**** Rooms may still be available after the cut off date but not necessarily at the above rate.*
***** Reservations FAX Number is 1-616-458-6641.*
****** Self Parking $14.00 per night or Valet Parking $22.00 per night. Parking rates are subject to change.*

MICHIGAN MUNICIPAL LEAGUE

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Margene Ann Scott
Councilwoman
Madison Heights

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Midland

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City Manager
Wayne

Executive Director
Daniel P. Gilmartin

July 26, 2005

Michigan Municipal League Annual Meeting Notice

(Please present at the next Council or Commission Meeting)

Dear Official:

The Annual Convention of the Michigan Municipal League will be held in Grand Rapids, September 20-23, 2005. **The annual meeting is scheduled for 10:45 a.m. on Wednesday, September 21, at the Amway Grand Plaza Hotel. The meeting will be held for the following purposes:**

1. **Election of Trustees. To elect six members of the Board of Trustees for terms of three years each (see page 2).**

2. **Policy. To vote on statements of policy and resolutions properly brought before the annual meeting. All member cities and villages planning on submitting resolutions for consideration at the annual meeting are reminded that under the Bylaws, the deadline for receiving resolutions is August 22, 2005 (see page 2).**

3. **Other Business. To transact such other business as may properly come before the meeting.**

Designation of Voting Delegates

Pursuant to the provisions of the League Bylaws, you are requested to designate by action of your governing body one of your officials who will be in attendance at the Convention as your official representative to cast the vote of the municipality at the annual meeting, and, if possible, to designate one other official to serve as alternate. After taking this action, please return the enclosed reply card no later than September 1, 2005.

Regarding the designation of an official representative of the member to the annual meeting, please note the following section of the MML Bylaws:

> "Section 4.4 - Votes of Members. Each member city and village shall be equally privileged with all other members in its voice and vote in the election of officers and upon any proposition presented for discussion or decision at any meeting of the members. Honorary members shall be entitled to participate in the discussion of any question, but such members shall not be entitled to vote. The vote of each member shall be cast by its official representative attending the meeting at which an election of officers or a decision on any proposition shall take place. Each member shall, by action of its governing body prior to the annual meeting or any special meeting, appoint one official of such member city or village as its principal official representative to cast the vote of the member at such meeting, and may appoint one official as its alternate official representative to serve in the absence or inability to act of the principal representative."

1675 Green Road, Ann Arbor, MI 48105 • Phone: 734-662-3246 • Fax: 734-662-8083 • www.mml.org

1. Election of Trustees

Regarding election of officers, under Section 5.3 of the MML Bylaws, six members of the Board of Trustees will be elected at the annual meeting for a term of three years. The regulations of the Board of Trustees require the Nominations Committee to complete its recommendations and post the names of the nominees for the Board of Trustees on the bulletin board of the registration desk at least four hours before the hour of the business meeting.

2. Statements of Policy and Resolutions *

Regarding consideration of resolutions and statements of policy, under Section 4.5 of the MML Bylaws, the Board of Trustees acts as the Resolutions Committee, and "no resolution or motion, except procedural and incidental matters having to do with business properly before the annual meeting or pertaining to the conduct of the meeting, shall be considered at the annual meeting unless it is either (1) submitted to the meeting by the Board of Trustees, or (2) submitted in writing to the Board of Trustees by resolution of the governing body of a member city or village at least thirty (30) days preceding the date of the annual meeting." Thus the deadline this year for the MML to receive resolutions is August 22nd.

"Every proposed resolution submitted by a member shall be stated in clear and concise language and shall be accompanied by a statement setting for the reasons for recommending the proposed resolution. The Board shall consider the proposal at a Board meeting prior to the next annual meeting and, after consideration, shall make a recommendation as to the advisability of adopting each such resolution or modification thereof."

The proposed 2005-06 Michigan Municipal League Policies and any new proposed Resolutions recommended by the Board of Trustees for adoption by the membership are available on the MML website*, to permit governing bodies of member cities and villages to have an opportunity to review such proposals and delegate to their voting representative the responsibility for expressing the official point of view of the member at the annual meeting.

The Board of Trustees will meet on Tuesday, September 20, at the Amway Grand Plaza Hotel in Grand Rapids for the purpose of considering such other matters as may be requested by the membership.

* The proposed 2005-06 MML Policies are available on the MML website at http://www.mml.org/pdf/approved_policies06.pdf. If you would like to receive a copy of the proposed policies by fax, please call the League at 800-653-2483.

Sincerely,

Margene Ann Scott

Margene Ann Scott
President

Daniel P. Gilmartin

Daniel P. Gilmartin
Executive Director

Enc.

MICHIGAN MUNICIPAL LEAGUE

OFFICIAL VOTING DELEGATES
ANNUAL BUSINESS MEETING
Michigan Municipal League

In accordance with the accompanying MML Annual Meeting Notice, each member city and village is to appoint one Official Voting Delegate and one Official Alternate Voting Delegate to represent the city or village at the Annual Business Meeting of the Michigan Municipal League.

The purpose of these instructions is to familiarize the voting delegate, especially those officials serving in this capacity for the first time, with the procedure to be followed during the Annual Business Meeting.

1. Only the Official Voting Delegate will be seated in the area reserved for Voting Delegates. If the Official Voting Delegate is not present, the Official Alternate Voting Delegate will take the Delegate's place in the reserved area as the Voting Delegate. Therefore, each member city and village will have only one person seated in the reserved area. All other municipal officials, and all other Alternate Voting Delegates, may be seated outside the reserved area.
2. After the roll call of Voting Delegates, a member city or village whose Official Voting Delegate or Alternate is not present will be given the opportunity to have a Voting Delegate seated upon the approval of the Voting Delegates originally seated.
3. In general, Robert's Rules of Order, Newly Revised, will govern the conduct of the Annual Business Meeting. Parliamentary decisions will be made by the President of the League who will preside at the Annual Business Meeting. The President will be assisted by a Parliamentarian. Parliamentary decisions by the Chair, if challenged from the floor, are subject to be sustained or overturned by a majority of the voting delegates.
4. The Bylaw governing the submission of policy resolutions provides:

   Section 4.5 - Resolutions

   A. No resolution or motion shall be submitted to debate or vote at the annual meeting or any special meeting unless it is germane to the functions and purposes of the League.
   B. No resolution or motion, excepting procedural and incidental matters having to do with business properly before the annual meeting or pertaining to the conduct of the meeting, shall be considered at the annual meeting unless it is either (1) submitted to the meeting by the Board of Trustees, or (2) submitted in writing to the Board of Trustees by official action of the governing body of a member city or village at least thirty (30) days preceding the date of the annual meeting**.
   C. Every proposed resolution submitted by a member shall be stated in clear and concise language and shall be accompanied by a statement setting forth the reasons for recommending the proposed resolution. The Board shall consider the proposal at a Board meeting prior to the next annual meeting and, after

consideration, shall make a recommendation as to the advisability of adopting each such resolution or a modification thereof. If time permits, each such resolution and the recommendation of the Board shall be printed in the issue of the *Michigan Municipal Review*.

** The deadline for receiving resolutions is August 22, 2005.

5. If a Voting Delegate wishes to speak, the Delegate should rise and proceed to one of the microphones available in the reserved area and after recognition by the Chair, may then speak. Since the Annual Business Meeting is being recorded, each Voting Delegate who wishes to speak for any reason, after being recognized by the Chair, should first announce the Delegate's name, title and municipality slowly and clearly into the microphone.

   A member of the Board of Trustees, an Honorary Life Member, or a Chair or a designated member of a League Standing or Special Committee may speak on a question, but may not vote unless serving also as a Voting Delegate. If a question is raised about a proposed policy or resolution, or an amendment is offered and seconded, the Chair or designated member of the proper League Standing or Special Committee or a member of the Board of Trustees will be called upon to speak at an appropriate time to explain the Committee's views ***before the vote*** is put on the question. In addition, upon request of the Chair, a member of the League staff may speak on a question. Any other person present may speak only with the approval of the Voting Delegate body.

6. If a Voting Delegate who has been seated wishes to have the Alternate Voting Delegate from the Delegate's city or village speak on an issue, the Voting Delegate should request, after being recognized by the Chair, to be excused from the reserved area and that the other person be permitted to take the Delegate's place temporarily or for the balance of the meeting. Upon being excused by the Chair, the Alternate Voting Delegate may then take the Voting Delegate's place in the reserved seating area and may speak and vote as the Official Voting Delegate.

7. The above procedure is necessary to assure that, in the event of a vote on a question by show of hands or by voice vote of the Delegates, no city or village will have more than one person seated in the reserved area

PLEASE RETURN BY SEPTEMBER 1, 2005

Our official representative at the Annual Business Meeting of the Michigan Municipal League will be:

Name _____

Title _____

Our alternate official representative will be:

Name _____

Title _____

Official action of governing body on _____
(date)

Submitted by _____

Municipality _____

E-05

July 28, 2005

TO: Mr. John Szerlag, City Manager

FROM: Charles Craft, Chief of Police
Thomas Gordon, Police Sergeant

SUBJECT: Agenda Item: Application to Transfer Location of a Class C Liquor License - TGI Friday's, Inc. (TGI Friday's Restaurant)

TGI FRIDAY'S INC. (A NEW YORK CORPORATION), requests to transfer location of a 2005 Class C licensed business (in escrow), with official permit (food), and outdoor service (1 area), from 911 Wilshire, Troy, MI 48084, Oakland County, to 591 W. Big Beaver, Troy, MI 48084, Oakland County.

TGI Friday's is requesting to relocate its restaurant and transfer their liquor license, which is currently being held in escrow. The building currently at 591 West Big Beaver Road, formerly O'Grady's, will be demolished and a new structure built for TGI Friday's. The building will closely resemble other Friday's locations with the typical facade and interior design. There will be approximately 220 seats. The original completion date was late 2005, but the attorney for Friday's, Mr. John Carlin, anticipates an extension to that date.

There will be no change in ownership or operation. The police department has no objection to this request.

TJG/tjg

Michigan Department of Labor & Economic Growth
LIQUOR CONTROL COMMISSION
7150 Harris Drive
P.O. Box 30005
Lansing, Michigan 48909-7505

POLICE INVESTIGATION REQUEST
[Authorized by MCL 436.1201(4)]

To: TROY POLICE DEPARTMENT
CHIEF OF POLICE
500 WEST BIG BEAVER ROAD
TROY, MI 48084-5285

Date: May 25, 2005
REF#: 309614

Chief Law Enforcement Officer

Applicant:

TGI FRIDAY'S INC. (A NEW YORK CORPORATION) REQUESTS TO TRANSFER LOCATION OF 2005 CLASS C LICENSED BUSINESS (IN ESCROW) WITH OFFICIAL PERMIT (FOOD) AND OUTDOOR SERVICE (1 AREA) FROM 911 WILSHIRE, TROY, MI 48084, OAKLAND COUNTY TO 585 W. BIG BEAVER, TROY, MI 48084, OAKLAND COUNTY.

Please make an investigation of the application. If you do not believe that the applicants are qualified for licensing, give your reasons in detail. Complete the Police Inspection Report on Liquor License Request, LC-1800, or for Detroit police, the Detroit Police Investigation of License Request, LC-1802. If there is not enough room on the front of the form, you may use the back.

Forward your report and recommendations of the applicant to the Licensing Division.

If you have any questions, contact the Licensing Division at (517) 322-1400, after 10:00 a.m.

LC-1972 Rev. 9/17
4880-1658

sfs

Michigan Department of Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION
7150 Harris Drive
P.O. Box 30005
Lansing, Michigan 48909-7505

POLICE INSPECTION REPORT ON LIQUOR LICENSE REQUEST

Req ID # 309614 (Authorized by MCL 436.1217)

Important: Please conduct your investigation as soon as possible and complete all four sections of this report. Return the completed report and fingerprint cards to the Commission.

BUSINESS NAME AND ADDRESS: (include zip code)
TGI FRIDAY'S INC. (A NEW YORK CORPORATION), 585 W. BIG BEAVER, TROY, MI 48084, OAKLAND COUNTY

REQUEST FOR:
REQUEST TO TRANSFER LOCATION OF 2005 CLASS C LICENSED BUSINESS (IN ESCROW) WITH OFFICIAL PERMIT (FOOD) AND OUTDOOR SERVICE (1 AREA) FROM 911 WILSHIRE, TROY, MI 48084, OAKLAND COUNTY.

Section 1. APPLICANT INFORMATION

APPLICANT #1: ***NO FINGERPRINTS REQUIRED***	APPLICANT #2:
CONTACT: TOSHA HERVEY, 4201 MARSH LANE, CARROLLTON, TX 75007 B(972)662-5458 & ATTORNEY JOHN B. CARLIN, JR. (248)901-4003	
HOME ADDRESS AND AREA CODE/PHONE NUMBER:	HOME ADDRESS AND AREA CODE/PHONE NUMBER:
DATE OF BIRTH: If the applicant is not a U.S. Citizen: ° Does the applicant have permanent Resident Alien status? ☐ Yes ☐ No ° Does the applicant have a Visa? Enter status: Date fingerprinted:	DATE OF BIRTH: If the applicant is not a U.S. Citizen: ° Does the applicant have permanent Resident Alien status? ☐ Yes ☐ No ° Does the applicant have a Visa? Enter status: Date fingerprinted:

Attach the fingerprint card and $30.00 for each card and mail to the Michigan Liquor Control Commission.

ARREST RECORD: ☐ Felony ☐ Misdemeanor	ARREST RECORD: ☐ Felony ☐ Misdemeanor
Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)	Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)

Section 2. Investigation of Business and Address to be Licensed

Does applicant intend to have dancing or entertainment?
☐ No ☐ Yes, complete LC-693N, Police Investigation Report: Dance/Entertainment Permit

Are gas pumps on the premises or directly adjacent? ☐ No ☐ Yes, explain relationship:

Section 3. Local and State Codes and Ordinances, and General Recommendations

Will the applicant's proposed location meet all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, if this license is granted? ☐ Yes ☐ No

If you are recommending approval subject to certain conditions, list the conditions: (attach a signed and dated report if more space is needed)

Section 4. Recommendation

From your investigation:

1. Is this applicant qualified to conduct this business if licensed? ☐ Yes ☐ No
2. Is the proposed location satisfactory for this business? ☐ Yes ☐ No
3. Should the Commission grant this request? ☐ Yes ☐ No
4. If any of the above 3 questions were answered no, state your reasons: (Attach a signed and dated report if more space is needed)

Signature (Sheriff or Chief of Police) Date

TROY POLICE DEPARTMENT

CHIGAN DEPARTMENT OF COMMERC
LIQUOR CONTROL COMMISSION
7150 Harris Dr.
P.O. Box 30005
Lansing, Michigan 48909

Req ID #309614

APPLICATION FOR OFFICIAL PERMIT FOR DIFFERENCE IN HOURS OF OPERATION

(Authorized by MAC Rule 436.1437)

APPLICANT OR LICENSEE:
TGI Friday's Inc. (a New York Corporation)

ADDRESS:
Big Beaver Road, East of I-75

TYPE OF LICENSE:
Class C

The Commission is requested to grant an after hours permit for: (Check boxes that apply)

- [X] Operating our restaurant for the sale of food
- [ ] Operating night league bowling, tournaments or Sunday morning bowling
- [ ] Registering golfers
- [ ] Registering Skiers
- [ ] Registering Tennis Players
- [ ] Other: (Not listed above)

During the Hours of:

Weekdays ---------- A.M. to ---------- A.M.

Sundays 11:00 A.M. to 12:00 NOON

It is understood that customers shall not be on the licensed premises for any activity other than the requested activity.

Licensee or Applicant Signatures:

8/1/05

LOCAL LAW ENFORCEMENT RECOMMENDATION

To: Law Enforcement Agency:

This Application is for official permits allowing the after hours operations indicated above. Will you please enter your recommendations below and return one signed copy to the Commission.

- [ ] Recommended: Comments: _____
- [ ] Recommended except for _____ permit
- [ ] Not Recommended

Signed: (Include title and date)

LC-1112 4/87 4880-0184

Blmfield.05830.45041.625858-1

OWNERSHIP CHART

TGI FRIDAY'S INC.

100%

CARLSON RESTAURANTS WORLDWIDE, INC.

100%

CARLSON HOSPITALITY GROUP, INC.

100%

CARLSON COMPANIES, INC.

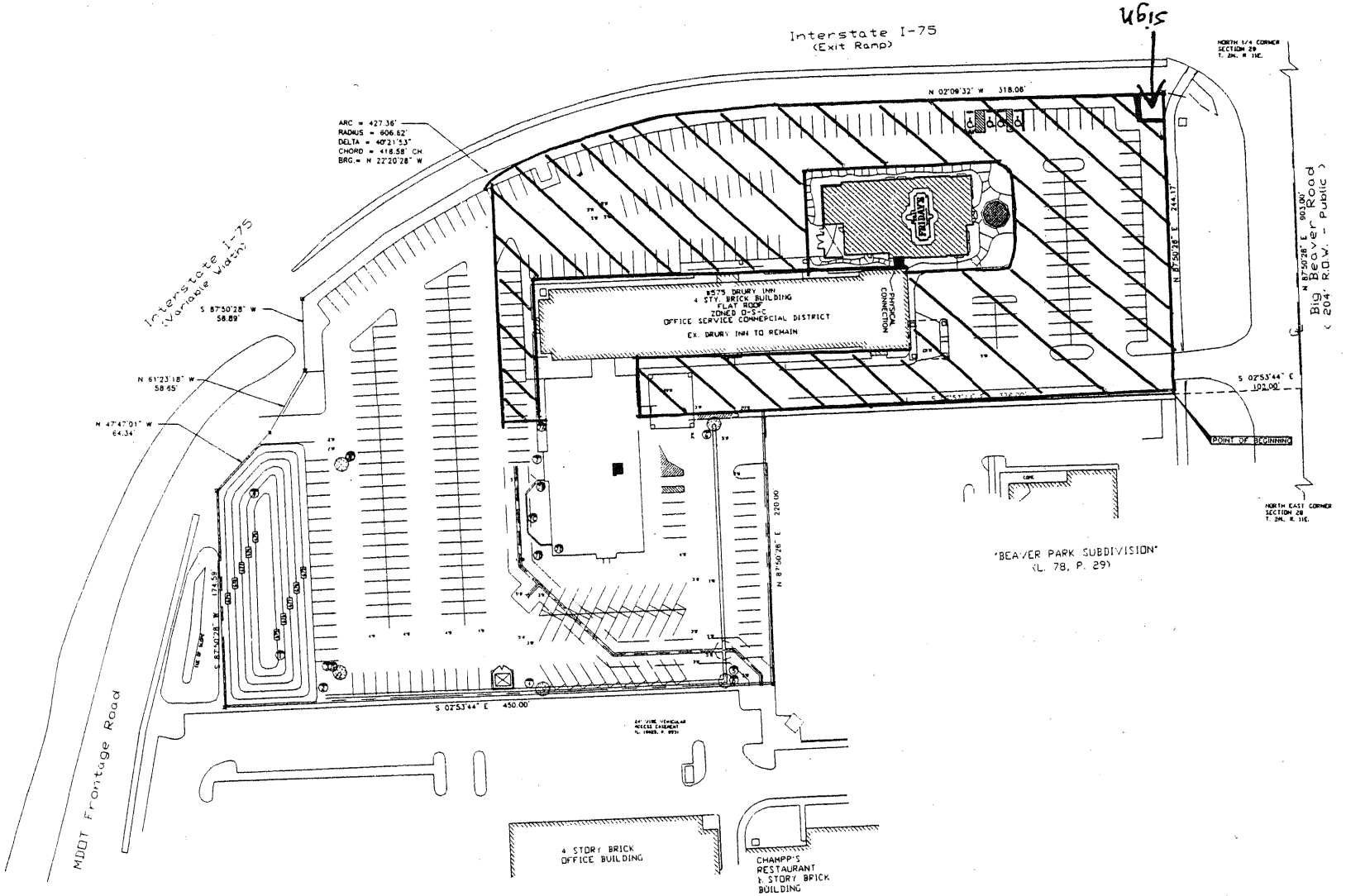
100%

CARLSON HOLDINGS, INC.

MARILYN C. NELSON

BARBARA C. GAGE

Blmfield.05830.13888.321885-1


sign
Interstate I-75
(Exit Ramp)
N 02°09'32" W 318.06'
ARC = 427.36'
RADIUS = 606.62'
DELTA = 40°21'53"
CHORD = 418.58' CH.
BRG.= N 22°20'28" W
Interstate I-75
(Variable Width)
S 87°50'28" W
58.89'
N 61°23'18" W
58.65'
N 47°47'01" W
64.34'
8575 DRURY INN
4 STY. BRICK BUILDING
FLAT ROOF
ZONED O-S-C
OFFICE SERVICE COMMERCIAL DISTRICT
EX. DRURY INN TO REMAIN
PHYSICAL CONNECTION
POOL
N 87°50'28" E 244.17'
N 87°50'28" E 903.00'
Big Beaver Road
(204' R.O.W. - Public)
S 02°53'44" E
102.00'
POINT OF BEGINNING
NORTH 1/4 CORNER
SECTION 29
T. 2N., R. 11E.
NORTH EAST CORNER
SECTION 29
T. 2N., R. 11E.
N 87°50'28" E 220.00'
S 87°50'28" W 174.59'
S 02°53'44" E 450.00'
"BEAVER PARK SUBDIVISION"
(L. 78, P. 29)
MDOT Frontage Road
4 STORY BRICK
OFFICE BUILDING
CHAMPP'S
RESTAURANT
1 STORY BRICK
BUILDING

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

This Agreement, made this ____ day of July, 2005, by and between the CITY OF TROY, MICHIGAN, a municipal corporation, with offices located at 500 W. Big Beaver Road, Troy, Michigan, 48084, hereinafter known as THE CITY, and TGI FRIDAY'S, INC d/b/a T.G.I. Friday's whose address is 591 W. Big Beaver Rd., the Applicant, hereinafter known as APPLICANT.

1. The City Council of the City of Troy, for and in consideration of the following covenants and conditions, agrees to recommend to the Michigan Liquor Control Commission Approval of the request to transfer location of a 2005 Class C licensed business located at 591 W. Big Beaver Rd., Troy, by TGI FRIDAY'S, INC.

2. In consideration of the City of Troy's recommendation for approval of the request, the applicant hereby agrees that:
   (a) It has read and is aware of the provisions of City of Troy Ordinances, Chapter No. 67, Chapter No. 68 and Chapter No. 98, and agrees that it shall be deemed to have knowledge of any subsequent amendments to said Chapters which may become effective during the term of this agreement.
   (b) It has read and is in receipt of copies of the provisions of the City of Troy, City Council Resolution No. 93-1028 regarding Entertainment Permits, and agrees that it shall be deemed to have knowledge of any subsequent amendments to the Resolution which may become effective during the term of this agreement.
   (c) It agrees to observe and comply with all laws, statutes, ordinances, rules, regulations or resolutions of the United States government, State of Michigan, and the City of Troy, or any department or agency of the governmental entities, as well as the rules and regulations of the Michigan Liquor Control Commission as they pertain to the operation of a liquor licensed business in the City of Troy.
   (d) It agrees to immediately require all employees who serve/sell alcohol to attend a recognized alcohol awareness program, and forward the names of each certified employee to the Troy Police Department. The alcohol awareness program must either be recognized by the Troy Police Department (i.e. TIPS, TAMS), or the program must be reviewed by the Troy Police Department to insure that the program is comparable to the recognized programs.

3. Applicant agrees that the recommendation for Approval agreed upon by the City Council is not a property right and is approved upon the express and continuing condition that no violation as set forth in paragraph 2 of this agreement shall occur.

4. Applicant agrees that the recommendation for Approval agreed upon by the City Council is approved upon the express and continuing condition that the physical characteristics (including but not limited to the inside layout, building design and engineering, seating capacity, parking space allocations, fire exits, and other physical attributes); and also the nature and type of business intended to be conducted remain virtually the same.

5. Applicant agrees that upon such violation, after full investigation and an opportunity for said applicant to be heard, upon a finding by the City Council that a violation as set forth in paragraph 2 of this agreement has occurred, the City Council shall have just cause for revocation of said recommendation for approval.

TGI FRIDAYS INC.

By: _____

Its: VICE PRESIDENT

Witnesses:

_____

_____

Subscribed and sworn to before me
this 27th day of June , 2005

_____

Notary Public, Texas
County, Denton
My commission expires:

TOSHA L. HERVEY
NOTARY PUBLIC
STATE OF TEXAS
EXPIRES
5-15-2008

CITY OF TROY

By: _____
Louise Schilling, Mayor

By: _____
Tonni Bartholomew, City Clerk

Witnesses:

_____

_____

Subscribed and sworn to before me
this _____ day of _____, 200___

_____

Notary Public, Oakland
County, Michigan
My commission expires:

LIQUOR ADVISORY COMMITTEE MINUTES – DRAFT JULY 11, 2005

A regular meeting of the Liquor Advisory Committee was held on Monday, July 11, 2005 in the Lower Level Conference Room of Troy City Hall, 500 West Big Beaver Road. Committee member Henry W. Allemon called the meeting to order at 7:00 p.m.

ROLL CALL:

PRESENT: Henry W. Allemon
Alex Bennett
Patrick C. Hall
James R. Peard
Bohdan L. Ukrainec
Sergeant Thomas Gordon
Pat Gladysz

ABSENT: Max K. Ehlert, Chairman
W. Stan Godlewski

Resolution to Excuse Committee Members Ehlert and Godlewski

Resolution #LC2005-07-016
Moved by Peard
Seconded by Ukrainec

RESOLVED, that the absence of Committee members Ehlert and Godlewski at the Liquor Advisory Committee meeting of July 11, 2005 BE EXCUSED.

Yes: 5
No: None
Absent: Ehlert, Godlewski

Resolution to Approve Minutes of May 9, 2005 Meeting

Resolution #LC2005-07-017
Moved by Ukrainec
Seconded by Hall

RESOLVED, that the Minutes of the May 9, 2005 meeting of the Liquor Advisory Committee be approved.

Yes: 5
No: None
Absent: Ehlert, Godlewski

Agenda Items

1. **TGI FRIDAY'S INC. (A NEW YORK CORPORATION)**, requests to transfer location of a 2005 Class C licensed business (in escrow), with official permit (food), and outdoor service (1 area), from 911 Wilshire, Troy, MI 48084, Oakland County, to 591 W. Big Beaver, Troy, MI 48084, Oakland County. [MLCC REQ ID# 309614] *Moving to former location of O'Grady's*

Present to answer questions from the Committee was John Carlin, attorney for TGI Friday's, Inc.

The building currently at 591 West Big Beaver Road, formerly O'Grady's, will be demolished and a new structure built for TGI Friday's. The building will closely resemble other Friday's locations with the typical façade and interior design. There will be approximately 220 seats. The original completion date was late 2005, but Mr. Carlin anticipates an extension to that date.

Resolution #LC2005-07-018
Moved by Ukrainec
Seconded by Hall

RESOLVED, that TGI FRIDAY'S INC. (A NEW YORK CORPORATION), be allowed to transfer location of a 2005 Class C licensed business (in escrow), with official permit (food), and outdoor service (1 area), from 911 Wilshire, Troy, MI 48084, Oakland County, to 591 W. Big Beaver, Troy, MI 48084, Oakland County.

Yes:	5
No:	None
Absent:	Ehlert, Godlewski

The meeting adjourned at 7:15 p.m.

_____
Henry W. Allemon

_____
Patricia A. Gladysz, Office Assistant II

July 26, 2005

TO: John Szerlag, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services
William Nelson, Fire Chief
Carol K. Anderson, Parks and Recreation Director

SUBJECT: Agenda Item – Fireworks Permit – Troy Daze

On July 15, 2005, a permit application from Mad Bomber Fireworks, Inc. of Kingsbury, Indiana, was received by the City of Troy for a public fireworks display to be conducted at the close of this year's Troy Daze Festival.

BACKGROUND

Michigan's Fireworks Law requires that before anyone can conduct a fireworks display, a permit must be obtained from the local unit of government. The law states that any person or group that would like to conduct a fireworks display must apply to the local unit of government for a permit. The law defines local unit of government as the council or commission of a city or village, or the township board of a township.

With this in mind, Mad Bomber Fireworks Productions, Inc. is requesting that City Council grant a permit for a public fireworks display to occur on Sunday, September 18, 2005 at Boulan Park.

RECOMMENDATION

The Fire Prevention Division has reviewed the permit application and recommends that City Council issue a fireworks permit to Mad Bomber Fireworks Productions, Inc. Attached for Council's review is the permit application along with the permit to be signed and issued.

Permit for Fireworks Display
Michigan Department of Labor & Economic Growth
Bureau of Construction Codes & Fire Safety
Office of the State Fire Marshal
P.O. Box 30254
Lansing, MI 48909
517-241-9302

Authority:	1968 PA 368	The Department of Labor & Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need assistance with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency.
Compliance:	Required	
Penalty:	Misdemeanor	

This permit is not transferable. Possession of this permit authorizes the herein named person to possess, transport and display fireworks in the amounts, for the purpose of and at the place listed below only.

☒ Public Display ☐ Agricultural Pest Control

ISSUED TO: RANDY McLASLAND
AGE (18 or over): 34
ADDRESS: 530 TIMBERLAKE DR., LOWELL, IN 46356
NAME OF ORGANIZATION, GROUP, FIRM OR CORPORATION: FIREWORKS PARTNERS INC. DBA MAD BOMBER PRODUCTIONS
ADDRESS: P.O. BOX 418, KINGSBURY, IN 46345
NUMBER AND TYPES OF FIREWORKS:

360 2.5" DISPLAY SHELLS
376 3" DISPLAY SHELLS
2916 SHOT BARRAGE BOXES

EXACT LOCATION OF DISPLAY: BOULAN PARK, 3671 CROOKS RD
CITY, VILLAGE, TOWNSHIP: TROY
DATE: 9/18/05
TIME: DARK
BOND OR INSURANCE FILED: ☒ Yes ☐ No
AMOUNT: $1,000,000.00

Issued by action of the ☐ council ☐ commission ☐ board of
☐ city ☐ village ☐ township of _____ on the _____ day of
_____ 20 _____

_____
(Signature and Title of Council/Commission/Board Representative)

Application for Fireworks Display Permit

Michigan Department of Labor & Economic Growth
Bureau of Construction Codes & Fire Safety
P.O. Box 30700
Lansing, MI 48909
517-373-3413

Authority: 1968 PA 358 Compliance: Voluntary Penalty: Permit will not be issued	The Department of Labor & Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need assistance with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency.

☑ Public Display ☐ Agricultural Pest Control

DATE OF APPLICATION: 7/15/05

NAME OF APPLICANT: Fireworks Partners Inc DBA Mad Bombers Fireworks Productions
ADDRESS: P.O. Box 418 Kingsbury IN 46345
AGE (18 or over):

IF A CORPORATION, NAME OF PRESENT: Andrew James
ADDRESS: 14509 Clark ST. Crown Point IN 46307

IF A NON-RESIDENT APPLICANT, NAME OF MICHIGAN ATTORNEY OR RESIDENT AGENT: John Granato
ADDRESS: 303 Brotherton Wakefield MI 49968
TELEPHONE NUMBER: 906-224-9871

NAME OF PYROTECHNIC OPERATOR: Randy McCasland
ADDRESS: 530 Timberlake Dr Lowell IN 46356
AGE (18 or over): 34

NO. YEARS EXPERIENCE: 16
NO. DISPLAYS: 300 +
WHERE: MI, IL, IN, IA, MN, MD, FL, WI, MO

NAME OF ASSISTANT: Mike Gardner
ADDRESS: Griffith IN
AGE: 25

NAME OF OTHER ASSISTANT: Rick James
ADDRESS: Dyer IN
AGE: 44

EXACT LOCATION OF PROPOSED DISPLAY: Boulan Park, Crooks Road Troy MI

DATE OF PROPOSED DISPLAY: September 18, 2005
TIME OF PROPOSED DISPLAY: Evening, Dusk

NUMBER OF FIREWORKS	KIND OF FIREWORKS TO BE DISPLAYED
360	2.5" Display Shells
376	3" Display Shells
2916 shot	Barrage Boxes

MANNER AND PLACE OF STORAGE PRIOR TO DISPLAY (Subject to Approval of Local Fire Authorities)
Kingsbury Industrial Park High X Bunker Area

AMOUNT OF BOND OR INSURANCE (To be set by local government): $5,000,000
NAME OF BONDING CORPORATION OR INSURANCE COMPANY: Britton Gallagher and Associates, Inc

ADDRESS OF BONDING CORPORATION OR INSURANCE COMPANY: 6240 SOM Center Road Cleveland, OH 44139

SIGNATURE OF APPLICANT: [signature]

ACORD™ CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 05/13/2005

PRODUCER (440)248-4711 FAX (440)248-5406
Britton-Gallagher and Associates, Inc.
6240 SOM Center Rd.
Cleveland, OH 44139

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURED Fireworks Partners Inc. dba
Mad Bomber Fireworks Productions
P.O. Box 418
Kingsbury, IN 46345

INSURERS AFFORDING COVERAGE	NAIC #
INSURER A: Lexington Insurance Co	
INSURER B: Granite State Insurance Co.	
INSURER C: Arch Specialty Ins Company	
INSURER D: Liberty Mutual Ins. Group	
INSURER E:	

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	ADD'L INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
A		GENERAL LIABILITY X COMMERCIAL GENERAL LIABILITY CLAIMS MADE [X] OCCUR X Fireworks Display Liability Coverage GEN'L AGGREGATE LIMIT APPLIES PER: POLICY [X] PROJECT LOC	2831355	01/05/2005	03/05/2006	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$ 1000000 $ $ $ 1000000 $ 2000000 $ 2000000
B		AUTOMOBILE LIABILITY X ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS X HIRED AUTOS X NON-OWNED AUTOS	CA32790353	01/05/2005	01/05/2006	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ 1,000,000 $ $ $
		GARAGE LIABILITY ANY AUTO				AUTO ONLY - EA ACCIDENT OTHER THAN AUTO ONLY: EA ACC AGG	$ $ $
C		EXCESS/UMBRELLA LIABILITY X OCCUR CLAIMS MADE DEDUCTIBLE X RETENTION $ 10,000	ULP000396500	01/05/2005	01/05/2006	EACH OCCURRENCE AGGREGATE	$ 4,000,000 $ 4,000,000 $ $ $
D		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below	WC734S311836	12/25/2004	12/25/2005	X WC STATUTORY LIMITS OTHER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	 $ 1,000,000 $ 1,000,000 $ 1,000,000
		OTHER					

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS
Operations: Fireworks Display
Additional Insured(s): City ofTroy & Troy Daze Committee including Architects and Engineers,
All elected and appointed officials, all employees and volunteers, boards, commissionr and/or
authorities and their board members, employees and volunteers additional insured on
ISO form B of Broader.

CERTIFICATE HOLDER

City of Troy
500 W. Big Beaver Rd.,
Troy, MI 48084

CANCELLATION or materially changed

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL XXXXXXXX MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

AUTHORIZED REPRESENTATIVE
Jeanne Kearney
Jean B Kearney

ACORD 25 (2001/08)

©ACORD CORPORATION 1988

E-07

August 2, 2005

TO: John Szerlag, City Manager

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

SUBJECT: Agenda Item - Private Agreement for Hidden Creek Site Condominiums
Project No. 03.909.3

The Engineering Department has reviewed and approved plans for this project, which includes sanitary sewer, storm sewer, detention, water main, landscaping, 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 - 2003\03.909.3 - Hidden Creek Site Condominium\Private Agreement Cover Letter.doc

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS (PRIVATE AGREEMENT)

PROJECT NO. 03.909.3	PROJECT LOCATION: SW 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, landscaping, 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 **$ 233,304.00**. 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 **$48,695.00** 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. 03.909.3	PROJECT LOCATION: SW 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 **$281,999.00** for the construction of said public utilities in lieu of the establishments of any special district by the City. Further, owners acknowledge that the benefit to their property conferred by the improvement is equal to, or in excess of, the aforementioned amount.

FIFTH: Owners agree that if, for any reason, the total cost of completion of such improvement shall exceed the sum deposited with the City in accordance with Paragraph SECOND hereof, that Owners will immediately remit such additional amount to the City upon request and City will disburse such additional amount in accordance with Paragraph SECOND hereof. In the event the total cost of completion shall be less than the sum deposited with City in accordance with Paragraph SECOND hereof, City will reimburse to the Owners the excess funds remaining after disbursement of funds.

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

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)

PROJECT NO. 03.909.3	PROJECT LOCATION: SW 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 29th day of July, A.D.20 05, 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: 10-12-2011

Detailed Summary of Required Escrow Deposits or Performance Bond, Cash Fees & Deposits
Hidden Creek Site Condominiums
12 Units - Section 22

ESCROW DEPOSITS:

Sanitary Sewers	$50,320
Water Mains	$18,665
Storm Sewers	$44,215
Rear Yard Drains	$18,575
Pavement - CONCRETE	$64,750
Grading	$10,000
Detention Basin	$5,000
Soil Erosion Control Measures	$6,884
Monuments and Lot Corner Irons	$815
Temporary Access Road	$1,000
Sidewalks - ON SITE	$1,080
Sidewalks - OFF SITE	$4,800
Street Light	$0
Deposit for the Repair of Damage to Existing Public Streets Used for Access	$7,200
TOTAL ESCROW DEPOSITS (REFUNDABLE):	**$233,304**

CASH FEES (NON-REFUNDABLE):

Water Main Testing and Chlorination	$650
Street Name and Traffic Signs	$509
Maintenance of Detention Basin (20 year)	$6,600
Soil Erosion and Sedimentation Control Permits	$583
Testing Services	$3,500
Engineering Review and Inspection	$17,474
TOTAL CASH FEES (NON-REFUNDABLE):	**$29,316**

CASH DEPOSITS (REFUNDABLE):

Sidewalk Closures	$324
Deposit for Maintenance & Cleaning of Ex. Public Streets Used for Access	$2,400
Landscape Deposit	$8,434
Punchlist & Restoration Deposit	$8,221
TOTAL CASH DEPOSITS (REFUNDABLE):	**$19,379**

HENNESSEY ENGINEERS NOTES:

HENNESSEY ENGINEERS, INC., SHALL NOT BE RESPONSIBLE FOR MEANS, METHODS, PROCEDURES, TECHNIQUES, OR SEQUENCES OF CONSTRUCTION, OR 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 DEFENDY 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 IDENTIFY THE ENGINEER IF ANY CONFLICTS ARE APPARENT OR IF THE LOCATION OR DEPTH DIFFERS SIGNIFICANTLY FROM THE PLAN.

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 SIZING OF EXISTING OVERHEAD AND UNDER-GROUND 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 (CALL PRIOR TO THE LOCATION OF UNDER GROUND FACILITIES)

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	401.00'	199.34'	197.29'	S 19°01'30" E	28°28'55"
C2	461.00'	244.35'	241.50'	S 18°02'15" E	30°22'10"
C3	30.00'	29.20'	28.06'	S 57°09'19" E	55°46'28"
C4	30.00'	21.89'	21.41'	S 10°19'10" E	41°48'20"
C5	60.00'	288.63'	80.59'	S 52°40'13" W	275°37'33"

LOT NO.	AREA (SQ.FT.)	FRONTAGE(FT.)
1	12734.8	60.04
2	13278.1	65.72
3	13040.1	118.32
4	37109.9	73.03
5	33923.1	74.50
6	18609.3	71.88
7	78014.2	184.51
8	11832.0	60.89
9	9993.5	78.50
10	8108.1	77.32
11	8819.7	78.21
12	25141.3	78.07
13	9341.8	84.20

SITE SUMMARY:

ZONING:	R-1E
TOTAL HOME SITES:	11 PROP., 3 EXISTING
GROSS AREA:	7.486 AC.
DETENTION AREA:	0.77 AC.
MIN. HOME SITE WIDTH:	60 L.F.
LOT WIDTH PROVIDED:	60 L.F.
MIN. HOME SITE AREA:	7,500 SQ.F.
SETBACKS:	
FRONT	25 L.F.
SIDE	5 L.F. & 10 L.F.
REAR	35 L.F.

BENCH MARKS:

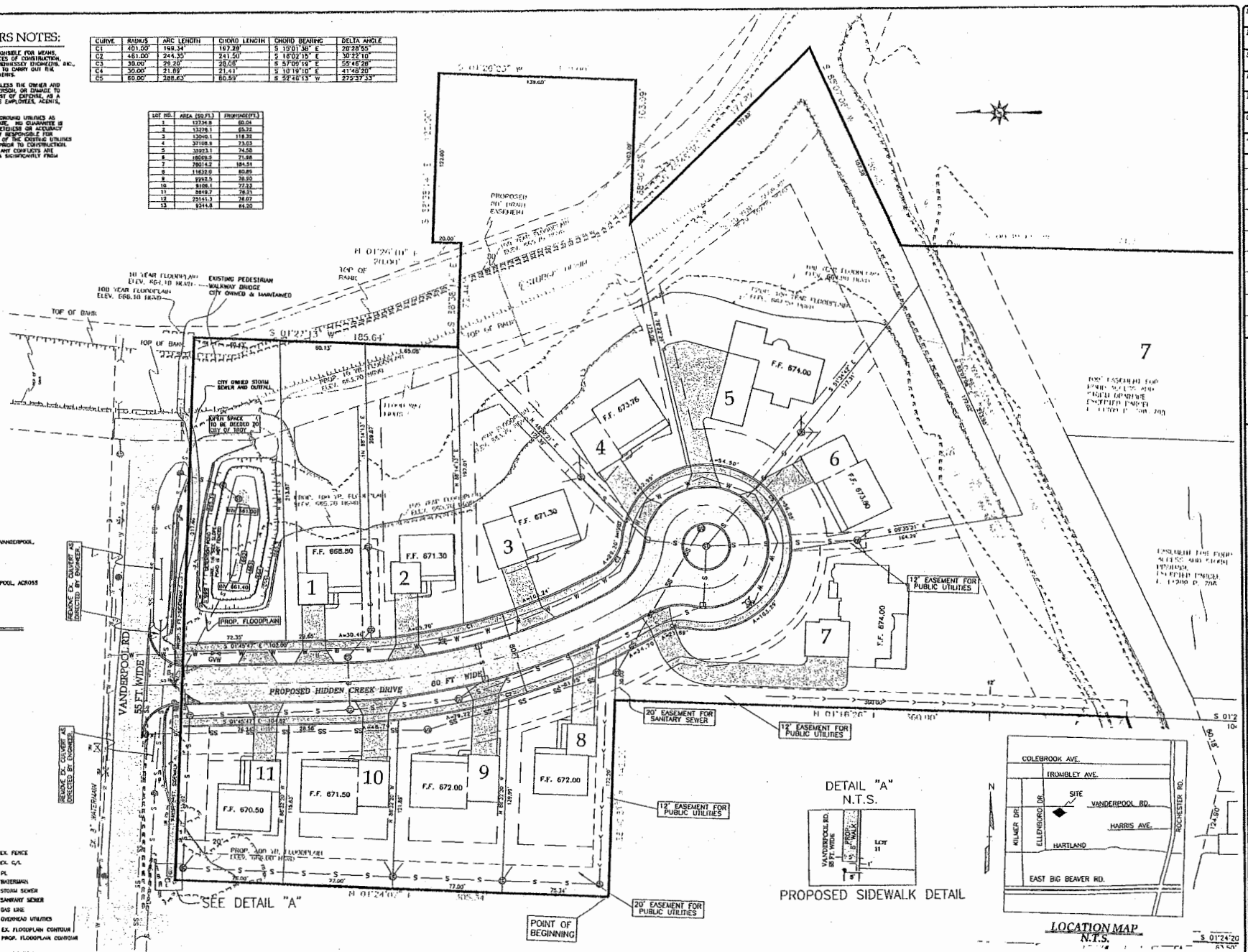
BM#1
IRON IN N. SIDE OF POWERPOLE, S. SIDE OF VANDERPOOL, ACROSS FROM FIRE #543.
ELEV. 665.71 U.S.G.S.

BM#2
ARROW ON HYDRANT @ 835 VANDERPOOL.
ELEV. 668.91 U.S.G.S.

BM#3
IRON IN N. SIDE POWERPOLE, S. SIDE VANDERPOOL, ACROSS FROM FIRE #575.
ELEV. 664.07 U.S.G.S.

LEGEND

- LIGHT POLE
- POWER POLE
- CATCH BASIN
- DECIDUOUS TREE
- SAN. MANHOLE
- STORM MANHOLE
- HYDRANT
- GATE VALVE AND WELL
- WATER VALVE
- GAS VALVE
- SIGN
- GUY WIRE
- SPRINKLER
- SURVEYED TREE
- 000.00 — EXIST. ELEV.
- 000.00 — PROP. ELEV.
- EX. FENCE
- EX. C/L
- PL
- WATERMAIN
- STORM SEWER
- SANITARY SEWER
- GAS LINE
- OVERHEAD UTILITIES
- EX. FLOODPLAIN CONTOUR
- PROP. FLOODPLAIN CONTOUR
- SURFACE DRAINAGE FLOW DIRECTION



PROJECT NUMBER: 53187
DATE: 09/12/03
SCALE: 1" = 30'
DESIGNED BY: THM
DRAWN BY: THM
CHECKED BY:
APPROVED BY:

REVISIONS
REVISED PER CITY OF TROY 11/21/03
REVISED PER CITY OF TROY 12/11/04
REVISED PER CITY OF TROY 03/16/05
REVISED PER CITY OF TROY 03/22/05
REVISED PER CITY OF TROY 05/06/05
REVISED PER CITY OF TROY 05/25/05
REVISED PER CITY OF TROY 06/06/05

STATE OF MICHIGAN — MICHAEL THOMAS HENNESSEY — REGISTERED PROFESSIONAL ENGINEER

HENNESSEY ENGINEERS, INC.
ENGINEERING THE FUTURE
26974 WEST JEFFERSON AVE.
SUITE 200
TRENTON, MI 48183
(734) 692-3800
FAX (734) 692-3803

TITLE SITE PLAN
HIDDEN CREEK SITE CONDOMINIUM
CITY OF TROY
OAKLAND COUNTY, MICHIGAN

SHEET CE2

August 8, 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 APPROVAL OF INCREASED INTEREST DIFFERENTIAL PAYMENT AND CLOSING COST PAYMENT, EMAD AND NIRAN YOUNO, 2955 THAMES, SIDWELL #88-20-25-229-005, BIG BEAVER, ROCHESTER TO DEQUINDRE ROAD PROJECT #01.105.5**

As part of the proposed Big Beaver Road Widening Project – Rochester to Dequindre, the Real Estate & Development Department has purchased from Emad and Niran Youno the property at 2955 Thames, having Sidwell #88-20-25-229-005 for the Big Beaver, Rochester Road to Dequindre Road improvement project.

In accordance with Michigan Laws and Federal Regulations, the property owners are eligible for a payment of Increased Interest Differential and reasonable closing costs. The amount for the Increased Interest Differential payment has been calculated and is $8,215.49. The amount of the reimbursable closing costs are $5,431.04 for a total of $13,646.53.

This payment will complete the relocation payments for the Youno's.

Staff requests that City Council, approve the Increased Interest Differential payment in the amount of $8,215.49 and reimbursable closing costs of $5,431.04 totaling $13,646.53. Funds will come from the Big Beaver Road– Rochester to Dequindre project.

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

RELOCATION CLAIM
RESIDENTIAL

Information required by Act 31, P.A. 1970 as amended, and Act 277 P.A. of 1972, to process payment.

City of Troy
MDOT A679 (11/01)

CLAIMANT'S NAME:	Emand & Niran Youno		
MAILING ADDRESS:	2955 Thames, Troy, MI 48083		
ACQUIRED PROPERTY ADDRESS AND PHONE:	2955 Thames, Troy, MI 48083 (248) 808-3380	REPLACEMENT PROPERTY ADDRESS AND PHONE:	Building new home

CONTROLLING DATES

Date occupied state acquired property: 1996 Date of first written offer: 8/4/04

Date of move: Date of final payment: 10/14/04 Date of estimated just compensation deposit:

MUST OCCUPY REPLACEMENT PROPERTY BY ----	
If Tenant, 12 months after date of move.	Date:
If Secured Owner, 12 months after date of final payment.	Date:
If Unsecured Owner, 12 months after date of estimated just compensation deposit.	Date: ----------
MUST FILE CLAIM FOR PAYMENT BY ----	
If Tenant, 18 months after date of move.	Date: ----
If Owner, 18 months after date of move or final payment, whichever is later.	Date:

Listed below are relocation payments claimed in accordance with Act 31, PA 1970 as amended. For further information, please refer to the booklet "Your Rights and Benefits When Displaced by a City of Troy Project".

Replacement Housing Supplement	
Incidental Closing Costs	$5,431.04
Increased Interest Differential	$8,215.49
Replacement Rental Supplement (Installment # _____)	-----
Purchase Down Payment	----
Moving - Fixed or Actual	
AMOUNT DUE:	$13,646.53

I/We agree payment will be sent to:

I/We Certify that:

1. All information submitted is true and correct.
2. I/We have purchased and occupied, or will purchase and occupy, a replacement dwelling which is decent, safe, and sanitary within the standards prescribed by the City of Troy.
3. I/We have vacated or will vacate the state acquired property.
4. I/We have not submitted any other claim, or received reimbursement from any other source, for expenses itemized on this claim.
5. I/We agree if the amount of compensation deposited is increased in an administrative settlement or condemnation action, the replacement housing supplement shall be recalculated based upon the increased compensation award, and any overpayment in the housing supplement shall be deducted by the Department from the final payment.
6, I/We am/are a legal resident of the United States

Claimant's Signature Date **Claimant's Signature** Date

I Certify that I have examined this claim and the substantiating documentation and have found it to conform to the applicable State and Federal Laws and the operating procedures of the City of Troy.

RECOMMENDED BY:	**DATE:**
APPROVED BY:	**DATE:**

Remarks:

CONTROL SECTION STU 63459	PARCEL 14 #88-20-25-229-005	NAME Emad & Niran Youno
JOB NUMBER 49878	FED ITEM NUMBER HH 2855	FED PROJ NUMBER STP 0163 (039) 01.105.5

REPLACEMENT HOUSING SUPPLEMENT

a) Price of comparable dwelling:		d) Lower of "a" or "b" minus "c":	
b) Price of replacement dwelling:			
c) Price of state acquired dwelling:		**AMOUNT DUE:**	

INCIDENTAL CLOSING COSTS

If there is no existing mortgage on the state acquired property, most of these costs are ineligible. Closing costs for tenants must be deducted from their total Purchase Down Payment amount.

Appraisal	$300.00	Mobile Home Title Transfer	
Assumption Fee		Mobile Home Sales Tax	
Commencement Notice		Mortgage Application Fee	$1,000.00
Closing and/or Escrow	$500.00 $400.00	Mortgage Insurance (limited to balance of existing mortgage)	
Credit Report	$50.00	Mortgage Title Insurance (limited to value of comparable)	$940.00
Discount Points (limited to balance of existing mortgage if not paid in Increased Interest Differential) 1% of $102,393.30	$1,030.02	Notary Fee	
Document Preparation Fee		Recording	$69.00
Inspections		Survey	$100.00
Legal		Tax Service Fee	
Loan Origination Fee (limited to balance of existing mortgage if not paid in Increased Interest Differential)	$1,030.02	Other – Flood certification	$12.00
		AMOUNT DUE:	$5,431.04

INCREASED INTEREST DIFFERENTIAL

Current Mortgage Balance	$102,393.30	New Mortgage Balance	$200,000.00
Current Mortgage Interest Rate	4.875	New Mortgage Interest Rate	6.250
Current Mortgage Payment	$845.86	New Mortgage Term	30 year fixed
		New Mortgage Points	1%
		AMOUNT DUE:	$8,215.49

REPLACEMENT RENTAL SUPPLEMENT/PURCHASE DOWN PAYMENT

	RENT	UTILITIES	TOTAL	X 42 MONTHS		
(a) Comparable					(e) Lower of "a" or "b":	
(b) Replacement					(f) Lower of "c" or "d":	
(c) Displacement					(g) Rental Supplement ("e" minus "f"):	
(d) Income	Yearly	Monthly	X 30%	X 42 MONTHS	(h) Installments: (1)$____ (2)$____ (3)$____	
					(i) Purchase Down Payment (larger of "g" or $5250.00):	
					(j) Payment previously claimed:	
					AMOUNT DUE:	$ -0-

FIXED MOVING PAYMENT

NO. OF ROOMS OF FURNITURE	PAYMENT
1	$425.00
2	625.00
3	825.00
4	900.00
5	1,025.00
6	1,150.00
7	1,300.00
8	1,400.00
Each Additional Room	200.00

CLAIMANT OWNS NO FURNITURE BUT MOVES PERSONAL PROPERTY:

NO. OF ROOMS	PAYMENT
1	$375.00
EACH ADDITIONAL ROOM	$100.00

OCCUPANT OF DORMITORY-STYLE ROOM:

PAYMENT $50.00

NO. OF ROOMS IN DWELLING
PLEASE CHECK ALL THAT APPLY

____ Living Room	____ Den or Office
____ Dining Room	____ Laundry
____ Family Room	____ Attic
____ Kitchen	____ Basement
____ Bedroom	____ Porch
____ Bedroom	____ Garage
____ Bedroom	____ Other _____
____ Bedroom	____ **TOTAL ROOMS**

DATE MOVE VERIFIED _____ **AMOUNT DUE:** $-0-

ACTUAL MOVING PAYMENT

Actual Moving Cost (per moving company bill or estimate)	
Monthly storage rate $_____ X number of months (limit 12)	
AMOUNT DUE:	

Memorandum

To: John Szerlag, City Manager
From: John M. Lamerato, Assistant City Manager/Finance and Administration
Tonni L. Bartholomew, City Clerk
Date: August 8, 2005
Subject: **Agenda Item** - Request for Recognition as a Nonprofit Organization Status from the Kimberly Anne Gillary Foundation for the Purpose of Obtaining a Charitable Gaming License

---

Attached is a request from Randall J. Gillary, President of the Kimberly Anne Gillary Foundation, seeking recognition as a nonprofit organization status for the purpose of obtaining a charitable gaming license to conduct a raffle and bingo on Labor Day weekend with proceeds to be used to purchase automated external defibrillators (AEDs) and training for Michigan high schools. It has been City Management's practice to support the approval of such requests.

The Kimberly Anne Gillary Foundation

201 West Big Beaver Road,
Suite 1020
Troy, MI 48084

Phone: (248) 528.0440
Fax: (248) 528.3412

August 3, 2005

Mayor Louise E. Schilling &
The Troy City Council
THE CITY OF TROY
500 West Big Beaver
Troy, MI 48084

Re: The Kimberly Anne Gillary Foundation's Application for "Recognition as a Non-Profit Organization" for the Purpose of Obtaining a Gaming License

Dear Mayor Schilling and City Council:

Attached please find the following documents on behalf of the Kimberly Anne Gillary Foundation. We are seeking to obtain recognition as a Non-Profit Organization for the Purpose of Obtaining a Gaming License:

- Blank "Local Governing Body Resolution for Charitable Gaming Licenses" form from Charitable Gaming Division—Lansing Michigan (#BSL-CG-1153(R7/02)).
- Documentation verifying the 501 (c)(3) status of the Kimberly Anne Gillary Foundation under Section 501(c)(3) of the Internal Revenue Code.
- A copy of our most recent Income Statement.
- A copy of our Articles of Incorporation.
- A copy of Form 872-C—Consent Fixing Period of Limitation Upon Assessment of Tax under Section 4940 of the Internal Revenue Code.
- The "Bylaws" for the Kimberly Anne Gillary Foundation.

My wife Sue and I established The Kimberly Anne Gillary Foundation, a 501 (c)(3) tax exempt corporation, after the death of our fifteen year old daughter Kimberly on April 3, 2000. She was a member of the Troy Athens Water Polo Team. Kimberly suffered a

cardiac arrest during a high school water polo game at Groves High School and was unable to be revived. We believe that if there had been an automated external defibrillator (AED) on site at the time of her cardiac arrest, Kim's chances of survival would have improved greatly. The mission of our Foundation is to ensure that every high school in Michigan has an automated external defibrillator (AED) and staff members trained in CPR and AED use. Our goal is to do what ever we can to prevent other families from going through what we did with the loss of our beloved Kimberly.

The Foundation has to date raised approximately $689,000 and donated over 290 AEDs to Michigan high schools. The Foundation makes an unconditional gift of the AED to the high school and also pays for training for up to five people ($175). There are about 915 high schools in Michigan. At a cost of approximately $1,770 per unit and training, The Foundation will need about $1.11 Million to complete its mission. All donations to The Kimberly Anne Gillary Foundation are fully tax deductible. All administrative expenses are paid by the Law Offices of Randall J. Gillary, P.C.

We are seeking a gaming license for a raffle and bingo to be held at the Blue Water Sportsman Club on Ravenswood Road near Port Huron on Labor Day weekend. Tickets will cost $5.00 and all proceeds will be used to purchase automated external defibrillators (AEDs) and training for Michigan high schools.

We are respectfully asking that the Troy City Council adopt a resolution recognizing the Kimberly Anne Gillary Foundation as a Non-Profit Organization operating in the community for the purpose of obtaining a Charitable Gaming License.

Please feel free to contact me if you have any questions or would desire any additional information. Thank you for your consideration of our request.

Very truly yours,

RANDALL J. GILLARY, President

Enc.
ek

TO: Mayor and Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
DATE: August 9, 2005
SUBJECT: Gerback et. al v. City of Troy

Enclosed please find a complaint that was recently filed against the City of Troy and the Troy City Council by James Gerback, Successor Trustee under the Amended Robert S. Binder Trust Agreement. The complaint was filed on June 17, 2005, but was not immediately served on the City. The lawsuit stems from City Council's denial of a requested re-zoning of a 2.74 acre parcel of property located on the west side of Rochester Road, south of Trinway. The property is owned by the Plaintiff trust, and is currently zoned R-1C (one family residential). Plaintiff unsuccessfully sought to re-zone the property to R-1T (one family attached residential). In its meeting of December 14, 2004, the Troy Planning Commission recommended the re-zoning, since it was consistent with the Master Land Use Plan, which designated the area as medium density residential. City Administration similarly recommended the re-zoning. However, the Troy City Council voted 3-4 against the re-zoning at the February 21, 2005 City Council meeting. The most prevalent concern about the requested re-zoning was the depth of the property (approximately 570 feet). The complaint alleges that the denial of the requested re-zoning was "arbitrary and capricious," and fails to advance a legitimate government interest.

Count I of the complaint alleges a denial of substantive due process, and argues that the denial of the rezoning bears "no reasonable relationship to the health, safety and welfare of the public of Troy". Count II asserts an equal protection claim, where Plaintiff argues that it has been treated less favorably than other owners of "similarly situated" property, since properties of greater depths have received the requested R-1T zoning. The complaint seeks an injunction that "prevents the City of Troy from interfering with Plaintiff's proposed use of the property."

Our office will assume the defense of this case, absent objections from City Council.

Original - Court 1st copy - Defendant 2nd copy - Plaintiff 3rd copy - Return

STATE OF MICHIGAN
JUDICIAL DISTRICT
SIXTH JUDICIAL CIRCUIT

SUMMONS AND COMPLAINT

05-067157-AA

OAKLAND COUNTY JUDGE DEBORAH G. TYNER
GERBACK, JAMES V TROY CITY

Court Address 1200 N. Telegraph; Pontiac, MI 48341

Case no.

Plaintiff name(s), address(es) and telephone no(s).

James L. Gerback, Successor Trustee under the Amended Robert S. Binder Trust Agreement Dated March 1, 2004

c/o Plaintiff's Attorney

V

Defendant name(s), address(es), and telephone no(s).

City of Troy City Council
500 W. Big Beaver
Troy, MI 48084

(248) 524-3300

Plaintiff attorney, bar no., address, and telephone no.

Ernest J. Essad, Jr. (P32572)
David E. Plunkett (P66696)
Williams, Williams, Ruby & Plunkett, P.C.
380 N. Old Woodward, Suite 300
Birmingham, MI 48009
(248) 642-0333

SUMMONS **NOTICE TO THE DEFENDANT**: In the name of the people of the State of Michigan, you are notified:

1. You are being sued.
2. YOU HAVE 21 DAYS after receiving this summons to file an answer with the court and serve a copy on the other party or to take other lawful action (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued	This summons expires	Court clerk
JUN 17 2005	SEP 16 2005	RUTH JOHNSON

*This summons is invalid unless served on or before its expiration date.

COMPLAINT ***Instruction: The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.***

Family Division Cases

☐ There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.

☐ An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in Oakland County Circuit Court.

The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.

General Civil Cases

☒ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.

☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in _____ Court.

The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.

VENUE

Plaintiff(s) residence (include city, township, or village)	Defendant(s) residence (include city, township, or village)
Birmingham, Oakland County, Michigan	Troy, Oakland County, Michigan

Place where action arose or business conducted

Troy, Oakland County, Michigan

I declare that the **complaint information above and attached** is true to the best of my information, knowledge, and belief.

6-13-05

Date

Signature of attorney/plaintiff

If you require special accommodations to use the court because of disabilities, please contact the court immediately to make arrangements.

MCR 2.102(B)(11), MCR 2.104, MCR 2.105, MCR 2.107, MCR 2.113(C)(2)(a),(b), MCR 3.206(A)

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

RECEIVED FOR FILING
2005 JUN 17 P 3:50
BY: _____
DEPUTY COUNTY CLERK

05-067157-AA
JUDGE DEBORAH G. TYNER
GERBACK, JAMES V TROY CITY

JAMES L. GERBACK, Successor Trustee
under the Amended Robert S. Binder Trust
Agreement dated March 1, 2004,

Plaintiff,

v.

Case No.

Honorable

THE CITY OF TROY and THE CITY OF TROY
CITY COUNCIL, jointly
and severally,

Defendants.

_____/

Ernest J. Essad, Jr., (P32572)
David E. Plunkett (P66696)
Attorneys for Plaintiff
Williams, Williams, Ruby & Plunkett, P.C.
380 N. Old Woodward, Suite 300
Birmingham, Michigan 48009
(248) 642-0333

_____/

COMPLAINT FOR INJUNCTIVE RELIEF

There is no other civil action between these parties arising out of the same transaction or occurrence as alleged in this Complaint pending in this Court, nor has any such action been previously filed and dismissed or transferred after having been assigned to a Judge, nor do I know of any other civil action, not between these parties, arising out of the same transaction or occurrence as alleged in this Complaint that is either pending or was previously filed and dismissed, transferred, or otherwise disposed of after having been assigned to a Judge in this Court.

Plaintiff James L. Gerback, Successor Trustee under the Amended Robert S. Binder Trust Agreement dated March 1, 2004, by his attorneys, states as follows for his Complaint for Injunctive Relief against the City of Troy and the City of Troy City Council:

WILLIAMS, WILLIAMS, RUBY & PLUNKETT, P.C. 380 N. OLD WOODWARD AVENUE, SUITE 300 BIRMINGHAM, MICHIGAN 48009 TELEPHONE (248) 642-0333

WILLIAMS, WILLIAMS, RUBY & PLUNKETT, P.C. 380 N. OLD WOODWARD AVENUE, SUITE 300 BIRMINGHAM, MICHIGAN 48009 TELEPHONE (248) 642-0333

PARTIES AND PROPERTY

1. Plaintiff James L. Gerback is the Successor Trustee under the Amended Robert S. Binder Trust Agreement dated March 1, 2004, whose address is 300 Park Street, Suite 375, Birmingham, Michigan 48009.

2. Defendant City of Troy is a Michigan municipal body, located in Oakland County, Michigan ("Troy").

3. Defendant City of Troy City Council is a Michigan municipal administrative board ("City Council").

4. Plaintiff is the owner of real property consisting of 2.74 acres located in Troy on the west side of Rochester Road, south of Trinway, Section 10 (the "Property").

JURISDICTION AND VENUE

5. This Court has jurisdiction over Troy and the City Council because they are both located in Oakland County, and this Complaint seeks equitable relief which is specifically within the jurisdictional limits of the Court.

6. This matter arises from the City Council's denial of Binder's zoning application and the refusal by the Troy Board of Zoning Appeals to hear an appeal of the denial. (See Ex. A, April 26, 2005 letter from Troy stating that the BZA has no jurisdiction to hear appeal).

7. Venue is proper in this Court.

FACTUAL ALLEGATIONS

8. The Property is zoned R-1C One Family Residential.

9. The Property is approximately 2.74 acres in size, with a depth of approximately 570 feet.

WILLIAMS, WILLIAMS, RUBY & PLUNKETT, P.C. 380 N. OLD WOODWARD AVENUE, SUITE 300 BIRMINGHAM, MICHIGAN 48009 TELEPHONE (248) 642-0333

10. On or about November 10, 2004, Plaintiff filed a request with the Troy Planning Commission ("Planning Commission") to rezone the Property to R1-T for the purpose of developing up to fourteen (14) attached condominiums on the Property (the "Rezoning Commission Application"). (Ex. B.)

11. At its December 14, 2004 meeting, the Planning Commission determined that the Rezoning Application was consistent with the Medium Density Residential classification shown on the Troy Future Land Use Plan, and recommended approval of the Rezoning Application. (Ex. C, relevant meeting minutes).

12. On or about January 11, 2005, Troy's Real Estate & Development Director and Planning Director sent a Recommendation to the City Manager concurring with the Planning Commission and recommending approval of the Rezoning Application. (Ex. D.)

13. The January 11, 2005 Recommendation states as follows:

> The frontage of the parcel is consistent with the Future Land Use Plan. At the December 14, 2004 Regular Meeting, the Planning Commission determined that the rezoning application is consistent with the dept of the Medium Density Residential classification shown on the Future Land Use Plan, and recommended approval of the rezoning request. The R-1T Zoning District is an appropriate buffer between a major thoroughfare and a single-family residential district. The application is compatible with abutting uses and zoning districts. <u>City Management concurs with the Planning Commission recommendation and recommends approval of the rezoning application</u>.

(<u>Id.</u> at p. 1, emphasis added.)

14. The January 11 Recommendation also states:

> Research shows that other R-1T parcels located on Rochester Road within the Medium Density Residential classification exceed 570 feet in depth (see attached table).

(<u>Id.</u> at p. 3.)

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15. The table attached to the January 11 Recommendation shows four (4) other parcels zoned R1-T located on Rochester Road within the Medium Density Residential Classification that exceed 570 feet in depth, including two (2) that exceed 1,200 feet in depth, more than twice as deep as the subject Property. (Ex. E.) The table also shows four (4) parcels zoned R1-T located on other area roads that exceed 570 feet in depth, and three (3) more that exceed 300 feet in depth. (Id.)

16. At its January 24, 2005 meeting, the City Council decided to postpone voting on the Rezoning Application until the February 21, 2005 City Council meeting, based on concern about the depth of the parcel. (Ex. F at p. 1; Ex. G at p. 1; Ex. H at pp 1-2.)

17. The purpose of the postponement was to allow Plaintiff, the Planning Commission and the Planning Department to address the concern raised by the City Council regarding the depth of the Property. (Ex. G at p. 1.)

18. At a Special/Study Meeting regarding this issue on February 1, 2005, the Planning Commission determined the following:

> 1. The rezoning application is consistent with the Future Land Use Plan.
> 2. The rezoning application is compatible with adjacent land uses and zoning districts.
> 3. The depth of the parcel (570 feet) is less than the depth of other parcels fronting on Rochester Road that were recently rezoned to R-1T. Specifically, these parcels include Maya's Meadows in Section 14 (671-foot depth). The Fairways in Section 11 (1221 foot depth) and the undeveloped parcel on the north side of Lamb Road in Section 14 (670-foot depth).
> 4. Retaining a portion of the property as R-1C would result in a small parcel that would be difficult to develop under R-1T provisions. Furthermore, it is not desirable for a site condominium development and a traditional condominium development to share a street.

(Id. at pp 1-2.)

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19. On or about February 11, 2005, the Real Estate & Development Director and the Planning Director gave a second Recommendation to the City Manager recommending approval of the Rezoning Application. (Ex. G.)

20. Despite numerous recommendations by the Planning Commission and City management which were well-supported on various grounds, and despite the presence of other similarly situated parcels as deep and far deeper than the Property, the City Council denied the Rezoning Application of February 21, 2005. (Ex. I.)

21. A synopsis of the January 24, 2005 public hearing before the City Council confirms that the only concern expressed by the City Council regarding the Rezoning Application was the depth of the Property. (Ex. J.)

22. The City Council gave no other reason on the record for denying the Rezoning Application, which the Planning Commission and City management had recommended.

23. On information and belief, the depth of the Property was the sole reason the City Council denied the Rezoning Application.

24. Plaintiff attempted to obtain a use variance from the City of Troy Board of Zoning Appeals ("BZA"), but was informed by the Troy Director of Building and Zoning that the Troy Zoning Ordinance does not give the BZA jurisdiction to grant use variances or otherwise hear Plaintiff's appeal. (Ex. A.) "Based on the restriction of the powers of the Board of Zoning Appeals noted above, the Board has no jurisdiction to hear your request. Therefore, an application for hearing before the Board of Zoning Appeals is not justified." (Id.)

25. Defendant City Council acted arbitrarily and capriciously in denying Plaintiff's Rezoning Application based on the Property's depth for the reason that there are numerous other

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examples in the surrounding area where the depth of similarly situated and zoned parcels equals or exceeds the depth of the Property.

26. Defendant City Council failed to advance a legitimate governmental interest in denying the Rezoning Application.

COUNT I
Denial of Substantive Due Process

27. Plaintiff hereby incorporates by reference Paragraphs 1 through 26 as though fully set forth here.

28. The actions of the City Council in denying Plaintiff's Rezoning Application constitute an unreasonable violation of Plaintiff's constitutional right to substantive due process under the Michigan Constitution for the reason for that such action is without rational basis, is unreasonable, arbitrary and capricious, and fails to advance any governmental interest.

29. The actions of the City Council in denying Plaintiff's Application bear no reasonable relationship to the health, safety and welfare of the public of Troy.

WHEREFORE, Plaintiff respectfully requests that the Court enter an appropriate injunction preventing the City of Troy and the Troy City Council from interfering with Plaintiff's proposed use of the Property.

COUNT II
Denial of Equal Protection

30. Plaintiff hereby incorporates by reference Paragraphs 1 through 29 as though fully set forth here.

31. Plaintiff, Troy and the City Council are subject to the Constitution of the State of Michigan.

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32. The Constitution of the State of Michigan requires that all persons be afforded equal protection under the law.

33. Defendants have approved zoning of R1-T for similarly situated parcels as deep and deeper than the Property in the area of Troy surrounding the Property, including multiple examples on Rochester Road.

34. The denial of Plaintiff's Rezoning Application was arbitrary and capricious and denied it equal protection under the law.

35. Said actions by the Troy and City Council are in violation of the Constitution of the State of Michigan.

36. In its denial of Plaintiff's Rezoning Application, the City Council has not cited any health, safety or welfare concern relative to the variance request to distinguish it from any other similar R1-T zoning previously approved by the City Council.

WHEREFORE, Plaintiff respectfully requests that the Court enter an appropriate injunction preventing the City of Troy and the Troy City Council from interfering with Plaintiff's proposed use of the Property.

Jury Demand

Plaintiff hereby requests a trial by jury on all issues so triable.

Respectfully submitted,

WILLIAMS, WILLIAMS, RUBY & PLUNKETT, P.C.

By: _____

Ernest J. Essad, Jr. (P32572)
David E. Plunkett (P66696)
Attorneys for Plaintiff
380 N. Old Woodward, Suite 300
Birmingham, MI 48009
(248) 642-0333

Dated: June 10, 2005

WILLIAMS, WILLIAMS, RUBY & PLUNKETT, P.C. 380 N. OLD WOODWARD AVENUE, SUITE 300 BIRMINGHAM, MICHIGAN 48009 TELEPHONE (248) 642-0333

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

Area code (248)

Assessing
524-3311

Bldg. Inspections
524-3344

Bldg. Maintenance
524-3368

City Clerk
524-3316

City Manager
524-3330

Community Affairs
524-1147

Engineering
524-3383

Finance
524-3411

Fire-Administration
524-3419

Human Resources
524-3339

Information Services
619-7279

Law
524-3320

Library
524-3545

Parks & Recreation
524-3484

Planning
524-3364

Police-Administration
524-3443

Public Works
524-3370

Purchasing
524-3338

Real Estate & Development
524-3498

Treasurer
524-3334

General Information
524-3300

April 26, 2005

John D. Gaber
Williams, Williams, Ruby & Plunkett, P.C.
380 North Old Woodward Avenue, Suite 300
Birmingham, MI 48009

Re: Board of Zoning Appeals Action
Property on West Side if Rochester Road, South of Trinway
Rezoning Application Z-699

Dear Sirs:

I have received your letter regarding the Board of Zoning Appeals ability to act on a variance on the above referenced property. In general your question is whether the Troy Board of Zoning Appeals can consider a use variance to be allowed to use the property for single-family attached dwellings (townhouse) use while it is located in a One-Family Detached Residential Zoning District. Attached single-family dwellings are not a principal use permitted in a One-Family Detached Residential Zoning District per the requirements of Section 10.20.00 of the Troy Zoning Ordinance.

Section 43.72.00 of the Troy Zoning Ordinance states, in part that, *"a variance must not permit the establishment of a prohibited use as the principal use within a Zoning District"*. Section 43.80.02 of the Ordinance also states *"Nothing in this Article shall be construed to grant the Board the authority to modify any provisions of the Zoning Ordinance other than those specified, or to alter the Zoning District map because that authority is reserved to the Mayor and City Council"*.

Based upon the restriction of the powers of the Board of Zoning Appeals noted above, the Board has no jurisdiction to hear your request. Therefore, an application for hearing before the Board of Zoning Appeals is not justified.

If you would like any additional information regarding this matter, please feel free to contact me.

Yours truly,

Mark Stimac, R.A., C.B.O.
Director of Building and Zoning

Copies: John Szerlag, City Manager
Brian P. Murphy, Assitant City Manager/Services
Lori Grigg-Bluhm, City Attorney
Mark Miller, Planning Director

EXHIBIT A

Fred Binder
5215 Rochester Rd.
Troy, Mi 48085
248-835-6662
Fax: 248-865-9935
fredbinder@aol.com

November 10, 2004

City of Troy planning Department
500 W. Big Beaver Rd.
Troy, MI 48084
248-524-3364
Fax: 248-524-3382
RE: Statement of desire for zoning change 5215 Rochester Rd

To whom it may concern,

In our opinion it is in both the best interest of the residents of The City of Troy and ourselves to change the zoning of our 2.74 acres located at 5215 Rochester Rd from R-1C to R-1T. T he R-1T designation is in compliance with the future land use plan , and appears to be the best use of the land.
My house is one of the original houses in Troy and we have worked very hard to restore it. By giving the R1-T designation we will be able to best use the land, and will most likely be able to retain the house as the focal point for our proposed condominium project. This will be best to help retain the charm and character of the City of Troy, and the neighborhood. We further believe that this proposed change in zoning, and the beauty of the new development will be a positive thing for my neighbors and their property.

Thank You,

Fred Binder

NOV 12 2004

EXHIBIT B

7. PUBLIC HEARING – PROPOSED REZONING (Z 699) – Proposed Briggs Crossing Condominium, West side of Rochester Road, South of Trinway, Section 10 – From R-1C (One Family Residential) to R-1T (One Family Attached)

Mr. Savidant presented a summary of the Planning Department report for the proposed rezoning. Mr. Savidant referenced three handouts relating to the proposed rezoning request. They are: (1) an amended page 2 of the Planning Department report with respect to natural features; (2) a table identifying R-1T zoning districts parcel sizes and depths; and (3) a letter of opposition received today.

Mr. Savidant cited the sizes and depths of specific parcels located within the R-1T zoning district from former rezoning requests. Mr. Savidant reported that Article 12.40.01 states that the R-1T zoning district may be applied to property when the application of such a classification is consistent with the intent of the Future Land Use Plan, and therefore involves areas indicated as medium density or high density residential. Mr. Savidant said the subject application would meet this standard and the locational standards of the R-1T district should the Planning Commission determine that the depth of the parcel is consistent with the depth of the area classified on the Future Land Use Plan as Medium Density Residential.

The petitioner, Fred Binder of 5215 Rochester Road, Troy, was present. Mr. Binder said he thinks the request fits within the Future Land Use Plan, and it does appear that similar depths have been approved in the past.

Mr. Chamberlain referenced the Future Land Use Plan with respect to the depth of the R-1T zoning versus the commercial to the south. He said it appears that the subject parcel would be deeper or the same depth as the commercial to the south.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2004-12-154
Moved by: Chamberlain
Seconded by: Wright

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1C to R-1T rezoning request, located on the west side of Rochester Road and south of Trinway, within Section 10, being approximately 2.74 acres in size, be granted, for the following reason:

1. That it complies with the Future Land Use Plan of the City of Troy.

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

MOTION CARRIED

Mr. Littman said he thinks the parcel goes too deep when you look at the neighborhood and how it is put together.

EXHIBIT C

January 11, 2005

TO: John Szerlag, City Manager

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

SUBJECT: AGENDA ITEM – PUBLIC HEARING – REZONING APPLICATION – West side of Rochester Road, South of Trinway, Section 10 – R-1C to R-1T (Z 699)

RECOMMENDATION

The frontage of the parcel is consistent with the Future Land Use Plan. At the December 14, 2004 Regular Meeting, the Planning Commission determined that the rezoning application is consistent with the depth of the Medium Density Residential classification shown on the Future Land Use Plan, and recommended approval of the rezoning request. The R-1T Zoning District is an appropriate buffer between a major thoroughfare and a single-family residential district. The application is compatible with abutting uses and zoning districts. City Management concurs with the Planning Commission recommendation and recommends approval of the rezoning application.

GENERAL INFORMATION

Name of Owner / Applicant:
The owner is Robert S. Binder Building. The applicant is Fred Binder.

Location of Subject Property:
The property is located on the west side of Rochester Road, south of Trinway, in Section 10.

Size of Subject Parcel:
The parcel is approximately 2.74 acres in area.

Current Use of Subject Property:
A single family home presently sits on the property.

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

Proposed Zoning of Subject Parcel:
R-1T One Family Attached District.

Proposed Uses and Buildings on Subject Parcel:
The applicant proposes to construct a condominium development on the property.

EXHIBIT D

Current Use of Adjacent Parcels:
North: Single family residential.

South: Single family residential.

East: Single family residential.

West: Single family residential.

Zoning Classification of Adjacent Parcels:
North: R-1C One Family Residential.

South: R-1C One Family Residential.

East: R-1C One Family Residential.

West: R-1C One Family Residential.

ANALYSIS

Range of Uses Permitted in the Proposed R-1T Zoning District and Potential Build-out Scenario:

PRINCIPAL USES PERMITTED:

All principal uses permitted and as regulated in the nearest R-1A through R-1E One Family Residential Districts.

Two family dwellings developed in accordance with the provisions of the Condominium Act, MCL 559.1, et seq.

One family attached dwellings as defined in sub-Section 04.20.44 developed in accordance with the provisions of the Condominium Act, MCL 559.1, et seq.

Accessory buildings and uses customarily incidental to the above principal uses.

USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL:

Churches and other facilities normally incidental thereto.

Schools.

Child care centers.

Utility and public service buildings and uses.

Vehicular and Non-motorized Access:
The parcel fronts on Rochester Road.

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

Natural Features and Floodplains:
The Natural Features Map indicates there are no significant natural features located on the property. A site visit indicated there is an open drain on the western half of the property. It will need to be determined during the site plan review process whether there are any wetlands on the property. There are also woodlands on the property.

Compliance with Future Land Use Plan:
The Future Land Use Plan classifies the Rochester Road frontage in this area as Medium Density Residential. The Medium Density Residential classification correlates with the R-1T Zoning District in the Plan. On the surface, the rezoning application is consistent with the Future Land Use Plan. However, the depth of the subject parcel is 570 feet. The exact depth of the Medium Density Residential classification cannot be determined from the Future Land Use Plan because it is conceptual in nature. If the City Council agrees with the Planning Commission and determines that the depth of the parcel is consistent with the Future Land Use Plan, the application would be considered to be consistent with the intent of the Future Land Use Plan.

Compliance with Location Standards:

Article 12.40.01 states that the R-1T (One-family Attached Residential) District may be applied to property when one or more of the following conditions prevail:

(A) When the application of such a classification is consistent with the intent of the Master Land Use Plan, and therefore involves areas indicated as medium density or high density residential.

(B) When the application of such a classification would be an integral part of a planned residential development approach, such as a planned neighborhood development (34.50.00), wherein the overall density is consistent with the intent of the Master Land Use Plan.

The Planning Commission determined that the depth of the parcel is consistent with the depth of the area classified on the Future Land Use Plan as Medium Density Residential. If the City Council has the same finding of fact, the application would meet the standard of (A) above and therefore meet the Location Standards of the R-1T District.

Research shows that other R-1T parcels located on Rochester Road within the Medium Density Residential classification exceed 570 feet in depth (see attached table).

Attachments:

1. Maps.
2. Table: R-1T Parcel Sizes and Depths.
3. Minutes from December 14, 2004 Planning Commission Regular Meeting.
4. Letter from petitioner, dated November 10, 2004.
5. Two (2) letters of opposition, both dated December 14, 2004.

Prepared by RBS/MFM/PPB

cc: Applicant
File (Z 699)

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EXHIBIT E

R-1T ZONING DISTRICTS
PARCEL SIZES AND DEPTHS

Development/Units	Location	File #	Parcel Size	Parcel Depth (from ROW)
Enclave of Troy 36 units	Northwest corner of Wattles & John R Section13	SP-92	6.6 ac.	600' from Wattles 563' from John R
Maya's Meadows 28 units	East side of Rochester Road, north of Wattles, Section 14	SP-857	5.3 ac.	617' from Rochester
Charleston Club Condominiums 12 units	North side of Long Lake Road, west of Livernois, Section 9	SP-844	0.6 ac.	333' from Long Lake
Harrington Park Condominium 34 units	North side of Long Lake Road, west of Livernois, Section 9	SP-861	5.9 ac.	333' from Long Lake
Fountain Park Condominium 14 units	West side of Rochester Road, north of Wattles, Section 14	SP-871	2.7 ac.	336' from Rochester
Sandalwood North of Troy 54 units	South side of South Boulevard, west of Rochester Rd., Section 3	SP-854	10.1 ac.	1037' from South
Sandalwood South of Troy 54 units	West side of Rochester Road, south of South Blvd., Section 3	SP-853	9.45 ac.	1255' from Rochester
Undeveloped	East side of Rochester Road, north of Wattles Road, Section 14		14.11 ac.	670' from Rochester
The Fairways 100 units	East side of Rochester Road, south side of Square Lake Road, Section 11	SP-702	19.9 ac.	1221' from Rochester 772' from Square Lake
Wattles Creek Townhouses 210 units	South side of Wattles, west of I-75, Section 21.	SP-180	28.9 ac.	2741' from Wattles
Undeveloped	South side of Long Lake, west of Rochester, Section 15.		14.5 ac.	924' from Wattles

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February 2, 2005

TO: The Planning Commission

FROM: Mark F. Miller, Planning Director
Brent Savidant, Principal Planner

SUBJECT: REZONING APPLICATION (Z 699) – West side of Rochester Road, South of Trinway, Section 10 – R-1C to R-1T

At the December 14, 2004 Regular Meeting, the Planning Commission determined that the rezoning application is consistent with the depth of the Medium Density Residential classification shown on the Future Land Use Plan, and recommended approval of the rezoning request. City Council held a Public Hearing on this item on January 24, 2005. Some members of City Council expressed concern regarding the depth of the parcel in relation to the depth of the area classified as Medium Density Residential in the Future Land Use Plan. City Council passed the following resolution:

Resolution #2005-01-037
Moved by Beltramini
Seconded by Stine

RESOLVED, That the R-1C to R-1T rezoning request, located on the west side of Rochester Road, south of Trinway, Section 10, being 2.74 acres in size, as recommended by the Planning Commission and City Management, is hereby POSTPONED, until the Regular City Council Meeting Scheduled for Monday, February 21, 2005 to allow the Petitioner, the Planning Commission and the Planning Department the opportunity to review alternative development options of the property to address some of the concerns brought forward by City Council.

Yes: All-7

The Planning Commission discussed this item as requested by City Council at the February 1, 2005 Special/Study Meeting. At this meeting, the Planning Commission determined the following:

1. The rezoning application is consistent with the Future Land Use Plan.
2. The rezoning application is compatible with adjacent land uses and zoning districts.
3. The depth of the parcel (570 feet) is less than the depth of other parcels fronting on Rochester Road that were recently rezoned to R-1T. Specifically, these parcels include Maya's Meadows in Section 14 (617-foot depth). The Fairways in Section 11 (1221-foot depth) and the undeveloped parcel on the north side of Lamb Road in Section 14 (670-foot depth).
4. Retaining a portion of the property as R-1C would result in a small parcel that would be difficult to develop under R-1T provisions. Furthermore, it is not

EXHIBIT F #11

desirable for a site condominium development and a traditional condominium development to share a street.

Please be prepared to discuss this item at the February 8, 2005 Planning Commission Regular Meeting.

Attachments:

1. Report prepared for City Council, dated January 11, 2005.
2. R-1T Zoning Districts Parcel Sizes and Depths.
3. Minutes from December 14, 2004 Planning Commission Regular Meeting.
4. Letter from applicant, dated November 10, 2004.
5. Letters of opposition (2).
6. Synopsis of comments from January 24, 2005 City Council Meeting.
7. Draft resolution from January 24, 2005 City Council Meeting.

cc: Applicant
File/ Z 699

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City Council Report
February 21, 2005 Meeting

February 11, 2005

TO: John Szerlag, City Manager

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

SUBJECT: AGENDA ITEM – POSTPONED ITEM (FROM JANUARY 24, 2005) – REZONING APPLICATION – West side of Rochester Road, South of Trinway, Section 10 – R-1C to R-1T (Z 699)

RECOMMENDATION

At the December 14, 2004 Regular Meeting, the Planning Commission determined that the rezoning application is consistent with the depth of the Medium Density Residential classification shown on the Future Land Use Plan, and recommended approval of the rezoning request. City Council considered this item on January 24, 2005, and postponed the item to February 21, 2005, "to provide the petitioner, the Planning Department and the Planning Commission with the opportunity to review alternate development options of the property to address concerns brought forward by City Council". Specifically, the major concerns were depth and compatibility.

The Planning Commission reviewed the item at the February 1 Special/Study Meeting and the February 8, 2005 Regular Meeting. At the February 8 meeting the Planning Commission passed the following resolution:

Resolution # PC-2005-02-023
Moved by: Wright
Seconded by: Schultz

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1C to R-1T rezoning request, located on the west side of Rochester Road and south of Trinway, within Section 10, being approximately 2.74 acres in size, be granted, for the following reasons:

1. The rezoning application is consistent with the Future Land Use Plan.

2. The rezoning application is compatible with adjacent land uses and zoning districts.

3. The depth of the parcel (570 feet) is less than the depth of other parcels fronting on Rochester Road that were recently rezoned to R-1T. Specifically, these parcels include Maya's Meadows in Section 14 (617-foot depth). The Fairways in Section 11 (1221-foot depth) and the undeveloped parcel on the north side of Lamb Road in Section 14 (670-foot depth).

EXHIBIT G

4. Retaining a portion of the property as R-1C would result in a small parcel that would be difficult to develop under R-1T provisions. Furthermore, it is not desirable for a site condominium development and a traditional condominium development to share a street.

Yes: 9
No: 0
Absent: 0

MOTION CARRIED

The frontage of the parcel is consistent with the Future Land Use Plan. The proposed depth of the R-1T zone is similar to the depth of the B-2 Community Business District zone to the south. The R-1T Zoning District is an appropriate buffer between a major thoroughfare and a single-family residential district. The application is compatible with abutting uses and zoning districts. City Management concurs with the Planning Commission recommendation and recommends approval of the rezoning application.

GENERAL INFORMATION

Name of Owner / Applicant:
The owner is Robert S. Binder Building. The applicant is Fred Binder.

Location of Subject Property:
The property is located on the west side of Rochester Road, south of Trinway, in Section 10.

Size of Subject Parcel:
The parcel is approximately 2.74 acres in area.

Current Use of Subject Property:
A single family home presently sits on the property.

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

Proposed Zoning of Subject Parcel:
R-1T One Family Attached District.

Proposed Uses and Buildings on Subject Parcel:
The applicant proposes to construct a condominium development on the property.

Current Use of Adjacent Parcels:
North: Single family residential.

South: Single family residential.

East: Single family residential.

West: Single family residential.

Zoning Classification of Adjacent Parcels:
North: R-1C One Family Residential.

South: R-1C One Family Residential.

East: R-1C One Family Residential.

West: R-1C One Family Residential.

ANALYSIS

Range of Uses Permitted in the Proposed R-1T Zoning District and Potential Build-out Scenario:

PRINCIPAL USES PERMITTED:

All principal uses permitted and as regulated in the nearest R-1A through R-1E One Family Residential Districts.

Two family dwellings developed in accordance with the provisions of the Condominium Act, MCL 559.1, et seq.

One family attached dwellings as defined in sub-Section 04.20.44 developed in accordance with the provisions of the Condominium Act, MCL 559.1, et seq.

Accessory buildings and uses customarily incidental to the above principal uses.

USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL:

Churches and other facilities normally incidental thereto.

Schools.

Child care centers.

Utility and public service buildings and uses.

Vehicular and Non-motorized Access:
The parcel fronts on Rochester Road.

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

Natural Features and Floodplains:
The Natural Features Map indicates there are no significant natural features located on the property. A site visit indicated there is an open drain on the western half of the property. It will need to be determined during the site plan review process whether there are any wetlands on the property. There are also woodlands on the property.

Compliance with Future Land Use Plan:
The Future Land Use Plan classifies the Rochester Road frontage in this area as Medium Density Residential. The Medium Density Residential classification correlates with the R-1T Zoning District in the Plan. On the surface, the rezoning application is consistent with the Future Land Use Plan. However, the depth of the subject parcel is 570 feet. The exact depth of the Medium Density Residential classification cannot be determined from the Future Land Use Plan because it is conceptual in nature. If the City Council agrees with the Planning Commission and determines that the depth of the parcel is consistent with the Future Land Use Plan, the application would be considered to be consistent with the intent of the Future Land Use Plan.

Compliance with Location Standards:

Article 12.40.01 states that the R-1T (One-family Attached Residential) District may be applied to property when one or more of the following conditions prevail:

(A) When the application of such a classification is consistent with the intent of the Master Land Use Plan, and therefore involves areas indicated as medium density or high density residential.

(B) When the application of such a classification would be an integral part of a planned residential development approach, such as a planned neighborhood development (34.50.00), wherein the overall density is consistent with the intent of the Master Land Use Plan.

The Planning Commission determined that the depth of the parcel is consistent with the depth of the area classified on the Future Land Use Plan as Medium Density Residential. If the City Council has the same finding of fact, the application would meet the standard of (A) above and therefore meet the Location Standards of the R-1T District.

Research shows that other R-1T parcels located on Rochester Road within the Medium Density Residential classification exceed 570 feet in depth (see attached table).

Attachments:

1. Maps.
2. Table: R-1T Parcel Sizes and Depths.
3. Minutes from December 14, 2004 Planning Commission Regular Meeting.
4. Minutes from January 24, 2005 City Council Meeting.
5. Minutes from February 1, 2005 Planning Commission Regular Meeting.
6. Minutes from February 8, 2005 Planning Commission Regular Meeting.
7. Letter from petitioner, dated November 10, 2004.
8. Two (2) letters of opposition, both dated December 14, 2004.
9. Synopsis of Comments From January 24, 2005 Troy City Council Meeting.

Prepared by RBS/MFM/PPB

cc: Applicant
File (Z 699)

G:\REZONING REQUESTS\Z 699 BRIGGS CROSSING SEC 10\CC Postponed Item 02 21 05.doc

A Regular Meeting of the Troy City Council was held Monday, January 24, 2005, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:31 PM.

Pastor A.C. Phipps from Evanswood Church of God gave the Invocation and the Pledge of Allegiance to the Flag was given.

ROLL CALL

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

CERTIFICATES OF RECOGNITION:

A-1 **Presentation:** Officer Nickie Kaptur – First Annual Service to Children Award

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 Commercial Vehicle Appeal – 2774 E. Maple Road – No Action Required Due to Applicant Relocation

C-2 Rezoning Application – West Side of Rochester Road, North of Square Lake Road, Section 3 - R-1B to R-1T (Z 696-B)

Resolution #2005-01-036
Moved by Eisenbacher
Seconded by Beltramini

RESOLVED, That the R-1B to R-1T rezoning request, located on the west side of Rochester Road, north of Square Lake Road, Section 3, being one (1) acre in size, is hereby **GRANTED**, as recommended by Planning Commission and City Management.

Yes: All-7

C-3 Rezoning Application – West Side of Rochester Road, South of Trinway, Section 10 - R-1C to R-1T (Z 699)

Resolution
Moved by Beltramini
Seconded by Broomfield

EXHIBIT H

RESOLVED, That the R-1C to R-1T rezoning request, located on the west side of Rochester Road, south of Trinway, Section 10, being 2.74 acres in size, is hereby **GRANTED**, as recommended by Planning Commission and City Management.

Vote on Resolution to Postpone

Resolution #2005-01-037
Moved by Beltramini
Seconded by Stine

RESOLVED, That the R-1C to R-1T rezoning request, located on the west side of Rochester Road, south of Trinway, Section 10, being 2.74 acres in size, as recommended by the Planning Commission and City Management, is hereby **POSTPONED**, until the Regular City Council Meeting Scheduled for Monday, February 21, 2005 to provide the Petitioner, the Planning Department and the Planning Commission with the opportunity to review alternative development options of the property to address concerns brought forward by City Council.

Yes: All-7

C-4 Rezoning Application – Northwest Corner of Maple Road and Livernois Road, Section 28 – O-1 to B-1, B-2 or B-3 (Z 602-B)

Resolution #2005-01-038
Moved by Lambert
Seconded by Beltramini

RESOLVED, That the O-1 to B-3 rezoning request located on the northwest corner of Maple Road and Livernois Road, Section 28, being 0.7 acres in size, is hereby **GRANTED**, as recommended by Planning Commission and City Management.

Yes: All-7

The meeting **RECESSED** at 9:24 P.M.

The meeting **RECONVENED** at 9:36 P.M.

C-5 Special Assessment Roll – Sanitary Sewer in the Charnwood Hills Subdivisions – Section 6 – Project No. 04.403.1 – Also Enclosed are Communications from Some Residents Regarding this Proposed Project

Resolution #2005-01-039
Moved by Beltramini
Seconded by Broomfield

WHEREAS, The City Council has caused Special Assessment Roll No. 04.403.1 to be prepared for the purpose of defraying the Special Assessment District's portion of the following described public improvement in the City of Troy:

MH – I was referring to a parcel near Longfellow.

RB – Move to postpone this item to February 21, 2005 City Council Meeting to provide the applicant, Planning Commission and Planning Department an opportunity to look at alternatives for this parcel.

Seconded: Stine.

JS – Could they also look at wetlands issues at the same time?

MM – There is no requirement at this time for the applicant to provide a wetland determination.

Vote on motion:
Yes – All

Item postponed until 2/21/05 City Council meeting.

A Regular Meeting of the Troy City Council was held Monday, February 21, 2005, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:32 PM.

Hindu High Priest Ramachandra Bhat – Bharatyia Temple gave the Invocation and the Pledge of Allegiance to the Flag was given.

ROLL CALL

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

CERTIFICATES OF RECOGNITION:

A-1 Presentations: No Presentations

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 No Public Hearings Requested

POSTPONED ITEMS:

D-1 Postponed Item (From January 24, 2005) – Rezoning Application – West Side of Rochester Road, South of Trinway, Section 10 – R-1C to R-1T (Z 699)

Resolution #2005-02-082
Moved by Beltramini
Seconded by Broomfield

RESOLVED, That the R-1C to R-1T rezoning request, located on the west side of Rochester Road, south of Trinway, Section 10, being 2.74 acres in size, is hereby **GRANTED**, as recommended by Planning Commission and City Management.

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

MOTION FAILED

EXHIBIT I

SYNOPSIS OF COMMENTS FROM JANUARY 24, 2005 TROY CITY COUNCIL MEETING

C-3 **PUBLIC HEARING – REZONING APPLICATION – West side of Rochester Road, South of Trinway, Section 10 – R-1C to R-1T (Z 699)**

Note: The following is a brief synopsis of comments and discussion from the meeting. It is a summary only and is not intended to be a verbatim transcript.

Presentation on Item C-3 made by Planning Director Mark Miller.

MH – How does this parcel compare to the parcel to the south on Rochester Road that was recently rezoned?

MM – This parcel is approximately twice as deep.

MH – What is the future of development for this area of Rochester Road, located between the parcel and commercial development at the corner of Long Lake Road, based on the Future Land Use Plan?

MM – The Plan calls for Medium Density Residential development in that area.

MH – How deep will the Medium Density Development be?

MM – The depth is to be determined.

JS – What is the permitted density in R-1T?

MM – 6.2 units per acre.

DL – Is this the first application we have had for rezoning to R-1T in this section of Rochester Road?

MM – Yes.

DL (to City Attorney) – Do we set a precedent if we allow a rezoning to R-1T at this depth?

LB – Yes. You make a determination or set a limit of what the appropriate depth is when you rezone the parcel. However other parcels along Rochester Road were rezoned that had more depth.

RB – Is the developer the same person that is building new homes on Trinway?

EXHIBIT J

MM – I do not believe so, I believe the lots were sold to help finance the R-1T development. The applicant can answer that question.

Applicant – We are constructing two homes on Trinway as "spec" homes. I have every intention of keeping the existing home that presently sits on the property. I believe the application is consistent with the Future Land Use Plan.

RB – That is a single-family neighborhood with relatively large lots. Are neighbors aware that they could have 15 or 16 homes constructed on the parcel?

Applicant – Realistically we may get 12 units on the site.

LS – What are your plans regarding regulated wetlands on the property?

Applicant – We will abide by State law.

DE – Regarding precedent, we recently rezoned a parcel to R-1T approximately 1 mile south of your parcel. Is the proximity within the mile road important or is the proximity within the City important?

LB – Unique characteristics of a parcel may justify a different depth. Precedent could be applied based on unique characteristics of property.

JS – The City Council received an e-mail message from a person who recently purchased a home in Crystal Springs Subdivision. Did you receive that message?

Applicant – I spoke to the person, she was concerned we were going to build apartments on the property. I explained we had no intention of building apartments on the property.

RB – I am hesitant to rezone this parcel because of the 500-foot depth. However, rezoning is necessary to retain a suitable housing mix.

Moved by Beltramini, to approve the rezoning application as submitted. Seconded by Broomfield

MH – Concerned with 500-foot depth. Could be a catalyst for major redevelopment in the area.

DE – Precedent has been sat at other areas on Rochester Road. Could we fit houses behind if we rezoned the front and left the back as R-1C?

MM – We could look at this item more closely at a Planning Commission Study Session.

July 19, 2005

To: John Szerlag, City Manager

From: John M. Lamerato, Assistant City Manager/Finance & Administration
Brian Murphy, Assistant City Manager/Services
Carol Anderson, Parks and Recreation Director

Subject: Agenda Item - Municipal Credit and Community Credit Agreement

Recommendation

It is recommended that the contract between SMART and the City for 2005-2006 be approved. This agreement states that the City will transfer Municipal Credit funds in the amount of $76,084 and Community Credit funds in the amount of $93,916 for a total of $170,000 to Troy Medi-Go Plus for the operation of transportation service for senior citizens and persons with disabilities. The City will retain $4,518 in Community Credit funds to purchase discount tickets for SMART Dial-A-Ride.

Background

Municipal credits are state-authorized funds that are divided among every city, township and village in Oakland, Wayne and Macomb Counties on a per capita basis. Community credits are a direct result of the SMART millage that provides opt-in communities with additional funds.

When Dial-A-Ride was restricted to Troy, we were required to give all of these credits to SMART. Now that our Dial-A-Ride service crosses city boundaries into Birmingham and Beverly Hills, we can retain our municipal and community credit dollars and use them to support our community based Troy Medi-Go Plus service and the discount ticket program. This allows dollars previously allocated to Medi-Go Plus from Troy's general fund to be used for other purposes.

Reviewed and approved as to legality

_____

Lori Grigg Bluhm, City Attorney

Prepared by Carla Vaughan, Recreation Supervisor

MUNICIPAL CREDIT and COMMUNITY CREDIT CONTRACT FOR FY - 2006

I LOUISE SCHILLING on behalf of the City of Troy apply to SMART for our Municipal and Community Credits for the period July 1, 2005 to June 30, 2006, and agree that the Municipal and Community Credits Master Agreement, which is incorporated herein by reference, will form part of this agreement. Specific terms, conditions, and budgetary projections are set forth in Exhibits A and B as necessary.

Our community agrees to use the $76,084.00 in **Municipal Credit** funds available to us as follows:

(1) Transfer of $ _____ to _____
TRANSFEREE COMMUNITY

At the cost of $ _____

(2) Transportation program operated/administered by the community
(Includes Charters, Van/Bus Program, Taxi Reimbursement)

At the cost of $ 76,084

(3) Transportation service purchased from SMART
(Includes SMART Tickets/Passes, Shuttle Service, Dial-A-Ride)

At the cost of $ _____

Total $ 76,084

Our community agrees to use the $ 98,497.00 In **Community Credit** funds available to us as follows:

(1) Transfer of $ _____ To _____
TRANSFEREE COMMUNITY

At the cost of $ _____

(2) Transportation program operated/administered by the community
(Includes Charters, Van/Bus Program, Taxi Reimbursement)

At the cost of $ 93,916

(3) Transportation service purchased from SMART
(Includes SMART Tickets/Passes, Shuttle Service, Dial-A-Ride)

At the cost of $ 4,518

(4) Capital Purchases

At the cost of $

Total $ 98,497

Capital purchases permitted with Community Credits are subject to applicable state and federal regulations, and SMART procurement guidelines. When advantageous, SMART may make procurements directly. Reimbursement for purchases made by a community requires presentation of proper documentation to support the purchase (i.e. purchase orders, receiving reports, invoices, etc.). Additional Community Credit dollars, available in FY 2003 – FY 2006, inclusive, may be required to serve local employer transportation needs per the coordination requirements set forth in the aforementioned Master Agreement.

Exhibits A and B as completed are attached hereto and made apart hereof.

City of Troy

By:_____

Dated _____

Its: LOUISE SCHILLING, MAYOR

Suburban Mobility Authority for Regional Transportation

Dated _____

By:_____
Dan G. Dirks
General Manager

July 28, 2005

TO: John Szerlag, City Manager

FROM: Doug Smith, Real Estate and Development Director

SUBJECT: AGENDA ITEM - Local Match for a Michigan Economic Growth Authority (MEGA) Retention Incentive Package

Management was approached by the Michigan Economic Growth Authority (MEGA) and American Systems Technology, Inc. (ASTI) to provide a local match for a state package of incentives to retain this company in Michigan, and, in this case, in Troy. State law requires that in order for MEGA to provide an incentive package to a company, a local contribution must be made. The size and nature of that local match is negotiated between MEGA and the local community. This MEGA incentive package will be considered by MEGA on August 16, 2005.

The City and the State have been working closely with ASTI, a local electronic and software firm located at 888 Big Beaver in Troy, which employs 50 people. ASTI is a developer of electronics for military vehicles and software for educational institutions. The growth is in both military application and educational software development. The company is also considering Huntsville, Alabama where the Army military command is located and wages and lease costs are lower.

The company is experiencing rapid growth and expects to hire 200 people in the next five years at $38.00 per hour or approximately $80,000 per year. ASTI is currently out of space in their existing location and needs to locate new space to meet company growth. They would like to remain in Troy and consolidate and double the space in their current multi-tenant leased building.

MEGA has determined that the company is eligible for a High-Tech MEGA. The state has agreed to provide a package of incentives to ASTI to secure their commitment to expand in Troy.

The total MEGA package will be negotiated next week and is expected to be worth several hundred thousand dollars based on job growth. The MEGA package will be made up of providing a credit, for the personal income tax paid on wages, against the SBT liability. Some training funds may also be included. The local contribution is provided only if the company receives MEGA approval.

After discussion between City staff and MEGA, it was determined that a sufficient local contribution would be in the neighborhood of $30,000. Since there is no public infrastructure needs in the area, staff sought the help of Oakland County and the Troy Chamber of Commerce. The result was a combination of local providers offering the following package:

City of Troy: Committing in daily and/or annual Aquatic Center passes (limited to 15 annual passes per year for 3 years), a value not to exceed $7,000. (Council approval is required).

Walsh College: Committing up to $7,000 in employee training, worker recruitment, career fair assistance and business assistance for company growth.

Troy Chamber: Committing an executive level membership valued at $2,300.

Oakland County: Committing 50% of a Foundation level membership for Automation Alley for the company valued at $7,500 and provide office space (50 sq.ft.) for ASTI at Automation Alley Headquarters valued at $3,000 annually.

Butzel Long (Law firm): Committing to conduct a trade secret/non-compete audit of the company, along with corresponding discussion and counsel on these topics, a value of up to $3,000.

MEGA staff has indicated this package of contributions is a sufficient local match. Management would recommend City Council approve the City's share of the local contribution.

F-03

August 8, 2005

TO: John Szerlag, City Manager

FROM: Brian P. Murphy, Asst. City Manager/Services
Steve Vandette, City Engineer
John K. Abraham, Traffic Engineer

SUBJECT: Agenda Item – Traffic Committee Recommendations – July 20, 2005

At the Traffic Committee meeting of July 20, 2005, the following recommendations were made for City Council approval:

1. To recommend no changes at Hampshire and Berwyck.

2. To recommend that fire lanes/tow away zones shown in the attached sketch be established at 1650 Research Drive.

3. To recommend that fire lanes/tow away zones shown in the attached sketch be established at 1775 Research Drive.

4 To recommend that fire lanes/tow away zones shown in the attached sketch be established at 1850 Research Drive.

5. To recommend that fire lanes/tow away zones shown in the attached sketch be established at 1875 Research Drive.

6. To recommend that fire lanes/tow away zones shown in the attached sketch be established at 1960 Research Drive.

7. To recommend that fire lanes/tow away zones shown in the attached sketch be established at 1965 Research Drive.

TRAFFIC COMMITTEE MINUTES JULY 20, 2005 DRAFT

A regular meeting of the Troy Traffic Committee was held Wednesday, July 20, 2005 in the Lower Level Conference Room at Troy City Hall. Jan Hubbell called the meeting to order at 7:30 p.m.

1. Roll Call

PRESENT: Jan Hubbell
Richard Kilmer
Richard Minnick
Peter Ziegenfelder

ABSENT: John Diefenbaker
Ted Halsey
Charles Solis

Also present: John Abraham, Traffic Engineer
Lt. Scott McWilliams, Police Department
Lt. Robert Matlick, Fire Department

and Joseph Oddo, 794 Island Court
Sam Allen, 3874 Gatwick Drive

Resolution to Excuse Absent Members

RESOLUTION #2005-07-30
Moved by Kilmer
Seconded by Minnick

To excuse absent members Diefenbaker, Halsey and Solis.

YES: All-4
NO: None
ABSENT: 3 (Diefenbaker, Halsey and Solis)

MOTION CARRIED

2. Minutes – June 15, 2005

RESOLUTION #2005-07-31
Moved by Kilmer
Seconded by Minnick

To approve the June 15, 2005 minutes as printed.

YES: All-4
NO: None
ABSENT: 3 (Diefenbaker, Halsey and Solis)

MOTION CARRIED

RESOLUTION #2005-07-32

Moved by Kilmer
Seconded by Ziegenfelder

To take Item 4 out of order.

YES: All-4
NO: None
ABSENT: 3 (Diefenbaker, Halsey and Solis)

MOTION CARRIED

4. Install STOP Sign on Island Court at Gatwick

Island Court is a cul-de-sac and has around seven homes. Gatwick runs off Wattles Road . Traffic volume studies indicate that Island Court carries around 77 vehicles per day, and Gatwick carries around 414 vehicles per day. Traffic volumes on Troy residential streets range between 300 and 5000 vehicles per day. Both Gatwick and Island Court have relatively low traffic volumes. A traffic speed study was performed using our mechanical counter for a day. Average speed of the 414 vehicles on Gatwick was 22.9 mph. The 85th percentile speed was 29.5 mph (85% of all traffic traveled at 29.5 mph or less). Average speeds on typical Troy residential streets range between 24 and 28 mph and the 85th percentiles range between 29 and 33 mph. Since we received concerns of speed in the neighborhood, our police department has been performing targeted enforcement and has also used the speed radar trailer as an educational tool. The Neighborhood Traffic Harmonization Project has also been initiated in the neighborhood.

Joe Oddo, 794 Island Court, said that Gatwick is a major cut-through between Rochester Road and Wattles, especially in the morning and evening peak hours, and stated that his request is for a STOP sign on Gatwick at Island Court so that there is a break in the speed of traffic.

The corners of Island Court and Gatwick and Inverness and Gatwick are school bus stops and traffic is heavy between 7:00 and 8:30 am when children are waiting for school buses. There are many kids along Gatwick from toddler age through high school, and some of them play in or near the street. Mr. Oddo said several children have almost been hit. There is also a blind curve on northbound Gatwick.

Mr. Oddo also questioned the results of the traffic speed and volume studies. They were done around the 4th of July when many people were out of town and

businesses on Rochester were closed. Mechanics from businesses on Rochester Road often test drive vehicles along Gatwick, adding to the problems. He would like the studies to be repeated.

Sam Allen, 3874 Gatwick, has a three-year-old child. He said Gatwick driveways are at an angle and he worries that if a ball rolls into the street the kids might run into the street without thinking. He and his neighbors bought their own "Slow Down - Children at Play" signs. He would like police officers to hide in the cul-de-sac and catch speeders. He also pointed out that the traffic studies were done during the time the auto workers were off for summer vacation.

Dr. Abraham said that Traffic Safety Officers have worked the area many times, and also set up the radar trailer twice. He said that one of the neighbors has initiated the Neighborhood Traffic Harmonization Project, and suggested that Mr. Oddo and Mr. Allen contact her to participate.

Ms. Hubbell pointed out that residents cannot rely on STOP signs to protect their children. Studies before and after STOP sign installations show that STOP signs don't control speeds. People often roll through them, and/or speed up in between to make up for lost time. Mr. Minnick pointed out that the worst speeders are usually neighborhood residents.

Lt. McWilliams said that he and his officers will pursue the speeding issue aggressively.

In response to Mr. Kilmer's question about speed humps, Dr. Abraham would like to consider them to target specific areas in conjunction with the NTHP. Two speed humps would cost approximately $6,000, and the cost would be divided among the residents. The City also purchased six temporary speed humps; however, due to personnel reductions in the Department of Public Works and their increased workloads, they are not being installed.

Mr. Oddo and Mr. Allen agreed that a STOP sign may not be the best solution for the area, and they they will work with other residents on the NTHP.

RESOLUTION #2005-07-33
Moved by Kilmer
Seconded by Minnick

To table this issue until the November 2005 meeting to repeat the traffic studies and give the NTHP and police enforcement a chance to work.

YES: All-4
NO: None
ABSENT: 3 (Diefenbaker, Halsey and Solis)

MOTION CARRIED

3. Change YIELD Signs to STOP Signs on Berwyck at Hampshire

This item was originally scheduled to be discussed at the June meeting and was postponed as requested by the petitioner. The petitioner, Ruth Evans, 5317 Berwyck, requests changing the YIELD sign to a STOP sign on Berwyck at Hampshire. She says that motorists do not pay attention to the YIELD sign, and that a STOP sign would be more effective.

Hampshire runs off of Livernois and serves as the major entrance into the subdivision from Livernois. Berwyck runs off of Long Lake and serves as the other major entrance to the subdivision, from Long Lake. The intersection is controlled by YIELD signs on Berwyck at Hampshire.

For STOP signs to be installed at Berwyck at Hampshire, one of the following conditions should be satisfied as per the Michigan Manual of Uniform Traffic Control Devices:

a. Intersection of a less important road with a main road, where application of a normal right of way rule is disruptive to capacity on the main road.
b. Street entering a through highway or street.
c. Unsignalized intersection in a signalized area.
d. Other intersections with a combination of high speed, restricted view and serious accident record.

Traffic crash analysis show that there were no reported accidents at the intersection of Hampshire and Berwyck in the past 3 years.

Traffic volume at the intersection is as follows:

Street	Vehicles per day
Southbound Berwyck	232
Northbound Berwyck	292
Eastbound Hampshire	743
Westbound Hampshire	510

Field observations show no major sight obstructions at the intersection.

No one appeared to address the committee on this issue. The committee determined that none of the warrants were met for this intersection.

RESOLUTION #2005-07-34
Moved by Kilmer
Seconded by Minnick

To recommend no changes at Hampshire and Berwyck.

YES: All-4
NO: None
ABSENT: 3 (Diefenbaker, Halsey and Solis)

MOTION CARRIED

5. Establish Fire Lanes at 1650 Research Drive

Section 8.28, Chapter 106, Troy City Code, provides for the establishment of fire lanes on private property. The Fire Department recommends that the fire lanes shown on the attached sketch be provided to allow proper deployment of and travel by emergency vehicles (fire, police, medical).

RESOLUTION #2005-07-35
Moved by Minnick
Seconded by Ziegenfelder

To recommend that the fire lanes/tow away zones shown in the attached sketch be established at 1650 Research Drive.

YES: All-4
NO: None
ABSENT: 3 (Diefenbaker, Halsey and Solis)

MOTION CARRIED

6. Establish Fire Lanes at 1775 Research Drive

Section 8.28, Chapter 106, Troy City Code, provides for the establishment of fire lanes on private property. The Fire Department recommends that the fire lanes shown on the attached sketch be provided to allow proper deployment of and travel by emergency vehicles (fire, police, medical).

RESOLUTION #2005-07-36
Moved by Minnick
Seconded by Ziegenfelder

To recommend that the fire lanes/tow away zones shown in the attached sketch be established at 1775 Research Drive.

YES: All
NO: None
ABSENT: 3 (Diefenbaker, Halsey and Solis)

MOTION CARRIED

7. Establish Fire Lanes at 1850 Research Drive

Section 8.28, Chapter 106, Troy City Code, provides for the establishment of fire lanes on private property. The Fire Department recommends that the fire lanes shown on the attached sketch be provided to allow proper deployment of and travel by emergency vehicles (fire, police, medical).

RESOLUTION #2005-07-37
Moved by Minnick
Seconded by Ziegenfelder

To recommend that the fire lanes/tow away zones shown in the attached sketch be established at 1850 Research Drive.

YES: All
NO: None
ABSENT: 3 (Diefenbaker, Halsey and Solis)

MOTION CARRIED

8. Establish Fire Lanes at 1875 Research Drive

Section 8.28, Chapter 106, Troy City Code, provides for the establishment of fire lanes on private property. The Fire Department recommends that the fire lanes shown on the attached sketch be provided to allow proper deployment of and travel by emergency vehicles (fire, police, medical).

RESOLUTION #2005-07-38
Moved by Minnick
Seconded by Ziegenfelder

To recommend that the fire lanes/tow away zones shown in the attached sketch be established at 1875 Research Drive.

YES: All
NO: None
ABSENT: 3 (Diefenbaker, Halsey and Solis)

MOTION CARRIED

9. Establish Fire Lanes at 1960 Research Drive

Section 8.28, Chapter 106, Troy City Code, provides for the establishment of fire lanes on private property. The Fire Department recommends that the fire lanes shown on the attached sketch be provided to allow proper deployment of and travel by emergency vehicles (fire, police, medical).

RESOLUTION #2005-07-39
Moved by Minnick
Seconded by Ziegenfelder

To recommend that the fire lanes/tow away zones shown in the attached sketch be established at 1960 Research Drive

YES: All-4
NO: None
ABSENT: 3 (Diefenbaker, Halsey and Solis)

MOTION CARRIED

10. Establish Fire Lanes at 1965 Research Drive

Section 8.28, Chapter 106, Troy City Code, provides for the establishment of fire lanes on private property. The Fire Department recommends that the fire lanes shown on the attached sketch be provided to allow proper deployment of and travel by emergency vehicles (fire, police, medical).

RESOLUTION #2005-07-40
Moved by Minnick
Seconded by Ziegenfelder

To recommend that the fire lanes/tow away zones shown in the attached sketch be established at 1965 Research Drive.

YES: All-4
NO: None
ABSENT: 3 (Diefenbaker, Halsey and Solis)

MOTION CARRIED

11. Visitors' Time – Items not on the agenda.

12. Other Business

The committee previously required Mike Lamb to install a sidewalk and bridge over the Sturgis drain on Wattles in conjunction with his development. Mr. Kilmer mentioned that this has not been done. The Traffic Engineer will talk to the Troy engineer for this project, Scott Finlay.

RESOLUTION #2005-07-41
Motion by Kilmer
Seconded by Ziegenfelder

To cancel the August meeting. The next meeting is scheduled for September 21, 2005.

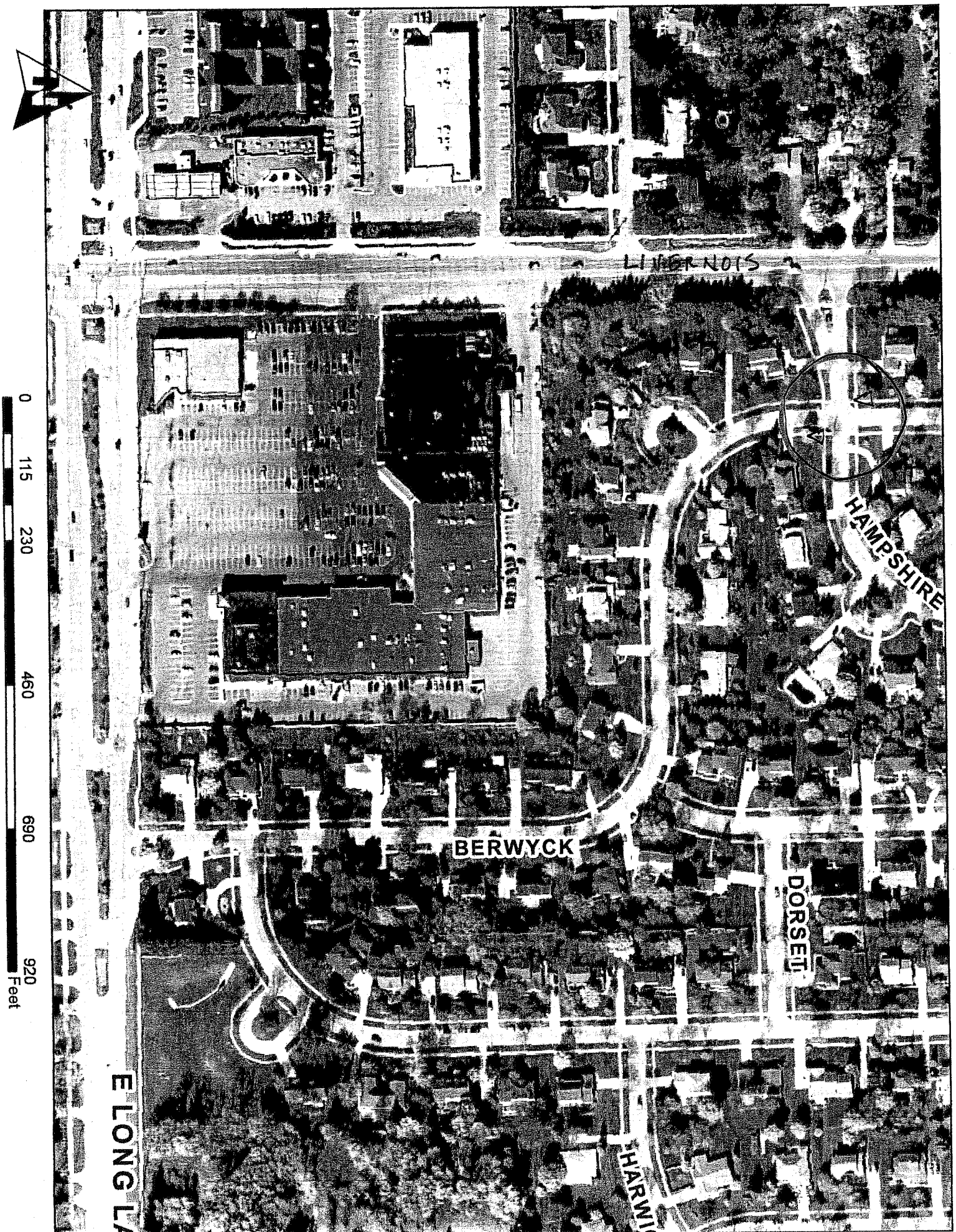
YES: All-4
NO: None
ABSENT: 3 (Diefenbaker, Halsey and Solis)

MOTION CARRIED

13. Adjourn

The meeting adjourned at 8:30.

Jan Hubbell Vice Chair	Laurel Nottage Recording Secretary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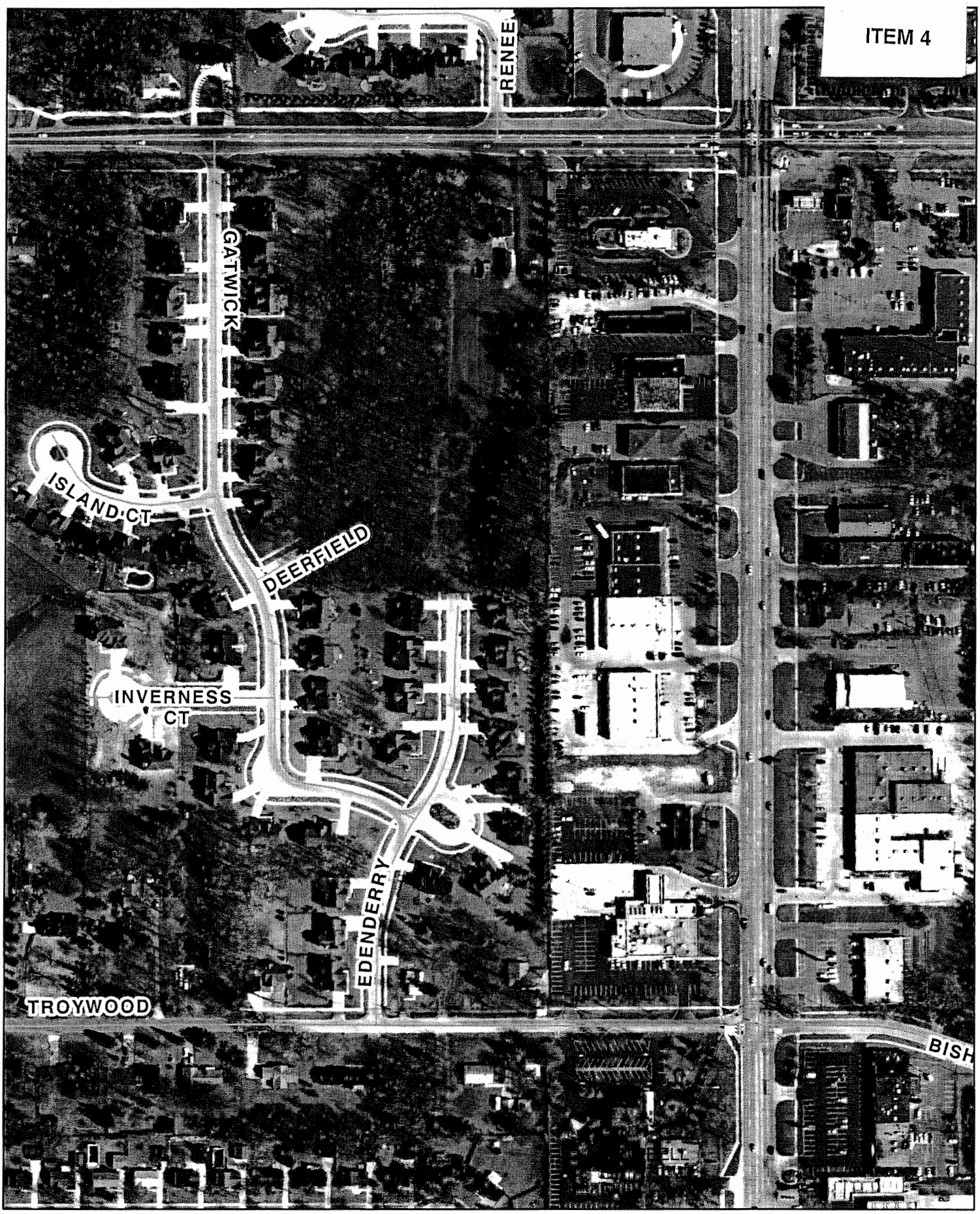
ITEM 4



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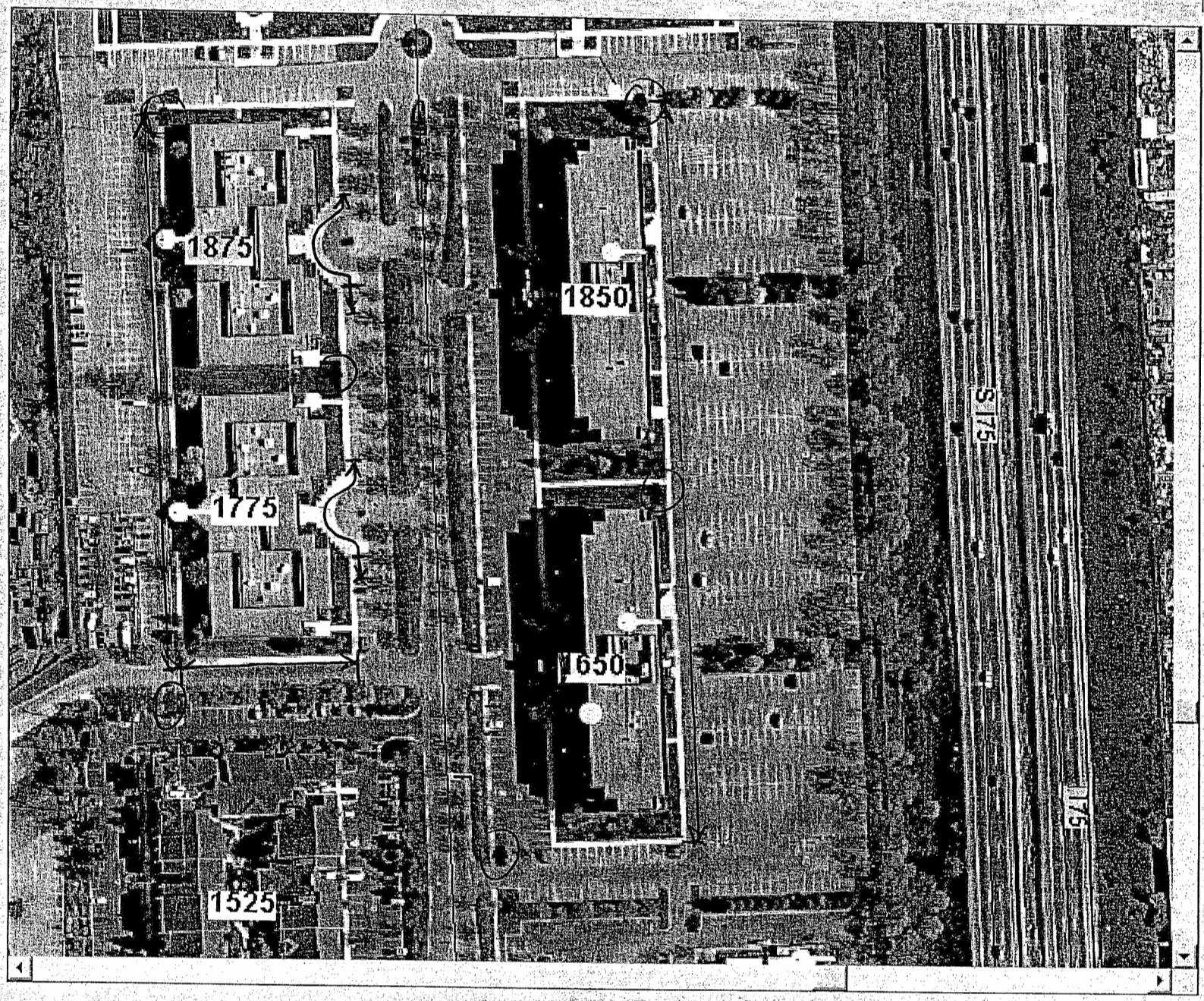
Engine Maps

[redacted]RESEARCH DR [redacted]

GPS Status

New Address

Clear Address



Zoom In

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ITEM 5

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Engine Maps

[redacted]RESEARCH DR

GPS Status

New Address

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Zoom In

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ITEM 6

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Engine Maps

[redacted]RESEARCH DR [redacted]

GPS Status

New Address

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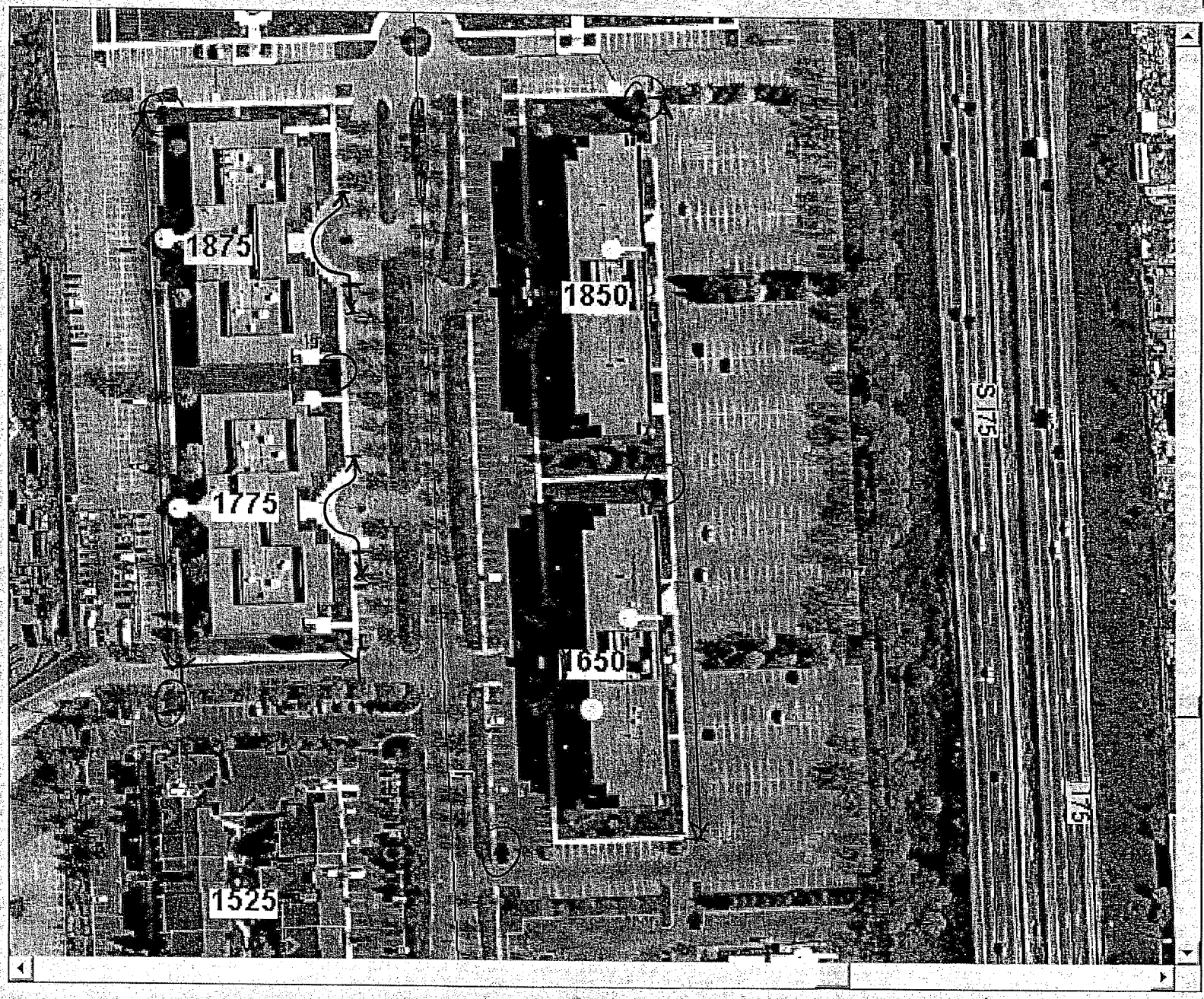

ITEM 7

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Engine Maps

[redacted]RESEARCH DR

GPS Status

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Zoom In

Zoom Out

Zoom to City

Zoom to Address

Hide Aerials

ITEM 8

Start | FireRMS 5.0 for TROY FI... | Occupancies - \\Remote | Inbox - Microsoft Outlook | Engine Maps | 2:36 PM

Engine Maps

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Zoom to City

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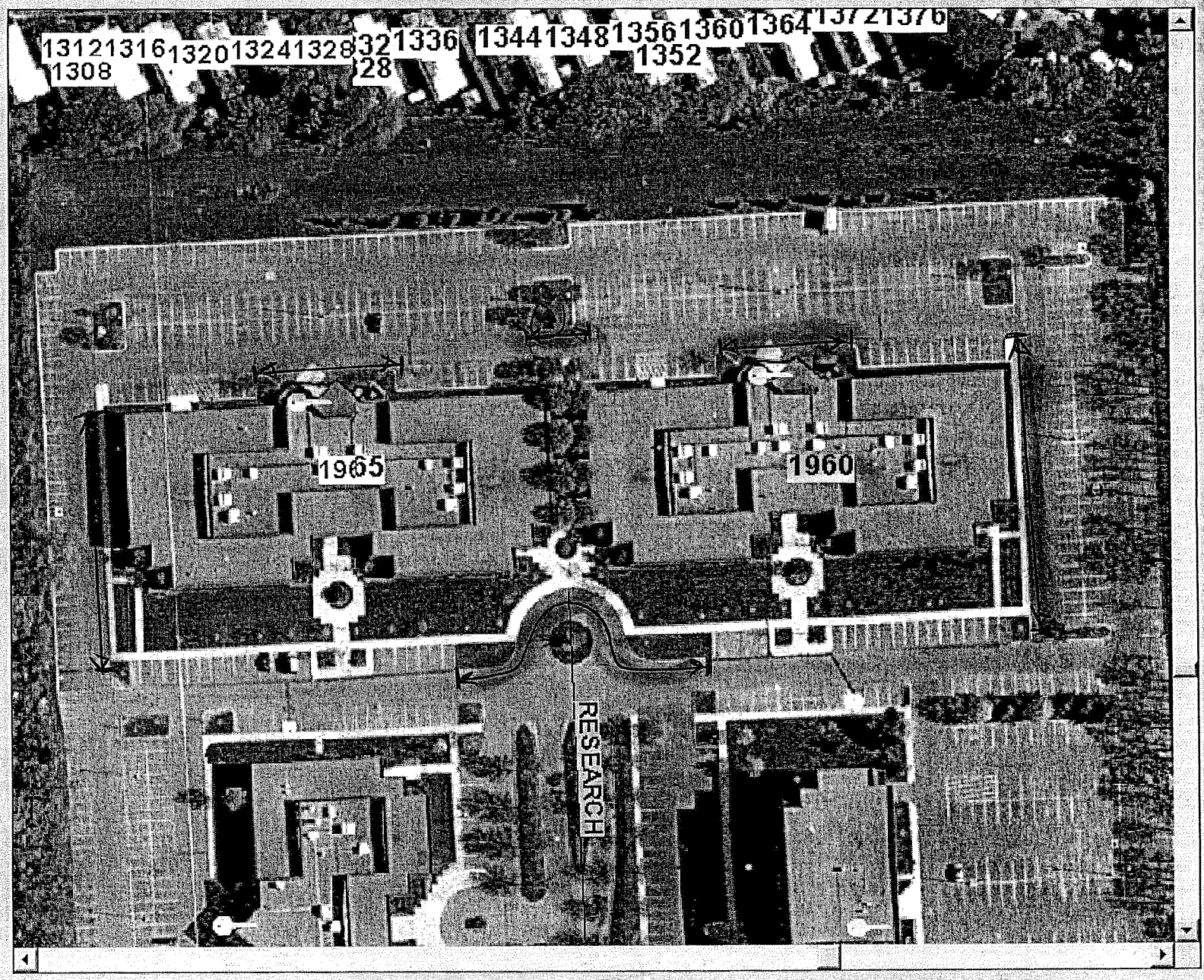
Hide Aerials



ITEM 9

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Engine Maps

[redacted]RESEARCH DR

GPS Status

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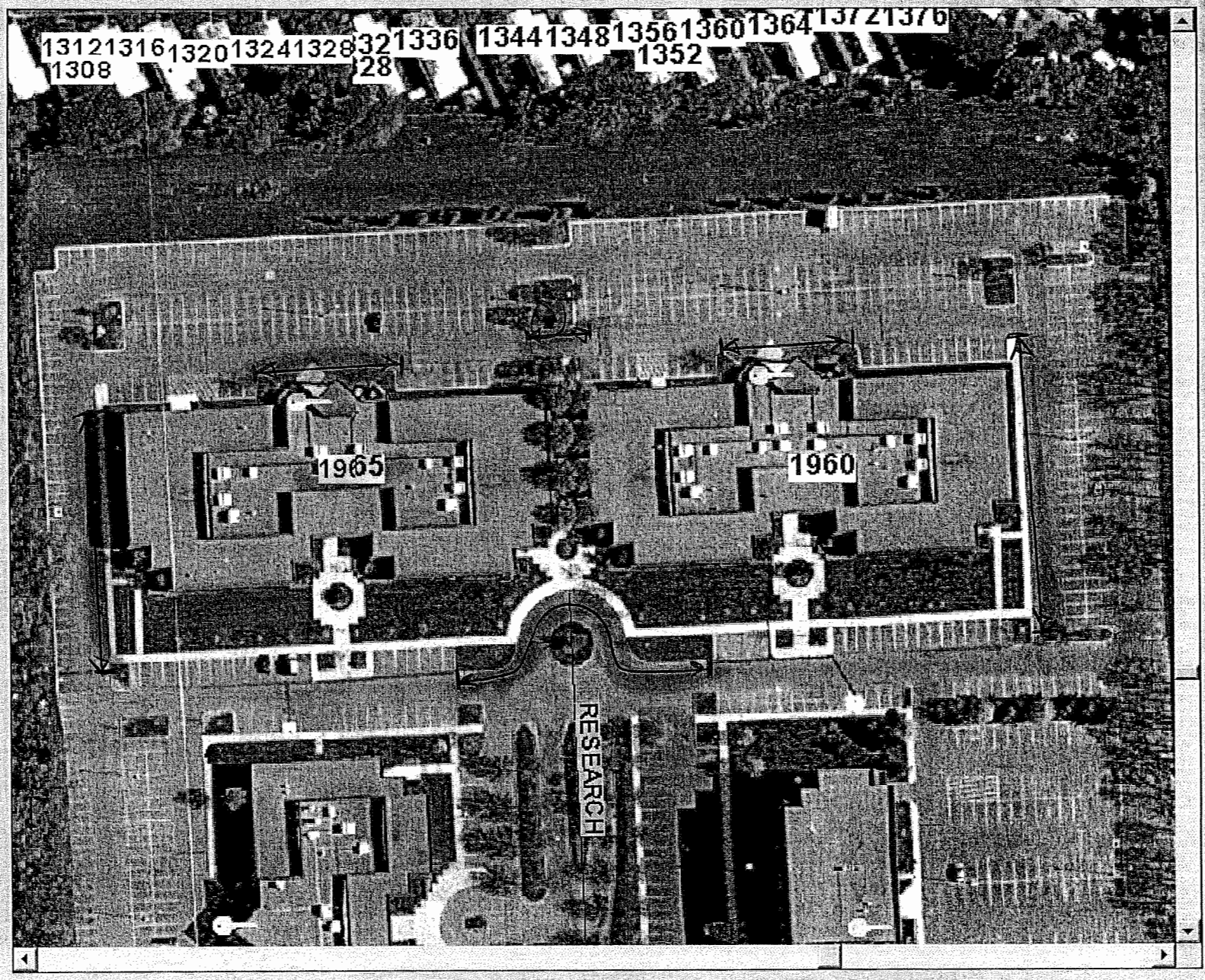
Zoom Out

Zoom to City

Zoom to Address

Hide Aerials



ITEM 10

Start | FireRMS 5.0 for TROY FI... | Occupancies - \\Remote | Inbox - Microsoft Outlook | Engine Maps | 2:38 PM

August 9, 2005

TO: John Szerlag, City Manager

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

SUBJECT: **Agenda Item**: 2006 City Calendar Contract Extension

RECOMMENDATION

In an effort to reduce costs again this year, City management plans to print the 2006 City Calendar incorporating the Popular Annual Financial Report (PAFR) along with a minimum of 8 pages of advertising similar to the 2005 Calendar. Advertising sales as well as inclusion of the PAFR will offset a portion of the printing costs. Inclusion in the calendar provides a better distribution of the PAFR.

Attached is a letter from University Lithoprinters confirming their willingness to complete the design, printing and mail prep for the 2006 Calendar/Annual Report at the same cost as last year with the addition of $1,300.00 for paper price increases as noted in the RFP contract.

The approximate cost to print 40,000 calendars plus 8 pages for the PAFR and 8 pages for the advertising insert are $37,350.00 plus $1,300.00 for paper price increases. If we sell the same amount of advertising as last year ($15,775.00), our estimated net cost will be $22,875.00.

BACKGROUND

The printing of the 2004 Calendar / Annual Report was awarded to University Lithoprinters as the result of a best value process (Resolution #2003-09-464). That contract contained an option to renew for the 2005 and 2006 contracts. In 2004, University Lithoprinters was used to print the 2005 Calendar on the basis of that Best Value Process (Resolution #2004-09-456). The changes approved for this calendar included the PAFR and Community Affairs selling advertising to reduce final costs. The printing of the 2006 Calendar would be the last year the City would use University Lithoprinters before re-bidding the project.

L I T H O

August 8, 2005

City of Troy
500 West Big Beaver Road
Troy, Michigan 48084
Ms. Cynthia Stewart
Community Affairs Director

Dear Cindy,

This letter confirms that University Lithoprinters is willing to complete the design, printing and mail prep for the 2006 calendar and Annual Report at the same cost as last year, which is $37,350.00.

However we will need an additional $1,299.23 for paper price increases. Last year the cover paper was at $58.00 per carton weight and this year it is at $59.50. The text paper last year was $57.50 per carton weight and this year it is $59.00. The paper price for the AD section remained the same.

Alterations or additional work requested by the City of Troy would be additional based on time and materials. These will be presented in writing for approval prior to doing the work.

We look forward to working with you again and appreciate the order.

Sincerely,

Marilyn Bealafeld

Marilyn Bealafeld

UNIVERSITY LITHOPRINTERS
4150 VARSITY DRIVE
ANN ARBOR MI 48108

734 973 9414 ANN ARBOR
800·652·9414 ANYWHERE
734·973·2884 FAX

L I T H O

COPY

UNIVERSITY LITHOPRINTERS
4150 VARSITY DRIVE
ANN ARBOR MI 48 108
ANN ARBOR 734.973.9414
FAX 734.973.2884

Invoice No. 58298
Date 12/20/04
Customer No. 1543
Job No. 8431
Customer PO 20400256
Salesperson MARILYN BEALAFELD

SOLD TO
CITY OF TROY
500 W. BIG BEAVER
TROY, MI 48084

SHIP TO

QUANTITY	DESCRIPTION	UNIT PRICE	PRICE
40,000	CALENDAR 36 PAGES + COVER 5/5 + AQU ON COVER ONLY 4/4 TEXT - 2/2 INSERT TRIM, FOLD, STITCH, DRILL & SKID PACK ADDL 8 PAGE INSERT IN CTR. - POSTAL CARRIER ROUTE		36,450.00
1	CORRECTIONS TO INSERT PROOF PAGE 3 OF INSERT - CHANGE PRESCHOOL TO PRESCHOOL PAGE 8 OF INSERT CHANGE YOU TO YOUR		150.00
1	CORRECTIONS TO FIRST PROOF INSIDE FRONT COVER CHANGES CHANGE WEB ADDRESS TO WWW.CITROY.MI.US OCTOBER GRID-MOVE TROY COMMUNITY COALITION EVENT TYPE UP ABOVE CABLE ADVISORY EVENT		375.00
1	CORRECTIONS TO FINAL PROOF		525.00
1	ADDITIONAL TIME TO DESIGN & PREPARE CHARTS & GRAPHS FOR THE FINANCIAL DATA 8 PAGES		900.00

Invoices past due are subject to a service charge of 1 1/2% per month, per annum is 18%.

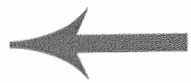
Sub Total:	38,400.00
Tax:	0.00
Freight:	0.00
Deposit:	0.00
Total:	38,400.00

Terms: NET 30 DAYS

1B Zoning District, being 10.99 acres in size, is hereby **APPROVED**, as recommended by City Management.

Yes: All-6
No: None
Absent: Stine

F-6 2005 City Calendar



NOTE

Resolution #2004-09-456
Moved by Lambert
Seconded by Broomfield

RESOLVED, That the City of Troy **PRINT** a quantity of 40,000 2005 City Calendars including postage and an 8-page spread for the Popular Annual Financial Report (PAFR) and an 8-page spread for advertising at an estimated net cost of $23,695.000

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

MOTION CARRIED

F-10 Display Policy for Troy City Plaza

Resolution
Moved by Lambert
Seconded by Broomfield

RESOLVED, That the Resolution be **AMENDED** by **INSERTING:**

> *RESOLVED, That the City of Troy **ADD** to its existing Winter Holiday display a Menorah, Nativity Scene, and other secular and religious symbols of the Season; and*
>
> *BE IT RESOLVED, That City Management **ENSURE** that the Winter Holiday Display is in full compliance with the law and relevant court decisions; and*
>
> *BE IT FURTHER RESOLVED, That City Management **ADOPT** policies and procedures to accept monetary and other donations for these added elements from individuals and organizations; and*
>
> *BE IT FINALLY RESOLVED, That City Management **LOCATE** these added elements on the front lawn of City Hall to coincide with the 2004 Holiday Tree Lighting Ceremony.*

September 9, 2004

TO: John Szerlag, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration
Cindy Stewart, Community Affairs Director

Re: 2005 City Calendar

Attached is a summary sheet comparing revenue and expenditures related to the 2005 City Calendar. The 40,000 calendars would include an additional 8-page spread for the Popular Annual Financial Report (PAFR) plus 8-page spread for advertising. Advertising sales as well as inclusion of the PAFR will offset a portion of the printing costs. This also provides a better distribution of the PAFR.

Advertising and inclusion of the PAFR in the City Calendar would give us an estimated savings of $12,305.

Inquiries with Troy business owners tell us that advertising sales would be successful if the Calendar has a reliable means of distribution like direct mail to all residents and businesses. Expanding the PAFR distribution via the calendar is a significant step towards fulfilling Council Goals #1 and #3 (Minimize cost and increase efficiency of City government; Effectively and professionally communicate internally and externally).

The 2005 City Calendar would also be a keepsake to highlight the City of Troy's 50th Anniversary including pictures of Troy past and present.

50th Anniversary City of Troy Calendar & Annual Report Financial Plan

Avertising Rates			
		Regular Rate	Non Profit Disc 10%
Full Page		$ 1,900	$ 1,710
Half Page		$ 1,000	$ 900
Quarter		$ 550	$ 495
Eighth		$ 300	$ 270
Business Listing		$ 75	$ -
Add Second Color		add 20%	add 20%

Expenditures			
Printing Calendar (40,000)			$ 36,000
	Printing	$ 29,000	
	Postage	$ 7,000	
Advertising			$ 5,665
	8 page insert	$ 4,765	
	Sales materials	$ 500	
	Postage	$ 400	
Including PAFR			$ 4,765
	8 page insert	$ 4,765	
Total Expenditures			$ 46,430

Revenue/Savings			
Advertsing Sales			$ 18,275
	1 full page	$ 1,900.00	
	2 half Page	$ 2,000.00	
	14 Quarter Page	$ 7,700.00	
	16 Eighth Page	$ 4,800.00	
	25 Listings	$ 1,875.00	
Savings versus printing separate PAFR			$ 4,460
	Printing	$ 4,160	
	Postage	$ 300	
Total Revenue/Savings			$ 22,735

Net Cost for Calendar with PAFR & Advertising	$ 23,695

Half Page Vertical - 5.5x8
$1,000

Eighth Page - 5.5x4
$300

Quarter Page - 5.5x4
$550

City of Troy
Calendar/Annual Report
Display Advertising Options

Full Page: 11"wide x 8"tall - $1,900
Half Page Horizontal: 11"wide x 4"tall - $1,000
Half Page Vertical: 5.5"wide x 8"tall - $1,000
Quarter Page: 5.5"wide x 4"tall - $550
Eighth Page: 2.75"wide x 4"tall - $300

Full Page - 8x11
$1,900

Half Page Horiz - 4x11
$1,000

lowest bidder with the highest score, as a result of a Best Value process which the Troy City Council determines as being in the public interest at an estimated annual cost of $29,000.00, at unit prices contained in the bid tabulation opened August 20, 2003, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

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

MOTION CARRIED

Vote on Reconsidered Resolution

Resolution #2003-09-465
Moved by Beltramini
Seconded by Stine

NOTE

RESOLVED, That a contract for the 2004 City Calendar with an option to renew for two additional years is hereby **AWARDED** to University Lithoprinters, Inc., the lowest bidder with the highest score, as a result of a Best Value process which the Troy City Council determines as being in the public interest at an estimated annual cost of $29,000.00, at unit prices contained in the bid tabulation opened August 20, 2003, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

MOTION CARRIED

B. Items Not on the Current Agenda

Resolution #2003-09-466
Moved by Eisenbacher
Seconded by Lambert

RESOLVED, That City Council **DIRECTS** City Management to place the draft minutes of all City Council Meetings on the City of Troy's website as soon as they become available in the City Clerk's Office **EFFECTIVE** immediately.

Yes: All-7

Rule 11. Rescinding any vote of the Council shall require the affirmative vote of the majority of the Council Members.

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

MOTION CARRIED

Vote on Amended Main Motion

Resolution #2003-09-463
Moved by Stine
Seconded by Broomfield

RESOLVED, That the Rules of Procedure of the City Council of the City of Troy are hereby **AMENDED** as recommended by City Management and **RECORDED** by the City Clerk in the Minutes of this meeting as follows:

Rule 10. Reconsideration of any vote of the Council may be made by either side of the voted motion and shall require the affirmative vote of the majority of the Council Members.

Rule 11. Rescinding any vote of the Council shall require the affirmative vote of the majority of the Council Members.

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

MOTION CARRIED

G-18 Letter from Richard Peters Requesting a Ten Million Bond Proposal on the April 2004 Ballot for the Purpose of Land Usage and Restoration

Noted and Filed

COUNCIL COMMENTS/COUNCIL REFERRALS

Reconsideration of: Standard Purchasing Resolution 8: Best Value Process Award – 2004 Calendar/Annual Report Printing Services – Proposed by Mayor Pryor

Resolution #2003-09-464
Moved by Beltramini
Seconded by Pryor

RESOLVED, That Resolution #2003-08-394, Moved by Beltramini and Seconded by Stine, as it appears below be **RECONSIDERED** by City Council:

RESOLVED, That a contract for the 2004 City Calendar with an option to renew for two additional years is hereby **AWARDED** to University Lithoprinters, Inc., the

August 29, 2003

TO: Honorable Mayor and City Council

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

SUBJECT: Standard Purchasing Resolution 8: Best Value Process Award – 2004 Calendar/Annual Report Printing Services

RECOMMENDATION

On August 20, 2003, four (4) proposals were opened for a one-year contract with an option to renew for two (2) additional years to provide Printing & Design Services for the 2004 City of Troy Calendar/Annual Report. City management recommends that a contract be awarded to **University Lithoprinters**, the bidder providing the best value with a final weighted score of 96, at an estimated cost of $29,000.00 per year at unit prices contained in the attached bid tabulation.

Although University Lithoprinters is the lowest total bidder, price is just one component in the "Best Value" approach to a Request for Proposal process. The award recommendation was based upon the vendor offering the best combination of a variety of factors; not simply the lowest bidder meeting certain minimal requirements. A best value approach addresses ability, experience, and quality issues leading to a successful contract and reduction in risk of poor service for such high profile PR tools as the City Calendar.

The alternate bid submitted by University Lithoprinters proposed to use 70# dull text instead of 80#. The weight of the paper affects the amount of ink show through from one side of the sheet to the other. 80 lb. will produce a better product for our calendar and the cost is only $222.00 more than 70 lb.

BACKGROUND

On October 4, 1999, University Lithoprinters was awarded the contract to provide the 2000 City Calendar/Annual Report. An option to renew printing services for the 2001, 2002 and 2003 Calendar/Annual Report was exercised. Cost for the 2003 calendar was $36,470.00. This included 39,000 calendars with reply cards inserted plus minor corrections to proof throughout the process.

The current proposal adjusted the size of the calendar from 9x12 to 8 1/2x11 to cut costs and had the reply card as an option. The estimate for the 2004 calendar would be $29,000.00 or $31,215.00 with the reply card. This is a savings of approximately $7,470.00. The reduction in overall size of the calendar will also reduce the weight of the calendar, thus lowering our bulk postage.

SUMMARY

After completing the evaluation process, University Lithoprinters received the highest recommendations from the committee. In an effort to achieve the most positive image for our City Calendar and personnel working in the field, and supply the best service, proper quality at the right price; a best value approach was used to evaluate and award the contract. It should be noted that paper samples were required at the time of bid submission and were not included with University's RFP. Sample papers from University had been previously furnished prior to mailing the RFP in order to write specifications for a lower cost paper than paper used for past calendars. Since language is included in the RFP which allows the City to waive any informality in the RFQ / RFP received, we are taking this omission as a minor deviation since paper samples were on-hand.

University Lithoprinters received the highest recommendations from the committee consisting of the Assistant City Manager/Finance and Administration, Community Affairs Director, and Community Affairs Intern. They received superior marks based on their quality samples. University Lithoprinters has serviced many other municipalities on similar projects of comparable magnitude. City calendars they produced within the last four years include Troy, Westland, Dearborn, Warren, and Novi. Not only did this company furnish the most impressive and complete proposal package; they as well as their designer received outstanding endorsements from the Cities of Novi, Dearborn and Westland when we called them inquiring about their calendar printer before the bids were sent out. University Lithoprinters also produced calendars for The Masarati Club, Consumers Energy, University of Michigan and the Detroit Free Press. The Community Affairs Department staff has worked with University Lithoprinters and Graphic Visions on a number of projects and is very impressed with their professionalism, creativity, cooperation and timeliness.

BUDGET

Funds are available from the operating budget in the Community Affairs Department a/c# 748.7901.

5 Proposals Sent
4 Proposal Responses Received
1 No Bid: Company not interested in bidding at this time.

Opening Date -- 8-20-03
Date Prepared -- 8/28/03

CITY OF TROY
TABULATION
PRINTING 2004 CALENDAR/ANNUAL REPORT

FIRM NAME:		** UNIVERSITY LITHOPRINTERS	ROBOT PRINTING	GRAND RIVER PRINTING
	Check Number	101582	40116	473454768
	Amount	**$1,500.00**	**$1,500.00**	**$1,500.00**
PROPOSAL: Furnish and deliver to a designated mailing service 40,000 copies of the City of Troy Year 2004 Calendar / Annual Reports, including graphic design services, presswork, etc.				
VENDOR QUESTIONNAIRE:	(Yes or No)	YES	YES	YES
SAMPLE CALENDAR:	(Yes or No)	YES	YES	YES
SAMPLE PAPER:	(Yes or No)	NO	NO	YES
STOCK-CALENDAR	Complete for the Sum of:	**$ 29,000.00**	$34,115.00	$ 37,596.85
	Cost per Additional (M) :	**$ 725.00**	$ 668.00	$ 515.00
	Quoting on Paper:	AS STATED	LOE LUSTRO	AS SPECIFIED
Alternate	Complete for the Sum of:	-DMS- $ (28,778.00)	BLANK	$ 32,238.28
	Cost per Additional (M) :	$ (719.45)		805.96
	Quoting on Alternate Paper:	70#DULL/80#COVER		U-2DULL TEXT/GLOSS COVER
ADDITIONAL OPTIONAL CHARGES				
Reply Card	Complete for the Sum of:	$ 2,215.00	$ 3,741.00	$ 3,100.00
	Cost per Additional (M) :	$ 55.38	$ 63.00	$ 100.00
	Quoting on Paper:			
SCANS	Cost for each color photo	$45.00/Scan	$25.00/Scan	$25.00/Scan
PAPER COST:	80# Gloss Cover LOE	$46.13/M	$286.16/M	$75.35/CWT
	80# Text Dull LOE	$186.32/M	$142.72/M	$73.70/CWT
	70# Text Dull LOE	$178.66/M		
				$49/50/CWT
				$44.50/CWT
EDIT CHARGES:		$75.00/HR	$80.00/HR	$80.00/HR
DELIVERY DATE	Can meet schedule	XX	XX	XX
	Cannot meet but offers			
TERMS:		NET 30	BLANK	NET 30
WARRANTY:		BLANK	BLANK	BLANK
DELIVERY DATE:		BY 12/8/03	BLANK	December 8, 2003
EXCEPTIONS:		BLANK	BLANK	BLANK

ATTEST:
Charlene McComb
Linda Bockstanz
Jeanette Bennett

**** DENOTES BEST VALUE PROPOSAL**

Jeanette Bennett
Purchasing Director

FIRM NAME:		GRAND RIVER PRINTING	OAKLAND PRINTING SVC	
	Check Number	ALTERNATE BID	4682842342	
	Amount	**$1,500.00**	**$1,500.00**	
PROPOSAL: Furnish and deliver to a designated mailing service 40,000 copies of the City of Troy Year 2004 Calendar / Annual Reports, including graphic design services, presswork, etc.				
VENDOR QUESTIONNAIRE:	(Yes or No)	YES	YES	
SAMPLE CALENDAR:	(Yes or No)	YES	YES	
SAMPLE PAPER:	(Yes or No)	YES	NO	
STOCK-CALENDAR	Complete for the Sum of:	$ 34,643.04	$41,100.00	
	Cost per Additional (M) :	$ 866.08		
	Quoting on Paper:	LOE DULL TEXT AQUEOUS GLOSS	AS SPECIFIED	
Alternate	Complete for the Sum of:	$ 29,284.47	$40,765.00	
	Cost per Additional (M) :	$ 732.11		
	Quoting on Alternate Paper:	U-2 DULL TEXT	CENTURA	
ADDITIONAL OPTIONAL CHARGES				
Reply Card	Complete for the Sum of:		$ 2,500.00	
	Cost per Additional (M) :			
	Quoting on Paper:			
SCANS	Cost for each color photo	AQUEOUS GLOSS	$30.00/Scan	
PAPER COST:	80# Gloss Cover LOE			
	80# Text Dull LOE			
EDIT CHARGES:			$65.00/HR	
			ADDITIONAL PRICES ATTACHED TO BID	
DELIVERY DATE	Can meet schedule	XX	XX	
	Cannot meet but offers			
TERMS:		NET 30	NET 30	
WARRANTY:		BLANK	BLANK	
DELIVERY DATE:		December 8, 2003	BLANK	
EXCEPTIONS:		BLANK	BLANK	

NO BIDS:
Homeland Press

EXECUTIVE SUMMARY
PRINTING THE 2004 CALENDAR / ANNUAL REPORT

STATISTICS:

- Five (5) Request for Proposals were mailed to pre-qualified bidders
- Four (4) Request for Proposals were received; Homeland Press sent a "Statement of No Bid" response indicating that they were not interested in bidding at this time
- University Lithoprinters was highest scoring respondent with the lowest price

The following bidders submitted a proposal and received the indicated final scores:

COMPANY	SCORE
A. University Lithoprinters	96
B. Grand River Printers	54
C. Oakland Printing	46
D. Robot Printing	74

Selection Process:

1. Bidders were pre-qualified by Community Affairs staff by calling other entities and requesting mailing information for their successful calendar provider.
2. Three (3) City employees rated calendar Samples; staff calculated the Sample score for each bidder.
3. Pass / Fail criteria for each bidder was reviewed; final reference check was completed; a bid tabulation was prepared; the standard deviation calculations were completed.
4. The final scoring of each RFP was prepared.

EXECUTIVE SUMMARY
PRINTING THE 2004 CALENDAR / ANNUAL REPORT

Sample Calendar – Ratings

Raters:	1	2	3	AVERAGE
Vendors:				
A. University Lithoprinters	100	83	100	94
B. Grand River Printers	66	71	84	74
C. Oakland Printing	77	65	87	76
D. Robot Printing	74	75	70	73

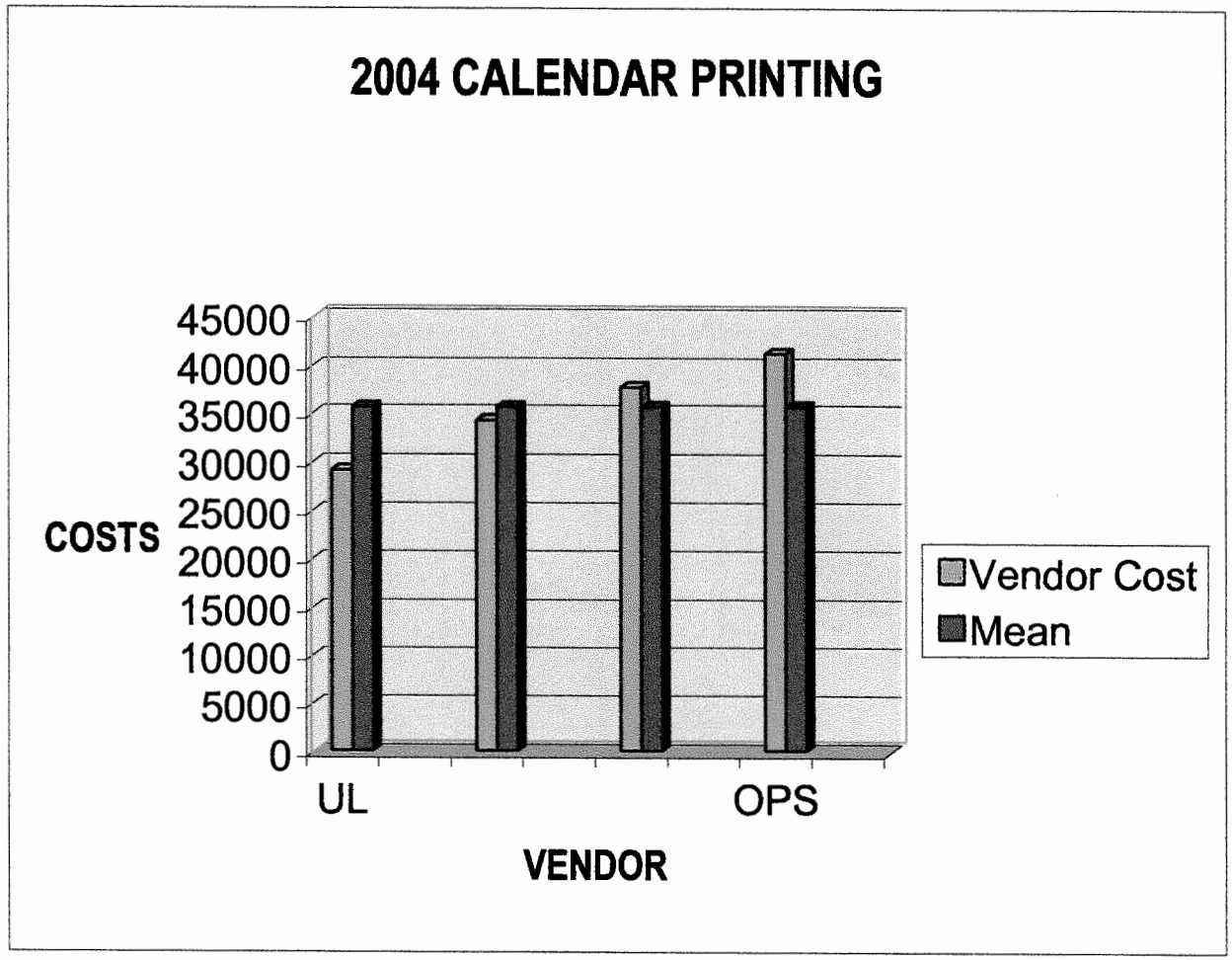
Final Scoring: 60 / 40 Split – Sample Score / Price Score

	Sample Score	Price Score	Final Score
Vendors:			
A. University Lithoprinters	.60 x 94 = 56.4 = 56	.40 x 100 = 40	96
B. Grand River Printers	.60 x 74 = 44.4 = 44	.40 x 25 = 10	54
C. Oakland Printing	.60 x 76 = 45.6 = 46	.40 x 0 = 0	46
D. Robot Printing	.60 x 73 = 43.8 = 44	.40 x 75 = 30	74

PRINTIING 2004 CALENDAR/ANNUAL REPORT
PRICE ANALYSIS

VENDOR	COST	MEAN	DIFFERENCE	D2	VARIANCE	STANDARD DEVIATION	POINTS
UL	29000	35,453	6,453	41641209		2	100
ROBOT	34115	35,453	1,338	1790244		1	75
						0 (Mean)	
GRP	37596.85	35,453	(2,144)	4596736		-1	25
OPS	41100	35,453	(5,647)	31888609		-2	0
	$ 141,811.9			79,916,798	19979199.5	4469.809783	

G:\EXCEL LIST: StandardDeviation2004CalendarPrinting08-03.xls


2004 CALENDAR PRINTING
COSTS
45000
40000
35000
30000
25000
20000
15000
10000
5000
0
UL
OPS
VENDOR
Vendor Cost
Mean

Purchasing Department

DATE: August 20, 2003

FROM: Jeanette Bennett, Purchasing Director

RE: Calendar Raters and Companies

COMPANIES:

A = University Lithoprinters – 6 samples
B = Grand River Printers – 10 samples (8 paper samples)
C = Oakland Printing – 7 samples
D = Robot Printing – 12 samples

RATERS:

Andrea Herzog
John Lamerato
Cynthia Stewart

REQUEST FOR QUALIFICATIONS – 2004 Calendar / Annual Report

VENDORS

NAME:
ADDRESS:
CITY/ STATE/ ZIP:
PHONE / FAX NUMBER:

OBJECTIVES:

	A			B			C	
OBJECTIVES PASS / FAIL	**INFORMATION**		**GO/NO**	**INFORMATION**		**GO/NO**	**INFORMATION**	**GO/NO**
◆ 1. 5 Years in the Business								
◆ 2. (3) Similar Sample Calendars								
◆ 3. Graphic Designer w/ 3 yrs experience (including credentials)								
◆ 4. Can Meet Postal Regulations								
◆ 5. Full Scope of Services Provided								
FINAL – REFERENCE CHECKS HIGHEST RATED BIDDER								
◆ 1. (3) Graphic Designer – Positive References i.e. ability to work w/ staff, professionalism								
◆ 2. (3) Company - Positive References – met deadlines, quality product								
3. (3) Mass Mailing Service – Positive References – handle 40M								

City of Troy

CALENDAR SAMPLES
WEIGHTED RATING

RATER NUMBER: 1

VENDORS

NAME:
PHONE NUMBER:
FAX NUMBER:

		A			B			C		
OBJECTIVES:	**Weight**	**INFORMATION**	**Score 10-1**	**Weighted Score**	**INFORMATION**	**Score 10-1**	**Weighted Score**	**INFORMATION**	**Score 10-1**	**Weighted Score**
1. Overall Appearance										
2. Clarity of Photos										
3. Layout Design – Originality										
4. Impact of Cover										
5. Print Quality / Color Balancing										
6. Creative Designs										
7. Clarity of Calendar Portion – Dates, Information, etc.										
8. Photo – Color quality										
9. Assembly – quality										
10. Organization of Calendar										

10 = Highest Rating 10.00
1 = Lowest Rating

MAXIMUM SCORE: 100

TO: Mayor and Members of Troy City Council
FROM: John Szerlag, City Manager
Lori Grigg Bluhm, City Attorney
Brian Murphy, Assistant City Manager- Services
Mark Stimac, Director of Building and Zoning
Susan M. Lancaster, Assistant City Attorney
DATE: August 8, 2005
SUBJECT: Authority to initiate lawsuit to abate public nuisance- Rhodes

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For several years, the Building Department has taken action to abate nuisances at 2766 Rhodes. The owner/occupant at the home has accumulated refuse, debris, merchandise, garbage, and cat feces, which has blocked the ingress/egress to the home and has also substantially limited the mobility of the home occupant to the point of endangerment. Foul odors emanate from the home, and have led to complaints from neighbors. Vermin have also been discovered on the premises. The home is a fire hazard, due to the accumulation of newspapers and other flammable items. The home is a public nuisance.

City Administration has unsuccessfully worked with the owner/occupant to eliminate the nuisance conditions. When these efforts proved unsuccessful, the City issued criminal misdemeanor tickets to the owner, based on the violations of the Troy building code (and ordinance). The specific charge was the failure to maintain aisle ways throughout the house that are at least 36 inches wide. The owner pled guilty to the charge, and was placed on one year of probation to allow for bi-weekly inspections of the owner's progress. Unfortunately, the only progress really made in eliminating the nuisance was made by a group of volunteers from Athens High School, who worked for 4 hours straight, and was able to de-clutter only one room of the house. The owner has subsequently refused any additional volunteer efforts to clean- up, and has failed to make substantial progress on his own.

The District Court's imposition of one year of probation has expired. The City could issue a subsequent criminal misdemeanor ticket, and continue the Court's jurisdiction over the matter. However, since this was previously unsuccessful in abating the public nuisance, City Administration recommends the initiation of a lawsuit in the Oakland County Circuit Court. Although this option is infrequently used, the City is authorized to initiate a lawsuit to abate a nuisance. The goal of this lawsuit is an order from the Circuit Court to abate the nuisance, or to allow the City to hire an independent contractor to complete the work, which would then be charged back to the owner of the property or would be a lien on the property.

City Administration requests the authority to initiate a nuisance abatement lawsuit against the owner of the home located at 2766 Rhodes. If you have any questions concerning the above, please let us know.

August 9, 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** – Bid Waiver - Troy Daze Large Tents

RECOMMENDATION
Staff recommends City Council waive the formal bid process and award a contract to provide two large tents for the 2005 Troy Daze Festival to Dial Tent and Awning, 5330 Davis Rd., Saginaw, MI 48604 for the estimated total amount of $11,000.00, contingent upon vendor's submission of proper documents, including insurance certificates and all other specified requirements.

BACKGROUND
The Troy Daze Festival is held at Boulan Park every year in September. Tents are required as part of the set-up of the festival to house the various community, cultural, and entertainment activities associated with the event.

On July 1, 2005, bids to provide a variety of sizes of tents for the 2005 Troy Daze Festival were opened. Only two vendors - Ace Canvas & Tent, and Classic Rents submitted bids on the tents and will split the tent order according to low price. However, neither company carries the two larger sized tents and their bids did not include those two large tents. Staff contacted the two other companies that have provided those large tents in the past. Neither of those vendors have the sizes of large tents (1 – 80'x100' and 1 – 80'x240') required for the festival. After an exhaustive search, staff located Dial Tent and Awning in Saginaw that has the tent sizes needed and can make them available during the festival dates. It should be noted that the cost for the two large tents for last year's 2004 Troy Daze Festival was $11,700.00

BUDGET
Funds for the rental of tents for the Troy Daze Festival are available in the Community Fair Fund operating budget, account 784. 7942.

Prepared by: Jeffrey J. Biegler, Superintendent of Parks

August 10, 2005

To: John Szerlag, City Manager

From: John Lamerato, Assistant City Manager – Finance/Administration
Nino Licari, City Assessor

Re: Agenda Item – Resolution supporting the Legislative correction of the WPW v. Troy Taxable Value inequity

The Michigan Municipal League is urging all member communities to pass a resolution that requests that the State House and Senate pass legislation to correct the inequity that was created by the Supreme Court Decision in WPW v. City of Troy.

This decision took away an Assessor's ability to add taxable value to income producing properties when the occupancy of the building increased, after having received a reduction in taxable value because of a loss of occupancy.

This inequity creates a tax advantage for income producing properties that have vacancy issues, over like properties that have had no vacancy problems.

In addition, this inequity causes a shift in the tax burden from commercial properties to the residential class. This shift forces the residential class to pay a larger portion of the burden of the services that the commercial class also uses.

The sample resolution from the MML is attached to this memorandum. Staff requests that you forward this item to City Council for their concurrence, and also send the passed resolution on to our local State Legislators.

Nl/nl

TO: Mayor and Members of Troy City Council
FROM: John Szerlag, City Manager
Lori Grigg Bluhm, City Attorney
Brian Murphy, Assistant City Manager- Services
Mark Stimac, Director of Building and Zoning
Susan M. Lancaster, Assistant City Attorney
DATE: August 8, 2005
SUBJECT: Authority to initiate lawsuit to abate public nuisance- Prentis

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City Administration is requesting the authority to initiate a nuisance abatement lawsuit against the owners of the home at 5165 Prentis. The owners/occupants at the home have been accumulating refuse, debris, merchandise and furniture, which is located all throughout the house, and blocks access to most of the rooms of the house. The substantial accumulation has also blocked the ingress/ egress to the home, and has also substantially limited the mobility of the home occupants, to the point of endangerment. The home is a fire hazard, and a public nuisance.

A concerned neighbor alerted City Administration to the condition of this home, which he reported was "not safe for anyone to live in". Since that time, the City has unsuccessfully worked with the owners/occupants (and also the relatives of the owners) to eliminate the nuisance conditions. When these efforts proved unsuccessful, the City issued criminal misdemeanor tickets to one of the owners, based on the violations of the Troy building code (and ordinance). The specific charges were the failure to maintain aisle ways throughout the house that are at least 36 inches wide, and the failure to keep the interior of the home clean and sanitary. After a bench trial in the 52-4 District Court, the owner was found guilty of the charges. Unfortunately, this did not lead to the abatement of the nuisance. Due to the unsafe condition of the home, it was posted no occupancy in December 2004. Although the owners indicate that they do not reside at the home, there has been little progress in abating the nuisance.

The City could issue a subsequent criminal misdemeanor ticket, and continue the District Court's jurisdiction over the matter. However, since this avenue was previously unsuccessful in abating the public nuisance, City Administration recommends the initiation of a lawsuit in the Oakland County Circuit Court. Although this option is infrequently used, the City is authorized to initiate a lawsuit to abate a nuisance. The goal of this lawsuit is an order from the Circuit Court to abate the nuisance, or to allow the City to hire an independent contractor to complete the work, which would then be charged back to the owner of the property or would be a lien on the property.

City Administration requests the authority to initiate a nuisance abatement lawsuit against the owners of the home located at 5165 Prentis. If you have any questions concerning the above, please let us know.

TO: Mayor and Members of Troy City Council
FROM: John Szerlag, City Manager
Brian Murphy, Assistant City Manager- Services
Mark Stimac, Director of Building and Zoning
Lori Grigg Bluhm, City Attorney
DATE: August 9, 2005
SUBJECT: Proposed Revision of Troy's Sign Ordinances

The City of Troy's sign ordinance has recently been challenged in the *Fehribach v. City of Troy* lawsuit. Since the 1970's, Troy has one ordinance that governs political signs (Chapter 85A) and a second ordinance that governs all other signs (Chapter 78). The ACLU challenged this separation, and argued that Troy's ordinances were impermissible content- based regulations. According to the ACLU, political speech was afforded less protection than commercial speech, which is a violation of the First Amendment to the U.S. Constitution.

As a result of this lawsuit, City Administration has scrutinized the current sign ordinances, and has drafted proposed revisions for your consideration. Since the proposed changes were extensive, and difficult to convey in a red line draft format, it is our recommendation that the regulations be incorporated into a new Chapter- Chapter 85. This modification would also necessitate revisions to Chapter 3, which provides the authorization for enforcement of the sign ordinance. The proposed revision also proposes to remove the fees and incorporate them into Chapter 60 (Fees). In addition, Council would also need to rescind the existing Chapters 85A and 78.

In this proposed ordinance revision, political signs are characterized as temporary signs, similar to garage sale signs and real estate signs. Each parcel of property would be limited to three such temporary signs. These two signs must be smaller than six square feet, and cannot be up for longer than 90 days. In addition to the temporary sign modifications, this proposal also incorporates a re-organization of the chapter, as well as grammatical changes. Additionally, some of the existing provisions have been clarified in the new proposal.

The treatment of political signs in the same manner as other temporary signs addresses the ACLU's concerns that political signs receive less protection than commercial temporary signs. It protects the City's obligation to regulate signage for health, safety and welfare reasons, while simultaneously balancing the rights of free speech. However, Council should be aware that the adoption of this proposed sign ordinance may or may not resolve the ACLU's concerns that were raised in the *Fehribach* lawsuit.

Although it is only August, the November 2005 election is right around the corner, and the rules concerning political signage should be resolved at the earliest opportunity. We would appreciate receiving any comments on the ordinance revision proposal at your earliest convenience, so that any issues can be addressed prior to the City Council meeting. We are available to answer any questions concerning this matter.

CITY OF TROY
AN ORDINANCE TO ENACT
CHAPTER 85 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Enactment

This Ordinance shall be known and may be cited as Chapter 85 – Signs of the Code of the City of Troy.

CHAPTER 85 - SIGNS

85.01.00 Administration

85.01.01 Title and Purpose

A. Short Title: This Ordinance shall be known as and may be cited as the City of Troy Sign Ordinance.

B. Findings and Purpose: It is hereby determined that proliferation of signs in the City is unduly distracting to motorists and pedestrians, creates a traffic hazard, and reduces the effectiveness of signs needed to direct and warn the public. It is also determined that the appearance of the City is marred by proliferation of signs. It is also determined that proliferation of signs restricts light and air. It is also determined that proliferation of signs negatively affects property values. It is also determined that proliferation of signs results in an inappropriate use of land. The purpose of this Ordinance is to control the occurrence and size of signs in order to reduce the aforementioned negative effects. It is also determined that the signs of least value to people within the City are those which carry commercial messages other than the advertisement of any product, service, event, person, institution or business located on the premises where the sign is located or indicates the sale or rental of such premises. It is also determined that the regulations contained in this Ordinance are the minimum amount of regulation necessary to achieve its purposes. It is also determined that restrictions in this Ordinance on the size of signs, their height and placement on real estate, are the minimum amount necessary to achieve its purposes.

85.01.02 Enforcement:

A. This Chapter shall be administered and enforced by the Building Inspector as provided for in Chapter 3 of the Troy City Code.

B. Responsibility of Compliance: The owner of any property on which a sign is placed, and the person maintaining said sign are equally responsible for the condition of the sign and the area in the vicinity thereof.

C. Removal of Signs: Should any sign be found unsafe, insecure, improperly constructed or not in accordance with the requirements of this Chapter, the Sign Erector and/or Owner shall be required to make the sign safe, secure and otherwise in compliance with the requirements of this Chapter within 30 days of written notice. If the Sign Erector or Owner fails to comply within the allocated 30 day period, then the Building Inspector shall remove the offending sign within 48 hours from the time of written notification. However, if the

enforcing official determines that a sign is unsafe and an immediate hazard to health or safety, then the sign shall be removed or repaired at the owner's expense within 48 hours of written notification of such condition.

85.01.03 Definitions: For the purpose of this chapter, certain terms, words and tenses used herein, shall be interpreted or defined as follows:

Board of Appeals: Board of Appeals means the Building Code Board of Appeals.

Business Development: One or more uses within a building or buildings that share common parking facilities.

Building Inspector: The Director of Building and Zoning or his/her authorized representative.

Department: The Building Department of the City of Troy, its officers, inspectors and other employees.

Ground Sign: A freestanding sign supported by one or more uprights, braces, or pylons located in or upon the ground and not attached to any building.

Owner: A person, firm, partnership, association or corporation and/or their legal successors.

Person: Any individual firm, partnership, association or corporation and their legal successors.

Political Sign: A sign whose message relates to: The election of a person to public office, or to a political party, or to a public issue, which shall be voted on at an election called by a public body.

Projecting Sign: A sign which is affixed to any building or part thereof, or structure, which extends beyond the building wall or parts thereof, or structure, by more than twelve (12) inches.

Public Property: All publicly-owned property, including streets, rights-of-way, and everything affixed thereto and there over.

Roof line: The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs, the deck line of mansard roofs, and the average height between eaves and ridge boards for gable, hip and gambrel roofs.

Roof Sign: A sign that is erected, constructed or maintained upon, and projects above or beyond the roof or parapet.

Sign: A sign means any structure or wall or other object used for the display of any message, and includes but is not limited to any bill, poster, placard, handbill, flyer, painting, balloon, streamer or other similar object in any form whatsoever which contains printed or written matter in words, symbols, or pictures, or in any combination thereof attached to or affixed to the ground or any structure.

Sign Erector: Any person engaged in the business of erecting, altering, or removing signs on a contractual or hourly basis.

Wall Sign: A sign attached to, painted on, or placed flat against the exterior wall or surface of any building, no portion of which projects more than 12 inches from the wall, and which may not project above the roof or parapet line.

85.01.04 Requirements for Permits

A. Permit Required: It is unlawful for any person to erect, re-erect, alter, or relocate any sign without obtaining a permit from the Building Inspector and paying the applicable permit fee, as set forth-in Chapter 60 of the City Code.

Exceptions:

1. Sign Permits shall not be required for street signs, which are erected by the City, State or Federal Government for street direction or traffic control.

2. Sign Permits shall not be required for signs located on the interior of buildings.

3. Sign Permits shall not be required for signs that are not visible from any adjacent right-of-way which do not exceed thirty-six square feet.

4. Sign Permits shall not be required for small ground signs for uses other than one and two family dwellings, as long as the signs are not more than two square feet in area.

5. Sign Permits shall not be required for temporary signs, as set forth in Section 85.03.02 of this Chapter

B. Permit Application: Applications for sign permits shall be made upon forms provided by the Department and shall contain the following information:

1. Name, address and telephone number of applicant.

2. Name and address of the Sign Erector.

3. Location of the building or structure to which the sign is to be attached or lot where the sign is to be erected.

4. Position of the sign in relation to nearby buildings, structures, property lines, and existing or proposed rights-of-way.

5. The zoning district of the real property where the sign is to be located.

6. Two copies of the plans and specifications for the proposed sign and the method of construction and attachment to the building or placement in the ground.

7. If deemed necessary by the Building Inspector, two copies of stress sheets and calculations, bearing the signature and seal of a registered professional engineer or architect, which show the structure as designed for dead load and wind pressure, and demonstrate that the proposed sign will satisfy the regulations adopted by the City of Troy.

8. Such other information as the Building Inspector may require to demonstrate that the proposed sign would meet full compliance with this and other applicable laws of the City of Troy and the State of Michigan.

C. Contractor Registration Required:

1. All Sign Erectors, as defined in Section 85.01.03 of this Chapter, shall annually register with the Department. The Sign Erector registrations shall expire April 1st of each year. The registration fee is as set forth in Chapter 60 of the City Code.

2. Insurance Requirement: The following insurance is required before a sign permit will be issued:

a. Insurance Certificates: Before a permit is issued for the erection of a sign, the installing company shall submit a Certificate of Insurance for Public Liability in the amount of One Hundred Thousand ($100,000) Dollars for injuries to one person and Three Hundred Thousand ($300,000) Dollars for injury to more than one person, and Property Damage insurance in the amount of Twenty-Five Thousand ($25,000) Dollars for damage to any property due to the actions of the Sign Erector or any of their agents or employees. This Certificate shall be submitted to the Building Department, and approved by the City's Risk Manager or his/her delegate.

b. Lapsing of Insurance: Sign Erectors shall maintain the above referenced insurance coverage at all times in order to be eligible to obtain sign permits. If the insurance coverage lapses at any time, the City can automatically revoke the right of a Sign Erector to obtain sign permits.

c. Notification of Change: A Sign Erector shall notify the Building Department of any change in address, or any change in ownership or management that differs from what is indicated on the Insurance Certificates.

D. Permit Fees: Permit fees are as set forth-in Chapter 60 of the City Code.

85.01.05 Prohibited Signs

A. Signs in Right-of-Way: No sign shall be located in, project into, or overhang a public right-of-way or dedicated public easement, except as provided below:

1. Signs established and maintained by the City, County, State, or Federal Governments may be located in the right of way.

2. Banners advertising civic events may be permitted on lighting poles within the median of Big Beaver Road, between Rochester Road and Cunningham Drive, for a period not to exceed thirty days, subject to the approval of the City Manager.

3. In its discretion, City Council may approve an agreement to allow residential development identification signs in the medians of boulevard entrance streets. Any such agreement shall require continuing liability insurance and also provide satisfactory maintenance of the sign, as well as any other condition that is deemed necessary by the Troy City Council to protect the right of way. The agreement must also indicate the City Council's approval of the proposed design and materials for

the sign. The residential development identification sign shall not exceed five feet in height, and shall not be more than 50 square feet in area. The height of such signs shall not exceed 30" when located in the corner clearance area depicted in Figure 85.01.05 A.

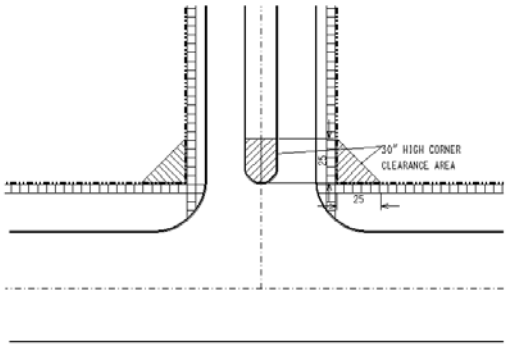

Figure 85.01.05 A

B. Corner Clearance: Signs higher than 30 inches shall be prohibited in the triangular area formed at the intersection of any two street right-of-way lines (existing or proposed) by a straight line drawn between said right-of-way lines at a distance along each line of 25 feet from their point of intersection. No sign shall be located in that area, or project into, or overhang into the area.

C. Roof Projecting Signs: Roof signs and projecting signs are prohibited.

D. Fire Escapes: No signs of any kind shall be attached to or placed upon a building in such a manner as to obstruct any fire escape.

E. Support Location: No pole, cable or support of any nature shall be placed on any publicly owned property, street right-of-way, or proposed street right-of-way.

F. Traffic Interference: No advertising device shall be erected or maintained which simulates or imitates in size, color, lettering, or design any traffic sign or signal or other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic.

G. Flashing Signs: Flashing or intermittent illumination of signs shall be prohibited.

H. Neon Tubes: Installation of neon tubing used as borders or accent strips on the exterior of any building shall be prohibited.

85.10.06 Inspections

A. Concealed Work: In cases where fastenings are to be installed and enclosed in such a manner that the Building Inspector cannot easily remove material to see the fastenings and material used, the Sign Erector must advise the Building Inspector so that the inspection may be made before concealment.

B. Compliance Certification: All signs shall be inspected at original installation; if found to comply with this chapter, the sign shall be issued a certificate of compliance.

C: Inspections of Existing Signs: The Building Inspector can inspect existing signs to determine compliance with the provisions of this chapter.

85.01.07 Non-Conforming Signs:

A. Intent: It is the intent of this Chapter to encourage eventual elimination of signs that, as a result of the adoption of this Chapter, become non-conforming. It is considered as much a subject of health, safety, and welfare as the prohibition of new signs in violation of this Chapter. It is the intent, therefore, to administer this Chapter to facilitate the removal of illegal non-conforming signs while simultaneously avoiding any unreasonable invasion of established private property rights.

B. Continuance: A non-conforming sign shall be maintained in good condition. A non-conforming sign may be continued, but shall not be:

1. Replaced by another non-conforming sign; or

2. Structurally altered so as to prolong the life of the sign; or

3. Expanded; or

4. Re-established after damage or destruction to the sign, if the estimated expense of reconstruction exceeds 50% of the estimated replacement cost of the sign.

85.01.08 Appeals:

A. Procedure

1. Any person aggrieved by any decision, ruling or order from the Building Inspector may appeal that decision to the Board of Appeals. The appeal shall be made by filing an application for a hearing with the Department. The application shall specify the grounds for the appeal. The Building Inspector shall transmit the application and all other documents relating to the appeal to the Board of Appeals. Upon receipt of the Appeal Application, the Building Inspector shall administratively establish a date of the Public Hearing.

2. The Building Inspector shall notify all owners of real property within 300 feet of the real property that is proposed as the site of the sign subject to the appeal. The notice shall be sent by U.S. Mail to the owners at the address listed with the Troy Assessing Department, and shall be postmarked no less than 14 days before the date of the Public Hearing.

B. Powers of the Board of Appeals

1. The Board of Appeals has the power to grant specific variances from the requirements of this Chapter, upon a showing of each of the following:

a. The variance would not be contrary to the public interest or general purpose and intent of this Chapter; and

b. The variance does not adversely affect properties in the immediate vicinity of the proposed sign; and

c. The petitioner has a hardship or practical difficulty resulting from the unusual characteristics of the property that precludes reasonable use of the property.

2. Duration of Variances: The Board of Appeals shall not grant any variance for a period that exceeds 15 years. All variances shall terminate at the expiration of the period of time set by the Board of Appeals, or upon alteration or reconstruction of more than 50% of the sign, whichever occurs first.

85.01.09 Violations

A. It shall be unlawful for any person to erect, construct, maintain, enlarge, alter, move, or convert any sign in the City of Troy, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this Chapter. Any person violating any of the provisions of this Chapter shall be guilty of a misdemeanor, and upon conviction of any such violation, shall be punished with a fine of between $50 and $500 and/or incarceration of up to 90 days. Any sign constituting an immediate hazard to health and safety is deemed a nuisance and may be removed by the Building Inspector at the expense of the owner of the sign or other responsible party, in the discretion of the Building Inspector.

B. Signs in Public Right-of-Way: In addition to the penalties prescribed in paragraph 85.01.09 A, any sign erected in violation of this Chapter may be removed by the Building Inspector or his/her authorized representative and stored in a safe location for at least 48 hours. During this period of time, the owner of the sign may obtain the sign from the Building Inspector upon request and payment of a fee of Fifty Dollars ($50) for each sign to cover the costs of removal and storage. After 48 hours, the Building Inspector may dispose of the sign.

C. Public Nuisance: Signs installed after the effective date of the adoption or subsequent amendment of this Chapter that are in violation of this Chapter are hereby declared to be public nuisances, and may be abated by the City. The City can take any legal action to abate the public nuisance. The collection of removal fees from the Owner, Sign Erector, or other responsible person shall not preclude the City from prosecuting the responsible person.

85.02.00 <u>General Provisions</u>

85.02.01 Construction Requirements

A. Material Requirement: All signs shall be designed and constructed in conformity to the provisions for materials, loads, and stresses of the latest adopted edition of the Michigan Building Code and the requirements of this Chapter.

B. Fastenings: All signs must be erected in such a manner and with such materials to remain safe and secure during the period of use and all bolts, cables, and other parts of such signs shall be kept painted and free from corrosion. The Sign Erector shall repair any defect that is the fault of the Sign Erector.

C. Changeable Message Signs: The message change cycle of a changeable message sign shall be not less than one minute per message, except in a combined time and temperature sign, where the change cycle shall not be less than 30 seconds.

D. Revolving Signs: Signs that revolve shall make no more than four complete revolutions per minute.

E. Proximity to Electrical Conductors: No sign shall be erected so that any part, including cables, guys, etc, will be within six feet of any electrical conductor, electric light pole, street lamp, traffic light, or other public utility pole or standard.

F. Sanitation: Property surrounding any ground sign shall be kept clean, sanitary, free from obnoxious and offensive substances, free from weeds, rubbish, and inflammable material.

85.02.02 Illuminated Signs:

A. Illumination: Only listed electrical devices shall be used for the illumination of signs. These listed electrical devices shall be installed in accordance with the requirements of the regulations adopted by the City of Troy. No open spark of flame may be used for display purposes unless specifically approved by the Building Inspector.

B. Shielding from Residential Districts: Any lighting used to illuminate signs shall be directed away from and shall be shielded from any adjacent residential zoning districts and shall not adversely affect driver visibility on adjacent public thoroughfares.

85.02.03 Identification of Sign Erector:

A. Sign Erector's Imprint: Every sign, other than temporary signs herein defined, must carry the identification of the Sign Erector, in clearly legible letters.

B. Re-hanging: In case of re-hanging or re-erection of any sign, the Sign Erector must place his/her identification and the date of the re-hanging on the sign.

85.02.04 Measurement of Signs:

A. Sign Area: For the purpose of this Chapter, the area of the sign shall include the total area within any circle, triangle, rectangle or other geometric shape enclosing the extreme limits of writing, representation, emblem or any similar figure, together with any frame or other material forming an integral part of the display or used to differentiate such sign from the background against which it is placed, and is further calculated as follows:

1. Single Face Sign: For a single face sign, the area shall be computed as the total exposed exterior surface in square feet.

2. Multi-faced Signs: When the sign has two or more faces, the area of all faces shall be included in computing the area of the sign.

Exceptions:

1. For a sign that has two or more faces placed back to back, the area shall be computed as one-half the total exposed exterior surface area in square feet.

2. For a sign that has two or more faces so arranged that the faces are greater than 24 inches from one another or such sign with any two faces that form a

"V" is greater than 15 degrees, the area shall be computed as a single face sign.

3. Wall Signs: When a sign consists solely of writing, representation, emblems, logos, or any other figure or similar character which is painted or mounted on the wall of a building or a self-supporting wall or fence, without distinguishing border, the area of such sign shall be computed as if it were framed by a border consisting of horizontal and vertical lines touching the outer limits of the sign and extending not more than one foot from smaller sign elements. However, in no instance shall there be any line having a dimension of less than one foot.

B. Sign Height: The height of the sign is measured from the ground to the highest point of the sign from the ground.

85.02.05 Allowable Signs:

A. The Zoning District Regulations and Table 85.02.05 set forth the allowable signs in each zoning districts. These are in addition to the signage allowed by Section 85.01.04 A

B. Nothing in this Chapter shall be construed so as to prohibit ideological or non-commercial advertising on any sign on which commercial advertising is allowed

C. Specific Zoning District Regulations

1. R-1 and R-2 Districts: Signs in single-family and two-family districts shall be allowed as follows:

a. For Special Approval Uses listed in Chapter 39, Section 10.30.00 of the Troy City Code: One sign not to exceed 100 square feet in area.

b. For Subdivision Entrances: One sign not to exceed 100 square feet in area.

c. For Subdivisions Under Development: One sign not to exceed 100 square feet in area is allowed until such time as a certificate of occupancy is issued for all homes.

2. R-M, RI-T, CR-1 and C-F Districts: Signs in Multiple Family Housing or Cluster Housing, and Community Facility Developments shall be allowed as follows:

a. One sign not to exceed 100 square feet in area.

b. One additional sign not to exceed 36 square feet in area.

c. No sign shall be located closer than 30 feet to any property line of an adjacent R-1 or R-2 District.

3 All O and R-C Districts: Signs in Office and Research Center districts shall be allowed as follows:

a. One wall sign for each building, not to exceed 10% of the area of the front of the structure to a maximum size of 200 square feet in area.

b. One ground sign for each building in accordance with Table 85.02.05.

c. One additional ground sign for each building, not to exceed thirty-six square feet in area, if the site fronts on a major thoroughfare.

d. Each tenant on the ground floor may have one wall sign, which shall not exceed 20 square feet in area. The sign must be located on the face of the area occupied by the tenant.

e. No sign shall be located closer than 30 feet to any property line of an adjacent R-1 or R-2 district.

4. B-1, B-2, B-3 and H-S Districts: Signs for each business development in the Commercial Districts shall be allowed as follows:

a. One ground sign in accordance with Table 85.02.05.

b. One additional ground sign, not to exceed thirty-six square feet in area if the site fronts on a Major Thoroughfare.

c. The required setback for ground signs from adjacent residentially zoned property shall be the same as for buildings within the zoning district.

d. Any number of wall signs, such that the total combined area of all wall signs for each tenant shall not exceed 10% of the front area of the structure or tenant area. Wall signs must be located on the face of the area that is occupied by the tenant.

5. M-1 Districts: Signs for each M-1 development shall be allowed as follows:

a. One ground sign in accordance with Table 85.02.05.

b. One additional ground sign, not to exceed thirty-six square feet in area, if the site fronts on a Major Thoroughfare.

c. One wall sign for each building, not to exceed 10% of the area of the front of the structure, up to a maximum of 100 square feet.

d. One wall sign, not to exceed 20 square feet in area, for each tenant in multi-tenant buildings. Tenant signs must be located on the face of the area that is occupied by the tenant.

e. One additional ground sign, provided it complies with all of the following:

1. The sign is set back a minimum of 200 feet from any street right-of-way.

2. The sign is located at least 1,000 feet from any sign exceeding 100 square feet in area.

3. The sign does not exceed 300 square feet in area.

4. The sign does not exceed 25 feet in height.

f. A dealership within a Planned Auto Center shall be allowed the following additional signage:

1. One ground sign, in accordance with Table 85.02.05.

2. Two wall signs, with each sign being 20 square feet in area or less.

g. No sign shall be located closer than 50 feet to any property line of an adjacent R-1 or R-2 district.

TABLE 85.02.05 STANDARDS FOR GROUND SIGNS			
Zoning District	Minimum Setbacks*	Maximum Height	Maximum Area
All R and C-F	10 ft. from Street	12 ft.	See Section 85.02.05,C,1 & 85.02.05,C,2
All B, H-S, O, R-C and Planned Auto Centers in M-1	0 ft. - 20 ft.	10 ft.	50 sq. ft.
	20 ft. - 30 ft	20 ft.	100 sq. ft.
	30 ft. +	25 ft.	200 sq. ft.
M-1	10 ft	12 ft.	100 sq. ft. Max. See Section 85.02.05,C,5,e

* Indicates setback from existing street right-of-way, or from planned right-of-way (Master Thoroughfare Plan), whichever is greater.

85.03.00 <u>General Exceptions</u>

85.03.01 Special Event Signs

A Signs advertising a Special Event may be allowed for events that include, but are not limited to, grand openings, vehicle shows/displays, craft shows, benefit rummage/bake sales and festivals as long as a Special Event Sign permit is issued. The application for a Special Event sign permit shall be submitted to the Building Inspector, and shall include the following:

1. Plans indicating the following:

a. Site layout (building location, parking, etc.)

b. Number, size and location of proposed signs, including banners, flags, cold air balloons, and other forms of signage.

2. Documentation detailing the purpose of the event and desired dates for the placement of the Special Event signs.

3. If the applicant for the Special Event Sign permit is not the property owner of the site where the signage is proposed to be located, then the written approval of property owner must be submitted with the application.

4. The required application fee, as set forth in Chapter 60 of the Troy City Code.

   Exception: All fees for a Special Event sign application shall be waived for all non-profit applicants who provide satisfactory proof of the non-profit status to the Building Inspector.

B A Special Event Sign permit shall be issued for not more than seven (7) consecutive days within any twelve (12) month period.

C. No more than four off-site signs related to a Special Event may be permitted. Such off-site signs shall each be limited to six (6) square feet in area. Applicant must also submit written approval from the owners of properties where the off-site Special Event Signs are proposed to be located. This permission must be provided prior to the issuance of a permit.

85.03.02 Temporary Signs

A. Temporary signs include, but are not limited to the following:

1. For a single dwelling or building or vacant land: an on-site real estate sign, advertising the premise for sale, rent or lease.

2. For a single dwelling or building or vacant land: an off-site real estate sign for the purpose of providing direction to another premise that is offered for sale, rent, or lease.

3. An on-site sign advertising an on-going garage, estate or yard sale.

4. An off-site sign for the purpose of providing direction to another premise that is having a garage, estate or yard sale, as long as the dates of the sale are clearly indicated on the sign.

5. Non-commercial signs, which contain non-commercial informational or directional messages.

6. Political signs

7. Holiday or other seasonal signs

8. Construction signs for buildings under construction.

9. Flags that are attached to a structure or a standardized flagpole.

B. All temporary signs must comply with all of the following regulations:

1. Size of Temporary Signs: The temporary signs shall not exceed six square feet in area and shall not be higher than thirty-six (36) inches above average mean grade of the yard on which it is placed.

   Exceptions:

1. Flags may be no larger than 3’ x 5’

2. For uses other than one and two family dwellings, signs for buildings under construction shall be a maximum size of 10% of the square foot area of the front of the structure, and not more than 10 feet in height.

3. One sign advertising the sale or lease of vacant land, when the parcel exceeds two acres in area, shall be allowed to have a size equal to 15 square feet of sign area per acre of land or 15 square feet of sign area per 100 lineal feet of thoroughfare frontage. In no case shall the sign be allowed to exceed 100 square feet of sign area or be more than 10 feet in height.

2. Number of Temporary Signs: There shall be a maximum of three temporary signs on each parcel of real property at any given time.

3. Location of Temporary Signs:

a. Temporary signs shall not be attached to any utility pole or be located within any public right-of-way

b. Temporary signs shall not be located closer than twenty (20) feet to the edge of the traveled portion of the roadway and shall not be located in a dedicated right-of-way.

c. Temporary signs shall not be erected in such a manner that they will or reasonably may be expected to interfere with, obstruct, confuse or mislead traffic.

d. Temporary signs cannot be placed or constructed so as to create a hazard of any kind.

e. Prior to the erection or placement of a temporary sign, the permission of the property owner where the sign is to be located must be secured.

4. Time Limitations for Temporary Signs: Each temporary sign shall be removed within 90 days of placement.

85.03.03 Signs on Motor Vehicles

A. No person, corporation, partnership or other legal business entity shall stand or park a motor vehicle on public or private property in the City of Troy for the purpose of advertising same "for sale" or "for trade".

Exceptions:

1. Properly licensed auto dealerships and properly licensed used car lots.

2. The owner of a motor vehicle who places a “for sale” or “for trade” sign on or within the vehicle provided:

a. The vehicle is located only on the vehicle owner's residential property; and;

b. The owner of the vehicle displays a clearly visible sign on the vehicle indicating the owner's name and address; and

c. Not more than one vehicle is displayed on the residential property.

3. The owner of non-residential property who places or allows to be placed a "for sale" or "for trade" sign on or within the vehicle provided:

a. Not more than one vehicle is displayed on the nonresidential property; and

b. The owner of the vehicle displays a clearly visible sign indicating the nonresidential property owner's consent to the display of the vehicle.

B. A displayed message containing a phone number in or on a parked motor vehicle that is or was visible constitutes a presumption that it is or was for the purpose of offering the vehicle for sale or trade.

C. Proof that the vehicle described in the complaint was parked in violation of this Section, together with proof that the defendant named in the complaint was at the time of the cited parking the registered owner of the vehicle constitutes a presumption that the registered owner is responsible for the violation.

Section 2. 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 3. 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 4. Effective Date

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

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

_____
Louise E. Schilling, Mayor

_____
Tonni Bartholomew. City Clerk

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 60 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 60, Section 60.03, of the Code of the City of Troy.

Section 2. Amendment

Chapter 60, Section 60.03 – Fee Schedule, shall be amended by adding the following items:

ITEM/SERVICE:	FEE:
Sign Permits (Chapter 85)	
Painted Wall Sign – under 100 square feet	$75.00
Painted Wall Sign – 101 – 200 square feet	$100.00
Painted Wall Sign – 201 – 300 square feet	$100.00
Attached Wall Sign – under 100 square feet	$100.00
Attached Wall Sign – 101 – 200 square feet	$125.00
Attached Wall Sign – 201 – 300 square feet	$150.00
Ground Sign – under 100 square feet	$125.00
Ground Sign – 101 – 200 square feet	$150.00
Ground Sign – 201 – 300 square feet	$175.00
Special Event Sign	$30.00

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

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

_____
Louise E. Schilling, Mayor

_____
Tonni Bartholomew. City Clerk

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 3 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 3 – Administrative Service, Section 1.141(6), of the Code of the City of Troy.

Section 2. Amendment

Chapter 3, Section 1.141(6), shall be amended as follows

1.141(6) A City of Troy Building Department Inspector shall have authority to issue and serve upon a person an appearance ticket if he/she has reasonable cause to believe that the person has committed a violation of any of the following provisions of the Troy City Code.

Chapter 2: House Numbering and Street Naming
Chapter 16: Garbage and Rubbish
Chapter 18: City Water Utility
Chapter 19: City Sewer Service
Chapter 20: Water and Sewer Rates
Chapter 39: Zoning
Chapter 47: House Trailers and Trailer Courts
Chapter 48: Litter
Chapter 64: Gasoline Stations
Chapter 67: Dances and Dance Halls
Chapter 68: Amusements and Recreation Places
Chapter 69: Miscellaneous Licensed Businesses
Chapter 70: Self Service Laundries and Dry Cleaners
Chapter 71: Auto Wash
Chapter 73: Drive-In Restaurant
Chapter 79: General Building Regulations
Chapter 79-A: One and Two Family Dwellings
Chapter 81: Moving of Buildings
Chapter 82: Property Maintenance Regulations
Chapter 82-A: Rental and Dwelling Inspection and Enforcement
Chapter 82-B: Dangerous Buildings
Chapter 83: Fences
Chapter 85: Signs
~~Chapter 85-A. Political Signs~~
Chapter 88: Nuisances
Chapter 93: Fire and Explosives (provisions related to building codes)
Chapter 97: Coin-Operated Amusement Devices and Arcades

Section 3. Savings

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

Section 4. Severability Clause

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

Section 5. Effective Date

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

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

_____
Louise E. Schilling, Mayor

_____
Tonni Bartholomew. City Clerk

CITY OF TROY
AN ORDINANCE TO REPEAL
CHAPTER 78 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 repeal of Chapter 78 of the Code of the City of Troy.

Section 2. Repeal

Chapter 78 – Signs of the Code of the City of Troy shall be repealed in its entirety.

~~Chapter 78~~

~~Signs~~

~~1.00 Short Title~~

~~This Ordinance shall be known as and may be cited as the City of Troy Sign Ordinance.~~

~~2.00 General Provisions~~

~~2.01 Findings and Purpose:~~

~~It is hereby determined that proliferation of signs in the City is unduly distracting to motorists and pedestrians, creates a traffic hazard, and reduces the effectiveness of signs needed to direct and warn the public. It is also determined that the appearance of the City is marred by proliferation of signs. It is also determined that proliferation of signs restricts light and air. It is also determined that proliferation of signs negatively affects property values. It is also determined that proliferation of signs results in an inappropriate use of land. The purpose of this Ordinance is to control the occurrence and size of signs in order to reduce the aforementioned negative effects. It is also determined that the signs of least value to people within the City are those which carry commercial messages other than the advertisement of any product, service, event, person, institution or business located on the premises where the sign is located or indicates the sale or rental of such premises. It is also determined that the regulations contained in this Ordinance are the minimum amount of regulation necessary to achieve its purposes. It is also determined that restrictions in this Ordinance on the size of signs, their height and placement on real estate, are the minimum amount necessary to achieve its purposes.~~

~~2.02 Definitions: For the purpose of this chapter, certain terms, words and tenses used herein, shall be interpreted or defined as follows:~~

~~2.02.01 Sign: A sign means any structure or wall or other object used for the display of any message. Nothing in this ordinance shall be construed so as to prohibit ideological or noncommercial advertising on any sign on which commercial advertising is permitted.~~

~~2.02.02 Roof Sign: A sign which is erected, constructed or maintained upon, and projects above or beyond the roof or parapet.~~

~~2.02.03 Ground Sign: A free-standing sign supported by one or more uprights, braces, or pylons located in or upon the ground and not attached to any building.~~

~~2.02.04 Projecting Sign: A sign which is affixed to any building or part thereof, or structure, which extends beyond the building wall or parts thereof, or structure by more than twelve (12) inches.~~

~~(Rev. 04-24-95)~~

2.02.05 Wall Sign: A sign attached to, painted on, or placed flat against the exterior wall or surface of any building, no portion of which projects more than 12 inches from the wall, and which may not project above the roof or parapet line. The roof line means the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs, the deck line of mansard roofs, and the average height between eaves and ridge boards for gable, hip and gambrel roofs.

2.02.06 Building Inspector: The Director of Building and Zoning or his authorized representative.

(Rev. 08-02-99)

2.02.07 Department: The Building Department of the City of Troy, its officers, inspectors and other employees.

2.02.08 Owner: A person, firm, partnership, association or corporation and/or their legal successors.

2.02.09 Person: Any individual firm, partnership, association or corporation and their legal successors.

2.02.10 Sign Erector: Any person engaged in the business of erecting, altering, or removing signs on a contractual or hourly basis.

2.02.11 Board of Appeals: Board of Appeals means the Building Code Board of Appeals.

(Rev. 07-19-99)

3.00 Signs Not Requiring Permits:

No erection permit shall be required for signs enumerated as follows by this paragraph. Such exemptions, however, shall not be construed to relieve the owner of the sign from responsibility for its proper location, erection, and maintenance.

3.01 Small Signs: Any sign erected on a premise which is not more than two square feet in area.

3.02 Sale, Rent or Lease Signs: Signs not to exceed six (6) square feet in area used to advertise real estate or garage sales and directional signs for such sales as further described below and limited to a height of 42". Signs located in a corner clearance shall not exceed 30" in height.

A. A real estate sign advertising a premise for sale, rent or lease, for a single dwelling or building or vacant land.

B. A real estate sign for the purpose of providing direction may be located on private property on Sundays, Tuesdays and Saturdays with permission from the property owner.

C. A garage sale sign having the dates of the sale clearly indicated for the purpose of providing direction may be located on private property on Thursday, Friday, Saturday and Sundays with permission from the property owner.

(Rev. 06-07-99)

~~3.03 Street Signs: Signs erected by the City, County, State or Federal Government for street direction or traffic control.~~

~~3.04 Non-commercial Signs: Signs containing non-commercial informational or directional messages which do not exceed six square feet in area.~~

~~3.05 Interior Building Signs: Signs located on the interior of buildings.~~

~~3.06 Signs Not Visible From Rights of Way: Signs not visible from any adjacent right-of-way which do not exceed thirty-six square feet.~~

~~3.07 Corporate Flags: Not more than one corporate flag when flown in conjunction with the American or State flag.~~

~~(Rev. 11-27-95)~~

~~4.00 Administration~~

~~4.01 Enforcement: This Chapter shall be administered and enforced by the Building Inspector as provided for in Chapter 1 of the Troy City Code.~~

~~4.02 Permit Required: It shall be unlawful for any person to erect, re-erect, alter, or relocate any sign unless a permit shall have been first obtained from the Building Inspector, except as provided in Section 03.00 and a permit fee paid in accordance with the schedule adopted by resolution of the City Council.~~

~~4.03 Application: Applications for sign permits shall be made upon forms provided by the Building Department for this purpose and shall contain the following information:~~

~~4.03.01 Name, address and telephone number of applicant.~~

~~4.03.02 Location of the building, structure, or lot to which the sign is to be attached or erected.~~

~~4.03.03 Position of the sign in relation to nearby buildings, structures, property lines, and rights-of-way existing or proposed.~~

~~4.03.04 Two copies of the plans and specifications and method of construction and attachment to the building or in the ground.~~

~~4.03.05 Copy of stress sheets and calculations, if deemed necessary, showing the structure as designed for dead load and wind pressure in accordance with the regulations adopted by the City of Troy.~~

~~4.03.06 Name and address of the sign erector.~~

~~(04-24-95)~~

~~4.03.07 Insurance policy as required herein.~~

~~4.03.08 Such other information as the Building Inspector may require to show full compliance with this and other applicable laws of the City of Troy and the State of Michigan.~~

4.03.09When the public safety so requires, the application containing the aforesaid material shall, in addition, bear the certificate or seal of a registered structural or civil engineer as a condition to the issuance of a permit.

4.03.10Indicate the zoning district that the sign is to be located in.

4.04 Insurance Requirement: Permits may be issued to sign erectors only under the following conditions.

4.04.01Insurance Certificates: Before a permit is issued for the erection of a sign, the installing company shall submit for filing with the Building Department, a Certificate of Insurance, approved by the City Attorney, for Public Liability in the amount of One Hundred Thousand ($100,000) Dollars for injuries to one person and Three Hundred Thousand ($300,000) Dollars for injury to more than one person, and Property Damage insurance in the amount of Twenty-Five Thousand ($25,000) Dollars for damage to any property due to the actions of himself or any of his agents or employees.

4.04.02Lapsing of Insurance: At any time the insurance of any sign erector is permitted to lapse, his right to obtain permits shall automatically be revoked.

4.04.03Notification of Change: A sign erector shall notify the Building Department of any change in address, and if a firm or corporation, an change in ownership or management if other than that indicated on the Insurance Certificates.

4.04.04Registration Required: Sign erectors shall be registered with the City of Troy; registrations shall expire April 1st of each year. Registration fee shall be established by a schedule adopted by resolution of the City Council.

5.00 Permit Fees: Permit fees shall be determined based on size, type and height according to the following schedule:

	WALL SIGNS		GROUND SIGNS
	Painted on wall	Structurally Attached	
AREA			
Under 100 sq. ft.	$ 75.00	$ 100.00	$125.00
100 to 200 sq. ft.	100.00	125.00	150.00
200 to 300 sq. ft.	100.00	150.00	175.00

EXCEPTION: Special Event Signs $30.00 per event.

(Rev. 10-6-97)

6.00 Construction Requirements

6.01 General Provisions:

6.01.01Material Requirement: All signs shall be designed and constructed in conformity to the provisions for materials, loads, and stresses of the latest adopted edition of the B.O.C.A. Code and requirements of this Chapter.

6.01.02 Fastenings: All signs must be erected in such a manner and with such materials to remain safe and secure during the period of use and all bolts, cables, and other parts of such signs shall be kept painted and free from corrosion. Any defect due to the fault of the erector shall be repaired by the erector.

6.01.03 Fire Escapes: No signs of any kind shall be attached to or placed upon a building in such a manner as to obstruct any fire escape.

6.01.04 Support Location: No pole, cable or support of any nature shall be placed on any publicly owned property, street right-of-way, or proposed street right-of-way.

6.01.05 Flashing Signs: Flashing or intermittent illumination of signs shall be prohibited.

6.01.06 Changeable Message Signs: The message change cycle of a changeable message sign shall be not less than one minute per message, except in a combined time and temperature sign where the change cycle shall not be less that 30 seconds.

6.01.07 Revolving Signs: Signs that revolve shall make no more than four complete revolutions per minute.

6.01.08 Traffic Interference: No advertising device shall be erected or maintained which simulates or imitates in size, color, lettering, or design any traffic sign or signal or other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic.

6.01.09 Rehanging: In case of rehanging or re-erection of any sign, the erector must place his identification and the date on the sign.

6.01.10 Proximity to Electrical Conductors: No sign shall be erected so that any part including cables, guys, etc. will be within six feet of any electrical conductor, electric light pole, street lamp, traffic light, or other public utility pole or standard.

6.01.11 Sanitation: Property surrounding any ground sign shall be kept clean, sanitary, free from obnoxious and offensive substances, free from weeds, rubbish, and inflammable material.

6.01.12 Responsibility of Compliance: The owner of any property on which a sign is placed, and the person maintaining said sign, are equally responsible for the condition of the sign and the area in the vicinity thereof.

6.01.13 Erector's Imprint: Signs of every class must carry the identification of the sign erector in clearly legible letters.

6.02 Compliance Certificate Required:
(Rev. 04-24-95)

6.02.01 Compliance Certification: All signs shall be inspected at original installation; if found to comply with this chapter, the sign shall be issued a certificate of compliance.

6.02.02 Inspections: The Director of Building and Zoning shall cause existing signs to be inspected if deemed necessary by him to determine continuation of compliance with the provisions of this chapter.

(Rev. 7-12-99)

6.02.03 Concealed Work: In cases where fastenings are to be installed and enclosed in such a manner that the Building Inspector cannot easily remove material to see the fastenings and material used, the sign erector must advise the Building Inspector so that the inspection may be made before concealment.

6.02.04 Removal of Signs: Should any sign be found unsafe, insecure, improperly constructed or not in accordance with the requirements of this Chapter, the erector and/or owner shall be required to make the sign safe, secure and otherwise in compliance with the requirements of this Chapter within 30 days of notice. Failure to comply shall result in an order to remove the sign within 48 hours from the time of notification in writing.

Exception: Existing signs determined to be unsafe and an immediate hazard to health or safety shall be removed or repaired at the owner's expense within 48 hours of notification.

6.03 Illuminated Signs:

6.03.01 Illumination: No sign shall be illuminated by other than approved electrical devices and shall be installed in accordance with the requirements of the regulations adopted by the City of Troy. No open spark of flame may be used for display purposes unless specifically approved by the Building Inspector.

6.03.02 Shielding from Residential Districts: Any lighting for the illumination of signs shall be directed away from and shall be shielded from any adjacent residential zoning districts and shall not adversely affect driver visibility on adjacent public thoroughfares.

7.00 Regulations for Permitted Signs

General Provisions: The following conditions shall apply to all signs erected or located in any zoning district.

7.01.01 Signs in Right-of-Way: No sign shall be located in, project into, or overhang a public right-of-way or dedicated public easement.

Exceptions:

A) Signs established and maintained by the City, County, State, or Federal Governments.

B) Banners, advertising civic events may be permitted on lighting poles within the median of Big Beaver Road, between Rochester Road and Cunningham Drive, for a period not to exceed thirty days, subject to the approval of the City Manager.

(Rev. 07-17-00)

C) Residential development identification signs not more than five feet in height and not more than 50 square feet in area located within the median of boulevard entrance streets subject to City Council approval of design and materials and further subject to the execution of an agreement with the City of Troy covering liability and maintenance of the sign. The height of such signs shall further be subject to the corner clearance requirements of Figure 7.01.01.

(Rev. 11-04-02)

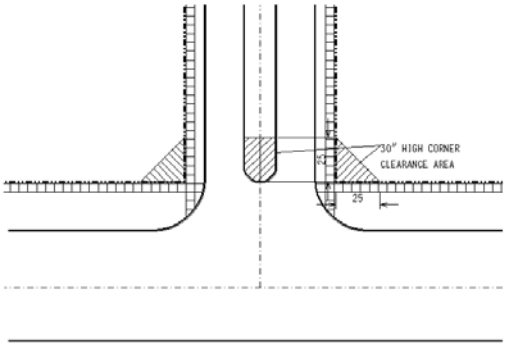

Figure 7.01.01

~~(Rev. 11-05-01)~~

~~7.01.02 Signs Overhanging Intersections: No sign above a height of 30 inches shall be located within, project into, or overhang the triangular area formed at the intersection of any two street right-of-way lines (existing or proposed) by a straight line drawn between said right-of-way lines at a distance along each line of 25 feet from their point of intersection.~~

~~7.01.03 Construction Signs: A building under construction may have one sign on the site of construction. The sign may not exceed 10% of the square foot area of the front of the structure with a maximum size of 200 square feet.~~

~~7.01.04 Roof Projecting Signs: Roof signs and projecting signs are prohibited.~~

~~Vacant Land Signs:~~

~~(a) One sign not to exceed six square feet in area on parcels of vacant land two acres in size or less.~~

~~(b) Signs on parcels of vacant land exceeding two acres shall not exceed 15 square feet of sign per acre of land or 15 square feet of sign per 100 lineal feet of thoroughfare frontage, not to exceed 100 square feet of sign area. Signs shall be spaced 200 feet or more apart.~~

~~7.01.06 For Sale or Lease Signs: For sale or lease signs shall be removed within 10 days of sale or lease or within one year of date of installation, whichever occurs first.~~

~~7.01.07 Neon Tubes: Installation of neon tubing used as borders or accent strips on the exterior of any building shall be prohibited.~~

~~(10-19-98)~~

~~8.00 Measurement of Signs:~~

~~8.01.00 Sign Area: For the purpose of this Chapter, the area of the sign shall include the total area within any circle, triangle, rectangle or other geometric shape enclosing the extreme limits of writing, representation, emblem or any similar figure, together with any frame or other material forming an integral part of the display or used to differentiate such sign from the background against which it is placed.~~

~~8.01.01 Single Face Sign: For a single face sign, the area shall be computed as the total exposed exterior surface in square feet.~~

~~8.01.02 Multi-faced Signs: When the sign has two or more faces, the area of all faces shall be included in computing the area of the sign.~~

~~Exceptions:~~

~~1. For a sign that has two or more faces placed back to back, the area shall be computed as one-half the total exposed exterior surface area in square feet.~~

~~2. For a sign that has two or more faces so arranged that the faces are greater than 24 inches from one another or such sign with any two faces that form a "V" is greater than 15 degrees, the area shall be computed as a single face sign.~~

~~8.01.03 Wall Signs: When a sign consists solely of writing, representation, emblems, logos, or any other figure or similar character which is painted or mounted on the wall of a building or a self-supporting wall or fence, without distinguishing border, the area of such sign shall be computed as if it were framed by a border consisting of horizontal and vertical lines touching the outer limits of the sign and extending not more than one foot from smaller sign elements. However, in no instance shall there be any line having a dimension of less than one foot.~~

~~(Rev. 04-24-95)~~

~~8.02 Sign Height: The height of the sign is measured from the ground to the highest point of the sign from the ground.~~

~~9.00 Schedule of Sign Regulations:~~

~~9.01 Permitted Signs: Except as otherwise provided herein, signs shall only be permitted according to the following Tables, and Zoning District Regulations.~~

STANDARDS FOR GROUND SIGNS

TABLE A - GENERAL PROVISIONS

Zoning District	Minimum Setbacks	Maximum Height	Maximum Area
All R and C-F	10 ft. from Street	l2 ft.	See 09.02.01 & 09.02.02
All B, H-S, O, R-C and Planned Auto Centers in M-1	O*	See Table B	See Table B
M-	10 ft from street* 50 ft. from "R" Dist.	12 ft.	100 sq. ft. Max. See 09.02.05

TABLE B - HEIGHT AND AREA REQUIREMENTS IN "O" "B", "H-S", "R-C" AND PLANNED AUTO CENTER DISTRICT

Setback Range	Height Maximum	Area Maximum
O ft. - 20 ft.	10 ft.	50 sq. ft.
20 ft. - 30 ft	20 ft.	100 sq. ft.
30 ft. +	25 ft.	200 sq. ft.

* Indicates setback from existing street right-of-way, or from planned right-of-way (Master Thoroughfare Plan), whichever is greater.

(Rev. 04-24-95)

~~9.02 Zoning District Regulations:~~

~~9.02.01 R-1 and R-2 Districts: Signs in single-family and two-family districts shall be permitted as follows:~~

~~A. Dwelling Units: Not more than one of each sign described in Section 3.02.~~

~~B. Special Approval Uses Listed in Chapter 39, Section 10.30.00 and Subdivision Entrances: One sign not to exceed 100 square feet in area.~~

~~C. Subdivision Under Development: Signs in a subdivision being developed shall not exceed 200 square feet in area, and shall be spaced a minimum of 200 feet apart.~~

~~9.02.02 RM, RIT, CR-1 and CF Districts: Signs in Multiple Family Housing or Cluster Housing, and Community Facility Developments shall be permitted as follows:~~

~~A. One sign not to exceed 100 square feet in area.~~

~~B. One additional sign not to exceed 36 square feet in area.~~

~~C. No sign shall be located closer than 30 feet to any property line of an adjacent R-1 or R-2 District.~~

~~9.02.03 All O and R-C Districts: Each building shall be permitted signs as follows:~~

~~A. One wall sign for each building, not to exceed 10% of the area of the front of the structure to a maximum size of 200 square feet in area.~~

~~B. One ground sign in accordance with tables "A" and "B".~~

~~Exception: No sign shall be located closer than 30 feet to any property line of adjacent residential district.~~

~~C. One ground sign not to exceed thirty-six square feet in area when the site fronts a major thoroughfare.~~

~~D. Each tenant may have one wall sign on the ground floor not to exceed 20 square feet in area. The sign must be located on the face of the area occupied by the tenant. Individual ground signs for each tenant within an office building shall not be permitted.~~

~~9.02.04 B-1, B-2, B-3 and H-S Districts: Each business development (one or more uses within a building or buildings using common parking facilities) shall be permitted signs as follows:~~

~~A. Ground Sign: One ground sign in accordance with Tables "A" and "B" above plus one not to exceed thirty-six square feet in area when the site fronts on a Major Throughfare.~~

~~Exception: The Required setback for ground signs from adjacent residentially zoned property shall be the same as for buildings within the zoning district.~~

~~(Rev. 04-24-95)~~

B. Wall Sign: The total combined area of all wall signs for each tenant shall not exceed 10% of the front area of structure or tenant area. The signs must be located on the face of an area occupied by the tenant.

9.02.05M-1 Districts: Each M-1 development shall be permitted signs as follows:

A. Ground Signs: One ground sign in accordance with Tables "A" and "B" plus one not to exceed thirty-six square feet in area when the site fronts on a Major Thoroughfare.

B. Wall Signs: One wall sign for each building not to exceed 10% of the area of the front of the structure to a maximum of 100 square feet, plus one wall sign for each tenant, not to exceed 20 square feet in area. Signs must be located on the face of an area occupied by the tenant.

C. In M-1 districts, in addition to paragraph A. & B., an M-1 Site may be permitted an additional ground sign, provided:

1. The sign is set back a minimum of 200 feet from any street right-of-way.

2. The sign is located at least 1,000 feet from any sign exceeding 100 square feet in area.

3. The sign does not exceed 300 square feet in area.

4. The sign does not exceed 25 feet in height.

D. In M-1 Districts a dealership within a Planned Auto Center shall be permitted signs as follows:

1. One Ground Sign in accordance with Tables "A" and "B" above.

2. Two additional signs not to exceed 20 square feet in area each.

10.00 Non-Conforming Signs:

10.01 Intent: It is the intent of this Chapter to encourage eventual elimination of signs that, as a result of the adoption of this Chapter, become non-conforming. It is considered as much a subject of health, safety, and welfare as the prohibition of new signs in violation of this Chapter. It is the intent, therefore, to administer this Chapter to realize the removal of illegal non-conforming signs and to avoid any unreasonable invasion of established private property rights.

10.02 Continuance: A non-conforming sign may be continued, and shall be maintained in good condition, but shall not be:

10.02.01 Replaced by another non-conforming sign.

10.02.02 Structurally altered so as to prolong the life of the sign.

(Rev. 04-24-95)

~~10.02.03 Expanded.~~

~~10.02.04 Re-established after damage or destruction if the estimated expense of reconstruction exceeds 50% of the estimated replacement cost.~~

~~11.00.00 Signs on Motor Vehicles~~

~~(Rev. 04-19-99)~~

~~11.01.00 No person, corporation, partnership or other legal business entity shall stand or park a motor vehicle on public or private property, in the City of Troy, for the purpose of advertising same "for sale" or "for trade".~~

~~(Rev. 04-19-99)~~

~~11.01.01 Exceptions:~~

~~A. This section shall not apply to properly licensed auto dealerships and properly licensed used car lots.~~

~~B. This section shall not apply to the owner of a motor vehicle who places a "for sale" or "for trade" sign on or within the vehicle provided:~~

~~1. The vehicle is located only on the vehicle owner's residential property, and;~~

~~2. The owner of the vehicle displays a clearly visible sign on the vehicle indicating the owner's name and address.~~

~~3. Not more than one vehicle is displayed on the residential property.~~

~~(Rev. 08-02-99)~~

~~C. This section shall not apply to the owner of nonresidential property who places or allows to be placed a "for sale" or "for trade" sign on or within the vehicle provided:~~

~~1. Not more than one vehicle is displayed on the nonresidential property; and;~~

~~2. The owner of the vehicle displays a clearly visible sign indicating the nonresidential property owner's consent to the display of the vehicle.~~

~~(Rev. 04-19-99)~~

~~11.01.02 A sign containing a phone number in or on a parked motor vehicle which was visible constitutes a presumption that the sign was for the purpose of offering the vehicle for sale or trade.~~

~~(Rev. 04-19-99)~~

~~11.01.03 Proof that the vehicle described in the complaint was parked in violation of this Section, together with proof that the defendant named in the complaint was at the time of the parking, the registered owner of the vehicle, constitutes a presumption that the registered owner is responsible for the violation.~~

~~(Rev. 04-19-99)~~

~~12.00 Appeals~~

~~12.01 General: Any person aggrieved by any decision, ruling or order from the Building Inspector, may appeal to the Building Code Board of Appeals. The Building Code Board of Appeals may grant a variance after a public hearing. The appeal shall be made by filing with the Building Department an application for hearing before the Building Code Board of Appeals specifying the grounds for appeal. The Director of Building and Zoning shall transmit to the Building Code Board of Appeals all documents relating to the appeal.~~

~~Upon receipt of the Appeal Application from the Director of Building and Zoning, the City Administration shall by resolution establish a date of the Public Hearing which date shall respect the following requirements:~~

~~1. All owners of property within 300 feet of the property proposed to be the site of such sign shall be notified by U.S. Mail.~~

~~2. Said notice shall be postmarked no less than 14 days before the date of the Public Hearing.~~

~~(Rev. 07-19-99)~~

~~12.02 Variances: The Building Code Board of Appeals has the power to grant specific variances from the requirements of this Chapter upon a showing that:~~

~~(Rev. 07-19-99)~~

~~12.02.01 The variance would not be contrary to the public interest or general purpose and intent of this Chapter;~~

~~12.02.02 The variance does not adversely affect properties in the immediate vicinity of the proposed sign; and~~

~~12.02.03 The petitioner has a hardship or practical difficulty resulting from the unusual characteristics of the property that precludes reasonable use of the property.~~

~~12.03 Duration of Variances: No variance shall be given for a period greater than 15 years. All variances shall terminate upon alteration or reconstruction of more than 50% of the sign or at a date set by the Building Code Board of Appeals, whichever occurs first.~~

~~(Rev. 07-19-99)~~

~~13.00 Penalties~~

~~13.01 General: It shall be unlawful for any person to erect, construct, maintain, enlarge, alter, move, or convert any sign in the City of Troy, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this Chapter. Any person violating any of the provisions of this Chapter shall be guilty of a misdemeanor and, upon conviction of any such violation, shall be punishable with a fine of not more than $500 and not less than $50. Any sign constituting an immediate hazard to health and safety is deemed a nuisance and may be removed by the Building Inspector at the expense of the owner of the sign.~~

~~13.02 Signs in Public Right-of-Way: In addition to the penalties prescribed in paragraph 13.01, any sign erected in violation of this section in a public right-of-way may be removed by the Building Inspector or his authorized representative and stored in a safe location for at least 48 hours. During this period of time the owner of the sign may obtain his sign upon request and payment of a fee of Fifty Dollars ($50) for each sign to cover the costs of removal and storage. After 48 hours, the Building Inspector may dispose of the sign.~~

~~14.00 SPECIAL EVENT SIGNS~~

~~14.01 General: Special sign permit requests for events such as, but not limited to, grand openings, vehicle shows/displays, craft shows, benefit rummage/bake sales and festivals occurring on sites, which exceed the signage permitted in this Chapter, shall be eligible for a Special Event Sign Permit, subject to the following provisions:~~

~~1. Submittal of plans indicating the following:~~

~~a. Site layout (building location, parking, etc.)~~

~~b. Number, size and location of signs including banners, flags, cold air balloons, other forms of signage.~~

~~2. Provide documentation detailing the purpose of the event and desired dates, and written approval of property owner, if the applicant is not the owner.~~

~~14.02 Special Event Sign permit shall be issued for no more than seven (7) consecutive days within any twelve (12) month period.~~

~~14.03 No more than four off-site signs related to the event may be permitted. Such off-site signs shall be limited to six (6) square feet in area. Applicant must also submit written approval from the owners of properties proposed for off-site signs, prior to obtaining a permit.~~

~~14.04 Any appeal from a determination of the Building Department relative to Special Event Signs shall be considered by the Building Code Board of Appeals, and shall be subject to the procedures and the fees as established by the Building Code Board of Appeals for Sign Variances.~~

~~Exception: All fees related to a variance requested by those submitting proof of non-profit status, shall be waived.~~

~~(Rev. 07-19-99)~~

~~(All Section 14.00 - 10-6-97)~~

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. Effective Date

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

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

_____
Louise E. Schilling, Mayor

_____
Tonni Bartholomew. City Clerk

CITY OF TROY
AN ORDINANCE TO REPEAL
CHAPTER 85-A 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 repeal of Chapter 85-A of the Code of the City of Troy.

Section 2. Repeal

Chapter 85-A – Political Signs of the Code of the City of Troy shall be repealed in its entirety.

~~CHAPTER 85-A~~

~~POLITICAL SIGNS~~

~~1. Definitions~~

~~Unless it appears from the context that a different meaning is intended, the following words shall have the meanings given them in this section.~~

~~(a) "Director" means the Building Official or his authorized representative of the City of Troy.~~

~~(b) "Political Sign" means a sign whose message relates to: The election of a person to public office, or to a political party, or to a public issue, which shall be voted on at an election called by a public body. Signs relating to an expression of opinion may be included in this definition providing they are not signs as defined in Chapter 78.~~

~~(Rev. 9-23-96)~~

~~(c) "Public Property" means all publicly-owned property, including streets, rights-of-way, easements, and everything affixed thereto and thereover.~~

~~(d) "Sign" means and includes any bill, poster, placard, handbill, flyer, painting, sign or other similar object in any form whatsoever which contains printed or written matter in words, symbols, or pictures, or in any combination thereof.~~

~~2. Measurement of Sign Area~~

~~For the purpose of this Chapter, for either single face or double face signs, the area of the sign shall be determined by calculating the outermost dimensions of any circle, triangle, rectangle or other geometric shape enclosing the extreme limits of writing, representation, emblem or any similar figure, together with any frame or other material forming an integral part of the display or used to differentiate such sign from the background against which it is placed. For a sign so arranged that the faces are greater than twenty-four (24) inches from one another or such sign with any two (2) faces that form a "V" in plan and the angle of the "V" is greater than fifteen (15) degrees, the total area shall be computed as a single face sign.~~

~~(Rev. 2-1-99 - Effective April 6, 1999)~~

~~3. Political Sign Control~~

~~(a) Political signs may be erected in addition to all other signs permitted by Chapter 78 without a permit if they comply with the provisions of this section. Permission shall be obtained from the property owners where signs are located.~~

~~(Rev. 01-13-03)~~

~~(b) Uses: Political signs shall be solely for the purpose of providing information relating to the election of a person to public office, or relating to a political party, or relating to a matter to be voted upon at an election called by a public body, or any other public issue or expression of opinion, and shall be permitted subject to the following conditions.~~

~~(1) Maximum Area and Number: No more than two (2) political signs shall be placed on any parcel of real property in one ownership and the area of each sign shall not exceed two and one half (2.5) square feet. Political Signs shall not be located closer than twenty (20) feet to the edge of the traveled portion of the roadway and not in a dedicated right-of-way. Political signs shall be ground or wall signs, no ground sign shall be higher than thirty-six (36) inches above average mean grade of the yard on which it is placed.~~

~~(Rev 2-1-99 - Effective 4-6-99)~~

~~(2) No sign shall be erected or displayed earlier than thirty (30) days before an election or event to which it relates, and shall be removed within ten (10) calendar days after the event or election. Signs that express an opinion unrelated to an election date are limited to a period of display not to exceed thirty (30) days in one (1) calendar year on any parcel of real property in one ownership. Signs shall not be attached to any utility pole or be located within any public right-of-way.~~

~~(3) Such signs shall not be erected in such a manner that they will or reasonably may be expected to interfere with, obstruct, confuse of mislead traffic.~~

~~(Rev. 12-19-77)~~

~~4. Removal of Illegal Signs~~

~~The Director, or his authorized agents, shall remove any political campaign sign found posted within the corporate limits of the City which is in violation of this Chapter.~~

~~(Rev. 12-19-77)~~

~~5. Authority of the Directory~~

~~For the purpose of removing political signs, the Director or his authorized agents, are empowered to enter upon the property where the signs are posted, and the Director is further authorized to enlist the aid or assistance of any other department of the City and to secure legal process to the end that all such signs shall be expeditiously removed from any property where posted.~~

~~6. Removal Procedure~~

~~Where the Director or his agents find that a political sign has been posted in violation of this Chapter, he shall remove the sign and store it in a safe location.~~

~~(Rev. 8-3-98)~~

~~7. Storage -- Notice -- Return~~

~~If the Director or his agents remove any political sign, he shall keep a record of the location from which the sign was removed. He shall store the political sign in a safe location for at least seven (7) days, and shall immediately notify by telephone the candidate, committee or person responsible for the posting of the sign, indicating the fact of removal and the location where it may be retrieved. If the Director is unable to make telephone contact, he shall provide written notice, if the address of the candidate, committee or person is known or can be ascertained. The Director shall return any political campaign sign upon the payment of a fee of Ten ($10) Dollars for each sign, to cover the costs of removal, notice and storage.~~

~~**EXCEPTION:** Beginning seven (7) days prior to any election the storage and notification requirements shall not apply to those illegal signs removed by the Director or his agents.~~

~~Illegal signs removed during this time period may be disposed of as necessary.~~

~~(Rev. 9-23-96)~~

~~8. Removal of Sign - Charge~~

~~The City shall be entitled to receive the sum of Ten ($10) Dollars for every political campaign sign removed by the Director, to cover the expense of removal, notice and storage. In cases where unusual effort is needed to remove a sign, such as the cutting or removal of supporting structures, use of aerial devices, towing of "trailer signs", or other unusual situation, the City shall collect from the person responsible a sum sufficient to cover the costs and hourly wages of employees so utilized.~~

~~(Rev. 12-19-77)~~

~~9. Persons Responsible~~

~~In a campaign for political office, the candidate for such office shall be deemed the person responsible for the posting of political campaign signs, unless he first notifies the Directory or another person who is responsible. In such case, the candidate shall provide the name, address, telephone number, and signed consent of such other responsible person. In a campaign regarding a ballot measure, the president of the committee supporting or opposing such ballot measure shall be deemed responsible, unless he first notifies the Director or some other person responsible, in the manner described above. The candidate, or in the case of a ballot measure, the committee president, or other responsible person if so designated, shall be liable to pay any fees or costs for the removal and storage of illegal signs, as set out herein.~~

~~10. Illegal Signs - Public Nuisance~~

~~Political signs in violation of this Chapter are hereby declared to be public nuisances, and may be abated by the City. The collection of removal fees shall not preclude the City from prosecuting the responsible person.~~

~~(Rev. 12-19-77)~~

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. Effective Date

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

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

_____
Louise E. Schilling, Mayor

_____
Tonni Bartholomew. City Clerk

August 10, 2005

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, City Manager

SUBJECT: Public Benefit Requirement to Satisfy Preliminary Approval of Planned Unit Development (PUD) – 004; the Monarch Private Residences

Preliminary planned unit development approval for the above-referenced PUD was granted on July 18, 2005. And the authorizing resolution contained a condition related to the appropriate public benefit which was either purchase of two properties to the north or a donation to the City to implement the results of the Big Beaver corridor study. As there was general concurrence that the appropriate benefit would be to have the developer purchase the two properties to the north and then donate these parcels to the City, Mr. Lamerato and I conducted a series of mediation sessions to accomplish this goal.

The result of our discussions culminated in the attached *Letter of Understanding* which is recommend as the appropriate public benefit for preliminary approval of PUD – 004, the Monarch private residences. Assuming you agree, our next step in the process is to have the City administration work with the developer for reason of recommending a proposed development agreement which will incorporate all documents required for final approval of this planned unit development. Our target date to accomplish this objective is this fall.

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

JS/mr\AGENDA ITEMS\2005\08.15.05 – Public Benefit Requirement for the Monarch PUD

c: Tom Kafkes
John K. Abraham, Transportation Engineer
Lori G. Bluhm, City Attorney
Charles Craft, Police Chief
John M. Lamerato, Assistant City Manager/Finance
Mark Miller, Planning Director
Brian P. Murphy, Assistant City Manager/Services
William Nelson, Fire Chief
Douglas Smith, Real Estate & Development Director
Mark S. Stimac, Director of Building/Zoning
Steven J. Vandette, City Engineer

LETTER OF UNDERSTANDING

Big Beaver Alpine, LLC, a Michigan Limited Liability Company (DEVELOPER), for Big Beaver Office, LLC (OWNER) whose address is 210 Town Center Drive, Troy, MI 48084; Zakariya Abuzaid, a single man, whose address is 3128 Alpine, Troy, MI 48084; Michael D. Baxter and Kimberly Rhena Duford, husband and wife, whose address is 3141 McClure, Troy, MI 48084; and the Troy City Management, whose address is 500 West Big Beaver Road, Troy, MI 48084 enter into this agreement with regard to the Monarch Planned Unit Development (PUD-004) located on the north side of Big Beaver Road east of Alpine and west of McClure, located in Section 20. This Letter of Understanding outlines the conditions that define the public benefit for PUD-004 which will be presented to City Council for their consideration.

1. The DEVELOPER/OWNER has agreed to purchase and the owners of the two parcels immediately north of the proposed development and further described as 3128 Alpine, Sidwell #88-20-20-402-016 and 3141 McClure, Sidwell #88-20-20-402-030, have agreed to sell their property to the DEVELOPER/OWNER for $500,000 per parcel net of any closing costs, and the closing will take place no later than April 28, 2006.

2. This Letter of Understanding is conditioned upon final approval of PUD-004.

3. The purchase of the two properties will be contingent upon the owners of the two properties withdrawing their names from the Rezoning Protest Petition for Case #PUD-004.

4. DEVELOPER/OWNER agrees to deed these two parcels to the City of Troy no later than the date of certificate of occupancy of the proposed development.

5. DEVELOPER/OWNER agrees to demolish all structures on these two parcels, land balance and hydro-seed prior to conveying parcels to the City of Troy.

6. The DEVELOPER/OWNER will install a landscape barrier along the northern property line in accordance with the City's Development Standards in existence at the time of approval of this Agreement.

BIG BEAVER ALPINE, LLC, A MICHIGAN LIMITED LIABILITY COMPANY/BIG BEAVER OFFICE, LLC, A MICHIGAN LIMITED LIABILITY COMPANY

Dated: August 9, 2005

Thomas G. Kafkes, Vice President
Joseph Freed and Assoc., LLC, as authorized agent

Dated: Aug/9/2005

Zakariya Abuzaid, a single man
3128 Alpine, Troy, MI 48084

Dated: 8/9/05

Michael D. Baxter
3141 McClure, Troy, MI 48084

Dated: 8/9/2005

Kimberly Rhena Duford
3141 McClure, Troy, MI 48084

TROY CITY MANAGEMENT

Dated: 8/9/05

John Szerlag, City Manager

Dated: 8/9/05

John M. Lamerato, Assistant City Manager-Finance

TO: John Szerlag, City Manager

FROM: John Lamerato, Assistant City Manager/Finance Administration
Cindy Stewart, Community Affairs Director

SUBJECT: Agenda Item: ICCA Contract with CMN

DATE: August 2, 2005

The Intergovernmental Cable Communications Authority (ICCA) member communities finalized the contract and bylaws with Community Media Network (CMN). Attached is a copy of the resolution that was unanimously passed at the July 20, 2005 ICCA meeting recommending approval of the contract and bylaws by the member communities.

There have been many changes to the contract as well as their bylaws based on lengthy discussions with ICCA members, the CMN Board as well as the City Managers from the ICCA communities. The bylaws were completely rewritten to be more efficient and readable for the CMN Board Members and the communities as well.

Our ICCA attorney Tim Currier, from Beier Howlett, has written a letter that explains all of the recent changes to the contract and bylaws making it easier for all parties to understand the contract and bylaws (see attached). Based on discussions with the ICCA representatives, all communities currently funding CMN will continue their funding with the exception of Rochester Hills.

CS

Reviewed and approved as to legality: _____
Lori Bluhm, City Attorney

ICCA
INTERGOVERNMENTAL CABLE
COMMUNICATIONS AUTHORITY

RESOLUTION

Moved By: Tom Werth, Rochester
Supported by: Stephanie Schlegel, Auburn Hills

WHEREAS, the ICCA and CMN have negotiated a new Contract for Public Access Television Services; and,

WHEREAS, the ICCA and CMN have had substantial input from its delegates and other officials of their communities regarding the new contract.

NOW, THEREFORE, the ICCA recommends to its member communities, as follows:

1) That the Contract for Public Access Television Services between Intergovernmental Cable Communications Authority and Community Media Network be approved and the ICCA delegate for each community be authorized to approve said contract on its behalf.

2) The Amended Bylaws of Oakland County Cable Communications Corporation d/b/a Community Media Network be approved and the ICCA delegate for each community be authorized to approve the Amended Bylaws.

AYES: All

NAYES: None

ABSENT: Ferndale

PRESENT: Auburn Hills, Berkley, Clawson, Huntington Woods, Oakland Twp, Pleasant Ridge, Rochester, Rochester Hills, Royal Oak, Troy

DATE: July 20, 2005

LAWRENCE R. TERNAN
STEPHEN W. JONES
FRANK S. GALGAN
KENNETH J. SORENSEN
JEFFREY K. HAYNES
MARK W. HAFELI
TIMOTHY J. CURRIER
JOSEPH F. YAMIN
JOHN D. STARAN
LAURA M. HALLAHAN
P. DANIEL CHRIST
PATRICIA E. KEFALAS DUDEK
MICHAEL C. GIBBONS
KATHERINE B. ALBRECHT
MICHAEL P. SALHANEY
C. LYNN GATES
MARY M. KUCHAREK
L. RIDER BRICE, III
JEFFREY S. KRAGT
KEITH C. JABLONSKI
VICTOR A. VEPRAUSKAS, IV

BEIER HOWLETT
PROFESSIONAL CORPORATION
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200 EAST LONG LAKE ROAD, SUITE 110
BLOOMFIELD HILLS, MICHIGAN 48304-2361

TELEPHONE: (248) 645-9400

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DEAN G. BEIER
(1917 – 2003)

OF COUNSEL
JAMES L. HOWLETT
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SPECIAL COUNSEL
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July 26, 2005

All City Managers and Board members of the ICCA

Re: Update of Executive Summary of the Contract for Public Access Television Services Between Intergovernmental Cable Communications Authority and the Community Media Network; Amended Bylaws of the Oakland Community County Cable Communications Corporation d/b/a Community Media Network

Dear Ladies and Gentlemen:

This letter will serve as an update to the July 7, 2005 executive summary referenced above. The ICCA has passed a Resolution recommending to its member communities that the Contract for Public Access Television Services Between the Intergovernmental Cable Communications Authority and Community Media Network be approved and that the Amended By-laws of the Oakland County Cable Communications Corporation d/b/a Community Media Network also be approved. The ICCA did not take action with respect to the Amendment to the Intergovernmental CATV Agreement or the Amendment to By-Laws of the Intergovernmental Cable Communications Authority. Therefore, it is not referenced in this document.

Pursuant to the Intergovernmental Agreement, the communities delegate to their delegates of the ICCA the authority to approve these documents, without further action by the Cities' councils, commissions or township boards. However, a number of

communities have taken an interest in this particular matter because of the situation with CMN over the past year and a half. In addition, several delegates have sought the input of their cities on how they should act with respect to this matter. Therefore, this matter is being sent to you for any input you deem appropriate with respect to acting upon these issues and directing your delegate as to how you wish them to vote. The ICCA would hope to conclude the CMN contract and related matters in September and request that each community take action during the month of August, if they deem it appropriate, so that this matter can be brought to closure.

Attached you will find the documents referenced above. As you are aware, the ICCA has been engaged in lengthy negotiations with Community Media Network for purposes of entering into a new contract for public access television services. This process has also been used to address several concerns that have been raised regarding the operations of CMN as well as its relationship to the ICCA. In addition to the highlights that will be discussed herein, it is important to note that all of the member communities in the ICCA appointed representatives to CMN who are accountable to the municipalities. The new fiscal control has been employed to monitor the manner in which funds are expended. This is not necessarily reflected in these documents, but has, in fact, been implemented. CMN, on its own volition, has discontinued the practice of appointing members to its Board of Director who were "at large" and not the appointees of the individual municipalities. Therefore, the control of CMN is absolutely in the hands of the member municipalities through the CMN representatives. This is the single most important factor in resolving issues regarding the manner in which funds were being expended by CMN.

Contract for Public Access Television Services

The contract for public access television services, which is enclosed herewith, though similar to past contracts, does have some major significant changes, which are as follows:

- "Eligible members" The practice of CMN was to provide public access television services to the citizens of those communities for which contributions to CMN were made in the past. However, due to fiscal constraints, many communities have reduced or ceased its contributions to CMN. CMN, therefore, has not been providing these services to the citizens of those communities who do not provide any contribution to it. CMN has raised the fact that in order to maintain the level of services requested in the RFP by the ICCA, it was important to receive a minimal level of funding on which it could budget its planned activities. In addition, the minimum level of funding was also used to establish what an eligible member would be for purposes of having a voting member on the CMN Board of Directors as well

as to vote at the ICCA on CMN issues. This new concept is introduced in Section 1 where an eligible member is one who provides minimal funding. Minimal funding is defined as a voluntary payment by CMN equal to or greater than 1/12 of the total revenues received by the ICCA community for the same time period.

- "Open Meetings Act" CMN shall comply with the Open Meetings Act with respect to the Notice of Meetings of the Board of Directors and the holding of open meetings provided, however, that CMN did reserve the right to go into closed session for matters set forth as private, confidential, privileged or personnel matters of the Corporation.

- "Termination Provisions" Upon termination of the contract with the ICCA, all equipment and funds received pursuant to the December 31, 1999 Agreement and this Agreement will be turned over to the member communities and not retained by any successor entity by CMN. In addition, CMN will be spending part of its reserve account towards capital expenditures by reducing the sizeable reserves. It must be noted that these reserves have been used during the past six (6) months to pay operating expenditures of the entity because several communities have not been funding CMN until the matter was resolved.

- "Bidding Requirement" CMN has agreed to convey the bidding provisions for all supplies and contractual services where this may cost equal to or exceed Three Thousand Dollars ($3,000).

- "Conflicts of Interest and Nepotism" Conflicts of interest and a nepotism provision was added to the contract to prevent CMN from hiring or contracting directly or indirectly with members of the Board of Directors or the Executive Director's families.

- "CMN Records" CMN has agreed to maintain all books and records in accordance with the Michigan State Department of Treasury guidelines for governmental units of authorities.

- "Funding from other sources" The ICCA and CMN have agreed that CMN should seek funding for other sources, but that any such fundraising or other activities to raise funds would require the prior approval of the ICCA. This would prevent an adverse impact to the member communities as well as avoiding conflicts of interest

- "Bylaws" CMN has agreed not to change its' Bylaws with respect to adding members to the Board of Directors without prior approval of the ICCA.

- "Expenditure of Funds" CMN shall submit to the ICCA for its review and approval fiscal control accounting procedures of CMN. The ICCA, at anytime during the term

of the contract, may recommend additional methods of fiscal control accounting relative to CMN funds.

Amended Bylaws

The Bylaws have been completely rewritten to be more efficient and readable for the members of the Board of Directors and the communities as well. Certain changes have also taken place in this document:

- The communities have confirmed that each community shall receive one (1) vote per representative on the CMN Board. Only members of the eligible communities are permitted to vote, but ineligible communities are able to send delegates/representatives to CMN in a non-voting capacity.

- Members of the Board of Directors must be a resident of an ICCA community, or they may be employed by an ICCA member community that makes the appointment. The Director may be a non-resident, as long as the Director is an employee of the ICCA member community that makes the appointment. However, in no event shall the Director be 1) the City Manager or Township Supervisor of the ICCA member community that makes the appointment; 2) a community representative to the ICCA or alternate representative to the ICCA from a community; or 3) an employee of a school board located in an ICCA community which employee has within the scope of his/her employment the operation of either or both the government and/or educational channels in that ICCA community.

- Amendments to the Bylaws require a 67 2/3% majority of the Board of Directors in order to make any change.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

BEIER HOWLETT, P.C.

Timothy J. Currier

TJC/jc

DRAFT

CONTRACT FOR PUBLIC ACCESS TELEVISION SERVICES

BETWEEN
INTERGOVERNMENTAL CABLE COMMUNICATIONS AUTHORITY
AND
COMMUNITY MEDIA NETWORK
(“AGREEMENT”)

This Contract is made this _____ day of _____, 2005 by and between Intergovernmental Cable Communications Authority (ICCA) and Community Media Network (CMN), a nonprofit corporation (each sometimes individually referred to as “Party” and collectively referred to as the “Parties”), who agree as follows:

RECITALS

1. The communities of ICCA (Auburn Hills, Berkley, Clawson, Ferndale, Huntington Woods, Oakland Township, Pleasant Ridge, Rochester, Rochester Hills, Royal Oak and Troy) (hereinafter referred to as “ICCA Communities”) have granted to Comcast and WideOpenWest franchises to operate cable television systems within their communities. The purpose of ICCA is to make a recommendation on the award of cable franchises, monitor and enforce the franchises between the cable television operators and the ICCA Communities, and exercise additional powers, functions, duties and responsibilities, including making recommendations about public, educational, and government access (hereinafter referred to as PEG) programming services.

2. The ICCA Communities indicated that they accepted the cable television operators' offer to provide PEG services and support. The renewed franchise did not require the cable operators to provide public access directly but did include a provision whereby the operators pay 1% of their revenue annually to support PEG services (“PEG Funds”). Also, the franchises provide that certain channel capacity be provided for PEG.

3. Some of the ICCA Communities have determined that they will, from time to time, provide support for public access equipment, facilities and operations through the dedication of some or all of the revenues received from the cable operators but not in excess of 1/6 of the total revenues received by the ICCA Communities (“CMN Funds”). ICCA desires to facilitate the provision of public access services for the use of PEG access cable television in its territory.

4. Community Media Network, a private nonprofit corporation was organized, in part, to provide public access services and has indicated its interest in providing public access programming, services, training, promotion and facilities.

5. In return for a payment of CMN Funds from the ICCA Communities, and subject to "Minimal Funding" requirements as set forth herein, CMN agrees to provide its public access facilities to the ICCA Communities, including CMN's production studio in Troy. As of the date of this Agreement, the CMN facilities include two public access facilities, one of which is the production facility in Troy. Providing the CMN Funds are available, it is the intent of both parties that these facilities be maintained by CMN and available to the ICCA Communities. The specific space within the facilities to be used by the ICCA Communities shall be adequate to meet the needs for the ICCA Communities' access users. One ICCA facility is in Rochester Hills at Oakland University, and the other is in Troy, Michigan, Subject to the availability of funds provided by the ICCA Communities, it is the intent of the parties that these facilities be available throughout the term of this Agreement. CMN agrees to maintain the two access vans provided to the ICCA at the end of the first franchise, provided CMN funds are available for such maintenance.

NOW, THEREFORE, in consideration of the mutual promises and covenants set forth herein, the parties agree as follows:

SECTION 1. SCOPE OF SERVICES AND FACILITIES. In exchange for "Minimal Funding" (as herein defined) provided by the ICCA Communities to CMN, CMN shall provide the following services, equipment and facilities (to the extent that funding is available). The ICCA shall collect the funds from the ICCA Communities and disburse the funds to CMN within five (5) business days after the close of business on the last day of business on each calendar month.. Provided however, in the event funding is not available from any one or more of the ICCA Communities or the ICCA, then any one or more of the following services, equipment and facilities shall be reduced or eliminated in accordance with CMN's available budget and management decisions regarding operation of the public access services in the context of such reduced funds. Further, in the event any one or more of the ICCA Communities fail to provide "Minimal Funding" as herein defined to CMN for the use of equipment, facilities and to enjoy the services provided by CMN, then the citizens of that ICCA Community are deemed to be "Ineligible Members" of the ICCA and the ICCA Community shall be deemed to be an "Ineligible Community". , and In such case, the Ineligible Members and Ineligible Communities shall not be permitted to avail themselves of the services, equipment and facilities provided in this Contract. The residents of those ICCA Communities that provide "Minimal Funding", as herein defined, to CMN are "Eligible Members" and such Eligible Communities and Eligible Members shall be entitled then to all of the services, equipment and facilities provided hereunder by CMN to the ICCA Communities. "Minimal Funding" is defined as the annual voluntary payment to CMN by an ICCA

community in an amount equal to or greater than one-twelfth (1/12) of the total revenues received by the ICCA community for the same time period.

A. OPERATE PUBLIC ACCESS CABLE CHANNEL. Make equipment and facilities available to Eligible Members for operating the public access cable channel for public access programming.

B. OPERATE COMMUNITY MEDIA CENTERS. Make equipment and facilities available to Eligible Members for operating video production facilities, which shall be available for use at such hours and times as are determined by CMN and reasonably approved by ICCA. Access to equipment and facilities shall be open to all those who satisfactorily complete training classes provided by CMN.

C. PROVIDE EQUAL ACCESS. Make available to Eligible Members equipment, facilities, channels, and services provided hereunder on a non-discriminatory basis to all members of the community for non-commercial programming purposes, whether individuals, groups, or organizations, on a first-come, first-served non-discriminatory basis, pursuant to operating rules and procedures developed by CMN and reasonably approved by ICCA.

D. COMPLIANCE WITH LAWS, RULES, AND REGULATIONS. Administer the public access channel, equipment and facilities in compliance with applicable laws, rules and regulations, including the Michigan Freedom of Information Act with respect to receipt and use of CMN Funds only. The ICCA shall review and approve the method of notice of all Board of Director's meetings of CMN, and all such meetings shall be open to the public, with the exception of closed sessions to cover private, confidential or privileged matters of the corporation and/or personnel matters. CMN shall comply with the the Open Meetings Act with respect to the notice of meetings of the Board of Directors and the holding of open meetings, provided however, CMN reserves the right to go into closed sessions for the matters set forth in this paragraph, or otherwise, as the Board of Directors deems appropriate. CMN shall give an operational and financial report to the ICCA on a monthly basis, the form of such reports to be reviewed and approved by the ICCA. The ICCA may review the information regarding all financial books and records of the company, as well as a specific review of expenditures upon ICCA's request. As part of the monthly report to the ICCA, CMN shall provide the ICCA with a copy of any proposed amendment to CMN Bylaws. The delivery of the proposed amendment shall be made prior to the date upon which the amendment is voted on by the CMN Board of Directors.

E. TRAINING. Train Eligible Members and members of non-profit organizations that serve the Eligible Communities, and when requested, provide technical advice for productions of Educational and Governmental access staff of such Eligible Communities.

F. PLAYBACK/CABLECAST. Playback/cablecast programs on the public access channel, at least 90 hours of local original, replayed and outside programming per week

and a minimum of 360 hours per month, 80% of which is to be produced by the residents living within the ICCA Communities, or by nonprofit groups servicing the ICCA Communities. For purposes of this programming, the message board on the public access channel shall not be counted to the minimum programming requirements.

G. MAINTENANCE OF EQUIPMENT. Maintain and repair all video equipment purchased with monies received pursuant to this Contract and/or donated, loaned, or leased to CMN by ICCA, including two vans loaned to CMN by ICCA.

H. PROMOTION. Actively promote the use and benefit of the public access channel, equipment and facilities to cable subscribers and the public.

I. PERFORMANCE REVIEW. CMN shall, if requested by ICCA, after eighteen (18) months of operation under this Contract, engage an expert in access management from outside the ICCA territory, the expense for which shall be equally shared by the ICCA and CMN and approved by ICCA, to conduct a performance review, which shall include an opportunity for access users and cable subscribers to provide input. Upon completion, a copy of the performance review shall be submitted to ICCA.

J. OTHER ACTIVITIES. Undertake other access programming activities and services as deemed appropriate by CMN to be consistent with the obligation to facilitate and promote access programming.

SECTION 2. CHANNEL OPEN TO PUBLIC: CMN agrees to keep the access channel open to all potential users regardless of their viewpoint, subject to FCC regulations, federal and state law, and other relevant laws. Neither the ICCA, the cable operators, nor CMN shall have the authority to control the content of programming placed on the public access channel as long as such programming is lawful. Nothing herein shall prevent CMN, ICCA Communities or the cable operators from producing or sponsoring programming, prevent the ICCA or communities or the cable operators from underwriting programming, or prevent them from engaging in activities designed to promote production of certain types of programming or use by targeted groups as consistent with applicable law and rules for use of the channel. CMN may promulgate and enforce policies and procedures approved by ICCA which are designed to promote local use of the channel, and make the programming accessible to the viewing public, consistent with such time, manner, and place regulations as are appropriate to provide for and promote use of access channel, equipment and facilities.

SECTION 3. INDEMNIFICATION. CMN shall indemnify, defend, and hold harmless the ICCA Communities, elected officials, its officers, board members, agents, and employees and volunteers from and against any and all claims, suits, actions, causes of action, losses, damage, or liabilities of any kind, nature or description, including, payment of litigation costs and attorneys' fees, brought by any person or persons for or on account of any loss, damage or injury to person, property or any other interest, tangible or intangible, sustained by or accruing to any person or persons, howsoever

the same may be caused, directly or indirectly arising or resulting from any alleged acts or omission of the CMN , its officers, employees, agents or subcontractors arising out of or resulting from the performance of this Contract, except for the negligent acts of ICCA, its officers, agents, employees and volunteers.

CMN shall indemnify and hold harmless ICCA Communities, elected officials, its officers, board members, agents, employees and volunteers from and against any and all claims or other injury, including costs of litigation and attorney's fees, arising from or in connection with claims or loss or damage to person or property arising out of the failure to comply with any applicable laws, rules, regulations or other requirements of local, state or federal authorities, for claims of libel, slander, invasions of privacy, or infringement of common law or statutory copyright, for breach of contract of other injury or damage in law or at equity which claims, directly or indirectly, result from CMN use of channel, funds, equipment, facilities or staff granted under this Contract or franchise agreements, except for the negligent acts of ICCA, its officers, agents, employees and volunteers.

SECTION 4. COPYRIGHT CLEARANCE. Before cablecasting video transmissions *CMN* shall require all users to execute a form document which has been approved by the ICCA, and is part of the policies and procedures of CMN, which shall provide that all users and producers must provide, take responsibility for, indemnify, defend and hold CMN and ICCA harmless for any infringement of any and all of the intellectual property rights related to all material presented for cablecast, including without limitation the obligation to secure clearances from broadcast stations, networks, sponsors, music licensing organizations' representatives and without limitation from the foregoing, any and all other persons as may be necessary to transmit its or their program material over CMN authorized channel. CMN shall maintain for a period of three (3) years for ICCA's inspection, upon reasonable notice by ICCA, copies of all such user agreements.

SECTION 5. COPYRIGHT AND OWNERSHIP. CMN shall own the copyright of any programs, which it may choose to produce. Copyright of programming produced by the public shall be held by such person who produces said programming.

SECTION 6. DISTRIBUTION RIGHTS.

A. CMN shall require that all programs produced with funds, equipment, facilities, or staff granted under this Contract shall be distributed on the channel whose use is authorized by this Contract. This subparagraph shall not be interpreted to restrict other distribution (beyond distribution on the channel authorized by this Contract), so long as such other distribution is consistent with the rules and procedures governing, such which shall be promulgated by the CMN and filed with ICCA.

B. Video programming cablecast on the channel whose use is authorized by this Contract shall state that opinions expressed in programming are the sole responsibility of the program producers and do not necessarily reflect the views of ICCA Communities or CMN.

SECTION 7. EQUIPMENT AND FACILITIES.

A. CMN shall be responsible to maintain all equipment and facilities owned, leased or loaned to it under this Contract or purchased with funds provided pursuant to this Contract.. Further, CMN shall upon prior approval of the ICCA, be authorized to sell or retire that older equipment and replace such older equipment with newer equipment as CMN deems appropriate in the ordinary course of business.

B. ICCA shall own all equipment and facilities acquired by CMN, and purchased with funds received pursuant to this Agreement and the Contract for Public Access Television Services dated December 31, 1999, made between the parties hereto ("Prior Contract") upon termination or non-renewal of this Contract. All such equipment or facilities shall remain the property of ICCA. Further, all such equipment, upon purchase, shall be labeled as "ICCA Equipment" and said labels shall be maintained on the equipment for identification purposes. In addition, a log shall be kept on a regular basis of all equipment that CMN owns, which equipment has been provided by ICCA Funds. The potential disposition of the ICCA Equipment upon termination of this Contract among the ICCA Communities, is the responsibility of the ICCA, and CMN's only obligation hereunder, with respect to ownership of the equipment, is to identify the "ICCA Equipment" and not to determine which ICCA Community own which piece of equipment or percentage thereof. All other equipment in CMN's possession which is not owned by the ICCA, is owned by CMN, free of any claim of any interest of the ICCA.

C. Upon the dissolution of the CMN, it shall return all equipment purchased with funds received from this Contract and the Prior Contract together with the CMN Funds provided by this Agreement and the Prior Contract to the ICCA.

SECTION 8. INSURANCE. CMN shall maintain in full force and effect at all times during the term of this Contract, insurance as required by this Section. The cost of such insurance shall be borne by CMN and must be included in CMN*'s* annual budget. ICCA shall be shown as an additional insured on all policies, with an insurance carrier satisfactory to ICCA.

A. COMPREHENSIVE LIABILITY INSURANCE. Comprehensive liability insurance and broad form contractual liability, property damage and personal injury coverage, and comprehensive automobile liability including owned, hired and non-owned automobile coverage. The limits of such coverage shall be: (1) bodily injury including death, $5,000,000 for each person, each occurrence and aggregate; (2) property damage, $1,000,000 for each occurrence and aggregate.

B. EQUIPMENT INSURANCE. Insurance shall be maintained on all equipment and facilities, including fixtures, funded in whole or in part under this Contract, for replacement cost. The insurance shall include, at a minimum, insurance against loss or damage beyond the user's control, theft, fire or natural catastrophe.

C. WORKERS' COMPENSATION. Full Workers' Compensation Insurance and Employer's Liability with limits as required by State of Michigan law, shall be maintained.

D. CABLECASTER'S ERRORS AND OMISSION INSURANCE. Insurance shall be maintained to cover the content or productions which are cablecast on the access channel, at minimum, in the following areas: libel and slander, copyright or trademark infringement; infliction of emotional distress; invasion of privacy; plagiarism; misuse of musical or literary materials; an amount to be not less than $1,000,000 or as agreed to by counsel for the respective parties. This policy shall not be required to cover individual access producers.

E. DIRECTORS AND OFFICERS COVERAGE. Directors and Officers insurance coverage shall be maintained on all Directors and Officers of CMN, as determined by the CMN Board of Directors in its sole discretion.

F. ICCA ADDITIONAL INSURED. ICCA shall be named as an additional insured on all aforementioned insurance coverages. The policies shall provide that no cancellation, major change in coverage or expiration may be affected by the insurance company or CMN without first giving ICCA thirty (30) days written notice prior to the effective date of such cancellation or change in coverage. Any insurance or self-insurance maintained by ICCA, its officers, agents, employees, or volunteers shall be in excess of the CMN insurance and shall not contribute to it.

G. NOTIFICATION OF COVERAGE. CMN shall file with ICCA proof of insurance coverage.

SECTION 9. NON-DISCRIMINATION IN EMPLOYMENT AND SERVICE. CMN shall not discriminate against any person, employee or applicant for employment or subcontractor on the basis of race, color, creed, religion, sex, sexual preference, marital status, ancestry, national origin or physical or mental handicap. CMN will comply with the ICCA's communities' most restricted ordinance on nepotism.

SECTION 10. COMPETITIVE BIDDING REQUIREMENTS. All supplies and contractual services, when the estimated costs thereof shall equal or exceed Three Thousand Dollars ($3,000), shall be purchased by a written contract or invoice from the lowest responsible bidder, it being specifically understood that CMN is not obligated to accept the lowest bid on any contract due to the many qualitative factors which must be considered by CMN and which may cause a more prudent decision to be made by the purchase of equipment or other services which are not determined to be the lowest price, but by the best value offered.

SECTION 11. INDEPENDENT CONTRACTOR/PRIVATE NONPROFIT CORPORATION. It is understood, acknowledged and agreed that CMN is a private nonprofit corporation organized under the laws of the State of Michigan, and an independent contractor of the ICCA. CMN has no relationship of principal/agent or employer/employee exists between ICCA, or any member community, and CMN. If in the performance of this Contract any third persons are employed by CMN, such persons shall be entirely and exclusively under the control, direction and supervision of CMN.

SECTION 12. CONFLICTS OF INTEREST AND NEPOTISM. No member of the CMN Board or any officer of CMN or any members of their "families", as herein defined, shall be interested, directly or indirectly, in any contract, franchise, job, work or service where there are revenues therefrom, nor shall he or she receive any compensation for any work or service rendered to CMN except compensation for services if the officer is an employee of CMN. "Families", as herein defined, of the Executive Director or any member of the CMN Board are hereby disqualified from holding any appointed office of CMN or from being employed by CMN or serving on the CMN Board. "Families", for purposes of this Agreement, shall be defined as spouse, parents, children, siblings or in-laws at the same degree of relationship, step-children, step-parents and step-siblings.

SECTION 13. ASSIGNMENT AND SUBLETTING. Neither this Contract nor any interest herein shall be assigned or transferred by either party, except on the express prior written consent of the other party.

SECTION 14. ANNUAL REPORTS. Prior to March 15 of each year, CMN shall submit to ICCA an annual report for the preceding calendar year (January 1 – December 31). This report shall contain, at a minimum, the following information:

A. Statistics on programming, services and facilities provided;

B. Current and complete listing of CMN Board of Directors and employees;

C. Year-end financial statements audited by an independent certified public accountant, which shall be hired by the ICCA and paid for by CMN.

D. Comparison of annual plan with actual completed projects.

SECTION 15. RECORDS, ANNUAL AUDIT.

A. CMN shall maintain all necessary books and records, in accordance with the Michigan State Department of Treasury guidelines for governmental units and authorities.

B. Upon request from ICCA, CMN shall, at any time during normal business hours, make available all of its records with respect to all matters covered by this Contract. In the event the ICCA requires a large volume of documents to be copied for review by the ICCA or its designated representatives, and such copying cannot be reasonably performed by CMN without great expense or interruption to the normal business operations of CMN, then the ICCA may hire an outside firm to copy such material, the cost of all such copying shall be borne by the ICCA.

C. CMN shall provide a monthly list of all checks written by CMN during the prior month, together with an explanation of the purpose for which the check was written.

D. Amendments to the CMN By-laws which affect in any way the method of electing or appointing members of the Board of Directors and Officers, as well as any amendments which affect the make up of the Board or changes the number or percentage vote of the members of the Board of Directors appointed by member communities of the ICCA, shall be subject to the prior review and reasonable approval of the ICCA.

SECTION 16. RESOURCES.

A. ICCA agrees to make resources available to CMN as follows:

1. Comcast and WideOpenWest have dedicated certain channel capacity to public access use. ICCA agrees to permit CMN to manage that channel capacity for public access programming purposes.

2. ICCA will provide to CMN all funds, which it receives, from ICCA Communities for public access on a quarterly basis after ICCA receives the funds in an amount greater than or equal to the “Minimal Funding”, as defined in Section 1. Each ICCA community will decide for itself how much of the revenues it receives from the cable operations it will give to ICCA for the benefit of public access.

SECTION 17. ANNUAL PLAN. On or before September 30 of each year in which this Contract is in effect, CMN shall provide to ICCA an Access Activities Plan and Budget outlining activities and programs planned for the following fiscal year with funds and channel received from ICCA. Such plan shall contain: (1) a statement of anticipated number of hours of local original programming; (2) training classes to be offered and frequency of classes; (3) other access activities planned by CMN; and (4) an operating and capital equipment and facilities budget.

SECTION 18. EXPENDITURE OF FUNDS. CMN shall spend funds received from ICCA solely for the purposes listed in its Annual Public Access Activities Plan and Budget and Section 1, Scope of Services of the Contract and for other activities which are considered in the ordinary course of business of a public broadcasting corporation. Funds not expended in the year covered by the Annual Budget and Activities Plan must be carried over to succeeding years. Upon termination of this Contract all funds of any kind provided by the ICCA and not expended by CMN shall be returned to ICCA unless the parties agree to an extension of the Contract. CMN shall provide for such fiscal control and accounting procedures, as approved by the ICCA, as are necessary to assure proper disbursement and accounting for funds received from ICCA. The ICCA has reviewed and approved the fiscal control and accounting procedures of CMN. The ICCA may at any time during the term of this contract review and suggest other methods of fiscal control and accounting relative to CMN Funds, provided however, such methods of fiscal control and accounting must be reasonable, in accordance with responsible accounting methods, and approved by the CMN Board of Directors after consultation with CMN's outside independent certified public accounting firm.

SECTION 19. FUNDING FROM OTHER SOURCES; ICCA REVIEW. It is agreed and acknowledged by the parties that during the term of this Contract CMN may, upon prior written approval of the ICCA, attempt to provide its services to: (i) member communities' government and/or educational access television; (ii) other communities in the State of Michigan; or (iii) other entities for a fee. Provided however, CMN will advise the ICCA of such activity, and any such contracts shall be reviewed by the ICCA to ensure that such contracts do not adversely affect the services provided to the ICCA Communities pursuant to this Contract. CMN shall, during the course of this Contrat, raise supplemental funds from other sources, including, but not limited to fundraising, user fees and membership fees. CMN shall, advise ICCA of such fundraising, user fee and membership fee activity.

SECTION 20. TERM OF CONTRACT. This Contract shall be for a period of three (3) years commencing January 1, 2005 and ending on December 31, 2007 unless terminated earlier, as provided in this Contract Section 21. This Contract may be extended by mutual agreement of ICCA and CMN, in writing, in accordance with Section 22.

SECTION 21. TERMINATION OF CONTRACT: TRANSFER OF ASSETS.

A. Each Party (the "Terminating Party") shall have the right upon ninety (90) days written notice to the other party (the "Non-Terminating Party") to terminate this Contract for (1) breach of any provision of this Contract by the other Party; (2) malfeasance, misfeasance, misappropriation of public funds, (3) if CMN loses its 501(c)(3) status, or (4) in the event the ICCA does not approve a proposed amendment to the CMN Bylaws. The Non-Terminating Party may avoid termination by curing any such breach within

ninety (90) days of notification or, if a cure cannot be completed within ninety (90) days, within a reasonable time frame agreed to in good faith by the Parties. Further, in the case of an amendment to the Bylaws of CMN which was passed by the CMN Board without the approval of the ICCA, if the ICCA, within the cure period of 90 days approves of such Bylaw, then CMN shall be deemed to have avoided termination by obtaining such approval from the ICCA of the Bylaw in question.

B. In the event funding from the ICCA Communities in the aggregate decreases to less than _____ (___%) percent of the level of such funding existing at the commencement of the term of this Contract, then CMN shall have the right to terminate the Contract upon ninety (90) days written notice to the ICCA.

C. Upon termination, CMN shall immediately transfer to ICCA or its designee assets and funds in accordance with section 7 C of this Contract. .

SECTION 22. EXTENSION OF CONTRACT. This Contract may be renewed pursuant to the following process:

A. If CMN seeks an extension of this Contract it shall, on or before July 1, 2007, submit to ICCA a letter of intent requesting extension.

B. On or before October 1, 2007, ICCA shall respond to CMN*'s* letter of intent to request extension.

SECTION 22. TIME. Time is of the essence in this Contract and for the performance of all covenants and conditions of this Contract.

SECTION 23. COOPERATION. Each party agrees to execute all documents and do all things necessary and appropriate to carry out the provisions of this Contract.

SECTION 24. APPLICABLE LAW. This Contract shall be interpreted and enforced under the laws of the State of Michigan.

SECTION 25. NOTICES. All notices and other communications to be given by either party may be given in writing, depositing the same in the United States mail, postage prepaid and addressed to the appropriate party. Any party may change its address by written notice to the other party at any time.

SECTION 26. ENTIRE CONTRACT. This Contract is the entire agreement of the parties and supersedes all prior negotiations and agreements whether written or oral.

SECTION 27. AMENDMENT. This contract may be amended only by written agreement and no purported oral amendment to this Contract shall be valid.

SECTION 28. DISPUTE RESOLUTION. Any claim, dispute or disagreement arising out of the covenant mutually agreed to herein, if not resolvable by mediation, shall be submitted to binding arbitration, under the then-current rules of the American Arbitration Association for such cases.

SECTION 29. SEVERABILITY. If for any reason any provision of this Agreement shall be deemed, by an arbitrator or a court of competent jurisdiction, to be legally invalid or unenforceable in any jurisdiction to which it applies, the validity of the remainder of the Agreement shall not be affected, and that provision shall be deemed modified to the minimum extent necessary to make that provision consistent with applicable law and, in its modified form, that provision shall then be enforceable and enforced.

IN WITNESS WHEREOF the parties have executed this Contract as of the date written above.

ICCA

Adopted by the Intergovernmental Cable Communications Authority at its regular meeting on _____.

By Its Chairman:

Date:

By its Secretary:

Date:

CMN, a nonprofit corporation

By its Chairman:

Date:

By Its _____:

Date:

By its _____:

Date:

In addition to the above funding, CMN intends to use approximately the following amounts of its unrestricted reserve fund during the three year term of this Contract:

Year 1	$160,000.00
Year 2	60,000.00
Year 3	60,000.00
TOTAL:	$280,000.00

AMENDED BYLAWS OF
OAKLAND COUNTY CABLE COMMUNICATIONS CORPORATION
d/b/a COMMUNITY MEDIA NETWORK ("Community Media Network")
REVISED AND ADOPTED MARCH ____, 2005

ARTICLE I
NAME

The name of the Corporation shall be the OAKLAND COUNTY CABLE COMMUNICATIONSCORPORATION d/b/a COMMUNITY MEDIA NETWORK, and it is sometimes referred to in these By-laws as the Corporation.

ARTICLE II
PURPOSES

The purpose of the Corporation is set forth in the Articles of Incorporation as follows:

> This corporation is formed for scientific, educational and charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986 (or the corresponding provision of any future United States Internal Revenue Law). Its purposes include, but are not limited to:
>
> A. To advance the use, growth and development of community communications and community based media in the corporation's service area (including, but not limited to the Oakland County area of the State of Michigan), and to establish, maintain and operate one or more Community Media Centers;
>
> B. To empower individuals, organizations and institutions, on a non-discriminatory basis the means to disseminate information

through the use of community-based media and to develop a Community Media Center to further that goal;

C. To apply for and to receive, and to actively pursue contributions, grants, donations and loans of all types from individuals, organizations, profit and non-profit, public and private corporations, government agencies and others to support the purposes set forth in these by-laws;

D. To ensure that no individual is discriminated against with regard to membership, services, access to information or any activity of the corporation because of race, national origin, sex, age, sexual preference, religion, disability, political affiliation, or economic status;

E. To provide, to the best of the corporation's ability, the means for any and all individuals, organizations, agencies and institutions, a public meeting or gathering place to hold events of a non-commercial nature, in the Community Media Center operated by the corporation;

F. To develop, formulate and administer policy and rules for the use of all media, equipment and services that come under control of the corporation;

G. Business shall be carried on by the corporation only in order to accomplish the purposes and objectives for which the corporation was established.

ARTICLE III
BASIC POLICIES

The following are basic policies of the Corporation:

1. The Corporation shall be non-commercial, non-sectarian, and non-partisan.

2. The name of the Corporation and/or the names of any directors of the Corporation in their official capacities shall not be used in any connection with any partisan interest or for any purpose not appropriately related to promotion of the objects of the Corporation.

ARTICLE IV
OFFICE

The principal office of the Corporation is, as of the date of the approval of these Bylaws, in one of the eleven (11) ICCA communities, State of Michigan, and shall remain in one of the eleven (11) ICCA communities, State of Michigan unless another office or offices are approved by a majority vote of the Board of Directors and ICCA.

ARTICLE V
MEMBERS OF CORPORATION

This Corporation has been organized on a directorship basis, as permitted under the Michigan Nonprofit Corporation Act.

ARTICLE VI
THE BOARD OF DIRECTORS

1. Members of the Board of Directors. The Board of Directors shall be composed of eleven Directors. Each Director shall represent one member of the

Intergovernmental Cable Communications Authority communities, which include the City of Auburn Hills, the City of Berkley, City of Clawson, City of Ferndale, City of Huntington Woods, City of Pleasant Ridge, City of Rochester, City of Rochester Hills, City of Royal Oak, City of Troy, and the Township of Oakland, hereinafter referred to as "ICCA communities". Each of the ICCA communities may appoint one Director ("Director"), in accordance with the procedures, polices or ordinances in effect in that municipality. Each of the eleven ICCA community Directors, as set forth above, shall be able to vote, in accordance with the terms as set forth herein. Each Director shall hold office until his/her resignation, which shall require written notice to the Corporation. Such resignation will be effective upon its receipt by the Corporation, or at a subsequent time, if set forth in the written notice of resignation. Each Director is also subject to removal at any time by the appointing member community, in accordance with the member community's rules and procedures. Each Director may also be removed by an appointing member community, or with a majority vote of the remaining Board of Directors, when the Director is no longer qualified to be a Director, as set forth in section 3.

2. Vacancies of New Directors. Any vacancies on the Board of Directors shall be filled in the same manner as the original appointment.

3. Qualifications for the ICCA members of the CMN Board of

Directors. All Directors appointed by the ICCA member communities shall satisfy the following criteria:

a) The Director must be a resident of the ICCA member community that makes the appointment; or

b) The Director may be a non-resident, as long as the Director is an employee of the ICCA member community that makes the appointment. However, in no event shall the Director be: (1) the City Manager or Township Supervisor of the ICCA member community that makes the appointment; (2) a community representative to the ICCA, or alternate representative to the ICCA from a community; or (3) an employee of a school board located in an ICCA community which employee has within the scope of his/her employment the operation of the educational channel in that ICCA community;

c) The Director may not be a county, state, or federal elected official.

d) The Director may not be an agent or employee of Comcast or WideOpen West (or their successors) or an agent of any future franchisee.

4. Power to Make By-laws. The Board of Directors may amend the By-laws upon a vote of a 67-2/3% majority of the Board of Directors. The Board of Directors shall not be empowered to amend the By-laws or adopt new By-laws that permit the Corporation from engaging in any activity that would cause the Corporation to fail, qualify or continue to qualify as an exempt

organization under 501(c)(3) of the Internal Revenue Code 1986 (or any corresponding provisions of any future United States Internal Revenue Code) or as a nonprofit Corporation of the laws of the State of Michigan.

5. Quorum and Vote of Board of Directors. Any vote of the Board of Directors shall be on the basis of one vote per "Eligible Director" as herein defined, in accordance with the provisions of the Intergovernmental Agreement between the ICCA member communities. However, Directors that are appointed by ICCA member communities that have failed to contribute the "minimal funding" requirement as set forth in the contract between the ICCA and CMN, as the same may be amended from time to time ("ICCA/CMN Contract") shall lose its vote(s) on the Board of Directors, and the number of votes on the Board of Directors shall be adjusted so that the total number of votes and the calculation of a majority vote or super majority vote shall be based upon the total number of votes that would be available on the Board of Directors if all Directors were permitted to vote, less the amount of votes allocated to those communities that do not provide "minimal funding" under the ICCA/CMN Contract. Those Directors from communities that have fulfilled their funding requirements under the ICCA/CMN Contract shall be deemed "Eligible Directors".

A majority of the Eligible Directors then in office constitutes a quorum for the transaction of business. The vote of the majority of the "Eligible

Directors" present at the meeting in which a quorum is present ("Majority Vote") constitutes the action of the Board of Directors.

6. Power to Elect Officers. The Board of Directors shall select a President, Secretary and a Treasurer.

7. Power to Appoint Other Offices and Agents. The Board of Directors shall have the power to appoint such other officers and agents as the Board may deem necessary for carrying out the purposes of the Corporation. All officers and agents of the Corporation shall respectively have such authority and perform such duties in the management of the property and affairs of the Corporation as may be delegated to them from time to time by the Board of Directors, in accordance with the terms and provisions of these By-laws.

8. Power to Fill Vacancies. The Board shall have power to fill any vacancy in any office occurring for any reason whatsoever.

9. Delegation of Powers. For any reason deemed sufficient by the Board of Directors, whether occasioned by absence or otherwise, the Board may, to the extent not inconsistent with any federal, state or local law governing not for profit corporations, the Articles of Incorporation of the Corporation, or these By-laws, delegate such powers and duties of any officer to any other officer or director.

10. Organizational Meeting of the Board. An annual meeting of the Board of Directors shall be held on such date as the Board of Directors shall determine, for the purpose of electing offices and transacting any other business properly brought before it.

11. Place and Notice of Meetings of the Board of Directors.

a) Regular or special meetings of the Board of Directors shall be held in the State of Michigan.

b) Regular or special meetings of the Board of Directors shall be conducted in accordance with the most recent edition of Roberts Rules of Procedure.

c) Members of the Board must be present in order to participate and/or vote in a meeting. This precludes the use of telephone conferencing or other similar communications.

12. Notices Regarding Board Meetings. During the term of the ICCA/CMN Contract, all notices regarding special meetings of the Board shall be provided to the ICCA.

13. Authority to Establish Financial Reserves and Refunds of Excessive Funds. The Corporation has the authority, upon a majority vote of the Board of Directors, to establish financial reserves that are reasonable and

necessary, as well as to authorize refunds of excessive funds to the municipal members.

14. Absentee Policy. In the event a Director has three or more unexcused absences in any twelve-month consecutive period, then the Board of Directors may, at its option, report such absences to the ICCA and the community from which the Director was appointed. Further, the Board of Directors may request that the community appoint a replacement Director who is able to comply with the attendance policies of the CMN Board of Directors as set forth in these Bylaws.

ARTICLE VII
COMMITTEES

1. The Board of Directors may appoint one (1) or more committees, upon approval of a majority vote of the Board. Any committee or sub-committee shall serve in an advisory capacity only, and the Board cannot delegate its authority to a committee, but may delegate ministerial duties regarding the day-to-day operations of CMN to a committee or staff for the efficient operation of the Corporation in its normal course of business.

2. Committees are limited to exercising only such powers and authority that is expressly granted by the Corporation By-laws, or state, local, or federal law, or by a resolution adopted by the majority vote of the Board of

Directors. However, committees and/or sub-committees are prohibited from exercising any of the following powers:

a) Amending the Articles of Incorporation.

b) Adopting an agreement of merger or consolidation.

c) Selling, leasing or exchanging all or substantially all of the Corporation's property and assets.

d) Dissolving of the Corporation or a revocation of dissolution.

e) Amending the By-laws of the Corporation.

f) Filling vacancies in the Board of Directors.

g) Fixing the compensation of the Directors for serving on the Board or a committee.

h) Canceling or terminating a member community's membership.

ARTICLE VIII
OFFICERS

The officers of the Company shall consist of the following:

1. The President, who shall preside at all meetings of the Corporation and of the Board of Directors at which he/she may be present; and shall perform such other duties as may be prescribed in these By-laws or assigned by the Corporation or by the Board of Directors; and shall coordinate the work of the offices of the Corporation in order that the purposes may be promoted.

2. A Vice President or Vice Presidents, as the Board may designate by resolution from time to time; who shall perform the duties and exercise the powers of the President during the absence or disability of the President, and perform such other duties as shall be assigned from time to time by the President or by the Board of Directors.

3. The Secretary, who shall record the minutes of all meetings of the Corporation and of the Board of Directors and shall perform such other duties as may be delegated to him/her.

4. The Treasurer shall cause the executive director of the Corporation, or such other employee of the Corporation authorized by the Board of Directors, to keep a full and accurate account of receipts and expenditures authorized by the Board of Directors. The Treasurer shall present a financial statement at every meeting of the Corporation, and at other times when requested by the Board of Directors. The Treasurer shall make a full report at the annual meeting. The Treasurer shall be responsible for the maintenance of such books of account and records, which shall be in conformance with the By-laws. The Treasurer shall be responsible to make sure that all accounts of the Corporation require at least two (2) check signatories. The Treasurer's accounts may be examined annually by an auditor approved by the Board of Directors.

ARTICLE IX
CORPORATE BOOKS AND RECORDS

The Corporation shall keep books and records of accounts and minutes of its Boards and Committees in accordance with the advice of the Corporation's independent certified public accountant as to the keeping of books and records of a private nonprofit corporation in the State of Michigan. Investments, funds and assets of the Corporation shall be invested in accordance with the laws of the State of Michigan.

ARTICLE X
INVESTMENTS

The funds and assets of the Corporation shall be invested in such a manner as to enable the Corporation to carry out its exempt purposes, and in such a manner so as not to cause the Corporation, or any of its officers or directors, to be subject to any federal penalty excise taxes imposed on private foundations under the provisions of the Internal Revenue Code of 1986 (or similar penalty taxes under the laws of the State of Michigan).

ARTICLE XI
FISCAL YEAR

The fiscal year of the Corporation shall be determined by the Board of Directors.

ARTICLE XII
DUTY OF DIRECTORS AND OFFICERS

A Director or an Officer shall discharge the duties of his/her position in good faith and with that degree of diligence, care and skill, which an ordinary prudent person would exercise under similar circumstances in a like position. In discharging his/her duties, a Director or an Officer, when acting in good faith, may rely upon the opinion of counsel for the Corporation, or upon the report of an independent appraiser that is selected with reasonable care by the Board, or upon financial statements of the Corporation that are verified as correct by the President or the Officer of the Corporation that has charge of its books or account, or as stated in a written report by an independent public or certified public accountant (or firm of such accountants) which is drafted for the purpose of reflecting the financial condition of the Corporation.

ARTICLE XIII
INDEMNIFICATION OF OFFICERS, DIRECTORS, EMPLOYEES AND AGENTS

[OPEN – CURRENTLY BEING REVIEWED BY COUNSEL]1. Actions other than Actions be or in the Right of the Corporation.

The Corporation shall indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative (other

than an action by or in the right of the Corporation) by reason of the fact that he is or was a Director, Officer, Agent, or a volunteer worker of the Corporation, or is or was serving at the request of the Corporation, as Director, Officer, Volunteer worker or Agent of another corporation, partnership, joint venture, trust or other enterprise. This indemnification covers any expenses (including attorneys' fees), judgments, fines and amounts paid in settlement that are actually and reasonably incurred in connection with such action, suit or proceeding, as long as the Director, Officer, Agent, or Volunteer Worker or Agent acted in good faith and in a manner reasonably believed to be in the best interests of the Corporation (and not opposed to the best interest of the Corporation). This indemnification also covers any criminal action or proceeding, so long as the Director, Officer, Agent, or Volunteer Worker or Agent had no reasonable cause to believe the conduct was unlawful. The termination of any action, suit or proceeding, by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent, shall not, of itself, create a presumption that the person did not act in good faith and in a manner which is reasonably believed to be in or not opposed to the best interests of the Corporation, and, with respect to any criminal action or proceedings, had reasonable cause to believe that his conduct was unlawful.

2. Actions by or in the Right of the Corporation. The Corporation shall indemnify any person who is or was a party to, or is threatened to be made a

party to any threatened, pending or completed action or suit filed by or in the right of the Corporation to procure a judgment in its favor, by reason of the fact that he is or was a Director, Officer, Volunteer Worker or Agent of the Corporation, or is or was serving at the request of the Corporation as a Director, Officer, Volunteer Worker or Agent of another corporation, partnership, joint venture, trust or other enterprise. This indemnification shall cover any expenses (including attorneys' fees) that are actually and reasonably incurred by him in connection with the defense or settlement of such action or suit, as long as the Director, Officer, Volunteer Worker, or Agent acted in good faith and in a manner reasonably believed to be in the best interest of the Corporation, or at a minimum not opposed to the best interests of the Corporation. However, indemnification shall not be provided for any claim, issue or matter, when the person requesting indemnification has been adjudged negligence or committed misconduct in the performance of duty to the Corporation.

3. Indemnification Against Expenses.

a) To the extent that a Director, Officer, Volunteer Worker or Agent of the Corporation has been successful on the merits or otherwise in defense of any action, suit or proceeding, as referred to in Section 1 or 2 of this Article, or in defense of any claim, issue or matter therein, he shall be indemnified against

expenses (including attorneys fees) actually and reasonably incurred by him in connection therewith.

b) Any indemnification under Sections 1 or 2 (unless ordered by a court) shall be made by the Corporation after a determination that indemnification is proper in the circumstances, because he has met the applicable standard of conduct set forth in Section 1 and 2. Such determination shall be made in either of the following ways:

(i) By a majority vote of the Board, excluding the Directors who were parties to such action, suit or proceeding.

(ii) If a quorum of Board Members are not eligible to vote, since they were parties to such action, suit or proceeding, then the determination can be made by independent legal counsel, retained by the Corporation. In a written opinion.

4. Resident Agent. The Board of Directors shall determine a resident agent from time to time.

5. Conflicts Of Interest And Nepotism. No member of the CMN Board or any officer of CMN or any members of their "families", as herein defined, shall be interested, directly or indirectly, in any contract, franchise, job, work or service where there are revenues therefrom, nor shall he or she receive any compensation for any work or service rendered to CMN except compensation for

services if the officer is an employee of CMN. ”Families”, as herein defined, of the Executive Director or any member of the CMN Board are hereby disqualified from holding any appointed office of CMN or from being employed by CMN or serving on the CMN Board. “Families”, for purposes of this Agreement, shall be defined as spouse, parents, children, siblings or in-laws at the same degree of relationship, stepchildren, stepparents and stepsiblings.

6. Noncompete. The Corporation agrees that it will not compete with the ICCA governmental or educational access programming within the ICCA member communities. The Corporation will be permitted, however, to bid on such governmental and educational services within the ICCA communities, as long as the ICCA has granted prior approval.

7. Competitive Bidding Requirements. All supplies and contractual services, when the estimated costs thereof shall equal or exceed Three Thousand Dollars ($3,000), shall be purchased by a written contract or invoice from the lowest responsible bidder, it being specifically understood that CMN is not obligated to accept the lowest bid on any contract due to the many qualitative factors which must be considered by CMN and which may cause a more prudent decision to be made by the purchase of equipment or other services which are not determined to be the lowest price, but by the best value offered.

8. Funding From Other Sources. The Corporation shall be permitted to raise supplemental funds with ICCA approval.

July 25, 2005

To: John Szerlag, City Manager

From: John M. Lamerato, Assistant City Manager/Finance and Administration
Jeanette Bennett, Purchasing Director
Gert Paraskevin, Information Technology Director

Subject**:** **Agenda Item:** Bid Waiver - Authorization To Purchase an Enterprise Content Management System

Recommendation

City management is requesting approval to purchase an Enterprise-wide Content Management (ECM) system from Liberty Information Management Solutions and Ricoh Business Systems, as well as other approved contracts. The contract would allow the City to purchase the necessary software, installation, training and maintenance at an overall reduced price. In return the City of Troy would act as a reference site for the LibertyNet product. All the components needed for a complete solution would be purchased from the vendors as outlined in Appendix A for an estimated total cost of $542,000 with annual ongoing maintenance of approximately $59,000.

Background

It was identified in 1995 by the Plante Moran Computer Implementation & Utilization Strategic Plan and then again in 2000 by the City's Document Management Committee, that the City is in need of an Enterprise Content Management solution. See specific details in Appendix B. The Committee's search for a system again in 2005 has resulted in an offer from LibertyIMS and Ricoh Business Solutions (the local vendor) for the City of Troy to become a reference site for their LibertyNet software product. LibertyIMS is located on the west coast and is trying to expand into the eastern part of the country. Appendix C contains a letter from Liberty/Ricoh outlining why the City of Troy would be an attractive reference site. The incentive they are offering is to provide the majority of their software licenses at no cost. In addition, they are willing to initially implement the software in two pilot departments for which we do not pay implementation fees until acceptance. As a result, there is virtually no risk to the City. Should the City take advantage of this offer it would save approximately $223,000 in software licensing and $24,000 in annual maintenance. In addition to saving money, this arrangement also creates an environment in which the vendor is extremely motivated to do a good job to ensure the pilot is a success, and continues to do a good job to ensure the city will provide positive references for them over time. There is no better environment for a successful software implementation.

Summary

The implementation of an enterprise Content Management system will not only help alleviate space issues and reduce labor involved in document retrieval, the city will also have the opportunity to perform some business process redesign. We will be able to identify records that can be captured and retained electronically, records that no longer serve a purpose and can be eliminated, identify opportunities for automating business processes (workflow), opportunities for re-defining record keeping procedures, and information sharing opportunities between departments or other government entities. Lastly, it will provide opportunities for improved customer service. Examples include quicker document retrieval and reproduction as well as access to documents via the city website.

Budget

Funds are budgeted in the Information Services Capital Fund, 401258. However, since this will be a multi-year project, funds will continue to be budgeted in successive years until project completion. Total funding for all years is estimated to be $542,000. Annual maintenance fees will move to the operating fund 258 after the first year.

Appendix A
Detailed Pricing

Ricoh Business Systems / Liberty Information Management Systems

Description (200 concurrent users)	**Cost**
Third Party Software	$11,078
Initial implementation and training for 2 departments	35,000
Additional implementation	15,000
Administrator Training	8,000
First year maintenance	51,612
Total	**$120,690**
Annual Ongoing Software Maintenance	$51,612
Hardware	
Bell & Howell Flatbed Truper Model production scanner	$7,745
Annual Ongoing Hardware Maintenance	1,110

REMC Contract
Hewlett Packard

Description	**Cost**
(2) DL380 Xeon 3.6GHz dual processor with 4GB memory (inc 3 years maintenance)	$11,688
Tape Backup Library (inc 1 year maintenance and installation)	29,498
Tape Backup Software including training	32,000
Storage Area Network (SAN) 2TB (inc 3 years maintenance and installation)	32,568
Total	**$105,754**
Annual Ongoing Maintenance	$6,277

State Contract
EDS

Description	**Unit Cost**	**Quantity**	**Total**
SQL Server 2000 Standard Edition Processor License	3,234	2	$6,468
Microsoft Windows Server 2003 Standard Edition	486	2	972
Total			**$7,440**

Graphic Sciences

Description	**Average Cost**	**Estimated Quantity**	**Total**
Back file conversion	.30	1,000,000	**$300,000**

Appendix B

Detailed Background

History

The Information Technology Department has been investigating document management systems for some time. The need for such a system was evident in June 1995 when Plante & Moran completed a Computer Implementation & Utilization Strategic Plan for the City of Troy. In their report they identified the following:

> *Numerous departments file and retain a variety of documents, photographs, and forms. Legally, maintaining hard copies of certain documents is mandated by the State and Federal governments. However, for other documents, an imaging/document management system should be implemented to enhance document filing/storage and retrieval to alleviate space constraints and improve staff efficiency.*

This observation still holds true, and even documents required to be kept in a human readable form (one of which is hard copy), can also be imaged to benefit from the retrieval and space advantages. Any paper documents that are imaged can be stored off-site to alleviate space constraints and then the image would allow for immediate access. In addition, relying solely on paper has some drawbacks: no disaster recovery mechanism, there is always a risk of misfiles and lost documents, only allows for single user access, they can be voluminous, and they are not easily duplicated and distributed.

Original Request for Proposal

In 2000 a Document Management Committee was formed consisting of members from every department, to establish the requirements for a system and develop a request for proposal (RFP) document. At that time the City invited members of the Tri-County Cooperative to participate in the RFP process. Farmington Hills and Birmingham were both direct participants. However, a number of other communities were very interested and attended the demonstrations. The RFP was sent out to 27 vendors and we received responses from the following:

Responding Vendor	**Product**
Digital Paper	DocQuest
Triangle Computer	Triangle TDMS/DocImager
ImageSoft	OnBase
GA Computers	OnBase
DSS	Laserfiche
General Code Publishers	Laserfiche
Graphic Sciences	OTG
Integrity Systems/Anacom	OTG

After initial review of specifications and experience, several vendors were disqualified and one withdrew (General Code Publishers). Demonstrations were then arranged for the following:

Demonstrating Vendor	Product
Graphic Sciences	OTG
Anacom	OTG
DSS Corporation	Laserfiche
GA Computers	OnBase

After much review and discussion the City decided not to choose a system because there was no combination of software and vendor that met all our needs.

During this RFP process staff did, however, compile data collected from each department detailing the documents they store and how often they need to be accessed. In total the departments detailed approximately 12.5 million documents, of which 8.1 million had to be available to be accessed on a daily basis, 300,000 weekly and 208,000 monthly. The balance was accessed less often. It is clear that a large percentage of documents (65%) need to be readily accessible. As a result a great amount of area is being utilized to store documents in close proximity, and a great amount of effort is being expended to file and access these documents. An interesting note is that in order to make documents more accessible some documents are copied multiple times and stored in multiple departments. This exacerbates the space requirements and labor spent to duplicate and file these documents.

Elements of a Document Management System

A document management system, or more commonly referred to as an Enterprise Content Management (ECM) system, provides for a method to manage documents in electronic format. Converting documents to digital images allows for several advantages:

1. Provides for a disaster recovery mechanism. Should something happen to paper copies; the electronic copy would still be available. In addition, electronic copies can be easily backed up.
2. Electronic copies allow for high-density storage or in other words can be stored in a very small amount of space.
3. Allows multiple user access including access via the web.
4. Provides centralized storage control.
5. Can be rapidly retrieved and makes complex searches simple tasks.
6. Easily distributed. Can easily attach to email or become part of a workflow.
7. If allowed electronic documents can be easily updated or annotated. In addition changes can be tracked.
8. Easily duplicated. Electronic documents can easily be printed, copied to other electronic media and even converted to microfilm.
9. Allows for modifiable views such as with and without redaction and annotations, and at various zooms.
10. Provides the ability to control and audit access and security rights.
11. Improves the ability to find documents by providing multiple indexing options.

Current Search

Since the original request for proposal (RFP) went out for document management, City staff has periodically investigated software that is available on existing contracts. Most notably FileNet on the State of Michigan MiDEAL Program (formerly known as the Extended Purchasing Program) or an Oakland County contract, and Laserfiche available via the City of Farmington Hills under the MITN Cooperative (formerly known as the Tri-County Cooperative).

Filenet

Although Filenet was found to be a very robust product it was also very expensive. Quotes for the software, implementation, training and maintenance/support for 200 users for the first year ranged from $560,000 to $931,000. Annual ongoing maintenance was approximately $80,000.

Laserfiche

Most recently the Document Management Committee reconvened in January 2005 to investigate the bid award by Farmington Hills to DSS Corporation for Laserfiche software. The cost for software, implementation, training, and maintenance/support for the first year, for 200 users is approximately $344,000. Annual ongoing maintenance would be approximately $76,000.

Liberty IMS Offer

While considering Laserfiche software the committee also participated in a demonstration of a competitive product called LibertyNet. The committee gave positive reviews for LibertyNet. Liberty Information Management Solutions out of Costa Mesa, CA and Ricoh Business Systems, the local reseller, recognizing our interest and the advantages of having the City of Troy as a customer, offered the City an opportunity to become a reference site for their software in this area. They have a presence on the west coast, but are just now beginning to build a customer base on the east coast. Appendix C contains a letter outlining why the City of Troy is an attractive client for LibertyNet. As an incentive, they offered to provide the initial software licenses for up to 200 concurrent users at no cost with the exception of some third party software that is part of their system, but they do not own rights to (Native viewers, OCR software and PDF plus). In addition, they are willing to implement their software in two departments to prove its capability without any initial charges from them. There would be initial costs to purchase the necessary hardware to set up the system, but no software or implementation costs. At the end of that "pilot", if we were satisfied with the results we would agree to pay the implementation fees for those two departments and the third party software costs. We would then continue to roll the software out to the rest of the City, paying for any additional implementation assistance and training costs as we go. Our obligation at that point would be to pay maintenance fees on an annual basis and be available as a reference for their software. LibertyNet would also put together a case study featuring the City of Troy's implementation.

The potential savings as a result of this offer could not be ignored. It was advanced to and supported by the Document Management Committee. In fact some members voiced their preference for LibertyNet over Laserfiche including the IT department that views it as a superior product in terms of an enterprise solution.

Due Diligence – LibertyNet

There were still some questions about moving forward with LibertyNet, so as part of our due diligence we completed the following:

1) Confirmed with LibertyNet that they comply with the State of Michigan Optical Imaging Rules.

2) Contacted various LibertyNet local government references, and the overwhelming response was that LibertyNet was a very responsive company with a very good product. Cities contacted include City of Lakeland, FL; Volusia County, FL; City of Inglewood, CA; City of Olympia, WA; and City of Los Angeles, CA.

3) Worked with LibertyIMS and their local partner Ricoh Business Systems to develop a mutually acceptable proposal. The cost for software, implementation services, training, and maintenance for the first year is approximately $121,000 with annual ongoing maintenance of approximately $52,000. Ricoh has offered substantial savings if prepaid ($45,000 per year for three years, or $40,000 per year for five years). This option will be investigated further to determine if it is advantageous and in the city's best interest. The total cost includes 200 concurrent user licenses, and additional modules such as workflow, version control and auditing, web server, e-forms and database integration. The result is an estimated savings of $223,000 initially and $24,000 on annual maintenance over Laserfiche.

In addition to the software costs, hardware and back file conversion are also required as part of a complete Enterprise Content Management System. These costs would be incurred regardless of the software vendor.

- Hardware, hardware related software, and installation will be an additional $121,000 plus approximately $7,400 annual maintenance.
- Back file conversion is the process of scanning and indexing existing paper documents, currently stored in file cabinets, so they may be stored in electronic format. As departments are implemented their need for back file conversion will be carefully assessed. It would be cost prohibitive to convert all documents, therefore, as part of the implementation process each department will be meticulously reviewed to determine which documents to convert, and whether to handle them internally or send out to a conversion vendor. A rough estimate is 1,000,000 documents for an approximate cost of $300,000.

Appendix C

Liberty Information Management Systems Correspondence

City of Troy
500 W. Big Baver
Troy, Michigan
48084

July 19th, 2005

Attention: Gert Paraskevin
Information Technology Director

LibertyNet as a major EDMS software manufacturer expanding new business globally through a select partner channel relationship, to support our business objectives. Ricoh is a major partner for LibertyNet in the Midwest and we challenged them to find major cities to approach for our expansion with city government opportunities as we move eastward across the country.

Ricoh knowing the territory and with the timing for the City of Troy looking at an electronic document management solution, made LibertyNet's proposal to the city attractive for all parties involved. Providing a complete package of our Enterprise software and our supporting Liberty modules, piloting two departments within the City and having a premier partner locally to support the pre and post activity, makes this a good partnership for the City of Troy, Ricoh and LibertyNet.

LibertyNet and Ricoh both see the City of Troy as a leading center in the Midwest and with a high level presence with cities on the West Coast, LibertyNet's goal is to add high profile customers into this market. We value this new relationship and strongly feel our "best in class" software will serve the City of Troy with scalability, improve business processes in all departments, provide a guaranteed upgrade path with our technology as new products are released and an exceptional partner relationship locally to support your efforts. Ricoh's Advanced Solutions team has 40+ years experience nationally with Electronic Document Management technology.

We look forward to opening the door to a new era of technology for the City of Troy.

Sincerely,

Bruce Malyon
VP Sales Eastern Region

DATE: August 10, 2005

TO: John Szerlag, City Manager

FROM: Brian Murphy, Assistant City Manager/Services
Steven Vandette, City Engineer
Mark Stimac, Director of Building and Zoning

SUBJECT: Agenda Item - Proposed Revisions to
Chapter 19 - Sanitary Sewer Service
Elimination of Connection Requirement

Introduction:

At the City Council meeting of July 18, 2005, city staff was asked to prepare revisions to Chapter 19, of the Troy City Code. The revisions requested were to eliminate the mandatory connection to sanitary sewer within 18 months of availability. In response, staff has prepared the proposed amendments to Section 19.02. 00, 19.03.00 and 19.05.00 of the City Code for your consideration. In reviewing the ordinance text regarding certain definitions we have identified revisions that we wish to make in order to eliminate unclear language.

Revisions to Chapter 19 of Troy's Ordinance – To Eliminate Required Connection:

Portions of Section 19.01 should be revised to eliminate unclear language.

Portions of Section 19.02 should be deleted from the Ordinance.

Sections 19.02.01, 19.02.02 and 19.02.03 should be moved and renumbered to become Sections 19.05.03, 19.05.04, and 19.05.05 respectively.

Section 19.03.01 and 19.03.02 should be revised to eliminate language mandating connections and coordinating with the deletions to Section 19.02.

19.01.01 **Available public sanitary sewer** shall ~~be construed to~~ mean a public sanitary sewer system located in a right of way, easement, highway, street or public way which crosses, adjoins or abuts upon the property and passing not more than 200 feet at the nearest point from a structure in which sanitary sewage originates.

19.01.18 **Public sanitary sewer system** shall ~~be construed to~~ mean a sanitary sewer or a combined sanitary and storm sewer used or intended for use

by the public for collection and transportation of sanitary sewage for treatment or disposal.

19.01.23 **Sewage disposal system** shall ~~be construed to~~ mean the City of Troy sewage disposal system.

19.01.29 **Structure in which sanitary sewage originates** or **structure** shall ~~be construed to mean~~ a building in which toilet, kitchen, laundry, bathing or other facilities which generate water-carried sanitary sewage, are used or are available for use for household, commercial, industrial or other purposes.

19.01.31 **System** shall ~~be deemed to~~ refer to the said sewage disposal system.

~~USE OF PUBLIC SEWERS REQUIRED~~

~~19.02 Public sanitary sewer systems are essential to the health, safety and welfare of the people of the State and the City of Troy. Septic tank disposal systems are subject to failure due to soil conditions or other reasons. Failure or potential failure of septic tank disposal systems poses a threat to the public health, safety and welfare; presents a potential for ill health, transmission of disease, mortality and potential economic blight and constitutes a threat to the quality of surface and subsurface waters of the State and the City of Troy.~~
~~The connection to available public sanitary sewer systems at the earliest, reasonable date is a matter for the protection of the public health, safety and welfare and necessary in the public interest which is declared as a matter of legislative determination.~~

~~19.02.01~~ 19.05.03 Waste Deposits. It shall be unlawful for any person to place or deposit or permit to be deposited in an unsanitary manner upon any public or private property within the City of Troy, or in any area under the jurisdiction of the said City of Troy, any human or animal excrement, garbage, or other objectionable waste.

~~19.02.02~~ 19.05.04 Water Pollution. It shall be unlawful to discharge into any natural watercourse or any storm sewer, within the City of Troy or in any area under the jurisdiction of the said City, any sanitary sewage, industrial waste, or other polluted waters, except where suitable treatment has been provided in accordance with the standards established by the MDEQ and the provisions of the Federal Clean Water Act.

~~19.02.03~~ 19.05.05 Privies and Septic Tanks. Except as hereinafter provided it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or based for the disposal of sewage.

~~19.02.04 Structures in which sanitary sewage originates located in the City of Troy in the area served by the system for which there is an available public sanitary sewer of the system shall not be used or occupied, after the effective date hereof, unless said structures are connected to the sewage disposal system: Provided, that~~

~~structures within the City of Troy in which sanitary sewage is originating on the effective date hereof or in which sanitary sewage originates before availability of the system or any part thereof to service said structures shall be connected to said system within eighteen (18) months after publication of a notice by the City of Troy in a newspaper of general circulation in the City of Troy of the availability of the system.~~

~~19.02.05~~
~~A. When the structure in which sanitary sewage originates has not been connected to an available sanitary sewer system before use and occupancy or within the eighteen (18) month period provided in this Chapter, the City of Troy shall require the connection to be made forthwith after notice, which may be by first class mail or posting on the property, to the owner of the property on which the structure is located. The notice shall give the approximate location of the public sanitary sewer of the system, which is available for connection of the structure involved and shall advise the owner of the requirements and of the enforcement provisions of this Chapter.~~

~~B. Any property from which sanitary sewage emanates which is not connected to an available public sewer within 90 days after the date of mailing of the written demand is hereby declared to be a threat to the health, safety, and welfare of the people and a public nuisance and the City may forthwith enter upon or in the property and install, construct and make such connections to abate the nuisance and to serve the property as are necessary or desirable, in the sole discretion of the City. The owner or occupant of any property who fails or refuses to connect the property to an available public sewer upon written demand shall forfeit a sum not exceeding $100.00 and shall be liable to the City for the costs incurred in making the connection to the sewer, which sum, including contingencies, shall be recoverable, jointly and severally from the owner or occupant, in an action at law or may be assessed against such property and shall be collected and treated in the same manner as taxes.~~

~~C. If the City attempts to enter onto property for the purpose of ascertaining if it is the property from which sanitary sewage emanates, or to install, construct, and make connection of the property to the sewer, and is refused such entry, the City shall make complaint in writing to the Judge stating the facts of the case so far as may be known to the complainant. The Judge may issue a warrant directed to the Police Chief commanding him to take sufficient aid, and being accompanied by the Building Inspector of the City, between the hours of sunrise and sunset, to enter upon or in the property to the extent and for the duration required to enforce and carry out the provisions of this act.~~

~~19.02.06 Where any structure in which sanitary sewage originates is not connected to an available public sanitary sewer system within 90 days after the date of mailing or posting of the written notice, the provisions of this Chapter shall be enforceable through the bringing of appropriate action for injunction, mandamus, or otherwise, in any court having jurisdiction. Any violation of this Chapter is deemed to be a nuisance per se.~~

~~Properties upon which the structure is more than 200 feet distance from the public sewer will be exempt from the provisions of this section unless deemed to be a serious threat to the health, safety and welfare of the people by the Building Department Inspector. Single family homes existing in areas zoned other than residential may be temporarily exempt from the provisions of this section provided that on-site sewage systems meet the approval of the Building Department Inspector and continue to function in a manner which does not threaten the health, welfare, and safety of the community as determined through periodic inspections by the Building Department Inspector.~~

19.03.01 On-site Sewage Disposal Systems. Unless a structure in which sanitary sewage originates is connected to ~~Where~~ a public sanitary sewer or combined sewer ~~is not available~~ under the provisions of this Chapter, the building sewer shall be connected with a private on-site sewage disposal system complying with the regulations and orders of the MDEQ and the Oakland County Health Department, and the provisions of Chapter 79 of this code (Building Regulations).

19.03.02 Discontinuance of System. At such time as a public sewer becomes available to a property served by a private sewage disposal system, ~~as provided in this Chapter,~~ and a direct connection ~~shall be~~ is made to the public sewer in compliance with the provisions of this Chapter, ~~and~~ any septic tank, privy, privy vault, cesspool or similar private sewage disposal facilities shall be abandoned and filled with suitable material.

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

Prepared by: Mark Stimac, Director of Building and Zoning

CHAPTER 19 - SANITARY SEWER SERVICE

19.01 Definitions. In the interpretation of this chapter the following definitions shall apply unless the content clearly indicates otherwise:

19.01.01 **Available public sanitary sewer** shall ~~be construed to~~ mean a public sanitary sewer system located in a right of way, easement, highway, street or public way which crosses, adjoins or abuts upon the property and passing not more than 200 feet at the nearest point from a structure in which sanitary sewage originates.

(Rev. 01-13-03)

19.01.02 **Biochemical Oxygen Demand** or **B.O.D.** shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees centigrade, expressed in parts per million by weight.

(Rev. 01-13-03)

19.01.03 **Building Department Inspector** shall mean the employee or employees of the City of Troy's Building Department, who is responsible for the inspection of the privately owned and maintained On-site Sewage Disposal Systems within the City of Troy.

(Rev. 01-13-03)

19.01.04 **Building drain** shall mean that part of the lowest horizontal piping of a building drainage system which receives and conveys the discharge from soil, waste and drainage pipes other than storm drains from within the walls or footings of any building to the building sewer.

(Rev. 01-13-03)

19.01.05 **Building sewer** shall mean the extension from the building drain to the public sewer or other place of disposal.

(Rev. 01-13-03)

19.01.06 **Combination sewer** or **combined sewer** shall mean a sewer receiving both surface run-off and sewage.

(Rev. 01-13-03)

19.01.07 **DWSD** shall mean the Detroit Water and Sewerage Department.

(Rev. 01-13-03)

19.01.08 **Failure** shall be defined as follows: 1) the backup of sewage into a structure; 2) the discharge of effluent onto the ground surface; 3) the connection of an OSDS to a storm drain; 4) the liquid level in the septic tank is above the outlet invert; 5) the structural failure of a septic tank; 6) the discharge of sewage into any watercourse; 7) the liquid level in the disposal field is above the pipe of such field; or 8) the OSDS which failed to meet operational, effluent or discharge guidelines as set forth by the MDEQ, Oakland County Health Division Services, or the City of Troy.

(Rev. 01-13-03)

19.01.09 **Fixed interval inspection** shall mean the process of inspecting and evaluating the condition and state of the septic tank and septic system to cover a period of four years of operation for the On-site Sewage Disposal System. This process includes observations, information gathering, evaluations, and the report of findings.

(Rev. 01-13-03)

19.01.10 **Garbage** shall mean solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage, processing and sale of produce.

(Rev. 01-13-03)

19.01.11 **Industrial wastes** shall mean the liquid wastes, solids, or semi-solids from industrial processes as distinct from sanitary sewage.

(Rev. 01-13-03)

19.01.12 **MDEQ** shall mean the Michigan Department of Environmental Quality.

(Rev. 01-13-03)

19.01.13 **Natural outlet** shall mean any outlet into a watercourse, pond, ditch, lake, or other body of water, either surface or ground water.

(Rev. 01-13-03)

19.01.14 **On-site Sewage Disposal System** or **OSDS** shall include all components or devices including, but not limited to all septic tanks, pipes, pumps, vents and absorption systems used to treat and/or dispose of all wastewater from a structure that is not serviced by the City of Troy sewage disposal system.

(Rev. 01-13-03)

19.01.15 **Person** shall mean any individual, firm, company, association, society, corporation or group.
(Rev. 01-13-03)

19.01.16 **pH** shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

(Rev. 01-13-03)

19.01.17 **Properly shredded garbage** shall mean the wastes from the cooking, preparation and dispensing of food that has been cut or shredded to such a degree that all particles will be carried freely under flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.

(Rev. 01-13-03)

19.01.18 **Public sanitary sewer system** shall ~~be construed to~~ mean a sanitary sewer or a combined sanitary and storm sewer used or intended for use by the public for collection and transportation of sanitary sewage for treatment or disposal.

19.01.19 **Public sewer** shall mean a sewer in which all owners of abutting property have equal rights, and is controlled by public authority.

(Rev. 01-13-03)

19.01.20 **Sanitary sewer** shall mean a sewer which carries sewage, and to which storm and surface waters are not intentionally admitted.

(Rev. 01-13-03)

19.01.21 **Satisfactory Operation** shall mean that there is minimal likelihood of degradation of groundwater and surface water, or risk to public health caused by improper construction, location or functioning of an OSDS.

(Rev. 01-13-03)

19.01.22 **Sewage** shall mean any combination of water-carried wastes from residences, business and commercial buildings, institutions, and industrial establishments, together with such ground, surface and storm waters as may be present.

(Rev. 01-13-03)

19.01.23 **Sewage disposal system** shall ~~be construed to~~ mean the City of Troy sewage disposal system.

(Rev. 01-13-03)

19.01.24 **Sewage Treatment Plant** shall mean any arrangement of devices and structures used for treating sewage.

(Rev. 01-13-03)

19.01.25 **Sewage works** shall mean all facilities for collecting, pumping, treating and disposing of sewage.

(Rev. 01-13-03)

19.01.26 **Sewer** shall mean any pipe, tile, tubes, or conduit for carrying sewage.

(Rev. 01-13-03)

19.01.27 **Shall** is mandatory. **May** is permissive.

(Rev. 01-13-03)

19.01.28 **Storm sewer** or **storm drain** shall mean a sewer which carries storm and surface waters and drainage but which excludes sewage and polluted industrial wastes.

(Rev. 01-13-03)

19.01.29 **Structure in which sanitary sewage originates** or **structure** shall ~~be construed to mean~~ a building in which toilet, kitchen, laundry, bathing or other facilities which generate water-carried sanitary sewage, are used or are available for use for household, commercial, industrial or other purposes.

(Rev. 01-13-03)

19.01.30 **Suspended solids** shall mean the solids that either float on the surface of, or are suspended in water, sewage, or other liquids and which are removable by laboratory filtering.

(Rev. 01-13-03)

19.01.31 **System** shall ~~be deemed to~~ refer to the said sewage disposal system.

(Rev. 01-13-03)

19.01.32 **Watercourse** shall mean a channel in which a flow of water occurs, either continuously or intermittently.

(Rev. 01-13-03)

~~USE OF PUBLIC SEWERS REQUIRED~~

~~19.02 Public sanitary sewer systems are essential to the health, safety and welfare of the people of the State and the City of Troy. Septic tank disposal systems are subject to failure due to soil conditions or other reasons. Failure or potential failure of septic tank disposal systems poses a threat to the public health, safety and welfare; presents a potential for ill health, transmission of disease, mortality and potential economic blight and constitutes a threat to the quality of surface and subsurface waters of the State and the City of Troy.~~

~~The connection to available public sanitary sewer systems at the earliest, reasonable date is a matter for the protection of the public health, safety and welfare and necessary in the public interest which is declared as a matter of legislative determination.~~

~~(Rev. 02-26-73)~~

~~19.02.01~~ 19.05.03 Waste Deposits. It shall be unlawful for any person to place or deposit or permit to be deposited in an unsanitary manner upon any public or private property within the City of Troy, or in any area under the jurisdiction of the said City of Troy, any human or animal excrement, garbage, or other objectionable waste.

(Rev. 04-01-64)

~~19.02.02~~ 19.05.04 Water Pollution. It shall be unlawful to discharge into any natural watercourse or any storm sewer, within the City of Troy or in any area under the jurisdiction of the said City, any sanitary sewage, industrial waste, or other polluted waters, except where suitable treatment has been provided in accordance with the standards established by the MDEQ and the provisions of the Federal Clean Water Act.

(Rev. 01-13-03)

~~19.02.03~~ 19.05.05 Privies and Septic Tanks. Except as hereinafter provided it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or based for the disposal of sewage.

(Rev. 04-01-64)

~~19.02.04 Structures in which sanitary sewage originates located in the City of Troy in the area served by the system for which there is an available public sanitary sewer of the system shall not be used or occupied, after the effective date hereof, unless said~~

~~structures are connected to the sewage disposal system: Provided, that structures within the City of Troy in which sanitary sewage is originating on the effective date hereof or in which sanitary sewage originates before availability of the system or any part thereof to service said structures shall be connected to said system within eighteen (18) months after publication of a notice by the City of Troy in a newspaper of general circulation in the City of Troy of the availability of the system.~~

~~19.02.05~~
~~A. When the structure in which sanitary sewage originates has not been connected to an available sanitary sewer system before use and occupancy or within the eighteen (18) month period provided in this Chapter, the City of Troy shall require the connection to be made forthwith after notice, which may be by first class mail or posting on the property, to the owner of the property on which the structure is located. The notice shall give the approximate location of the public sanitary sewer of the system, which is available for connection of the structure involved and shall advise the owner of the requirements and of the enforcement provisions of this Chapter.~~

~~B. Any property from which sanitary sewage emanates which is not connected to an available public sewer within 90 days after the date of mailing of the written demand is hereby declared to be a threat to the health, safety, and welfare of the people and a public nuisance and the City may forthwith enter upon or in the property and install, construct and make such connections to abate the nuisance and to serve the property as are necessary or desirable, in the sole discretion of the City. The owner or occupant of any property who fails or refuses to connect the property to an available public sewer upon written demand shall forfeit a sum not exceeding $100.00 and shall be liable to the City for the costs incurred in making the connection to the sewer, which sum, including contingencies, shall be recoverable, jointly and severally from the owner or occupant, in an action at law or may be assessed against such property and shall be collected and treated in the same manner as taxes.~~

~~C. If the City attempts to enter onto property for the purpose of ascertaining if it is the property from which sanitary sewage emanates, or to install, construct, and make connection of the property to the sewer, and is refused such entry, the City shall make complaint in writing to the Judge stating the facts of the case so far as may be known to the complainant. The Judge may issue a warrant directed to the Police Chief commanding him to take sufficient aid, and being accompanied by the Building Inspector of the City, between the hours of sunrise and sunset, to enter upon or in the property to the extent and for the duration required to enforce and carry out the provisions of this act.~~

~~(Rev. 06-07-93)~~

~~19.02.06 Where any structure in which sanitary sewage originates is not connected to an available public sanitary sewer system within 90 days after the date of mailing or posting of the written notice, the provisions of this Chapter shall be enforceable through the bringing of appropriate action for injunction, mandamus, or otherwise, in any court having jurisdiction. Any violation of this Chapter is deemed to be a nuisance per se.~~

~~Properties upon which the structure is more than 200 feet distance from the public sewer will be exempt from the provisions of this section unless deemed to be a serious threat to the health, safety and welfare of the people by the Building Department Inspector. Single family homes existing in areas zoned other than residential may be temporarily exempt from the provisions of this section provided that on-site sewage systems meet the approval of the Building Department Inspector and continue to function in a manner which does not threaten the health, welfare, and safety of the community as determined through periodic inspections by the Building Department Inspector.~~
~~(Rev. 01-13-03)~~

ON-SITE SEWAGE DISPOSAL SYSTEMS

19.03.01 On-site Sewage Disposal Systems. Unless a structure in which sanitary sewage originates is connected to ~~Where~~ a public sanitary sewer or combined sewer ~~is not available~~ under the provisions of this Chapter, the building sewer shall be connected with a private on-site sewage disposal system complying with the regulations and orders of the MDEQ and the Oakland County Health Department, and the provisions of Chapter 79 of this code (Building Regulations).

(Rev. 01-13-03)

19.03.02 Discontinuance of System. At such time as a public sewer becomes available to a property served by a private sewage disposal system, ~~as provided in this Chapter,~~ and a direct connection ~~shall be~~ is made to the public sewer in compliance with the provisions of this Chapter, ~~and~~ any septic tank, privy, privy vault, cesspool or similar private sewage disposal facilities shall be abandoned and filled with suitable material.

(Rev. 09-25-78)

19.03.03 Maintenance of System. The owner shall operate and maintain the OSDS facilities in a sanitary manner at all times at no expense to the City. Maintenance of the OSDS shall include:

1. Having a fixed interval inspection and evaluation performed by City staff every four (4) years, which shall consist of:
   - (A.) Pumping of the septic tank at the time of inspection by a state licensed septage hauler
   - (B.) Information gathering on the maintenance, including frequency of pumping of the septic tank
   - (C.) Visual and olfactory observations and inspections of the condition of the septic tank, absorption system, pumps, filters, and other important features of the OSDS
   - (D.) Preparation of a report

2. Having the septic tank pumped on an as needed basis to ensure a satisfactory operation of the system.

3. Repairs. The cost of all repairs, maintenance and replacements of existing On-site Sewage Disposal Systems shall be borne by the property owner. The owner shall make an application to perform such work to the Building Department Inspector and the Oakland County Health Department.

(Rev. 01-13-03)

19.03.04 Inspections. The City of Troy will notify the property owner when the building sewer and OSDS are required to have an inspection. The Building Department Inspector shall then inspect said OSDS and associated appurtenances to determine if the system is operating satisfactorily or is failing.

(Rev. 01-13-03)

19.03.05 Satisfactory operation will be designated to systems with no evidence of an OSDS failure. Fixed interval inspections will be required every four (4) years thereafter until the structure is connected to the City of Troy's public sanitary sewer system.

(Rev. 01-13-03)

19.03.06 If the OSDS and associated appurtenances do not meet the requirements for a functioning septic system, then the system will be considered a failing system. The owner of the property will be required to have the system repaired. The property owner will be responsible for obtaining all necessary repair permits from the Oakland County Health Department. Once the repairs have been completed, the property owner will be required to have the OSDS inspected again by the Building Department Inspector to ensure that the system is working properly.

(Rev. 01-13-03)

19.03.07 Inspection Fee. All OSDS inspections performed by the City of Troy's Building Department Inspector shall be made only with written authorization and inspection reports issued by the City and with payments of fees as shall be established from time to time by the City Council. The fees and charges shall be related to actual costs incurred directly or indirectly to implement the On-site Sewage Disposal System Inspection Program.

(Rev. 01-13-03)

19.03.08 Additional Requirements. No statement contained in this chapter shall be construed to interfere with the provisions of the State of Michigan

Plumbing Code or with any additional requirements that may be imposed by the MDEQ or the Oakland County Health Department with respect to on-site sewage disposal systems.

(Rev. 01-13-03)

BUILDING SEWERS AND CONNECTIONS

19.04.01 Permit Required. No unauthorized person shall uncover, make any connections with or open into, use, alter or disturb any public sewer or any appurtenance thereof without first obtaining a written permit from the Building Inspector of the City.

(Rev. 04-01-64)

19.04.02 Permit Fee. All connections with the sanitary or combined sewers of the City shall be made only on written authorization and permits issued by the City on such forms and on payments of such fees as shall be established from time to time by the City Council.

(Rev. 09-25-78)

19.04.03 Connection Permit. Before either a direct or indirect connection is made into any interceptor sewer system of Oakland County, a connection permit shall be obtained by the owner or contractor from the Oakland County Department of Public Works. This permit shall be obtained prior to any work being done on the connection to the sewer. Such permit shall be obtained in accordance with the rules and regulations of the Oakland County Department of Public Works.

(Rev. 09-08-68)

19.04.04 Installation Costs. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner of said property. The owner shall indemnify the City from all loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(Rev. 04-01-64)

19.04.05 Plans and Inspection of Plumbing Construction. All applicants for sewer connection permits shall first allow the City Plumbing Inspection to inspect the premises to be connected. The inspector shall determine whether present plumbing facilities are free from all safety hazards. The property owner prior to connection shall make all changes and improvements in the system required by the Plumbing Inspector to the City sewer.

(Rev. 08-30-65)

19.04.05 Inspection. The applicant for a building sewer permit shall notify the Building Inspector when the building sewer is ready for inspection and connection to the public sewer. The Building Inspector shall then inspect the said building and plumbing construction therein and if such construction meets the previous requirements as approved in the construction permit, a sewer connection permit shall be issued, subject to the applicable provisions of other sections of this chapter.

(Rev. 04-01-64)

19.04.06 Repairs. The cost of all repairs, maintenance and replacements of existing building sewers and their connection to public sewers shall be borne by the property owner. Such owner shall make application to perform such work to the Building Inspector.

(Rev. 04-01-64)

19.04.07 House Connections. House connections from the lateral sewer in street or easement to within five feet from the house shall be in accordance with specifications established by the City of Troy Engineering Department. All joints shall be tight and when tested for infiltration shall not exceed the infiltration requirements of this Chapter.

(Rev. 09-25-78)

19.04.08 Temporary Covering During New Construction. In an open excavated basement, it shall be the duty and responsibility of all owners, tenants, applicants for building permits and/or other agents and employees to cause the sanitary sewer pipe inside the building to be plugged. Also, it shall be the duty of such persons to prevent any removal, breaking, cracking, loosening, hole drilling, or other damage to said plug, when removal, breaking, cracking, loosening, hole drilling, or other damage to such plug results in or causes any storm water, surface water, ground water, sub-surface drainage, dirt or debris to discharge or run into the sanitary sewer system. At such time as the plumbing system of such building or improvement is carried to the first floor, the basement backfilled and the roof placed on the building, and approved by the Building Department for the City, the plug may be removed and the building plumbing system connected thereto.

(Rev. 01-13-03)

PROHIBITED USES

19.05.01 Unpolluted Water. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface

drainage, cooling water or unpolluted industrial process waters into any sanitary sewer. Yard drains, patio drains, catch basins, downspouts, weep tiles, perimeter drains or any other structures used for the collection and conveyance of storm water shall not be permitted to discharge either directly or indirectly, into any sanitary sewer except as provided in this Chapter. Storm water and all other unpolluted drainage shall be discharged into such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the City Engineer and/or the MDEQ. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the Chief Building Inspector into a storm sewer, combined sewer or natural outlet.

(Rev. 01-13-03)

19.05.02 Except as hereinafter provided, no person shall discharge any industrial or commercial type wastes into the Troy sewer system, which is deleterious to the public health and safety of the people of the City of Troy. Any waste will be considered deleterious that may cause damaging effects as stated under General Conditions and/or does not conform to the limitations stated under Specific Conditions.

(Rev. 04-01-64)

(1) General Conditions:

(A) Chemical reaction, either directly or indirectly, with the materials of construction to impair the strength or durability of sewer structures.

(B) Mechanical action that will destroy or damage the sewer structures.

(C) Restriction of the hydraulic capacity of sewer structures.

(D) Restriction of the normal inspection or maintenance of the sewer structures.

(E) Placing of unusual demands on the sewage treatment equipment or process.

(F) Limitation of the effectiveness of the sewage treatment process.

(G) Danger to public health and safety.

(H) Obnoxious conditions inimical to the public interest.

(I) Any conditions not listed above that are prohibited by the DWSD or are prohibited by the MDEQ and/or Federal Clean Water Act.
(Rev. 01-13-03)

(2) Specific Conditions:

(A) Acidity or alkalinity must be neutralized to a pH of 7.0 as a daily average on a volumetric basis, with a maximum temporary variation of pH 5.0 to 10.0.

(B) Must not contain more than 10 P.P.M. of the following gases: Hydrogen sulfur dioxide, oxides of nitrogen, or any of the halogens.

(C) Must not contain any explosive substance.

(D) Must not contain any flammable substance with a flash point lower than 187 degrees F.

(E) Must have a temperature within the rage of 32 degrees to 150 degrees F.

(F) Must not contain grease or oil or other substance that will solidify or become viscous at temperatures between 32 degrees and 150 degrees F.

(G) Must not contain insoluble substance in excess of 10,000 P.P.M. or exceeding a daily average of 500 P.P.M.

(H) Must not contain total solids (soluble and insoluble substance) in excess of 20,000 P.P.M., or exceeding a daily average of 2,000 P.P.M.

(I) Must not contain soluble substance in concentrations that would increase the viscosity to greater than 1.1 specific viscosity.

(J) Must not contain insoluble substance having a specific gravity greater than 2.65.

(K) Must not contain insoluble substance that will fail to pass a No. 8 standard sieve, or having any dimension greater than 1/2 inch.

(L) Must not contain gases or vapors, either free or occluded, in concentrations toxic or dangerous to humans or animals.

(M) Must not have a chlorine demand greater than 15 P.P.M.

(N) Must not contain more than 100 P.P.M. of an antiseptic substance.

(O) Must not contain phenols in excess of .005 P.P.M.

(P) Must not contain any toxic or irritating substance, which will create conditions hazardous to public health and safety.

(Q) Must not contain in excess of 100 P.P.M. or exceed a daily average of 25 P.P.M. of any grease or oil or any oily substance.

(R) Must meet all requirements for discharging into the DWSD public sanitary sewer system.

All of the preceding standards and regulations are to apply at the point where industrial or commercial type wastes are discharged into a public sewer and all chemical and/or mechanical corrective treatment must be accomplished to practical completion before this point is reached.

INTERCEPTORS

19.06.01 Grease, oil and sand interceptors shall be provided when in the opinion of the Building Inspector and/or the MDEQ they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any inflammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Building Inspector and/or the MDEQ and shall be located so as to be readily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be substantially constructed, water-tight, and equipped with easily removable covers which when bolted in place shall be gas-tight and water-tight.

(Rev. 04-01-64)

19.06.02 Interceptor Maintenance. Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

(Rev. 04-01-64)

PRELIMINARY TREATMENT FACILITIES

19.07.01 Preliminary Treatment Facilities. The admission into the public sewers of any waters or wastes having (1) a five (5) day BOD greater than 300 parts per million by weight, or (2) containing more than 350 parts per million by weight of suspended solids, or (3) containing any quantity or substance having the characteristics described in Section 19.05.02 or (4) having a daily average flow greater than two (2%) percent of the average daily sewage flow of the City of Troy, shall be subject to the review and approval of the City Council and/or the MDEQ or the DWSD. Where necessary in the opinion of the City Council and/or the MDEQ or the DWSD, the owner shall provide, at his expense, such preliminary treatment as may be necessary to (1) reduce the BOD to 300 parts per million and the suspended solids to 350 parts per million by weight, or (2) reduce objectionable characteristics or constituents to within the maximum limits provided for in Section 19.05.02, or (3) control the quantities and rates of discharge of such waters or wastes. Plans, specifications and any other pertinent information relating to the proposed preliminary treatment facilities shall be submitted for approval of the City Council and/or of the MDEQ or the DWSD and no construction of such facilities shall be commenced until said approvals are obtained in writing.

(Rev.01-13-03)

19.07.02 Maintenance of Preliminary Facilities. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained in satisfactory and effective operation, by the owner at his expense.

(Rev. 04-01-64)

19.07.03 Control Manholes. When required by the City Council and/or the MDEQ or the DWSD, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the City Council. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

(Rev. 01-13-03)

19.07.04 Measurements and Tests. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage" and shall be determined at the control manhole or upon suitable samples being taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest down-stream manhole in the public sewer to the point at which the building sewer is connected.

(Rev. 09-25-78)

19.07.08 Agreements. No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the said City for treatment, subject to the payment by the industrial concern of the estimated cost of such treatment.

(Rev. 04-01-64)

PROTECTION FROM DAMAGE

19.08 No unauthorized person shall break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment, which is a part of the municipal sewerage system. No person, firm or corporation shall place earth, debris, landscaping or other materials in a manner that will obstruct, obscure or prevent normal access to or operation of any manhole, siphon chamber, pumping station, meter chamber or other sewerage system appurtenance. The Superintendent may order the removal of said materials. The expenses incurred in the removal shall be a debt to the City from the responsible person, firm or corporation, and shall be collected as any other debt to the City.

(Rev. 09-25-78)

SURFACE AND GROUND WATER DISPOSAL

19.09.01 Yard drains, patio drains, catch basins, downspouts, sump pumps or any structures used for the collection and conveyance of storm water shall not be permitted to discharge into any sanitary sewer. Any such structure which conveys storm water either directly or indirectly to any sanitary sewer shall be disconnected or altered so as to remove the possibility of such conveyance.

19.09.02 No weep tile connection to the sanitary sewer system or below grade patio drain made after the original adoption of this Section, February 19, 1968, shall be considered legal and such connections made after that date shall be promptly disconnected.

19.09.03 In the case of buildings with weep tiles or below grade patio drains which were permitted to be connected to the sanitary sewer prior to said date, the surface around the building shall be sloped so as to provide positive drainage of all roof and surface areas away from the building. Where weep tiles are connected to the sanitary sewer, downspouts shall be so constructed or altered that they do not discharge into any flower or shrub bed adjacent to a building wall, nor upon the ground within five (5) feet of the building wall. When the building is located less than five (5) feet from

the property line or when there are other practical difficulties, the downspouts shall be discharged in a manner approved by the Chief Building Inspector.

19.09.04 Downspout piping shall in all cases be permanently affixed to the building wall and shall be anchored at the discharge end.

(Rev. 06-21-99)

19.09.05 Requirements for Bulkhead. On all new lateral lines, a watertight bulkhead shall be installed to prohibit water, sand or other material from entering the existing sewer system. Such bulkhead shall be left in place until removal is authorized by the City Engineer.

(Rev. 09-09-68)

19.09.06 Ground Water Infiltration. A test for water infiltration into any newly constructed sewer system shall be performed by the owner or contractor in accordance with the procedures established by the City of Troy Engineering Department. When the owner or contractor has determined that the system meets the following requirements for maximum infiltration, he shall arrange for the results of such test to be verified by the Engineering Department.

19.09.07 Ground water infiltration at any time shall not exceed 250 U.S. gallons per inch of pipe diameter per mile of sewer per 24 hours for the overall system, nor shall infiltration exceed 500 U.S. gallons per inch of diameter per mile of pipe per 24 hours for any individual run between manholes. It shall be the responsibility of the owner or contractor to whom the permit was issued to make whatever corrections as may be necessary to the system to meet the infiltration requirement prior to using the sanitary sewer.

(Rev. 09-09-68)

ENFORCEMENT - PENALTIES

19.10.01 Inspectors. The Building Department Inspector of the City of Troy and other duly authorized officials or employees of the City and agents of the MDEQ, Oakland County Health Department, or the DWSD bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling, and testing, in accordance with the provisions of this chapter at any time during reasonable or usual business hours. Any person guilty of refusing or obstructing such entry shall be guilty of a violation of this code.

19.10.02 Notice to Cease Violation. Any person found to be violating any

provisions of this chapter except Section 19.04.08, 19.05.02, 19.05.01,19.08, and 19.10.03 shall be served by the City of Troy with written notice stating the nature of such violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of the time stated in such notice, take such corrective action as may be necessary.

(Rev. 06-19-72)

19.10.03 Continued Violation. Any person who shall continue any violation beyond the time limit provided shall upon conviction thereof, be fined not less than Twenty-Five ($25.00) nor more than Five Hundred ($500.00) Dollars, or by imprisonment for not more than ninety (90) days, or by both fine and imprisonment in the discretion of the court. Each day or fraction of a day in which such violation shall continue shall be deemed a separate offense. Any officer, agent, or employee guilty of aiding or abetting such violation, or, being responsible therefore, refuses or neglects to take corrective action, shall be guilty as a principal.

(Rev. 09-25-78)

19.10.04 Civil Liability. Any person violating any of the provisions of this chapter shall be liable to the City of Troy for any expense, loss or damage occasioned to the City of Troy by reason of such violation, and recovery therefore may be had in an appropriate action in any court of competent jurisdiction.

(Rev. 04-01-64)

19.10.05 Abatement in Equity. Any continued violation, after due notice as provided in Section 2.91, shall be deemed a public nuisance, per se, and may be abated by suit in equity by the City of Troy in any court of competent jurisdiction. This remedy shall be in addition to those heretofore provided.

(Rev. 09-09-69)

19.10.06 Severability. If any portion of this Chapter is for any reason held invalid or unenforceable, such portion shall be deemed to be a separate and independent provision from the remainder of this Chapter, and shall have no effect on the validity or enforceability of the remainder of this Chapter.

(Rev. 01-13-03)

TO: Mayor and Members of Troy City Council
FROM: John Szerlag, City Manager
John Lamerato, Assistant City Manager/Finance and Administration
Tonni Bartholomew, City Clerk
Lori Grigg Bluhm, City Attorney
DATE: August 11, 2005
SUBJECT: Replacement of November 2005 Ballot Proposals

In Resolution # 2005-07-346 and Resolution # 2005-08-382, the Troy City Council approved twelve separate ballot proposals for the November 8, 2005 General election. These resolutions were then forwarded to the Governor and her legal counsel, the Attorney General, the Secretary of State, and the Oakland County Clerk. However, it is the Attorney General's Office that serves as the gateway to allowing ballot proposals to go forward. Assistant Attorney General George Elworth has reviewed Troy's 2005 ballot proposals, and has authorized the consolidation of the first four proposed ballot questions into two separate questions. He has also offered suggested replacement language for the remaining proposals, which does not change the initial intent of the proposals. City Administration recommends approval of the ten replacement ballot questions.

In an effort to clarify the issue, a document has been prepared that sets forth the suggested replacement ballot language for the ten proposals (black lettering). For each recommended proposal, the document also sets forth the previously approved ballot proposals, Resolutions #2005-07-346 and #2005-08-382 (red lettering); the current charter language (green lettering); and the language as it would appear in the Charter if the proposal is adopted in blue lettering.

City Administration recommends approval of the replacement ballot questions, as recommended by the Attorney General. If you have any questions concerning the above, please let us know.

Charter Amendment Proposal 1

(consolidates previous proposals A and B- after consultation with Michigan Attorney General's office)

AMENDMENT OF SECTIONS 3.4 (TERMS OF OFFICE) AND 7.5 (ELECTIVE OFFICERS AND TERMS OF OFFICE) OF THE TROY CITY CHARTER TO REFLECT THE CURRENT FOUR-YEAR TERMS OF THE MAYOR AND CITY COUNCIL MEMBERS

Shall Sections 3.4 (Terms of Office) and 7.5 (Elective Officers and Terms of Office) of the Troy City Charter be amended by deleting section 7.5 and incorporating the former section 7.5 as the first sentence of section 3.4 with the terms of the Mayor and the Council Members being four years to reflect the change from three years to four years on account of the 2004 Election Consolidation Legislation and providing that these terms expire at 7:30 pm (rather than 8 pm) on the first Monday following the regular City election in the fourth year of these terms? (98 words)

Previously approved Charter Amendment Proposal A and B

Charter Amendment Proposal 05-A

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 3.4 – TERMS OF OFFICE – TO MOVE AND INCORPORATE SECTION 7.5 – ELECTIVE OFFICERS-TERMS OF OFFICE

Shall Section 3.4 (Terms of Office) of the Troy Charter be amended by moving and incorporating Section 7.5 (Elective Officers – Terms of Office) of the Troy Charter in its entirety?

Charter Amendment Proposal 05-B

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 3.4 – TERMS OF OFFICE – TO REVISE THE TERMS OF THE MAYOR AND COUNCIL MEMBERS FROM THREE (3) TO FOUR (4) YEAR TERMS TO IMPLEMENT ELECTION CONSOLIDATION REVISIONS TO THE MICHIGAN ELECTION LAW

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?

Existing Charter Language

Section 3.4- Terms of Office:
City Council Members and the Mayor shall be elected for terms of three (3) years and shall serve until 8 o'clock p.m. on the first Monday following the regular election of the third year of their term.

Section 7.5- 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.

Revised Charter Provision (If Proposal Passes)

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.

Charter Amendment Proposal 2

(consolidates previous proposals C and D- after consultation with Michigan Attorney General's office)

AMENDMENT TO RE-NUMBER SECTION 7.5.5 OF THE TROY CITY CHARTER AS SECTION 3.4.1, ADD A TITLE TO THE SECTION, AND CHANGE THE SECTION'S DEFINITION OF "TERM" IN ITS THIRD SENTENCE

Shall Section 7.5.5 of the Troy City Charter be re-numbered as section 3.4.1 to state as follows:

> "3.4.1- Elective Officers Term Limitations
> Any 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" ? (77 words)

Previously approved Charter Amendment Proposal C and D

Charter Amendment Proposal 05-C

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 7.5.5 – TO RENUMBER SECTION 7.5.5 TO 3.4.1 AND TITLE THE NEW SECTION AS "ELECTIVE OFFICERS TERM LIMITATIONS"

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

Charter Amendment Proposal 05-D

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 7.5.5 – TO REVISE THE DEFINITION OF THE TERM OF OFFICE OF THE MAYOR AND CITY COUNCIL MEMBERS

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"?

Existing Charter Language

Section 7.5.5
Any 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. This amendment shall apply only to terms starting after passage of this amendments.

Revised Charter Provision (If Proposal Passes)

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.

Charter Amendment Proposal 3

(After consultation with Michigan Attorney General's office)

PROPOSAL FOR A NEW SECTION 3.4.2 (STAGGERING TERMS OF OFFICE) OF THE TROY CITY CHARTER TO PROVIDE FOR THREE COUNCIL MEMBERS TO BE ELECTED TO FOUR-YEAR TERMS EVERY TWO YEARS

In lieu of the current provision under the 2004 election consolidation legislation for four council members and the Mayor to be elected in 2007 and every four years thereafter and two council members to be elected in 2009 and every four years thereafter, shall section 3.4.2 be added to the Troy City Charter to provide for a two-year transitional term (2007-2009) for one council member, so that the Mayor and three members of the council will be elected in 2007 and every four years thereafter and three members will be elected in 2009 and every four years thereafter? (98 words)

Previously approved Charter Amendment Proposal E

Charter Amendment Proposal 05-E

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 3.4.2 – CITY COUNCIL MEMBER STAGGERING OF TERMS – TO RE-ESTABLISH THE STAGGERING OF CITY COUNCIL MEMBERS DISTRUPLTED BY THE IMPLEMENTATION OF ELECTION CONSOLIDATION REVISIONS TO THE MICHIGAN ELECTION LAW

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?

Existing Charter Language

None

Revised Charter Provision (If Proposal Passes)

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.

Charter Amendment Proposal 4

(After consultation with the Michigan Attorney General's office)

AMENDMENT OF SECTION 7.3 (ELECTION DATE) OF THE TROY CITY CHARTER TO REFLECT THE CURRENT REQUIREMENT FOR REGULAR ELECTIONS IN NOVEMBER OF EACH ODD- NUMBERED YEAR

Shall Section 7.3 (Election Date) be amended to provide for regular City elections in November of each odd-numbered year to reflect the current requirements of the 2004 election consolidation legislation? (30 words)

Previously approved Charter Amendment Proposal F

Charter Amendment Proposal 05-F

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 7.3 – ELECTION DATE - TO CHANGE THE CITY REGULAR GENERAL ELECTION DATE FROM APRIL TO NOVEMBER TO IMPLEMENT THE ELECTION CONSOLIDATION REVISION TO THE MICHIGAN ELECTION LAW

Shall Section 7.3 of the Troy 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?

Existing Charter Language

Section 7.3- Election Date:
A regular City election shall be held on the first 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.

Revised Charter Provision (If Proposal Passes)

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.

Charter Amendment Proposal 5

(After consultation with Michigan Attorney General's office)

PROPOSAL TO RE-STATE SECTION 7.6 (SPECIAL ELECTION) OF THE TROY CITY CHARTER

Shall Section 7.6 of the Troy City Charter be re-stated by providing: "Special City elections shall be called in the manner and time as provided by State Statute" 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"? (92 words)

Previously approved Charter Amendment Proposal G

Charter Amendment Proposal 05-G

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 7.6 – SPECIAL ELECTIONS – TO SCHEDULE SPECIAL ELECTIONS IN ACCORDANCE WITH MICHIGAN ELECTION LAW AS REQUIRED BY THE IMPLEMENTATION OF ELECTION CONSOLIDATION REVISIONS TO THE MICHIGAN ELECTION LAW

Shall Section 7.6 of the Troy Charter be revised to implement election consolidation, 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"?

Existing Charter Language

Section 7.6- Special Election:
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.

Revised Charter Provision (If Proposal Passes)

Section 7.6- Special Election:
Special City Elections shall be called in the manner and time as provided by State Statute.

Charter Amendment Proposal 6

(After consultation with the Michigan Attorney General's office)

PROPOSAL TO AMEND SECTION 7.9 (NOMINATIONS) OF THE TROY CITY CHARTER TO DELETE A PROVISION THAT IS INCONSISTENT WITH MICHIGAN ELECTION LAW

Shall the second and third sentences of Section 7.9 (Nominations) of the Troy City Charter, rejecting any signatures on nominating petitions where a voter has signed more nominating petitions for candidates for any city office than there are persons to be elected to that office, be deleted to reflect that the counting of some of these signatures is permitted under the provisions of section 547(a) of the Michigan Election Code (MCL 168.547(a))? (72 words)

Previously approved Charter Amendment Proposal H

Charter Amendment Proposal 05-H

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 7.9 – NOMINATIONS - TO ELIMINATE A CONFLICT IN THE CHARTER WITH THE MICHIGAN ELECTION LAW

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"?

Existing Charter Language

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.

Revised Charter Provision (If Proposal Passes)

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.

Charter Amendment Proposal 7

(After consultation with the Michigan Attorney General's office)

PROPOSAL TO AMEND SECTION 7.10 (FORM OF PETITIONS) OF THE TROY CITY CHARTER TO DELET A PROVISION THAT IS INCONSISTENT WITH MICHIGAN LAW

Shall the first sentence of Section 7.10 of the Troy City Charter be re-stated 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 substituting "Nominating petitions shall be in a form as provided by Michigan Election Law"? (80 words)

Previously approved Charter Amendment Proposal I

Charter Amendment Proposal 05-I

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 7.10 – FORM OF PETITIONS - TO ELIMINATE A CONFLICT IN THE CHARTER WITH MICHIGAN ELECTION LAW

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"?

Existing Charter Language

Section 7.10- Form of Petitions:
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.

Revised Charter Provision (If Proposal Passes)

Section 7.10- Form of Petitions:
Nominating Petitions shall be in a form as provided by State Statue. A supply of official petition forms shall be provided and maintained by the Clerk.

Charter Amendment Proposal 8

(After consultation with the Michigan Attorney General's office)

PROPOSAL TO AMEND SECTION 5.13 (SUBMISSION OF INITIATORY AND REFERENDARY ORDINANCES TO ELECTORS) OF THE TROY CITY CHARTER, REGARDING ITS REQUIREMENTS FOR SPECIAL ELECTIONS FOR INITIATIVE PROPOSALS

Shall section 5.13 of the Troy City Charter be amended to delete the 60 day deadline for the City Council to call a special election for an initiative proposal, where the Council declines to enact the proposal as an ordinance and no election is to be held in the City for any other purpose within 150 days from the date the proposal is presented to the Council, to provide that these special elections shall be scheduled in accordance with Michigan election law and to specify that Council decisions under this section shall be by affirmative vote of the members elect? (100 words)

Previously approved Charter Amendment Proposal J

Charter Amendment Proposal 05-J

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 5.13 – SUBMISSION OF INITIATORY AND REFERENDARY ORDINANCE TO ELECTORS – TO SCHEDULE SPECIAL ELECTIONS IN ACCORDANCE WITH MICHIGAN ELECTION LAW AS REQUIRED BY THE IMPLEMENTATION OF ELECTION CONSOLIDATION REVISIONS TO THE MICHIGAN ELECTION LAW

Shall Section 5.13, Submission of Initiatory and Referendary Ordinance to Electors, be amended to implement election consolidation revisions to Michigan Election Law, by providing for the scheduling of the election in accordance with State Election Law and striking "within sixty days from such date of presentation for the submission of the initiative proposal" with the submittal to be made by an affirmative vote of the Council members elect?

Existing Charter Language

Section 5.13- Submission of Initiatory and Referendary Ordinances to Electors:

Should the Council decide to submit the proposal to the electors, it shall be submitted at the next election held in the city for any other purpose, or, in the discretion of the Council, at a special election called for that specific purpose. In the case of any initiatory petition, if no election is to be held in the city for any other purpose within one hundred fifty days from the time the petition is presented to the Council and the Council does not enact the ordinance, then the Council shall call a special election within sixty days from such date of presentation for the submission of the initiative proposal. The result of all

elections held under the provisions of this section shall be determined by a majority vote of the electors voting thereon, except in cases where otherwise required by statute or the Constitution.

Revised Charter Provision (If Proposal Passes)

Section 5.13- Submission of Initiatory and Referendary Ordinances to Electors:
Should the Council, by an affirmative vote of the members elect, decide to submit the proposal to the electors, it shall be submitted at the next election held in the City for any other purpose, or, in the discretion of the Council, at a special election called for that specific purpose in accordance with State Election Law. In the case of any initiatory petition, if no election is to be held in the City for any other purpose within one hundred fifty days from the time the petition is presented to the Council and the Council does not enact the ordinance, then the Council shall call a special election in accordance with State Election Law. The result of all elections held under the provisions of this section shall be determined by a majority vote of the electors voting thereon, except in cases where otherwise required by Statute or the Constitution.

Charter Amendment Proposal 9

(After consultation with the Michigan Attorney General's office)

A PROPOSAL TO ADD SECTION 7.9.5 (COUNCIL INITIATED BALLOT QUESTIONS) TO THE TROY CITY CHARTER TO ALLOW CITY COUNCIL TO PLACE ADVISORY QUESTION ON REGULAR CITY ELECTIONS BALLOTS

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? (42 words)

Previously approved Charter Amendment Proposal K

Charter Amendment Proposal 05-K

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 7.9.5 – COUNCIL INITIATED BALLOT QUESTIONS - TO ALLOW CITY COUNCIL TO PLACE ADVISORY QUESTION ON REGULAR CITY ELECTIONS BALLOTS

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?

Existing Charter Language

None

Revised Charter Provision (If Proposal Passes)

Section 7.9.5- Submission of Council Initiated Advisory Ballot Questions to Electors:

Should the Council, by an affirmative vote of the members elect, decide to submit an advisory ballot question to the electors, it shall be submitted at the next Regular City Election. The results of all elections held under the provisions of this section shall be determined by a majority vote of the electors voting thereon except in cases where otherwise required by Statue or the Constitution.

Charter Amendment Proposal 10

(After consultation with the Michigan Attorney General's office)

PROPOSAL TO AMEND SECTION 12.3 (RESTRICTION ON POWERS TO LEASE PROPERTY) OF THE TROY CHARTER TO SUBJECT LONG TERM USE AGREEMENTS TO THE RESTRICTIONS ON LEASING AND RENTING CITY PROPERTY SET FORTH IN THAT SECTION

Shall Section 12.3 of the Troy City Charter be amended to subject long-term (more than 3 years) use agreements to the restrictions in this section for the leasing or renting of City property, including the requirements for fair consideration as determined by the city council and the provision for referendum petitions for such agreements? (54 words)

Previously approved Charter Amendment Proposal L

Charter Amendment Proposal 05-L

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 12.3 – RESTRICTION ON POWERS TO LEASE PROPERTY - TO INCLUDE LONG-TERM USE AGREEMENTS AS AN ADDITIONAL TYPE OF OWNERSHIP

Shall Section 12.3, Restriction on Powers to Lease Property, be amended to include long-term use agreements as an additional type of ownership that is subject to the City's same restriction on powers to lease property procedure for renting or leasing of public property?

Existing Charter Language

Section 12.3- Restriction on Powers to Lease Property:
Any agreement or contract for the renting or leasing of public property to any person for a period longer than three years shall be subject to the same referendum procedure as is provided in the case of ordinances passed by the Council but any petition for such referendum must be filed within thirty days after publication of the proceedings of the meeting of the Council at which such agreement or contract is authorized.

The transfer or assignment of any agreement or contract for such renting or leasing of public property may be made only upon approval of the Council but approval of such transfer shall not be subject to referendum.

Rentals and leases and renewals thereof shall be for a fair consideration as determined by the Council.

Revised Charter Provision (If Proposal Passes)

Section 12.3- Restriction on Powers to Lease Property:
Any agreement or contract for the renting or leasing or long term use of public property to any person for a period longer than three years shall be subject to the same referendum procedure as is provided in the case of ordinances passed by the Council, but any petition for such referendum must be filed within thirty days after publication of the proceedings of the meeting of the Council at which such agreement or contract is authorized.

The transfer or assignment of any agreement or contract for such renting or leasing or long-term use agreements exceeding three years for public property may be made only upon approval of the Council, but approval of such transfer shall not be subject to referendum.

Rentals, leases, and long-term use agreements exceeding three years, and renewals thereof shall be for a fair consideration, as determined by the Council.

DATE: August 3, 2005

TO: John Szerlag, City Manager

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

SUBJECT: Agenda Item - Announcement of Public Hearing
Commercial Vehicle Appeal
2239 E. Maple Road

On April 28, 2003, City Council approved a request from Mr. Roger Coley for approval to park two dump trucks and a commercial trailer on his property on East Maple Road. That approval was for a period of two years and has now expired. In response to our contact with Mr. Coley regarding the status of the vehicles, Mr. Coley has submitted an application seeking Council's approval to continue parking one of the dump trucks on the property. The other dump truck and trailer are no longer parked on the property.

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 September 12, 2005.

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

Attachments

Prepared by: Mark Stimac, Director of Building and Zoning

RECEIVED
JUL 25 2005
BUILDING DEPT.

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: Roger Coley

ADDRESS: 2239 E. MAPLE RD

CITY: TROY MI. ZIP: 48083 PHONE: 248-528-0263

ADDRESS OF SITE: 2239 E. MAPLE RD TROY MI 48083

NUMBER OF VEHICLES: 2

VEHICLE IDENTIFICATION NUMBER(S) 1996 CHEV DUMP # 1-GBKC34F5T5107466 PLATE # ZW 9802
1997 1997 FORD PICKUP # 1FTHF36H7VEA31076 - # PLATE 4196 DU

LICENSE PLATE NUMBER(S)

DESCRIPTION OF VEHICLE(S) 1996 CHEV 3500 SERIES SMALL DUMP TRUCK (3 YARD DUMP TRUCK) 1997 FORD PICK UP TRUCK

REASON FOR APPEAL (see A - D below) (D) WE HAVE HAD AND PARKED OUR TRUCK'S HERE FOR OVER 25 YEARS AND WE HAVE 6 FT. WOODEN FENCE AROUND BACK YARD

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..

Roger Coby
(signature of applicant)

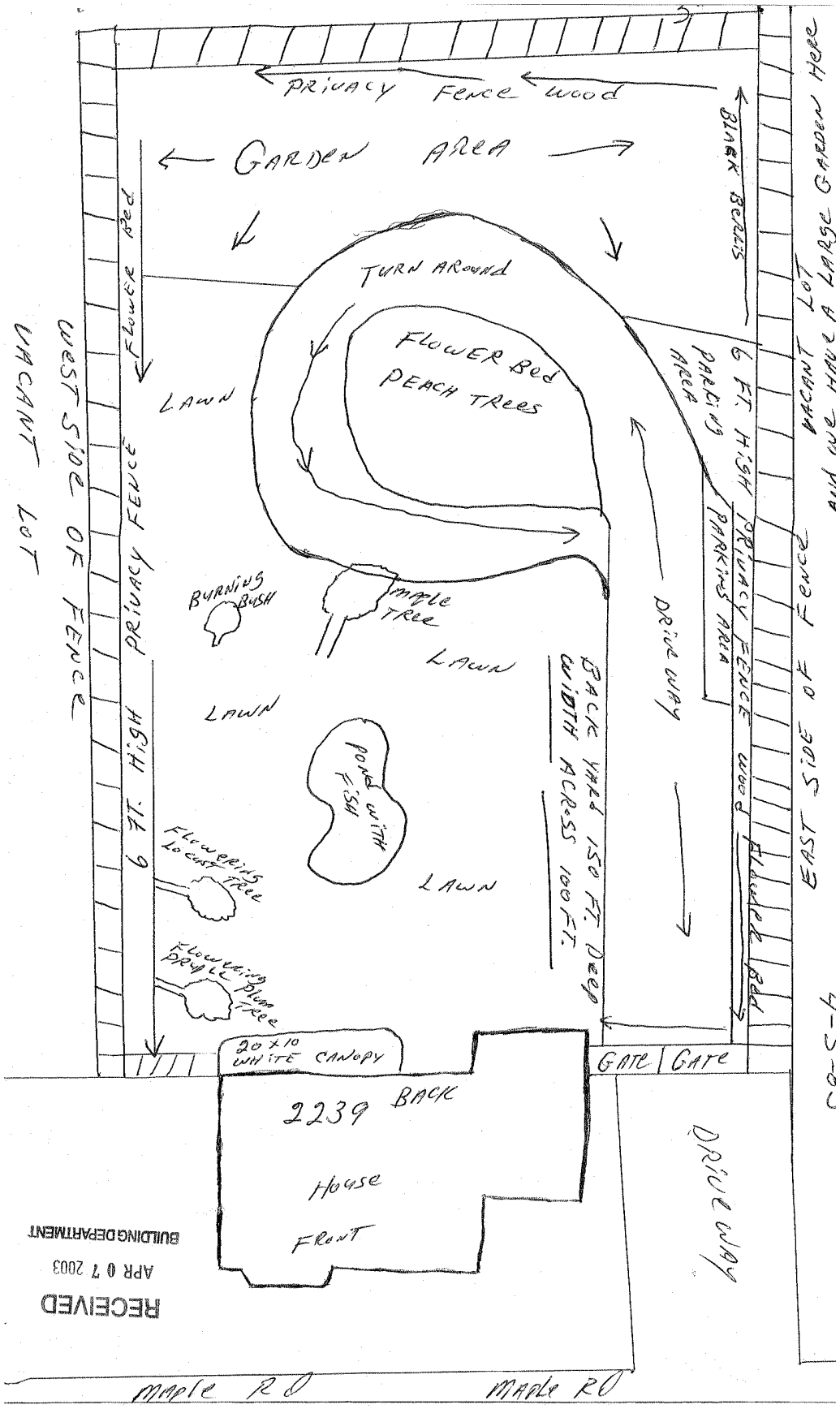
STATE OF MICHIGAN
COUNTY OF Macomb acting in Oakland

On this 25th day of July, 2005 before me personally appeared the above named person who depose and sayeth that he/she signed this application with full knowledge of its contents and that all matters stated therein are true.

Dawn C. Travis
Notary Public, Macomb County, Michigan
acting in Oakland

My Commission Expires: Mar 6, 2012

DAWN C. TRAVIS
NOTARY PUBLIC, STATE OF MI
COUNTY OF MACOMB
MY COMMISSION EXPIRES Mar 6, 2012
ACTING IN COUNTY OF



RECEIVED
APR 07 2003
BUILDING DEPARTMENT

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

Area code (248)

Assessing
524-3311

Bldg. Inspections
524-3344

Bldg. Maintenance
524-3368

City Clerk
524-3316

City Manager
524-3330

Community Affairs
524-1147

Engineering
524-3383

Finance
524-3411

Fire-Administration
524-3419

Human Resources
524-3339

Information Services
619-7279

Law
524-3320

Library
524-3545

Parks & Recreation
524-3484

Planning
524-3364

Police-Administration
524-3443

Public Works
524-3370

Purchasing
524-3338

Real Estate & Development
524-3498

Treasurer
524-3334

General Information
524-3300

RECEIVED
JUL 25 2005
BUILDING DEPT.

June 24, 2005

Roger Coley
2239 E. Maple
Troy, MI 48083

Subject: 2239 E. Maple - Commercial Vehicles

Dear Mr. Coley:

On April 25, 2005, the Troy City Council approved your appeal to park two dump trucks at the residential property listed above for a period of two years.

If it is your intent to continue to park the vehicles at this location, you must submit the enclosed Commercial Vehicle Appeal application to our office by July 8, 2005 or the vehicles must be removed from the residential property.

You may call me at 248-524-3359 if you have questiions.

Sincerely,

Marlene Struckman
Inspector Supervisor

To whom it may concern:

Rose and Roger have been our neighbors since January of 2005 and we hope they will be for a long time. They are hardworking people also very caring and always share their vegetables and fruits from their garden with us. We are very happy with them and they are wonderful neighbors. We will always talk on their behalf for any cause.

Sincerely, Joni Chami

Thursday, July 28, 2005

2251 E. MAPLE
Troy MI 48083

(248) 740-0693

RECEIVED
JUL 29 2005
BUILDING DEPT.

Allan H. Silverman
3750 W. Eleven Mile Rd.
Berkley, Michigan 48072

To Whom It May Concern:

Please be advised that Mr. & Mrs. Roger Coley have occupied this residence for approximately twenty four years and have had permission to park any type of vehicle and equipment that their occupation would require having. Hoping this letter satisfies your request.

I remain yours truly,

Allan H. Silverman
Owner of the Property
2239 E. 15 Mile
Troy, Michigan 48083
PH 1-248-763-0448

RECEIVED
JUL 29 2005
BUILDING DEPT.

To whom it may concern:

I have lived next door to Rose and Roger for about a year. I have not had any problems with them, their trucks, or landscaping equipment. Their lot is clean and has a lot of good landscaping. They are good people to have as neighbors. They let me use water an electric when I was building.

Sincerely,
Robert Azzo
2195 MAPLE
7-28-05
248-376-2963

RECEIVED
JUL 29 2005
BUILDING DEPT.

July 29, 2005

RECEIVED
JUL 29 2005
BUILDING DEPT.

Whom ~~July 29~~ May Concern -

We have lived in the
h of Roger and Rose Colley
29 years and we have
er had a problem with
em.

We count our "blessings"
have such wonderful
ighbors. They have always
n kind and helping people.

Roger and Rose are hard
king people and never
e bothered anyone. What
y own they have earned.
hard laboring work!

Sincerely,
Robert and Frances Gow
2194 Virginia
Troy, Michigan

ne #
8-689-2751

RECEIVED
JUL 29 2005
BUILDING DEPT.

July 29-2005

To Whom it May Concern:

We have lived behind Rose and Roger for over 25 years, Never have we had any problems with them.

They keep there trucks clean and quiet, and do not Bother any one.

They have been Wonderful Neighbors If we need help with anything, They use their Equipment, and trucks, and there is never a charge. Every year they plant a large garden, and give a lot away to there neighbors, and They keep there property nice and clean with lots of Flowers, and Fruit Trees.

I would be more than happy, at any time to Speak on there behalf.

They are hard working people. Its amazing Rosie Still works every day, in the Summer, on landscaping, laying sod at her age.

Thank you:
- Sophie Tilley.
- W B Tilley

2228 Virginia
Troy, Michigan 48083

DATE: August 4, 2005

TO: John Szerlag, City Manager

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

SUBJECT: AGENDA ITEM – ANNOUNCEMENT OF PUBLIC HEARING (SEPTEMBER 12, 2005) – REZONING APPLICATION (Z 706) – South side of Long Lake Road, West of Calvert Drive, Section 14 – R-1C to CR-1

RECOMMENDATION

The proposed rezoning is consistent with the Future Land Use Plan. The application is compatible with abutting uses and zoning districts. The Planning Commission recommended approval of the rezoning request at the July 12, 2005 Regular Meeting. City Management recommends approval of the rezoning request.

GENERAL INFORMATION

Name of Owner / Applicant:
The owners and applicants are Maurice Gennari and Antonio Vettraino.

Location of Subject Property:
The property is located on the south side of Long Lake Road, west of Calvert Drive in Section 14.

Size of Subject Parcel:
The parcel is approximately 3.07 acres in area.

Current Use of Subject Property:
Three single family homes presently sit on the property.

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

Proposed Zoning of Subject Parcel:
CR-1 One Family Residential Cluster District.

Proposed Uses and Buildings on Subject Parcel:
The applicant proposes to construct a 10-unit cluster development, comprised of detached units, on the property. Note that it appears the applicant can only develop 9 units on the property, based on the parcel size and the permitted CR-1 density (3.07 acres x 3.1 units per acre = 9.517 units).

Current Use of Adjacent Parcels:
North: Single family residential.
South: Single family residential.
East: Single family residential.
West: Single family residential.

Zoning Classification of Adjacent Parcels:
North: R-1C One Family Residential.
South: R-1C One Family Residential.
East: R-1C One Family Residential.
West: R-1C One Family Residential.

ANALYSIS

Range of Uses Permitted in the Proposed CR-1 Zoning District and Potential Build-out Scenario:

PRINCIPAL USES PERMITTED:

One-Family dwelling units (as defined in Section 04.20.43) developed according to the standards of the One-Family Residential (R-1A through R-1E) District in effect immediately prior to the application of the CR-1 District. If the previous District was other than R-1A through R-1E, the standards of the abutting or nearest One-Family Residential District shall be applicable.

All other Principal Uses Permitted and as regulated in the R-1A through R-1E One-Family Residential Districts, as described in Section 10.20.00.

USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Planning Commission:

All uses permitted and as regulated in R-1A through R-1E, One-Family Residential, Districts, as described in Section 10.30.00 of this Chapter.

One-Family Residential Cluster Dwelling units developed in accordance with the standards of Section 11.40.00.

Vehicular and Non-motorized Access:
The parcel fronts on Long Lake Road.

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

Natural Features and Floodplains:
The Natural Features Map does not indicate any significant natural features located on the property.

Compliance with Future Land Use Plan:
The property is classified as Low Density Residential on the Future Land Use Plan. This designation correlates with R-1A through R-1E and CR-1 in the Future Land Use Plan. The application is in compliance with the Future Land Use Plan.

Compliance with Location Standards:

Article 11.40.00 of the Zoning Ordinance states that the application of the CR-1 (One Family Residential Cluster) District shall be based upon one of the following locational standards:

(A) Transition Basis
(B) Topographic Condition or Environmental Basis
(C) Difficult Parcel Configuration Basis

The applicant's letter indicates that they are applying for CR-1 zoning under the Difficult Parcel Configuration Basis. Under the Difficult Parcel Configuration Basis, CR-1 may be applied to parcels with major thoroughfare frontage, which are also physically restricted in such a manner as to make conventional single-family residential development physically unfeasible. The parcel has relatively narrow width (244 feet) that limits its development potential under R-1C.

The Planning Commission and the City Council must also find that the subject property cannot reasonably be combined with abutting properties to enable conventional single-family residential development and that the proposed District and development will not interfere with the development of the surrounding area, and will not be detrimental to the safety or convenience of vehicular and/or pedestrian traffic. It appears that the applicant would not be able to purchase abutting property, given the single-family residential character of the abutting neighborhood. Access to the property would be from Long Lake Road, a major thoroughfare; therefore traffic in abutting neighborhood would not be directly impacted.

The application qualifies under (C) Difficult Parcel Configuration Basis and therefore meets the Location Standards of the CR-1 District.

Attachments:
1. Maps.
2. Letter from petitioner, dated June 8, 2005.
3. Potential R-1C Layout with 60-foot wide right-of-way (public street).
4. Potential R-1C Layout with 40-foot wide easement (private road).
5. Minutes from July 12, 2005 Planning Commission Regular Meeting.

cc: Applicant
File (Z 706)

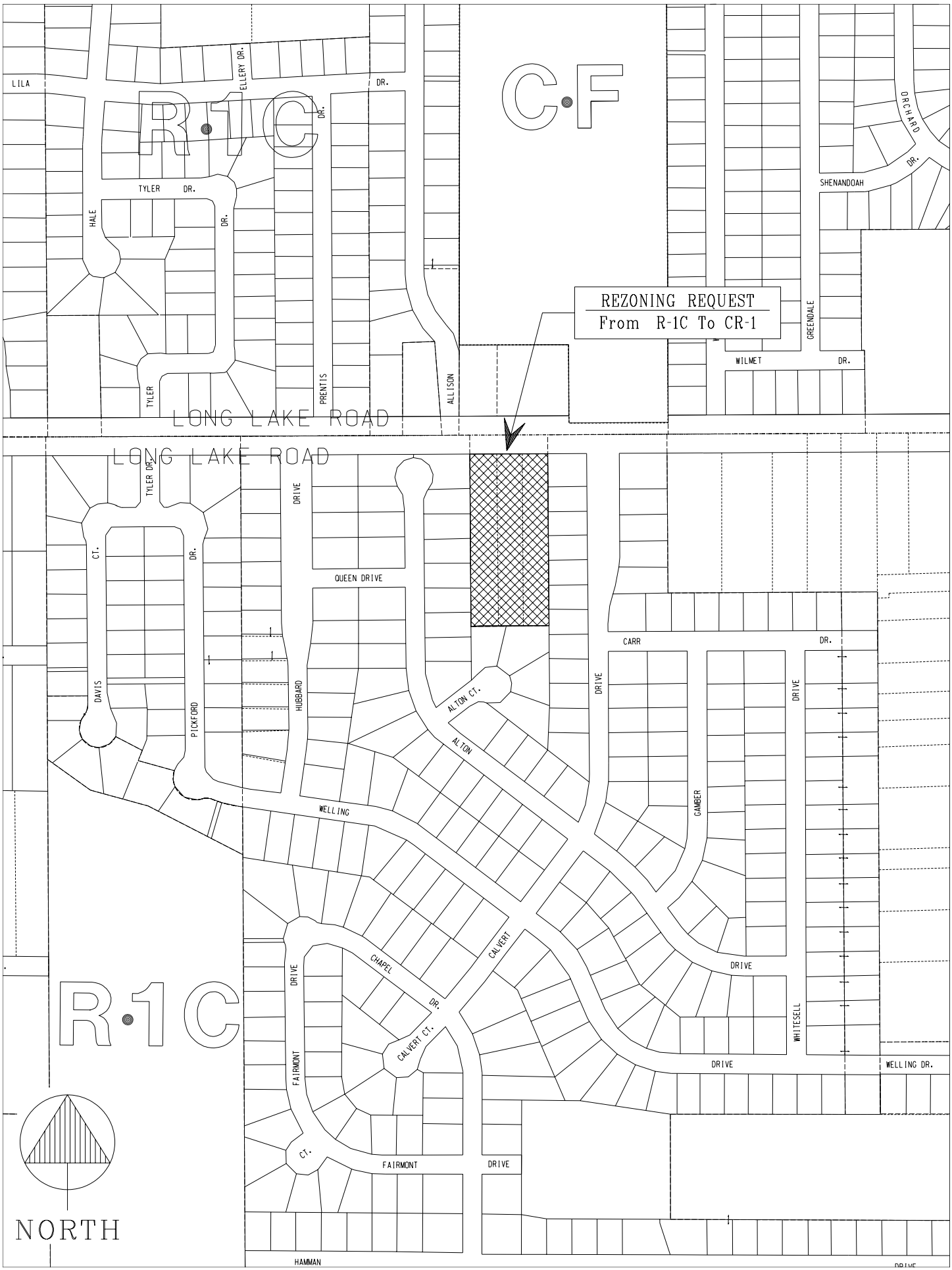
PREPARED BY RBS/MFM

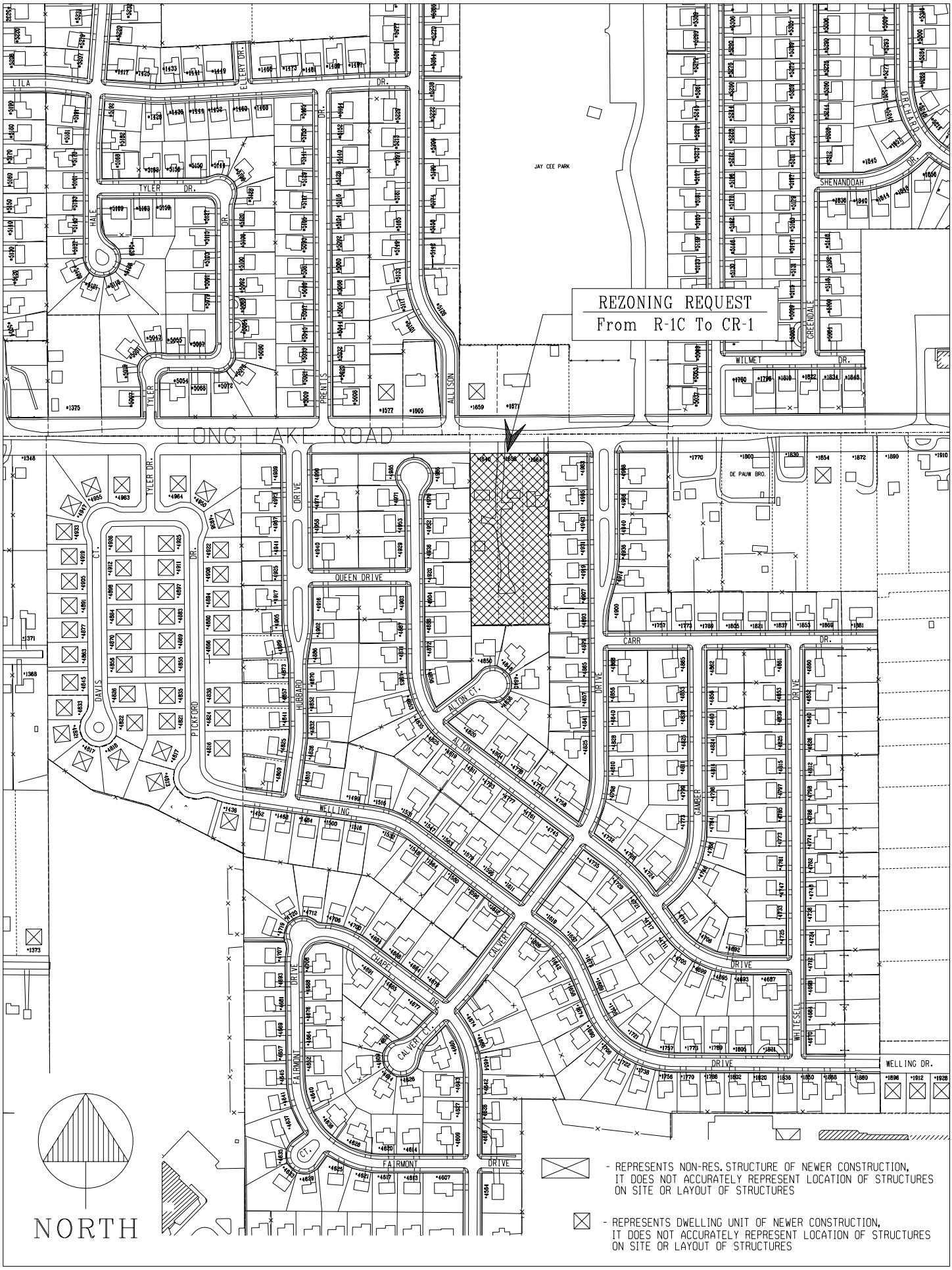
G:\REZONING REQUESTS\Z-706 Village of Tuscany Sec 14\Announce CC Public Hearing Z-706 08 15 05.doc

CITY OF TROY

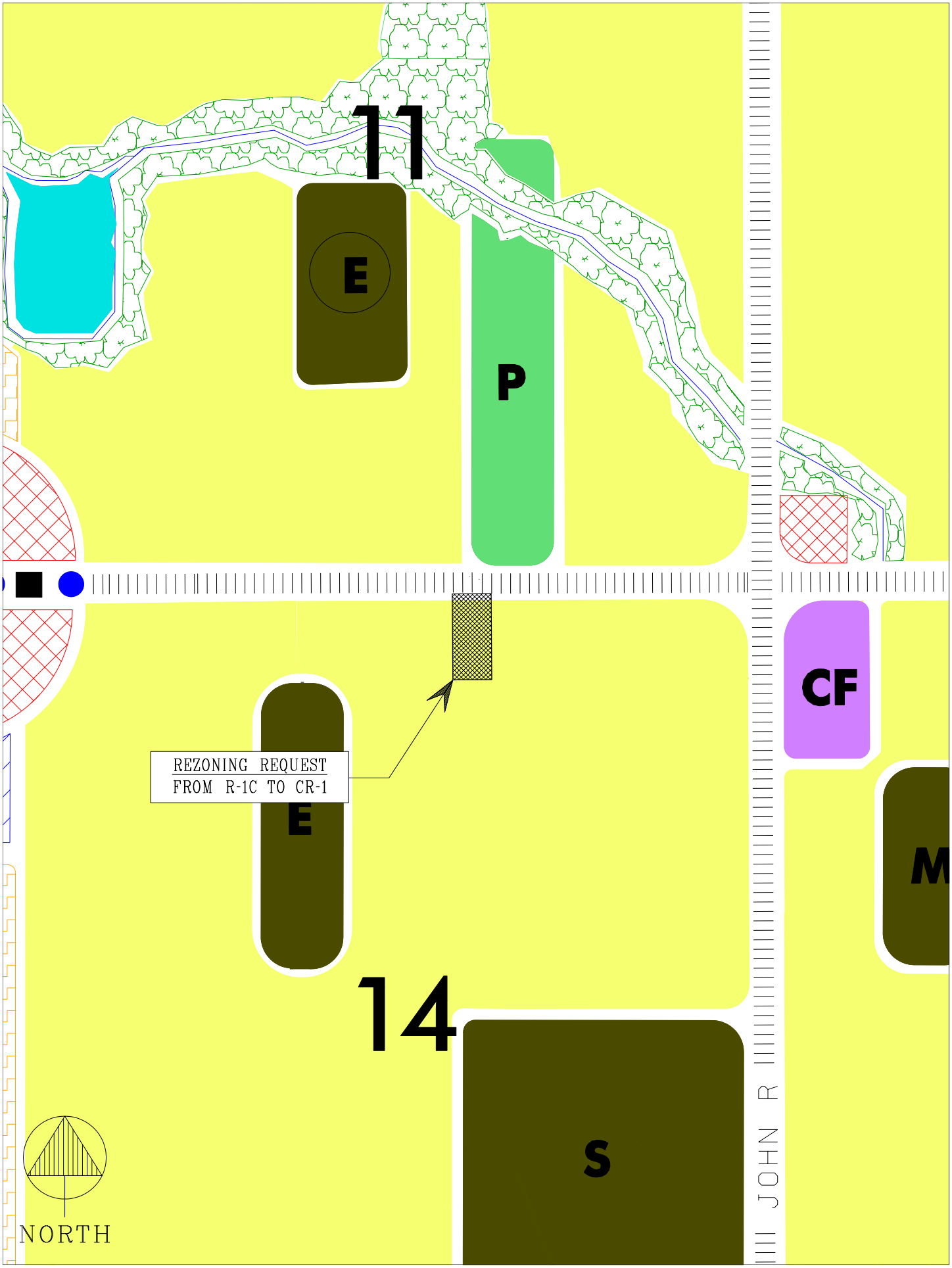
PREPARED BY CITY OF TROY PLANNING DEPT.

REZONING REQUEST
PROP. VILLAGE OF TUSCANY CLUSTER DEVELOPMENT
FROM R-1C TO CR-1
SOUTH SIDE OF LONG LAKE, WEST OF CALVERT
SEC. 14 (Z-706)
REZONING REQUEST
FROM R-1C TO CR-1
HALE
TYLER
PRENTIS
ALLISO
WESTMORELAND CT
WILMET
E LONG LAKE
TYLER
ALTON
CALVERT
QUEEN
HUBBARD
PICKFORD
DAVIS CT
CARR
ALTON CT
GAMBER
WHITESELL
WELLING
0 50 100 200 300 400
Feet


REZONING REQUEST
From R-1C To CR-1
R-1C
C-F
R-1C
LONG LAKE ROAD
LONG LAKE ROAD
LILA
ELLERY DR.
DR.
DR.
TYLER DR.
HALE
DR.
TYLER
PRENTIS
ALLISON
ORCHARD
DR.
SHENANDOAH
GREENDALE
WILMET
DR.
TYLER DR.
CT.
DR.
DRIVE
QUEEN DRIVE
DAVIS
PICKFORD
HUBBARD
ALTON CT.
ALTON
WELLING
CARR
DR.
DRIVE
DRIVE
GAMBER
DRIVE
CALVERT
CHAPEL
DR.
DRIVE
CALVERT CT.
FAIRMONT
CT.
FAIRMONT
DRIVE
WHITESELL
DRIVE
WELLING DR.
HAMMAN
NORTH



Z-706 / SEC. 14 / 06-21-05


11
E
P
CF
REZONING REQUEST
FROM R-1C TO CR-1
E
M
14
S
JOHN R
NORTH

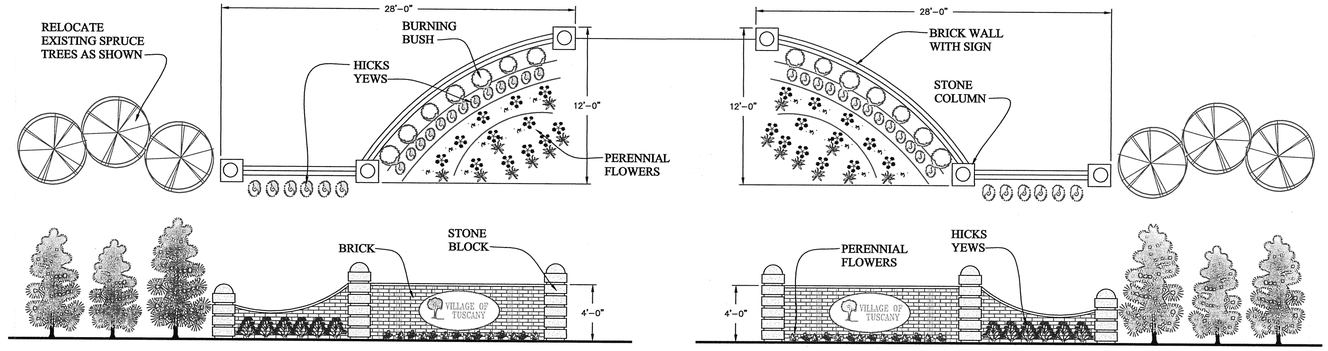
SCALE: 1"=40'

SITE CRITERIA

EXISTING ZONING: R1-C
PROPOSED ZONING: CR-1
PROPOSED USED: CLUSTER DEVELOPMENT
AREA OF SITE: 3.07 AC.
WATER SUPPLY: MUNICIPAL
SANITARY: MUNICIPAL
STORM: ENCLOSED PIPE W/OUTLET TO EXISTING STORM SEWER
SIGN: INCLUDED WITH SITEPLAN
PROPOSED SETBACKS:
REAR= 40 FT
FRONT= 30 FT
SIDE= 15 FT

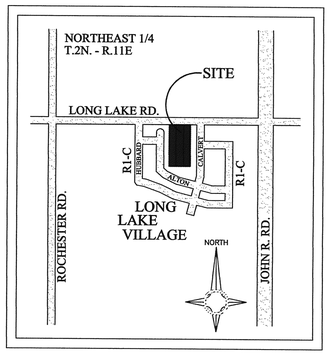
DENSITY DATA:

PROPERTY SIZE: 133,306.06 SF
ROAD EASEMENT- 15,628.31 SF
DENSITY PER ZONING ORDINANCE: 1 LOT/10,500 SF
133,306.06-15628.31=117,677.75 NET
POSSIBLE # OF LOTS=117,677.75/10,500=11.2074 UNITS
PROPOSED UNITS 10 UNITS
BUILDING ENVELOPE: 60FT X 38FT=2280 SF
LOT COVERAGE=((2280 SF X10)/133,306.06)=0.171=17.1%
OPEN SPACE AREA= 17,810.70 SF (NOT INCLUDING PONDS)
POND WITH FOUNTAIN=7,140 SF X 2=14,280 SF
TOTAL OPEN SPACE DEDICATED AS COMMON OWNERSHIP:
((17,810.70 + 14,280)/133,306.06)=24.1%



ENTRANCE PLANS AND ELEVATIONS

NOTE: NOT ALL PLANTING PROPOSED ON PLAN ABOVE IS ILLUSTRATED ON THE ELEVATIONS ABOVE FOR CLARITY.



LOCATION MAP

ENTRANCE PLANTING KEY			
SYMBOL	TYPE	QUANTITY	CAL/HEIGHT
	EXISTING SPRUCE	6	6'-7'
	HICKS YEWS	38	24" HT.
	BURNING BUSH	14	36" HT.
	VARIOUS FLOWERING PLANTS VARIOUS FLOWERING PLANTS	VARIES	12" HT.

PARCEL SIZE SCHEDULE			
PARCEL#	PARCEL AREA	PARCEL#	PARCEL AREA
1	8212.5 S.F. (0.188 ACRE)	6	10055.1 S.F. (0.231 ACRE)
2	8212.5 S.F. (0.188 ACRE)	7	7991.7 S.F. (0.183 ACRE)
3	8212.5 S.F. (0.188 ACRE)	8	8133.4 S.F. (0.186 ACRE)
4	8010.9 S.F. (0.184 ACRE)	9	8133.4 S.F. (0.186 ACRE)
5	10138.66 S.F. (0.232 ACRE)	10	8133.4 S.F. (0.186 ACRE)

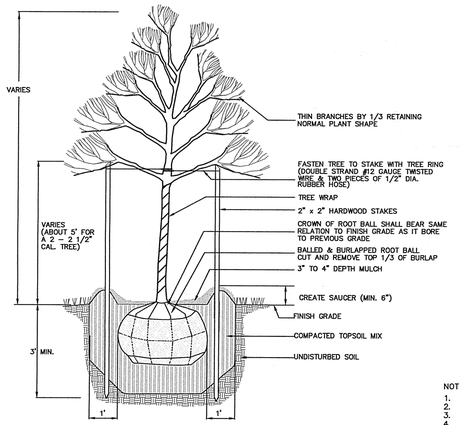
72 HOURS (3 WORKING DAYS) BEFORE YOU DIG CALL MISS DIG 800-482-7171 (TOLL FREE)

UTILITY WARNING

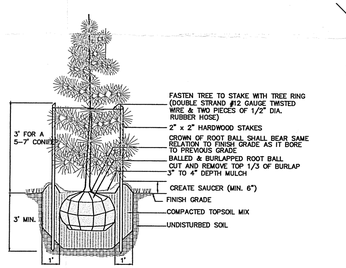
UNDERGROUND UTILITY LOCATIONS AS SHOWN ON THE PLAN, WERE OBTAINED FROM UTILITY OWNER AND NOT FIELD LOCATED.

A MINIMUM OF 72 HOURS PRIOR TO BEGINNING CONSTRUCTION, THE CONTRACTOR SHALL NOTIFY MISS DIG AND HAVE ALL UNDERGROUND UTILITIES STAKED BEFORE ANY WORK CAN BEGIN.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF AND/OR RELOCATION OF ALL UTILITIES THAT MAY INTERFERE WITH CONSTRUCTION.

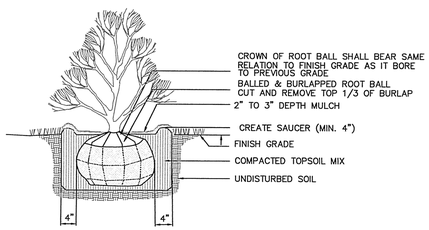


DECIDUOUS TREE PLANTING DETAIL



NOTES:
1. DO NOT ALLOW AIR POCKETS TO FORM WHEN BACKFILLING
2. DO NOT DAMAGE MAIN ROOTS OR DESTROY ROOT BALL WHEN INSTALLING TREE STAKE
3. REMOVE TREE RINGS AND STAKES TWO YEARS AFTER INSTALLATION
4. WATER TREE THOROUGHLY SUBSEQUENT TO INSTALLATION

EVERGREEN TREE PLANTING DETAIL

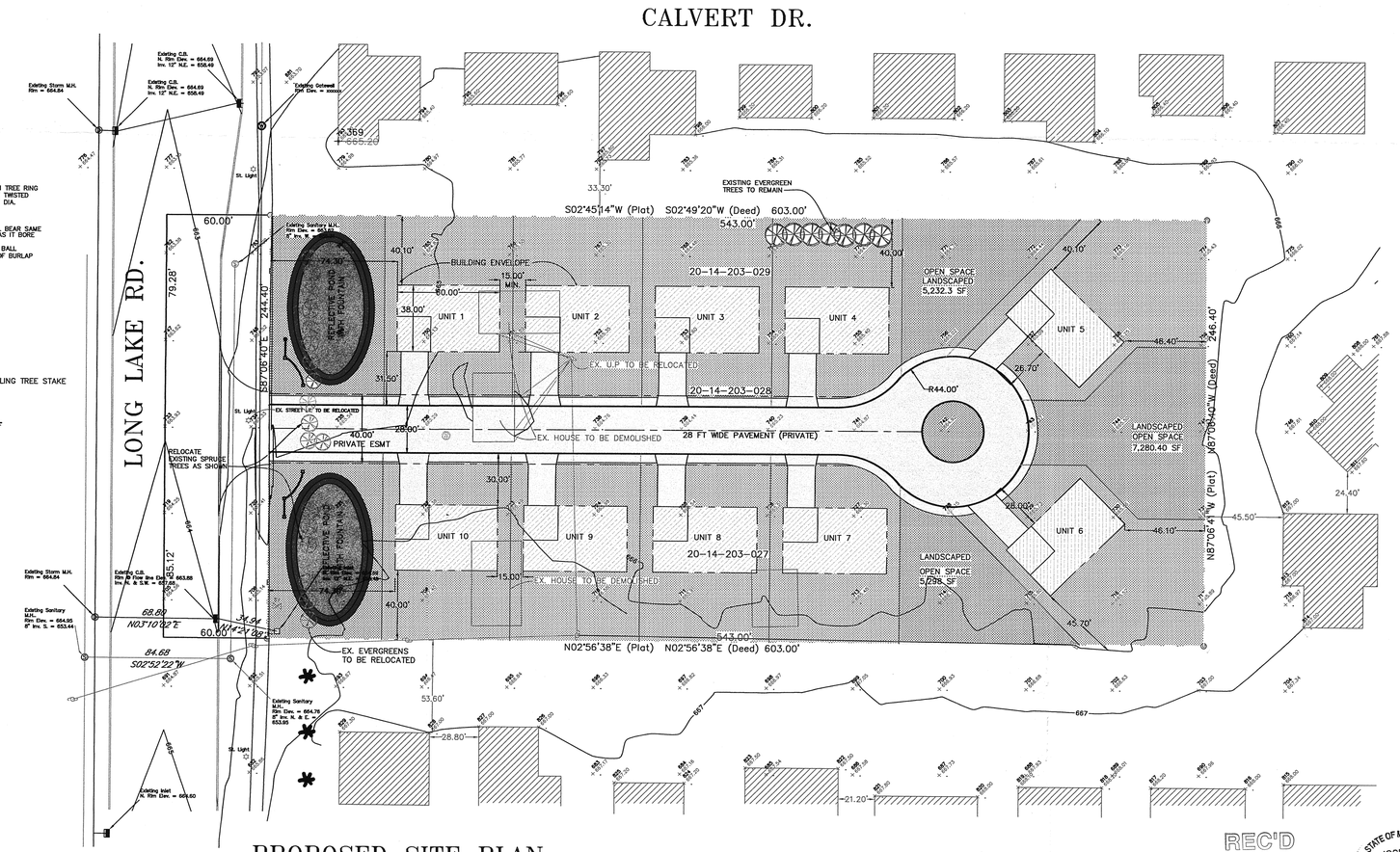


NOTES:
1. DO NOT ALLOW AIR POCKETS TO FORM WHEN BACKFILLING
2. WATER SHRUB THOROUGHLY SUBSEQUENT TO INSTALLATION

DECIDUOUS SHRUB PLANTING DETAIL

BENCHMARK
BENCH MARK #1
Turn Arrow on Hydrant # 14-20
100' East of Calvert Rd.
South side of long lake Rd.
ELEVATION 664.356

BENCH MARK #2
TOP OF HYDRANT @ SOUTHEAST CORNER
OF PROPERTY
ELEVATION 695.12



PROPOSED SITE PLAN

SCALE: 1"=40'

REC'D JUN - 9 2005 PLANNING DEPT.

STATE OF MICHIGAN JOSEPH VAGLICA ENGINEER NO. 50340 LICENSED PROFESSIONAL ENGINEER

#5

GATEWAY ENGINEERING & SURVEYING
• ARCHITECTS • ENGINEERS • SURVEYORS
8155 ANNSBURY SUITE 109
SHELBY TWP. MI 48316
OFFICE (586) 786-5533 • FAX (586) 786-5575

VILLAGE OF TUSCANY CLUSTER DEVELOPMENT

REZONING REQUEST

CLIENT: CHATEAU CONSTRUCTION
6924 MONTELAIR
TROY, MI 48083

ISSUED FOR:	DATE:

NOTICE: USE OF THE INFORMATION CONTAINED WITHIN THE SHEETS OF THIS DRAWING IS AN ACCEPTANCE OF THE FOLLOWING TERMS AND CONDITIONS BY THE USER WHO COVENANTS AND AGREES THROUGH USAGE TO BE BOUND AS STATED.

Definitions: "Gateway" refers to Gateway Engineering and Surveying, Inc. its employees, agents, engineers, surveyors, assigns and sub-contractors. "User" refers to all persons and entities that rely upon the information contained in these drawings either directly or indirectly.

Liability: User, personally and on behalf of his/her/its heirs and assigns agrees that Gateway's liability for damages shall be strictly limited to the value of the services being rendered. User and Users on behalf of his/her/its heirs and assigns further agrees that Gateway shall not be liable for any incidental or consequential damages first suffered by User. Gateway liability is limited to gross negligence, fraud and intentional misrepresentation only.

Hold Harmless: User covenants and agrees that User shall hold harmless Gateway from any and all damages, including but not limited to civil suit, fixed judgments, costs and reasonable attorney fees that Gateway may incur due to User's employment of these drawing and design information contained herein.

Warranty: Gateway, its employees, agents, engineers, assigns and sub-contractors does not warrant either explicitly or by implication the design information contained herein for fitness of purpose.

Integration: This is the sole and entire agreement between the Parties pertaining to fitness of purpose and use of the design information and supersedes any and all previous written or oral agreements. All modifications shall be in writing, dated and sign by both Parties to be binding and in full force an effect.

All Contractors shall verify and coordinate all dimensions on these drawings, as well as review and coordinate plans with exterior Building Elevations, Section and Details before commencing with the work. If a dimensional error or conflict occurs between these plans, Building Elevations, Sections, and Details, in order to avoid delay, shall immediately notify of the Designer, before proceeding with the work. Contractors who fail to do so shall take full responsibility of any errors.

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GATEWAY ENGINEERING & SURVEYING (G.E.S.) 2002-05
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SCALE: 1" = 40'
DATE 05/16/2005
IN CHARGE J.V.
DESIGNED GES
DRAWN GES
CHECKED GES
APPROVED
DATE

JOB LOCATION:
SOUTH SIDE OF LONG LAKE RD.
TROY, MI

PROPOSED SITE PLAN

1

SHEET NUMBER

GATEWAY ENGINEERING & SURVEYING

Wednesday, June 08, 2005

To: City of Troy, Planning Department

RE: Rezoning Request
Development: Village of Tuscany

Location: Long Lake Rd. between Rochester Rd. and John R.

We are proposing to rezone the existing parcel from R1-C (one-family residential detached) to CR-1 (one-family residential cluster district.) The current classification of R-1C allows for a minimum unit density of 3.1 dwellings per acre. This request is being Due to the following:

The above mentioned parcel of land is a narrow rectangle. Typically a subdivision consisting of lots of the proposed size would make use of an access road entering the middle of the property separating the lots and ending with a cul-de-sac. Due to the narrow shape of this parcel, the developers would be forced to place the road on either side of the property to accommodate for the minimum lot size requirements. This would cause hardships for property owners adjacent to that road because all future residents would enter and exit the subdivision along their property lines. The developer also would experience hardships accounting from irregular lot sizes that would waste buildable portions of land. The balance and beauty of the subdivision would be diminished, and so would reduce the overall value of the proposed subdivision.

With the density allowed under CR-1 the parcel could be divided more appropriately. The road would be placed down the center of the property with a cul-de-sac at the end for vehicles to turn around if needed. The individual dwellings would be placed on either side and at the end of the road. This would avoid the aforementioned hardships for the surrounding property owners, and for the owner of this specific parcel of land.

Sincerely;
Gateway Engineering & Surveying, Inc.

Joseph Vagnica, MSCE, P.E

REC'D
JUN - 9 2005
PLANNING DEPT.

8155 ANNSBURY DRIVE SUITE 109, SHELBY TWP., MICHIGAN, 48316
Telephone: 586-786-5533 Facsimile: 586-786-5575
PROFESSIONAL ENGINEERS & DESIGNERS

POTENTIAL R-1C LAYOUT WITH 60' R.O.W. PUBLIC ROAD

PREPARED BY CITY OF TROY
PLANNING DEPT.

POTENTIAL R-1C LAYOUT WITH 40' EASEMENT PRIVATE ROAD

PREPARED BY CITY OF TROY
PLANNING DEPT.

REZONING REQUESTS

5. PUBLIC HEARING – PROPOSED REZONING (Z 706) – Proposed Village of Tuscany Cluster Development, South side of Long Lake, West of Calvert, Section 14 – Section R-1C to CR-1

Mr. Chamberlain announced that he lives next to the property that is proposed for rezoning. He asked the Assistant City Attorney if it would be appropriate for him to abstain from discussion and voting on the request.

Mr. Motzny said it appears Mr. Chamberlain's participation in the discussion and voting process would not be appropriate because there is a possibility that the proposed rezoning could have an affect on his personal interest that could result in financial implications. He recommended consideration of a motion to allow Mr. Chamberlain to abstain from voting on the matter.

Mr. Chamberlain asked to be excused.

Resolution # PC-2005-07-113
Moved by: Schultz
Seconded by: Wright

RESOLVED, To allow Mr. Chamberlain to abstain from voting on Agenda Item #5, at his request, because of the proximity of his residential property to the development.

Yes: Drake-Batts, Khan, Littman, Schultz, Strat, Wright
No: None
Abstain: Chamberlain
Absent: Vleck, Waller

(Mr. Chamberlain exited the meeting.)

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

Joseph Vaglica of GES Engineering, 8155 Annsbury, Shelby Township, was present to represent the petitioner. Mr. Vaglica provided an explanation for the discrepancy in the cluster density in relation to the 60-foot easement that was recently sold to the City of Troy. Mr. Vaglica said the proposed development would be a better fit for the property and more suitable to its environment.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2005-07-114
Moved by: Schultz
Seconded by: Wright

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1C to CR-1 rezoning request, located on the south side of Long Lake Road, west of Calvert, within Section 14, being approximately 3.07 acres in size, be granted.

Yes: Drake-Batts, Khan, Littman, Schultz, Strat, Wright
No: None
Abstain: Chamberlain *(per Resolution #PC-2005-07-113)*
Absent: Vleck, Waller

MOTION CARRIED

(Mr. Chamberlain returned to the meeting.)

G-02a

August 4, 2005

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, City Manager

SUBJECT: Options for Remnant Parcel that is Site for Troy's First Volunteer Fire Station

At the Council meeting of July 11, 2005 it was resolved that the above-referenced parcel which is identified on the attached map as 5930 Livernois was removed from sale consideration until the next listing of sale of surplus parcels is presented to City Council. However, a table discussion at the council meeting initiated by Councilman Howyrlak was to look at other options for this parcel. As such, Mr. Howrylak and I met and discussed the following options:

1. Hold the parcel for six months and actively seek a group of individuals to "adopt" this site and subsequently raise money for implementing design elements. This process could be similar to what we did up the street where Sergeant Major Jack Turner worked with other staff members and individuals to develop design elements for the Methodist church and parsonage known as, Heritage Park. And to refresh your memory in this regard, attached is a copy of that concept drawing.

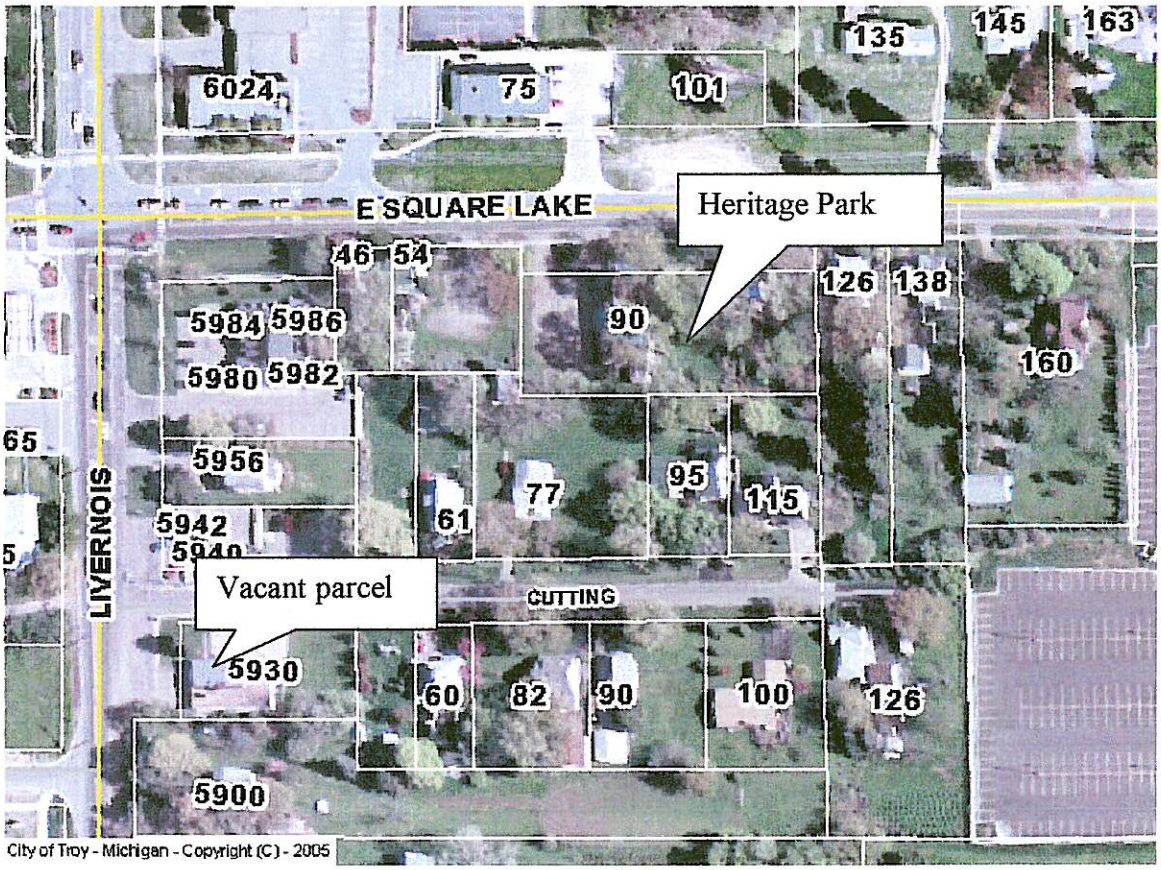
2. Postpone this issue for a couple more months and ask the Parks and Recreation Advisory Board, Historical Commission, and Historic District Commission to advise on the desirability of turning 5930 Livernois into a passive or active park site.

3. Sell the parcel to the owner of 60 Cutting Street who has expressed an interest in purchasing 5930 Livernois for $95,000. A condition of the sale could be that the parcel be rezoned to environmental protection and that a dedication plaque identifying the site at the first volunteer fire station be placed thereon.

Time permitting, please discuss this matter so that I may get a general direction and then come back with a formal resolution. In the meantime, I'll continue to exclude this parcel from a future sale consideration.

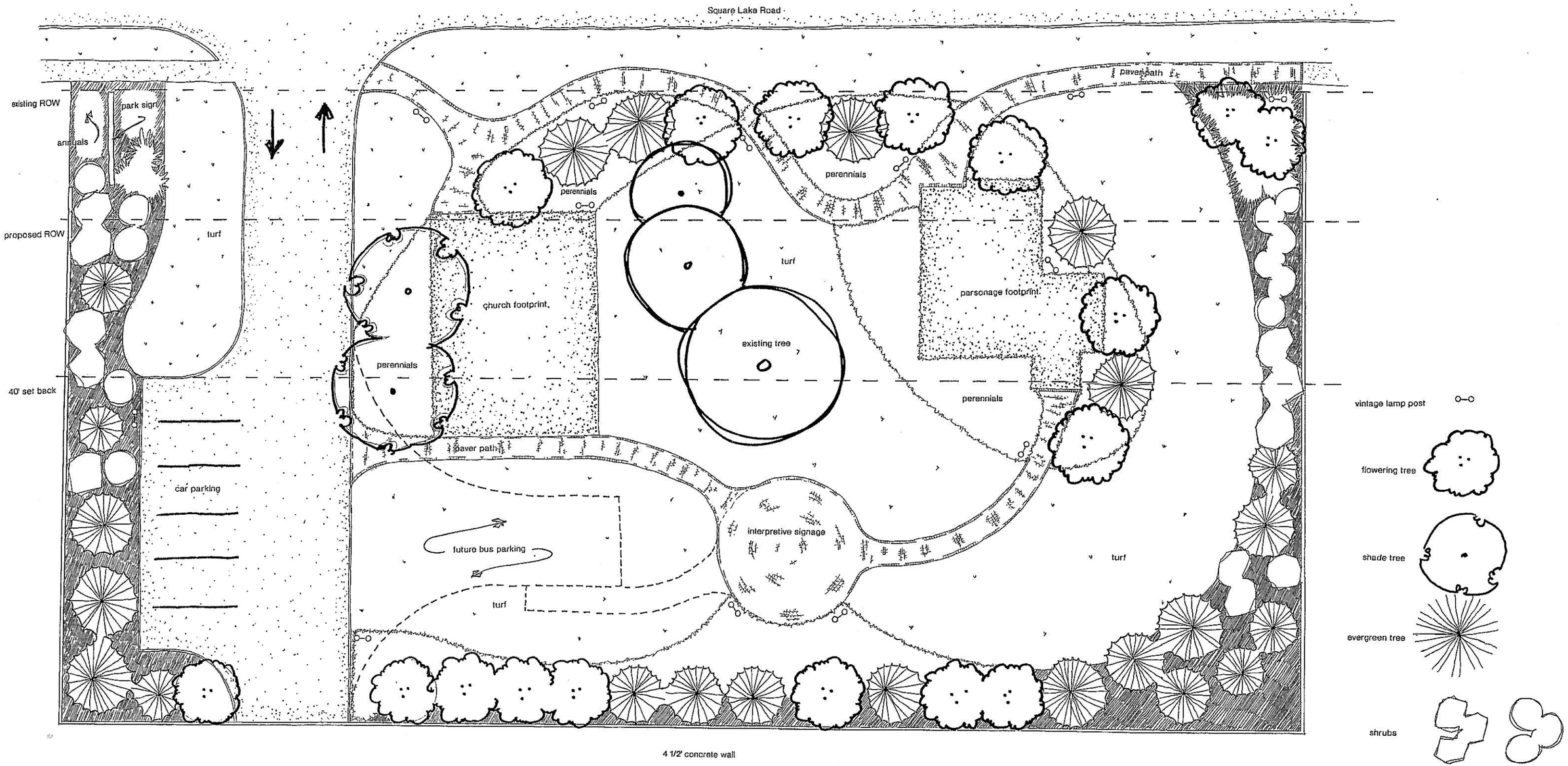
JS/mr\AGENDA ITEMS\2005\08.15.05 – Options for Remnant Parcel on Livernois

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


6024
75
101
135
145
163
E SQUARE LAKE
Heritage Park
46
54
126
138
5984
5986
90
5980
5982
160
65
5956
95
77
115
5942
61
5940
LIVERNOIS
Vacant parcel
CUTTING
5930
60
82
90
100
126
5900
City of Troy - Michigan - Copyright (C) - 2005

METHODIST CHURCH & PARSONAGE HERITAGE PARK

CONCEPT DRAWING #3



TROY HISTORIC DISTRICT STUDY COMMITTEE – FINAL **JUNE 7, 2005**

This Meeting of the Troy Historic Study Committee was held Tuesday, June 7, 2005 at the Troy Museum & Historic Village. The meeting was called to order at 7:55 P.M.

ROLL CALL

PRESENT: Bob Miller
Marjorie Biglin
Kevin Lindsey
Charlene Harris
Linda Rivetto

ABSENT: Kinda Hupman
Paul Lin

GUEST: Ann Partlan

Resolution #HDC-2005-006-001
Moved by Miller
Seconded by Biglin

RESOLVED, That the absences of Hupman and Lin be excused
Yes: 5— Miller, Biglin, Lindsey, Harris, and Rivetto
No: 0

MOTION CARRIED

Resolution #HDC-2005-06-002
Moved by Miller
Seconded by Biglin

RESOLVED, That the minutes of May 3, 2005 be approved
Yes: 5— Miller, Biglin, Lindsey, Harris, and Rivetto
No: 0

MOTION CARRIED

NEW BUSINESS

Ann Partlan provided committee with checklists from the Historic District Commission to designate and de-list historic resources. This checklist is based on Chapter 13

Ann Partlan also discussed with the committee the HDC concept to provide plaques for historically designated homes.

Resolution #HDC-2005-06-003
Moved by Miller
Seconded by Biglin

RESOLVED, That the Historic District Study Committee not meet on July 5, 2005.
Yes: 5— Miller, Biglin, Lindsey, Harris, and Rivetto
No: 0

MOTION CARRIED

OLD BUSINESS

Status of photographic survey:
Kevin Lindsey and Charlene Harris have finished their photo assignments. Linda Rivetto is working on her assignment but has not delivered completed photos to Loraine.

2356 E. Long Lake de-listing
Status unchanged**.**

3864 Livernois
Kevin sent a letter to Brian Wattles requesting a "hard" survey of the property and a checklist that the committee will follow to de-list Parcel B from his property. Kevin will draft a preliminary report for the next meeting and will send it to Brian Wattles with suggestions for the survey. \

46 E. Square Lake
No report.

5875 Livernois
No report.

The Troy Historic Study Committee Meeting was adjourned at 8:35 p.m. The next meeting will be held Tuesday, August 2, 2005 at 7:30 p.m. at the Troy Museum & Historic Village. Loraine Campbell will post the Change of Meeting Notice in the City Clerk's office.

Robert Miller
Co-Chairman

Loraine Campbell
Recording Secretary

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:30 A.M. on Wednesday, July 6, 2005 in the Lower Level Conference Room of the Troy City Hall.

PRESENT: Ted Dziurman
Rick Kessler
Bill Nelson
Tim Richnak
Frank Zuazo

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Marlene Struckman, Housing & Zoning Supervisor
Pamela Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES – MEETING OF JUNE 1, 2005.

Motion by Kessler
Supported by Richnak

MOVED, to approve the minutes of the meeting of June 1, 2005 as written.

Yeas: 4 – Dziurman, Kessler, Nelson, Richnak
Abstain: 1 – Zuazo

MOTION TO APPROVE MINUTES CARRIED

ITEM #2 – VARIANCE REQUEST. R.E. MOORHOUSE & ASSOCIATES, 2380 MEIJER DR., for relief of Chapter 78 to install a 30 square foot ground sign with a one (1)-foot setback from the right of way of Meijer Drive where a ten (10)- foot setback is required.

Mr. Stimac explained that the petitioner is requesting relief of the Sign Ordinance to install a 30 square foot ground sign with a one (1)-foot setback from the right of way of Meijer Drive. Section 9.01 A of the Troy Sign Ordinance requires a minimum 10' setback from the City right of way in a M-1 (Light Industrial) zoned property.

Mr. Moorhouse was present and explained that they were granted a variance in April 2004 for the location of the existing sign. Mr. Moorhouse explained that the existing sign is located east of the entrance. Mr. Moorhouse's client, Woodbridge has purchased two (2) additional buildings and the main office would be located up front and this is the reason they wish to relocate this sign. Originally, Woodbridge, had their sign in the right of way, and Mr. Moorhouse is proposing to put the new sign 12' farther back from the existing location. The new sign would be the same height as the existing sign.

ITEM #2 – con't.

Mr. Dziurman stated that basically this request is to relocate the existing sign. Mr. Moorhouse stated that trucks will not be coming in to the main entrance and the proposed sign will help to direct traffic.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written objections or approvals on file.

Mr. Stimac stated that the location of the new sign is not on the site plan submitted by the petitioner and asked for clarification from the petitioner. Mr. Moorhouse said that they are proposing to put the sign 1' from the easement. Mr. Stimac said that based on that statement, a variance would not be required as the sign would be in compliance with the Ordinance. Mr. Stimac asked that this item be postponed in order for Mr. Moorhouse to submit plans indicating exact placement of the sign.

Motion by Richnak
Supported by Kessler

MOVED, to postpone the request of R. E. Moorhouse & Associates, 2380 Meijer Drive for relief of Chapter 78 to install a 30 square foot ground sign until the meeting of August 3, 2005.

- To allow the petitioner the opportunity to submit a site plan indicating the exact location of the proposed sign.
- Based on location of the sign, the action to postpone will determine whether a variance is required or not.

Yeas: All – 5

MOTION TO POSTPONE REQUEST UNTIL THE MEETING OF AUGUST 3, 2005 CARRIED

ITEM #3 – VARIANCE REQUEST. EDMUND PROGAR, SIGN-A-RAMA, 1057-1155 E. LONG LAKE, for relief of Chapter 78 to erect a 200 square foot ground sign 9' from the existing right of way of east Long Lake Road where a 30' setback is required for a sign this size.

Mr. Stimac explained that the petitioner is requesting relief of the Sign Ordinance to erect a 200 square foot ground sign 9' from the existing right of way of east Long Lake Road replacing an existing ground sign that was damaged. Section 9.01 of Chapter 78 requires that a ground sign with an area of 200 square feet, be setback a minimum of 30' from the existing right of way.

ITEM #3 – con't.

Mr. Bob Chara of Sign-a-Rama, and Ms. Elaine Yaffe, owner of Long Lake Plaza were present. Mr. Chara explained that the existing sign had been damaged by an automobile accident and all they are asking for is to be able to replace the damaged sign with an identical sign. The existing sign has been in this same location since 1975. If the location is changed, they will have to remove four (4) parking spaces as well as relocate the wiring.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are four (4) written approvals on file. There are two (2) written objections, however, Mr. Chara stated that he believed these objections were to relocating the sign.

Mr. Zuazo asked if the proposed sign would have any type of flashing light and Ms. Yaffe stated that it would not and the sign would comply in every other way with the requirements of the Ordinance.

Mr. Richnak asked if the vehicle that damaged the existing sign ran off of Long Lake Road. Ms. Yaffe stated that they were not present at the time of the accident and the Police Report was unclear, however, the sign was leaning over about 40%, so they believe that speed was a factor.

Motion by Richnak
Supported by Nelson

MOVED, to grant Edmund Progar, Sign-A-Rama, 1057-1155 E. Long Lake, relief of Chapter 78 to erect a 200 square foot ground sign 9' from the existing right of way of east Long Lake Road where a 30' setback is required for a sign of this size.

- Variance is not contrary to public interest.
- Variance would not have an adverse effect to surrounding property.
- Relocation to a conforming location would cause significant revision to the circulation on the site.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #4 – VARIANCE REQUEST. HAYSSAM BOUSSIE, DEARBORN SIGNS & AWNING, 36949 DEQUINDRE, for relief of Chapter 78 to expand the existing 40 square foot ground sign to 48 square feet.

ITEM #4 – con't.

Mr. Stimac explained that the petitioner is requesting relief of the Sign Ordinance to expand the existing 40 square foot ground sign to 48 square feet. The existing ground sign is non-conforming as it has a height of 16' and a setback of less than 20'. Section 9.01 states that signs setback between 10' and 20' cannot exceed 10' in height. Section 10.02.03 of the Sign Ordinance prohibits the expansion of non-conforming signs.

Mr. Allen of Dearborn Signs was present and stated that he also wished to add an additional wall sign. His client has added a pharmacy and that is the reason they want to add the extra footage to the sign.

Mr. Stimac stated that the Building Department did not advertise the request for an additional wall sign and the Board would not be able to act on that request until it was advertised as a Public Hearing.

Mr. Dziurman confirmed that the existing sign is a legal non-conforming sign and Mr. Stimac said that was correct.

Mr. Richnak asked if a variance would be required if the sign was brought down to a height of 10'. Mr. Stimac said that if the sign were 10' in height it would be in compliance and would not require a variance.

Mr. Dziurman asked the petitioner if it would be a problem for them to lower the sign. Mr. Allen said that it would be too expensive, as they would have to get a new sign.

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. Zuazo asked if they would still add the word "pharmacy" if the sign was lowered. Mr. Stimac said that the top of the existing box is at 15' and in order to comply it would have to be less than 10' in height.

Mr. Richnak said that he does not believe they would require a brand new sign if they were to lower the height, as they would be able to use the existing posts and electrical. Mr. Richnak suggested that the petitioner speak with his client and propose this option. Mr. Richnak went on to say that there are a lot trees in this area and he believes that if they lower the sign it will be more visible.

Mr. Kessler expressed concern that if the sign is brought down too low it could obstruct vision. Mr. Richnak said that if you brought it down and started the actual signage above 4', you would still have 5' underneath. Mr. Allen stated that presently there is 13' underneath.

ITEM #4 – con't.

Mr. Zuazo asked why the petitioner objected to just conforming to the Ordinance. Mr. Allen said that he thinks his client just wants to be higher rather than lower and he is just following what his client wants.

Mr. Zuazo stated that he believes the petitioner's client needs to rethink the position of sign and does believe that this sign could be in conformance with Chapter 78.

Motion by Richnak
Supported by Nelson

MOVED, to postpone the request of Hayssam Boussie, Dearborn Signs & Awning, 36949 Dequindre, for relief of Chapter 78 to expand the existing 40 square foot ground sign to 48 square feet until the meeting of August 3, 2005.

- To allow the petitioner the opportunity to meet with his client to determine if conformance is possible.
- To allow the Building Department to publish this petitioner's request for an additional wall sign.

Yeas: All – 5

MOTION TO POSTPONE REQUEST UNTIL THE MEETING OF AUGUST 3, 2005 CARRIED

ITEM #5 – VARIANCE REQUEST. KATHLEEN DEBURGHGRAEVE, 1750 BRENTWOOD, for relief of Chapter 78 to allow the placement of 20 off-site signs, 2 square feet in size for a 7-day period.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to allow the placement of 20 off-site signs, 2 square feet in size, for a 7-day period, from Monday, August 22nd through Sunday, August 28th. The Sign Ordinance limits the number of off-site signs to 4.

This event is held on a yearly basis and has been granted a variance by this Board since 1999.

Ms. Deburghgraeve was present.

Mr. Dziurman asked if there were any problems in the past and Mr. Stimac stated that there have not been any problems.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

ITEM #5 – con't.

There is one (1) written objections on file. There are no written approvals on file.

Mr. Richnak asked when the signs were going to be picked up, as he had seen some signs from a recent past special event that were not picked up when they were supposed to be. Ms. Deburghgraeve stated that the signs are picked up on the last night of the Art Fair, after closing.

Motion by Richnak
Supported by Kessler

MOVED, to grant Kathleen Deburghgraeve, 1750 Brentwood, relief of Chapter 78 to allow the placement of 20 off-site signs, 2 square feet in size for a 7-day period to advertise a the Northfield Hills Art in the Park special event.

- Signs will be displayed from August 22nd – August 28, 2005.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #6 – VARIANCE REQUEST. PAUL DIETER, METRO DETROIT SIGNS, 1755 MAPLELAWN, for relief of Chapter 78 to erect a 66 square foot wall sign at the above location.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to erect a 66 square foot wall sign at the above location. The wall sign exceeds the permitted 20 square feet area as stated in section 9.02.05 D (2) of the Sign Ordinance.

Mr. Dieter was present and stated that this property is unusual in that it also sells Bentley and Rolls Royce brand vehicles. Other brands of vehicles are located in other areas of this building. This proposed sign would be considered a primary wall sign and Mr. Dieter stated that he believes the size of the sign is within the scale of the building and is consistent with other primary signs along Maplelawn.

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 asked what would be on the sign and Mr. Dieters stated it would say "Hummer". Mr. Dziurman asked if there was a ground sign at this location and Mr. Dieters said that there was.

ITEM #6 – con't.

Mr. Stimac explained that there are other signs in this location as this building is intended to house four (4) dealerships when it is completed and occupied. Presently there is an 85 square foot ground sign that says "Hummer" and a 4 2/3' wall sign that identifies the Service Department. The Bentley dealership has a 60 square foot ground sign that says "Bentley", an 8.8 square foot wall sign with their logo and a 9.8 square foot wall sign that says "Bentley Troy". The Rolls Royce dealership has a 6 square foot ground sign that says "Rolls Royce", a 19 square foot wall sign that says "Rolls-Royce Motor Cars Michigan" and a 12 square foot wall sign that says "Rolls-Royce" with the logo. At the present time the fourth space is vacant, however, it would be permitted one ground sign as well as two (2) walls signs that would be 20 square feet each.

Mr. Dziurman asked why they are asking for this additional wall sign and Mr. Dieters stated that it will help customers identify that this is the Hummer location. This is the only sign that faces Maplelawn.

Mr. Richnak asked if the size of the proposed sign was the reason for this variance request. Mr. Stimac said that they are allowed two (2) wall signs that would be 20 square feet each and this proposed sign is 66 square feet. Mr. Zuazo confirmed that they are asking for a 26 square foot variance. Mr. Richnak said that one of the conditions of the variance could be that they would give up the second wall sign.

Mr. Nelson asked what would happen when the fourth tenant came in. Mr. Stimac explained that the fourth tenant would be allowed one ground sign and two additional wall signs that would not exceed 20 square feet in area. The current tenants other than the Hummer Dealership front the parking lot to the west.

Mr. Nelson asked if this space was larger than the other dealerships and Mr. Dieters said that have quite a bit more frontage.

Motion by Nelson
Supported by Richnak

MOVED, to grant Paul Dieter, Metro Detroit Signs, 1755 Maplelawn, relief of Chapter 78 to erect a 66 square foot wall sign at the Hummer dealership.

- This sign will take the place of the second 20 square foot wall sign allowed by the Ordinance.
- No other wall signs will be put up.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #7 – VARIANCE REQUEST. THOMAS WIGGINS, 2286 COLUMBIA, for relief of Chapter 83 to install a 6' high privacy fence in a front yard location.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to install a fence at 2286 Columbia. This property is a double front corner lot. It has front yard requirements along both Columbia and Rhode Island Drive. Chapter 83 limits the height of fences in front setbacks to 30". The site plan submitted indicates a 6' high privacy fence adjacent to the west property line along Rhode Island.

Mr. Wiggins was present and stated that when he purchased this property Rhode Island Drive was not developed and the property was not considered a double front corner lot. Mr. Wiggins stated that a lot of the neighbor children play in his yard and he wants to be able to provide a safe environment for them. There is also considerable landscaping in this area and he plans to put this fence behind the line of evergreens.

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. Kessler asked if Mr. Wiggins had spoken to the neighbor on Rhode Island that would be the most affected by this fence. Mr. Wiggins said that he had talked to him although there was a language barrier. Mr. Wiggins said he did not think his neighbor objected to this fence. Mr. Kessler then asked if Mr. Wiggins had looked into the possibility of putting up a 4' high fence rather that a 6' high fence. Mr. Wiggins said he did not have any objection to that suggestion but did not know this was an option for him and the only information given to him was that he had to appear before this Board. Mr. Kessler stated that if he received a variance for a 6' high fence it would run the entire length of the neighbor's front yard and he felt the 4' high fence would not be as intrusive. Mr. Wiggins said that he did not see a problem with that.

Mr. Richnak explained to Mr. Wiggins that it is not the City's responsibility to give all of the options that are available. It is up to the petitioner to make a request to the City, and if not in compliance they are directed to appear before whichever Board is applicable. Mr. Stimac explained that anything other than a 30" high fence in the front yard along Rhode Island would require the petitioner to appear before this Board.

Mr. Nelson asked if Mr. Wiggins was proposing to put the fence on the outside of the evergreens and Mr. Wiggins stated that they would be put on the inside of the evergreens. Mr. Richnak asked how tall these shrubs were and Mr. Wiggins said that they were about 6 to 8' high.

Mr. Zuazo asked if the petitioner was planning on bringing the fence from the shrub line to the house and if he would also be willing to add more landscaping in this area. Mr. Wiggins said that he would.

ITEM #7 – con't.

Motion by Kessler
Supported by Richnak

MOVED, to grant Thomas Wiggins, 2286 Columbia, relief of Chapter 83 to install a 4' high privacy fence in the front yard along Rhode Island.

- Fence would be 4' high and placed inside the row of hedges.
- Additional landscaping is to be added where the fence is installed between the shrub line and the house.
- Variance is not contrary to public interest.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #8 – VARIANCE REQUEST. SCOTT GARDNER OF GARDNER SIGNS, 2600 W. BIG BEAVER, for relief of Chapter 78 to install an additional 80 square foot wall sign.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to install an additional 80 square foot wall sign on an existing building. Section 9.02.03 of the Sign Ordinance limits each building one major wall sign. An 80 square foot wall sign has already been approved for this building. This proposal exceeds the number of signs permitted.

Mr. Richnak stated that basically the petitioner wished to replace two (2) existing wall signs with two (2) wall signs that will be smaller than the existing signs. Mr. Stimac said that on June 9, 2004 this Board granted a variance for two (2) wall signs that were 99 square feet in size. The new signs will be 80 square feet in size.

Mr. Scott Gardner of Gardner Signs and Mr. Thomas Darling of 2600 W. Big Beaver were present.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one (1) written objection on file. There are no written approvals on file.

Motion by Richnak
Supported by Nelson

ITEM #8 – con't.

MOVED, to grant Scott Gardner of Gardner Signs, 2600 W. Big Beaver, relief of Chapter 78 to install an additional 80 square foot wall sign.

- New signs will be smaller than existing signs.
- Variance will not be contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #9 – VARIANCE REQUEST. JEFFREY EISCHEN, JR. 3140 KILMER, for relief of Chapter 83 to install a 6' high privacy fence in a front yard location.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to install a 6' high privacy fence. This property is a double front corner lot. It has front yard requirements along both Kilmer and Hartland. Chapter 83 limits the height of fences in front yard setbacks to 30 inches. The site plan submitted indicates a 6' high wood privacy fence adjacent to the north property line along Hartland.

Mr. Eischen was present and stated basically that he wants to make his yard look nicer and the fence will help to block traffic and noise.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are five (5) approvals on file. There are no written objections on file.

Mr. Richnak asked Mr. Stimac if the approvals received were from neighbors that were adjacent to this property. Mr. Stimac said there was one approval from the next block, one from the property two lots south, one from the property two lots east, one from the property directly across the street and one from the property immediately to the south.

Mr. Zuazo asked the petitioner why he needed a fence and Mr. Eischen said that he wants more privacy. Mr. Zuazo asked if he was planning to add landscaping and Mr. Eischen said that eventually he would. Mr. Zuazo then asked if he would settle for a 4' high fence rather than a 6' high fence and the petitioner indicated that he would rather have a 6' high fence.

Mr. Stimac explained that the previous owner had put up a fence without a permit and had been cited so he took the fence down.

Mr. Kessler said that driving down Hartland there are no privacy fences and the area is pretty much open. He would hate to set a precedent for privacy fences on corner lots.

ITEM #9 – con't.

Mr. Eischen said that there is a 6' high privacy fence behind him and he thinks a 4' high fence would not look right next to the 6' high fence.

Mr. Dziurman asked if the petitioner could install a 6' high fence at the back of the property and Mr. Stimac said that the only place he cannot put up a 6' high fence is north of the house.

Motion by Kessler
Supported by Richnak

MOVED, to grant Jeffrey Eischen, Jr., 3140 Kilmer, relief of Chapter 83 to install a 6' high privacy fence in the front property line along Hartland.

- Fence must be placed 10' back from the property line.
- Chain link fence must be removed.
- Additional landscaping must be added between the fence and Hartland.

Yeas: All – 5

MOTION TO GRANT VARIANCE WITH STIPULATIONS CARRIED

The petitioner indicated that moving the fence back would make the yard smaller.

ITEM #10 – VARIANCE REQUEST. JEFF CLEMENTS, 5505 CORPORATE, for relief of Chapter 78 to install a 192 square foot ground sign 19' from the City right of way.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to install a 192 square foot ground sign 19' from the Corporate Drive and New King City right of way. Paragraph B of Section 9.02.03 of Chapter 78 requires that a ground sign of this size be placed a minimum of 30' from the City right of way line.

The petitioner was not present.

Motion by Richnak
Supported by Kessler

MOVED, to postpone the request of Jeff Clements, 5505 Corporate, for relief of Chapter 78 to install a 192 square foot ground sign 19' from the City right of way.

- To allow the petitioner the opportunity to be present.

Yeas: All – 5

ITEM #10 – con't.

MOTION TO POSTPONE REQUEST UNTIL THE MEETING OF AUGUST 3, 2005
CARRIED

ITEM #11 – VARIANCE REQUEST. JEFF CLEMENTS, 700 TOWER, for relief of Chapter 78 to install a 192 square foot ground sign 16' from the City right of way lines.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to install a 192 square foot ground sign 16' from the City right of way line along Tower Drive and 16' from the right of way line along Long Lake Road. Paragraph B of Section 9.02.03 of Chapter 78 requires that a ground sign of this size be placed a minimum of 30' from the City right of way lines.

The petitioner was not present.

Motion by Richnak
Supported by Kessler

MOVED, to postpone the request of Jeff Clements, 700 Tower, for relief of Chapter 78 to install a 192 square foot ground sign 16' from the City right of way lines.

- To allow the petitioner the opportunity to be present.

Yeas: All – 5

MOTION TO POSTPONE REQUEST UNTIL THE MEETING OF AUGUST 3, 2005
CARRIED

The Building Code Board of Appeals meeting adjourned at 9:50 A.M.

_____
Ted Dziurman, Chairman

_____
Pamela Pasternak, Recording Secretary

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:30 p.m. on July 12, 2005, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:
Gary Chamberlain
Lynn Drake-Batts
Fazal Khan
Lawrence Littman
Robert Schultz
Thomas Strat
Wayne Wright

Absent:
Mark J. Vleck
David T. Waller

Also Present:
Mark F. Miller, Planning Director
Allan Motzny, Assistant City Attorney
Christopher Kulesza, Student Representative
Kathy Czarnecki, Recording Secretary

Resolution # PC-2005-07-109
Moved by: Wright
Seconded by: Schultz

RESOLVED, That Members Vleck and Waller are excused from attendance at this meeting for personal reasons.

Yes: All present (7)
No: None
Absent: Vleck, Waller

MOTION CARRIED

Christopher Kulesza was introduced and welcomed as the new student representative. Mr. Kulesza is a student at Notre Dame Prep School in Pontiac.

2. MINUTES

Chair Strat asked that the June 14, 2005 Regular Meeting minutes reflect the following change: Agenda Item #4, ZOTA 215-A, page 4, 2nd paragraph -- The sentence should read "…and a so-called monster garage still could be built under either scenario in terms of the massing and size of the door."

Resolution # PC-2005-07-110
Moved by: Chamberlain
Seconded by: Schultz

RESOLVED, To approve the June 14, 2005 Regular Meeting minutes as amended.

Yes: All present (7)
No: None
Absent: Vleck, Waller

MOTION CARRIED

Chair Strat asked that the June 28, 2005 Special/Study Meeting minutes reflect the following change: Agenda Item #7, ZOTA 214, page 4, 2nd paragraph -- The last sentence should read: "Chair Strat said that the seniors and disability residents seeking home care are not doing it for profit from their caregivers commencing in their homes."

Resolution # PC-2005-07-111
Moved by: Chamberlain
Seconded by: Schultz

RESOLVED, To approve the June 28, 2005 Special/Study Meeting minutes as amended.

Yes: Chamberlain, Drake-Batts, Khan, Littman, Schultz, Strat
No: None
Abstain: Wright
Absent: Vleck, Waller

MOTION CARRIED

Chair Strat announced that five (5) affirmative votes are required for approval of agenda items, and the petitioner has the option to postpone his/her agenda item prior to the Planning Commission's proceedings on that particular item. Chair Strat noted agenda items postponed at tonight's meeting would not be considered until the September Regular Meeting because the August Regular Meeting agenda is full.

3. PUBLIC COMMENT

There was no one present who wished to speak.

TABLED AND POSTPONED ITEM

4. PUBLIC HEARING – PLANNED UNIT DEVELOPMENT (PUD 1) – Proposed Amendment to Woodside Bible Church/Northwyck Condominium P.U.D., East side of Rochester and South of South Blvd., Section 2 – PUD 1

Mr. Miller presented a review of the requested amendments to PUD 1. Mr. Miller confirmed that the petitioner provided the required screening for the rooftop mechanical equipment on top of the church. He noted the EVA (Emergency Vehicle Access) connecting the church and the condominiums was constructed. He said the City's Fire Chief informed him that this is the City's first EVA. The Planning Department met with the petitioner to discuss the signage and proposed landscaping, but to date no plans have been received. Mr. Miller reported the petitioner requested a postponement of the matter to the August 9, 2005 Regular Meeting.

The members discussed the length of time [approximately six months] the petitioner has taken to submit the appropriate documentation to the Planning Department and the number of postponements requested by the petitioner.

Wayne Chubb, project architect from of Hobbs & Black, 100 N. State Street, Ann Arbor, was present to represent the petitioner. Mr. Chubb said they have continuously discussed the matter and met three or four times with the Planning Department since the inception of the proposed amendments. He said an appropriate resolution to the matter would most likely be ready for the August Regular Meeting, and preliminary thoughts have been shared with the Planning Department.

The Public Hearing was not opened.

Resolution # PC-2005-07-112
Moved by: Khan
Seconded by: Schultz

WHEREAS, The Final Plan and Agreement for a Planned Unit Development, pursuant to Section 35.60.01 and Section 35.80.00, for the Woodside Bible Church/Northwyck Planned Unit Development, known as PUD-1, located on the east side of Rochester Road and south of South Boulevard, located in Section 2, within the R-1D zoning district, being 89.83 acres in size, be postponed to the October 11, 2005 Regular Meeting.

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

MOTION CARRIED

Mr. Wright said the petitioner has had plenty of time to bring the matter to resolution. He is tired of postponing the item and would recommend denial of the proposed amendments at this time.

Mr. Littman said it seems the petitioner is having trouble producing the drawings for the sign, and it might be advantageous to the petitioner to resubmit the request when the drawings are complete. Mr. Littman said it is very hard to believe there is some technical reason that the drawings could not be completed by now, and it would be his recommendation to deny the proposed amendments at this time.

REZONING REQUESTS

5. PUBLIC HEARING – PROPOSED REZONING (Z 706) – Proposed Village of Tuscany Cluster Development, South side of Long Lake, West of Calvert, Section 14 – Section R-1C to CR-1

Mr. Chamberlain announced that he lives next to the property that is proposed for rezoning. He asked the Assistant City Attorney if it would be appropriate for him to abstain from discussion and voting on the request.

Mr. Motzny said it appears Mr. Chamberlain's participation in the discussion and voting process would not be appropriate because there is a possibility that the proposed rezoning could have an affect on his personal interest that could result in financial implications. He recommended consideration of a motion to allow Mr. Chamberlain to abstain from voting on the matter.

Mr. Chamberlain asked to be excused.

Resolution # PC-2005-07-113
Moved by: Schultz
Seconded by: Wright

RESOLVED, To allow Mr. Chamberlain to abstain from voting on Agenda Item #5, at his request, because of the proximity of his residential property to the development.

Yes: Drake-Batts, Khan, Littman, Schultz, Strat, Wright
No: None
Abstain: Chamberlain
Absent: Vleck, Waller

(Mr. Chamberlain exited the meeting.)

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

Joseph Vaglica of GES Engineering, 8155 Annsbury, Shelby Township, was present to represent the petitioner. Mr. Vaglica provided an explanation for the discrepancy in the cluster density in relation to the 60-foot easement that was recently sold to the City of Troy. Mr. Vaglica said the proposed development would be a better fit for the property and more suitable to its environment.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2005-07-114
Moved by: Schultz
Seconded by: Wright

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1C to CR-1 rezoning request, located on the south side of Long Lake Road, west of Calvert, within Section 14, being approximately 3.07 acres in size, be granted.

Yes: Drake-Batts, Khan, Littman, Schultz, Strat, Wright
No: None
Abstain: Chamberlain *(per Resolution #PC-2005-07-113)*
Absent: Vleck, Waller

MOTION CARRIED

(Mr. Chamberlain returned to the meeting.)

6. PUBLIC HEARING – PROPOSED REZONING (Z 707) – Proposed Cambridge Square Office Development, West side of Dequindre, North of Long Lake, Section 12, - From R-1C to O-1 and E-P

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

The petitioner, Frank D'Anna of PDI Enterprise LLC, 42500 Hayes, Clinton Township, was present. Mr. D'Anna said the subject property is the remaining vacant lot abutting the commercial zoning, and the property would be least desirable for a single family home with respect to transition between commercial and single family. He said the proposed landscaped buffer would retain the value of the existing neighboring homes.

PUBLIC HEARING OPENED

Pam Prewitt of 41203 Dequindre, Troy, was present. Ms. Prewitt's home is directly next to the proposed development. She spoke in favor of the proposed rezoning and development.

PUBLIC HEARING CLOSED

Chair Strat stated the proposed site plan submitted with the rezoning request would not be a consideration in the Commission's recommendation of the rezoning request.

Resolution # PC-2005-07-115
Moved by: Chamberlain
Seconded by: Wright

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1C to O-1 and E-P rezoning request, located on the west side of Dequindre, north of Long Lake, within Section 12, being approximately 1.12 acres in size, be granted, for the following reason:

1. The E-P zoning on the north side of the property will allow for proper transition into the residential to the north.

Discussion on the motion on the floor.

Mr. Schultz said at the time that the site plan is considered, he would like to see the petitioner continue the E-P zoning for the homes to the west.

Vote on the motion on the floor.

Yes: All present (7)
No: None
Absent: Vleck, Waller

MOTION CARRIED

SPECIAL USE REQUESTS

7. PUBLIC HEARING – PROPOSED SPECIAL USE REQUEST (SU 110-B) – Existing Bharatiya Temple Addition, East side of Adams, South side of South Blvd., Section 6, Zoned R-1A (One Family Residential)

Mr. Miller presented a summary of the Planning Department report for the proposed special use and site plan. He confirmed the site plan is inclusive of the required 8-foot sidewalks on both major roads, and that the landbanked parking spaces are by

right and are shown on the site plan. Mr. Miller reported that it is the recommendation of the Planning Department to approve the special use request and site plan as submitted.

Ramarao Cherukuri of 5448 Crispinway, West Bloomfield, was present to represent the Bharatiya Temple. Mr. Cherukuri provided a history of the Temple, the reason for the expansion request, and a description of the architectural design, a first of its kind in Michigan. He informed the members that an open house was held for neighbors to share the expansion plan, and extended an invitation to everyone to visit the Temple.

Doug Necci, project architect from Metco Services, 23917 Cass, Farmington, was present. Mr. Necci addressed the plan's special environmental features, wetlands, and comments received at the open house. A brief PowerPoint presentation displayed the plan's rendering, elevations, site amenities and architectural design.

Mr. Chamberlain questioned how the 8-foot sidewalks would be installed around the lake / wetlands.

Mr. Necci said it is his understanding that the sidewalk variances obtained with the original site plan would be continued for the expansion request. He said he would be more than happy to build sidewalks where it is possible.

Mr. Miller stated the authoritative body to grant sidewalk waivers is the Traffic Committee. Mr. Miller reminded the members that they have discretion in the Special Use approval process.

Mr. Chamberlain said his preference is sidewalks on the development but should that not be possible, a bridge made of timber could be constructed and it should be made a part of the special use approval.

Mr. Littman asked if acceleration/deceleration lanes are planned for the two major roads.

George Ferraro, project civil engineer from Metco Services, Inc., 23917 Cass, Farmington, provided information with respect to acceleration/deceleration lanes. He said there is a deceleration lane for the entrance off of Adams, the site's secondary entrance. The main entrance off of South Boulevard is planned to have a bypass and deceleration lane that would connect to the 3-lane portion east of the site. Mr. Ferraro said there have been discussions with the Oakland County Road Commission. It is understood that plans would have to be re-submitted as detailed engineering plans approach. Mr. Ferraro indicated he would be willing to work with the City's Environmental Specialist during the design phase with respect to stormwater management.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2005-05-116
Moved by: Khan
Seconded by: Wright

RESOLVED, That the Special Use Approval and Site Plan Approval, pursuant to Section 10.30.04 of the Zoning Ordinance, as requested for the proposed Bharatiya Temple Addition, located on the east side of Adams Road, south of South Boulevard, Section 6, within the R-1A Zoning District, be granted, subject to the site plan.

Discussion on the motion on the floor.

Mr. Khan confirmed the motion is to approve the site plan as submitted to the Planning Department with the 8-foot sidewalks as shown on the site plan.

Mr. Chamberlain asked that the 8-foot sidewalks as noted on the plan be approved as part of the special use approval, not the site plan approval. He indicated he would compromise with 5-foot sidewalks.

Ms. Drake-Batts said the subdivision behind the subject property does not have sidewalks because it is an area that would prefer to not have sidewalks. She said constructing a bridge would increase the cost of the project. Ms. Drake-Batts said she does not see a need to put in sidewalks based on the composition of the adjoining neighborhood.

Mr. Necci suggested an alternate sidewalk layout that would bypass the wetlands and any problem areas and extend onto the subject property.

Mr. Littman said there is not one foot of sidewalk in the approximate mile area from Square Lake to South Boulevard. He addressed the cost factor.

Mr. Miller said the petitioner could offer the use of their property through an easement that would allow people to walk through the property.

Mr. Chamberlain said a resident would not know that is a public easement and he would not agree to an internal sidewalk.

Mr. Cherukuri noted a sidewalk could not be placed at the corner of South Boulevard and Adams where the historical home is located.

Mr. Kulesza commented on the cost factor of sidewalks or bridges.

There were comments on the beauty and preservation of the wetlands.

Mr. Wright said there is no way a sidewalk could go around the historical house on the corner. He does not see a need to impose on the petitioner the requirement to construct a sidewalk or bridge the wetlands area.

Mr. Schultz said he would not insist that the petitioner bridge the wetlands, but there should be sidewalks where they can be installed. Mr. Schultz expressed concern for the safety of pedestrians attending functions at the Temple. He said functions at the Temple could attract up to 500 people who would be parked along South Boulevard and Adams Road.

Mr. Khan confirmed the motion is for approval of the site plan and special use approval as submitted, and that a sidewalk waiver could be requested by the petitioner should he so desire.

Vote on the motion on the floor.

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

MOTION CARRIED

Mr. Chamberlain said he wanted the requirement for sidewalks to be approved as part of a special use approval because he thinks the Traffic Committee would not have authority to change the special use approval verbiage.

Chair Strat requested a recess at 8:45 p.m.

The meeting reconvened at 8:50 p.m.

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8. PUBLIC HEARING – PROPOSED SPECIAL USE REQUEST (SU 328) – Existing Clark Station, Northeast corner of Maple and Livernois, Section 27, Zoned H-S (Highway Service)

Mr. Miller presented a summary of the Planning Department report for the proposed special use request. Mr. Miller reported that it is the recommendation of the Planning Department to approve the special use request and site plan as submitted.

Mr. Chamberlain addressed the comments of the City's Environmental Specialist with respect to the release of gasoline in 1993. He said it appears that action should not be taken on the request until a remedy has been filed with the State.

Mr. Miller said the Planning Commission has the discretionary authority to place a condition on the special use approval.

The petitioner, Michael Kozlowski of Caeruleum Environmental Design, 5603 S. Telegraph, Dearborn Heights, was present. Mr. Kozlowski said he would find the on-site remediation activity and report his findings to the Planning Department. He assumes there is ongoing remediation. Mr. Kozlowski requested consideration to approve the site plan and special use request with the condition of remediation filed with the MDEQ.

Mr. Littman addressed the comments of the City's Environmental Specialist related to the proposed tanks appearing to be in the middle of the future right-of-way.

Mr. Kozlowski assured the members that there would be no tanks in the future right of way.

Mr. Miller said it is his opinion that the Environmental Specialist's comments are inaccurate.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2005-05-
Moved by: Chamberlain
Seconded by: Wright

RESOLVED, That the Special Use Approval and Site Plan Approval, pursuant to Section 22.30.02 of the Zoning Ordinance, as requested for the proposed Clark Station improvements, located on the northeast corner of Maple and Livernois, Section 27, within the H-S Zoning District, be tabled until such time as the petitioner comes forward with remediation plans on the environmental problems that started in 1993.

Discussion on the motion on the floor.

Ms. Drake-Batts said the remediation could be the continuous monitoring of the tank and might never be resolved. She said, as the motion reads, the petitioner might be restricted from ever renovating the gas station.

Mr. Schultz said it would be prudent to get the remediation documentation as part of the site plan and special use approval.

Mr. Littman suggested the tabling motion stipulate a specific date. He indicated he would like finalization on the location of the tanks.

Resolution # PC-2005-05-117
Moved by: Chamberlain
Seconded by: Wright

RESOLVED, That the Special Use Approval and Site Plan Approval, pursuant to Section 22.30.02 of the Zoning Ordinance, as requested for the proposed Clark Station improvements, located on the northeast corner of Maple and Livernois, Section 27, within the H-S Zoning District, be tabled to the September 13, 2005 Regular Meeting.

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

MOTION CARRIED

Ms. Drake-Batts said it is most likely the gasoline leak has been taken care of and the petitioner is coming back for no reason.

SITE PLAN REVIEWS

9. SITE PLAN REVIEW (SP 917) – Proposed Fifth Third Bank, East side of Rochester Road, North side of Bishop, Section 23, Zoned B-3 (General Business) District

Mr. Miller presented a summary of the Planning Department report for the proposed Fifth Third Bank. Mr. Miller reported that it is the recommendation of the Planning Department to approve the site plan as submitted.

Mr. Schultz addressed the existing fence that would be replaced with a screen wall. He asked if the existing fence surrounds the backyard of a neighboring home and if contact has been made with the homeowner.

Mr. Miller responded that the fence might have been put up in the wrong location, which is a common occurrence. Mr. Miller said the matter would be reviewed.

The petitioner, Marcos Makohon of KR Architecture, LLC, 26899 Northwestern Hwy, Southfield, was present. Mr. Makohon said the neighbor has not been contacted. Upon their review, it was found that the existing fence follows a fence line of many years ago and the property was not surveyed. Mr. Makohon said a vacant commercial building, a former Robert Hall store and real estate firm, is being

removed to erect what they hope to be an extremely active banking center. He stated that the impact to the neighbors was minimized, and noted that it is an ordinance requirement to put up a masonry wall. Mr. Makohon said it would be in their best interest to contact the neighbor.

Chair Strat opened the floor for public comment.

There was no one present who wished to speak.

The floor was closed.

Resolution # PC-2005-07-118
Moved by: Chamberlain
Seconded by: Schultz

RESOLVED, That Preliminary Site Plan Approval, as requested for the Proposed Fifth Third Bank, located on the east side of Rochester Road, north of Bishop, located in Section 23, on approximately 1.71 acres, within the B-3 zoning district, is hereby granted.

Yes: All present (7)
No: None
Absent: Vleck, Waller

MOTION CARRIED

10. SITE PLAN REVIEW (SP 918) – Proposed Addition Motion Industries, Northeast corner of Brinston and Bellingham, Section 26, Zoned M-1 (Light Industrial) District

Mr. Miller presented a summary of the Planning Department report for the proposed building addition to Motion Industries. Mr. Miller reported that it is the recommendation of the Planning Department to approve the site plan as submitted.

The petitioner, Bob Paciocco of The Paciocco Companies, 1330 Goldsmith, Plymouth, was present. Mr. Paciocco said Motion Industries has been an excellent, long-term tenant who is requesting additional warehouse space.

Resolution # PC-2005-05-119
Moved by: Schultz
Seconded by: Littman

RESOLVED, That the Planning Commission hereby approves a reduction in the total number of required parking spaces to thirty-six (36) when a total of forty-three (43) spaces are required on the site based on the off-street parking space

requirements for general industrial, as per Article XL in the event of a change of use in the future as required by Section 40.21.82 of the Zoning Ordinance.

FURTHER RESOLVED, That Preliminary Site Plan Approval, as requested for the Proposed Motion Industries Addition, located on the northeast corner of Brinston and Bellingham, located in Section 26, on approximately 1.35 acres, within the M-1 zoning district, is hereby granted.

Yes: All present (7)
No: None
Absent: Vleck, Waller

MOTION CARRIED

11. SITE PLAN REVIEW (SP 919) – Proposed Buscemi Party Shoppe, North of Hartland, East of Rochester, Section 23 – Zoned B-1 (Local Business) District

Mr. Miller presented a summary of the Planning Department report for the proposed Buscemi Party Shoppe. Mr. Miller reported that it is the recommendation of the Planning Department to approve the site plan as submitted with the condition that the sidewalks be extended across the entry drives on both Rochester and Hartland.

Patrick Westerlund of Design Group Architects, 637 E. Big Beaver, Troy, was present to represent the owner and petitioner.

The petitioner, Paul Buscemi of 3296 Rochester Road, Troy, was also present.

Mr. Westerlund said Buscemi Party Shoppe is relocating from their current tenant space to this location. Mr. Westerlund said he and the Planning Department staff worked on the site plan. He indicated the new location would be a great asset for the Buscemi family and Buscemi customers.

Mr. Schultz said he hopes the petitioner works closely with the property owner to the east so that the screen wall is of an attractive appearance and color, since the development is directly on the property line and next to the neighbor's home.

Chair Strat commended the Planning Department staff in their involvement in getting the cross access easement.

Resolution # PC-2005-07-120
Moved by: Chamberlain
Seconded by: Wright

RESOLVED, That Preliminary Site Plan Approval, as requested for the proposed Buscemi Party Shoppe, located on the east side of Rochester Road, north of Hartland, located in Section 23, on approximately 16,505 square feet, within the B-1 zoning district, is hereby granted, subject to the following conditions:

1. Extend the sidewalks across the entry drives on both Rochester and Hartland.
2. Register the proposed cross access easement with the County.

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

MOTION CARRIED

Ms. Drake-Batts is not in favor of the development because it intrudes into neighborhood behind it.

ZONING ORDINANCE TEXT AMENDMENTS

12. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 201) – Article 28.30.00 Arts and Dance Schools (Commercial Recreation) in Light Industrial Zoning Districts

Mr. Miller presented a summary of the proposed zoning ordinance text amendment relating to arts and dance schools in the light industrial zoning districts. Mr. Miller reported that City Management recommends approval of ZOTA 201 as printed on the draft ZOTA dated June 24, 2005.

There was a brief discussion relating to commercial recreation in the RC zoning districts. It was determined to discuss this at a future study meeting.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2005-07-121
Moved by: Wright
Seconded by: Littman

RESOLVED, That the Planning Commission hereby recommends to the City Council that Article 28.30.09, pertaining to indoor commercial recreation facilities in the M-1 Light Industrial Zoning District, and related additional definitions, be

amended as printed on the Proposed Planning Commission Public Hearing Draft Zoning Ordinance Text Amendment.

Yes: All present (7)
No: None
Absent: Vleck, Waller

MOTION CARRIED

13. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 216) – Article 28.00.00 Additional Retail Along Major Thoroughfares in the M-1 (Light Industrial) Zoning District

Mr. Miller presented a summary of the proposed zoning ordinance text amendment relating to additional retail along major thoroughfares in the M-1 zoning district. Mr. Miller reported that City Management recommends approval of ZOTA 216 as printed on the draft ZOTA dated June 27, 2005.

Mr. Wright pointed out a typographical error in Section 28.30.09 (A). The word "is" should be deleted.

PUBLIC HEARING OPENED

Arie Leibovitz of Ari-El Enterprises, 29548 Southfield Road, Southfield, was present. Mr. Leibovitz identified himself as the interested party who brought the matter to the attention of the City as a desire and need to accommodate flexibility in properties along the major arteries. Mr. Leibovitz, owner of numerous buildings along the Maple Road corridor, encouraged the members to support the text amendment that would revitalize some of the buildings that are becoming dysfunctional for the industrial use along the corridor.

PUBLIC HEARING CLOSED

Resolution # PC-2005-07-122
Moved by: Schultz
Seconded by: Wright

RESOLVED, That the Planning Commission hereby recommends to the City Council that Article 28.30.09, pertaining to additional retail uses along major thoroughfares in the M-1 Light Industrial Zoning District, be amended as printed on the Proposed Planning Commission Public Hearing Draft Zoning Ordinance Text Amendment, subject to the correction of one typographical error in item A of the proposed text.

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

MOTION CARRIED

Ms. Drake-Batts said the proposed amendment is too restrictive and should not be limited to major thoroughfares.

14. PUBLIC COMMENT

There was no one present who wished to speak.

GOOD OF THE ORDER

Mr. Schultz addressed the recent Supreme Court decision with respect to the taking of land as relates to its impact in the long-term.

Mr. Littman addressed the proposed PUD in Rochester Hills [Historic Lorna Stone Village]. He suggested it might be helpful if Troy and Rochester Hills worked together with respect to the Bharatiya Temple Addition with respect to curb cuts, acceleration/deceleration lanes, etc.

Mr. Wright complimented the Chair on dispensing a cumbersome agenda in a relatively short period of time.

Mr. Kulesza said tonight was fun and he was looking forward to working with the members.

Mr. Motzny provided an explanation to his memorandum that addresses the public hearing for the proposed zoning ordinance text amendment relating to group daycare in residential districts.

Mr. Miller announced he would not be at the July 26, 2005 Study/Special Meeting.

The Regular Meeting of the Planning Commission was adjourned at 9:38 p.m.

Respectfully submitted,

_____
Thomas Strat, Chair

_____
Kathy L. Czarnecki, Recording Secretary

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A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, July 13, 2005, at Troy City Hall, 500 W. Big Beaver Rd., Troy, MI. The meeting was called to order at 12:08 p.m.

TRUSTEES PRESENT:
Mark Calice
Michael Geise
Thomas Houghton, Chair
John M. Lamerato
William R. Need
Steven A. Pallotta
Louise E. Schilling
John Szerlag

ABSENT:

ALSO PRESENT:
Laura Fitzpatrick
Doug Smith
Matthew J. Farrell, Friedman Real Estate Group
Joseph M. Polito, Friedman Real Estate Group

MINUTES

Resolution # ER – 2005 – 07 - 024
Moved by Calice
Seconded by Szerlag

RESOLVED, That the minutes of the June 8, 2005 meeting be approved.

Yeas: All 7
Absent:

OTHER BUSINESS –FORD & EARL PROPERTY UPDATE

Doug Smith, Matthew Farrell and Joseph Polito of Friedman Real Estate Group, reviewed with the Board various options for the Ford & Earl property. The Board will study the proposal from Friedman Real Estate Group to market the property and make a recommendation at their August Meeting.

OTHER BUSINESS – PART –TIME SERVICE CREDIT

Resolution # ER – 2005 – 07 - 025
Moved by Lamerato
Seconded by Szerlag

RESOLVED, That the Board approve the part-time service credit of:

Gisela Beier	8.75 years
Ardath Labriola	8.50 years
Marilyn Miller	7.25 years

Yeas: All 7
Absent:

OTHER BUSINESS – RETIREMENT REQUESTS

Resolution # ER – 2005 – 07 - 026
Moved by Lamerato
Seconded by Pallotta

RESOLVED, That the retirement requests of the following employees be approved:
Catherine T. McFarland, DC, 7/21/05, 20 years, 7 months
David S. Beekman, DB, 8/2/05, 25 years
Patricia A. Petitto, DB, 8/20/05, 36 years, 10 months

Yeas: All 7
Absent:

INVESTMENTS

Resolution # ER – 2005 – 07- 027
Moved by Lamerato
Seconded by Pallotta

RESOLVED, That the following investments be purchased and sold:

Purchase:
$500,000 Washington Mutual, 4.00% due 1/15/09; $500,000 HSBC Internotes, 4.375% due 7/15/08; $500,000 Bear Sterns, 4.00% due 1/31/08; $500,000 HSBC Finance, 4.15% due 7/15/07; and 5,000 shares Roper Ind.

Sell: NOKIA

Yeas: All 7
Absent:

The next meeting is August 10, 2005 at 12:00 p.m. at City Hall, Conference Room C, 500 W Big Beaver, Troy, MI.

The meeting adjourned at 1:50 p.m.

JML/bt\Retirement Board\2005\7-13-05 Minutes_Draft.doc

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, July 13, 2005, at Troy City Hall, 500 W. Big Beaver Rd., Troy, MI. The meeting was called to order at 1:50 p.m.

TRUSTEES PRESENT: Mark Calice
Michael Geise
Thomas Houghton, Chair
John M. Lamerato
William R. Need
Steven A. Pallotta
Louise E. Schilling
John Szerlag

ABSENT:

ALSO PRESENT: Laura Fitzpatrick

OTHER BUSINESS – ELECTION OF CHAIRPERSON AND VICE CHAIRPERSON

Resolution # RH – 2005 – 07 - 001
Moved by Lamerato
Seconded by Szerlag

RESOLVED, That the Board elect Thomas Houghton as Chairperson and Steven A. Pallotta as Vice Chairperson.

Yeas: All 7
Absent:

OTHER BUSINESS – 2005 MEETING SCHEDULE

Resolution # RH – 2005 – 07 - 002
Moved by Houghton
Seconded by Pallotta

RESOLVED, That the Board will meet on September 14, 2005 and December 14, 2005 at 1:00 p.m.

Yeas: All 7
Absent:

The next meeting is September 14, 2005 at 1:00 p.m. at City Hall, Conference Room C, 500 W Big Beaver, Troy, MI.

The meeting adjourned at 1:58 p.m.

JML/bt\Retirement Board\Retiree Health Care Benefits Plan & Trust\2005\7-13-05 Minutes_Draft.doc

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:30 p.m. on July 26, 2005 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:
Gary Chamberlain
Lynn Drake-Batts
Fazal Khan
Robert Schultz
Thomas Strat
David T. Waller
Wayne Wright

Absent:
Lawrence Littman
Mark J. Vleck

Also Present:
Brent Savidant, Principal Planner
Lori Grigg Bluhm, City Attorney
Allan Motzny, Assistant City Attorney
Christopher Kulesza, Student Representative

Resolution # PC-2005-07-123
Moved by: Wright
Seconded by: Khan

RESOLVED, That Members Littman and Vleck are excused from attendance at this meeting for personal reasons.

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

MOTION CARRIED

2. PUBLIC COMMENTS

There was no one present who wished to speak.

3. BOARD OF ZONING APPEALS (BZA) REPORT

Mr. Wright reported on two items that appeared before the BZA. Both items were tabled due to not having a full board present.

4. PLANNING AND DEVELOPMENT REPORT

Mr. Savidant reported that PUD 4 - "The Monarch" - North side of Big Beaver Road, east of Alpine and west of McClure, Section 20 – Received Preliminary PUD Approval by City Council on July 18, 2005.

Mr. Waller asked if the design of The Monarch that received a recommendation from the Planning Commission was the same design that was before City Council. Mr. Savidant responded in the affirmative.

5. PRESENTATION BY LORI GRIGG BLUHM, CITY ATTORNEY – OPEN MEETINGS ACT AND RELATED ITEMS

Lori Grigg Bluhm, City Attorney, made a presentation on the Open Meetings Act and other related items. General discussion followed.

The members thanked Ms. Bluhm for her time and excellent presentation.

Chair Strat requested a recess at 8:45 p.m.

The meeting reconvened at 8:50 p.m.

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6. PRESENTATION BY U.S. GREEN BUILDING COUNCIL, DETROIT REGIONAL CHAPTER, ADVOCACY COMMITTEE

Paul H. Goldsmith and Mark Hieber of Harley Ellis and Detroit Regional Chapter of U. S. Green Building Council (USGBC) made a presentation on sustainable design, entitled "Sustainable Planning for the Future". General discussion followed.

The third and final presentation entitled "Bringing It All Together" is scheduled for the August 2, 2005 Special/Study Meeting.

The members thanked Mr. Goldsmith and Mr. Hieber for their time and excellent presentations.

7. RESCHEDULE NOVEMBER 8, 2005 REGULAR PLANNING COMMISSION MEETING (GENERAL ELECTION)

Mr. Savidant reported that Troy Council Chambers is not available for the November 8, 2005, Planning Commission Regular Meeting because of the General Election.

General discussion followed.

Resolution # PC-2005-07-124
Moved by: Chamberlain
Seconded by: Schultz

RESOLVED, That the Planning Commission reschedules the November 8, 2005 Regular Meeting to November 29, 2005, to be held in Council Chambers, as requested by the Planning Department.

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

MOTION CARRIED

8. DAYCARE CENTERS LOCATED IN SCHOOLS, R-1A - R-1E ZONING DISTRICTS – POTENTIAL ZOTA

Mr. Savidant explained that there is a Montessori school in the R-1C district that wishes to add a child care center. Child care centers are permitted by special use approval in the R-1A through R-1E districts, provided the center is "located adjacent to a multiple family residential, office or commercial District, or within a previously established church complex" (Article 10.30.03.B). Given that child care services are provided in all elementary schools within the Troy School District, it seems reasonable to amend the Zoning Ordinance to formally permit these uses in all schools.

Mr. Chamberlain stated that child care centers were appropriate uses in schools.

Mr. Schultz asked if child care centers in schools would be approved by Special Use Approval.

Mr. Savidant replied in the affirmative.

Resolution # PC-2005-07-125
Moved by: Chamberlain
Seconded by: Khan

RESOLVED, that a Public Hearing be held for this item, which permits child care centers in school complexes by Special Use Permit in the R-1A through R-1E districts, at the September 13, 2005 Planning Commission Regular Meeting.

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

MOTION CARRIED

9. PUBLIC COMMENTS

There was no one present who wished to speak.

GOOD OF THE ORDER

Mr. Chamberlain requested that Planning Commissioner motions should be stated clearly so that they are understood by all members and so the public record is clear. Reasons for negative votes should also be stated clearly.

Mr. Chamberlain also requested that the Planning Department compile a list of Planning Commissioners who plan to attend the MAP 2005 Annual Conference at the Grand Hotel on Mackinac Island. Further, the Planning Department should pay registration fees up front so that Planning Commissioners do not have to wait for reimbursement.

Planning Commissioners who indicated they are attending the 2005 MAP Conference included: Mr. Chamberlain, Ms. Drake-Batts, Mr. Khan, Mr. Strat and Mr. Waller.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 10:00 p.m.

Respectfully submitted,

_____
Thomas Strat, Chair

_____
R. Brent Savidant, Recording Secretary

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J-02a

DATE: August 1, 2005
TO: John Szerlag, City Manager
FROM: Mark Stimac, Director of Building & Zoning
SUBJECT: Permits issued during the Month of July 2005

	NO.	VALUATION	PERMIT FEE
INDUSTRIAL			
Add/Alter	3	$115,000.00	$1,115.00
Sub Total	**3**	**$115,000.00**	**$1,115.00**
COMMERCIAL			
Completion Less Tenant	1	$121,000.00	$992.00
Tenant Completion	1	$195,000.00	$1,085.00
Add/Alter	16	$1,711,708.00	$13,575.00
Fire Repair	1	$60,000.00	$565.00
Sub Total	**19**	**$2,087,708.00**	**$16,217.00**
RESIDENTIAL			
New	15	$2,610,929.00	$19,401.00
Add/Alter	34	$652,369.00	$7,523.00
Garage/Acc. Structure	11	$82,822.00	$1,509.00
Pool/Spa/Hot Tub	8	$83,500.00	$1,177.00
Repair	1	$166,700.00	$1,314.00
Fire Repair	1	$121,421.00	$999.00
Wreck	3	$0.00	$170.00
Fnd./Slab/Rat Wall	1	$775.00	$35.00
Sub Total	**74**	**$3,718,516.00**	**$32,128.00**
TOWN HOUSE/CONDO			
New	6	$900,000.00	$7,170.00
Add/Alter	6	$42,103.00	$781.00
Sub Total	**12**	**$942,103.00**	**$7,951.00**
MULTIPLE			
Add/Alter	2	$77,000.00	$829.00
Sub Total	**2**	**$77,000.00**	**$829.00**
INSTITUTIONAL/HOSPITAL			
Add/Alter	2	$550,000.00	$4,140.00
Sub Total	**2**	**$550,000.00**	**$4,140.00**
MISCELLANEOUS			
Signs	48	$0.00	$5,230.00
Fences	16	$0.00	$260.00
Sub Total	**64**	**$0.00**	**$5,490.00**
TOTAL	**176**	**$7,490,327.00**	**$67,870.00**

PERMITS ISSUED DURING THE MONTH OF JULY 2005

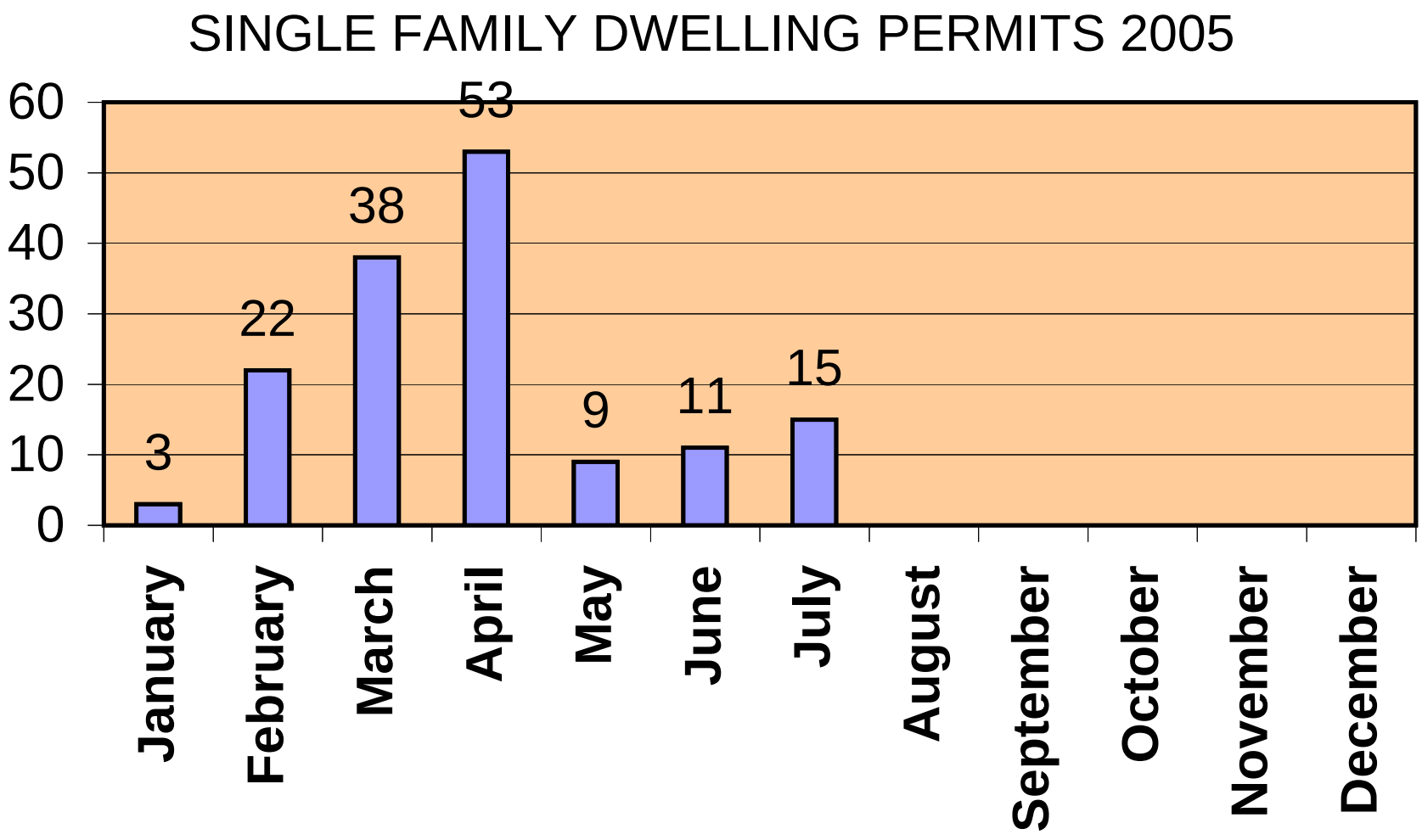
	NO.	PERMIT FEE
Cert. of Occupancy	43	$2,360.75
Plan Review	154	$6,465.00
Microfilm	25	$207.00
Building Permits	176	$67,870.00
Electrical Permits	262	$15,578.00
Heating Permits	159	$9,640.00
Air Cond. Permits	112	$4,965.00
Refrigeration Permits	1	$120.00
Plumbing Permits	131	$11,456.00
Storm Sewer Permits	17	$681.00
Sanitary Sewer Permits	23	$825.00
Sewer Taps	19	$5,332.00
TOTAL	**1122**	**$125,499.75**

LICENSES & REGISTRATIONS ISSUED DURING THE MONTH OF JULY 2005

	NO.	LICENSE FEE
Mech. Contr.-Reg.	26	$130.00
Elec. Contr.-Reg.	28	$420.00
Master Plmb.-Reg.	28	$28.00
Sewer Inst.-Reg.	4	$200.00
Sign Inst. - Reg.	8	$80.00
E. Sign Contr-Reg.	3	$45.00
Fence Inst.-Reg.	2	$20.00
Bldg. Contr.-Reg.	23	$230.00
F.Alarm Contr.-Reg.	2	$30.00
TOTAL	**124**	**$1,183.00**

BUILDING PERMITS ISSUED

	BUILDING PERMITS 2004	PERMIT VALUATION 2004	BUILDING PERMITS 2005	PERMIT VALUATION 2005
JANUARY	100	$5,235,481.00	93	$6,617,765.00
FEBRUARY	130	$21,354,496.00	133	$8,586,755.00
MARCH	158	$9,372,242.00	143	$19,405,253.00
APRIL	178	$14,158,227.00	234	$16,039,899.00
MAY	232	$11,511,644.00	229	$8,974,377.00
JUNE	232	$16,224,865.00	207	$14,432,280.00
JULY	178	$19,788,711.00	176	$7,490,327.00
AUGUST	224	$11,179,780.00	0	$0.00
SEPTEMBER	198	$13,582,037.00	0	$0.00
OCTOBER	197	$11,540,976.00	0	$0.00
NOVEMBER	161	$6,232,506.00	0	$0.00
DECEMBER	148	$7,316,487.00	0	$0.00
TOTAL	**2136**	**$147,497,452.00**	**1215**	**$81,546,656.00**


SINGLE FAMILY DWELLING PERMITS 2005
60
50
40
30
20
10
0
3
22
38
53
9
11
15
January
February
March
April
May
June
July
August
September
October
November
December

BRIEF BREAKDOWN OF NON-RESIDENTIAL BUILDING PERMITS ISSUED DURING THE MONTH OF JULY 2005

Type of Construction	Builder or Company	Address of Job	Valuation
Commercial, Add/Alter	HEALY CONSTRUCTION	2901 W BIG BEAVER	125,000.00
Commercial, Add/Alter	RICHTNER AND RATNER	2801 W BIG BEAVER C-149	250,000.00
Commercial, Add/Alter	DAVE DIESON	1775 RESEARCH	300,000.00
Commercial, Add/Alter	ROBERT TERNES	5700 CROOKS 100	122,000.00
Commercial, Add/Alter	GLENN JOSEPH	1960 TECHNOLOGY 300	156,880.00
Commercial, Add/Alter	KIRCO CONSTRUCTION LLC	201 W BIG BEAVER 125	250,000.00
Commercial, Add/Alter	WARWICK CONSTRUCTION	308 W FOURTEEN MILE	147,328.00
Commercial, Add/Alter	BEAUMONT SERVICES COMPANY LLC	44199 DEQUINDRE 302	150,000.00
Total Commercial, Add/Alter			1,501,208.00
Commercial, Compl. less Tenant	VARADY ASSOCIATES	1800 W BIG BEAVER 2ND FL	121,000.00
Total Commercial, Compl. less Tenant			121,000.00
Commercial, Tenant Completion	HUNTINGTON CONSTRUCTION	1800 W BIG BEAVER 200	195,000.00
Total Commercial, Tenant Completion			195,000.00
Inst./Hosp., Add/Alter	SCOTT KREUTZER	44201 DEQUINDRE LOCKER	250,000.00
Inst./Hosp., Add/Alter	BARTON MALOW COMPANY	44201 DEQUINDRE ANGIO	300,000.00
Total Inst./Hosp., Add/Alter			550,000.00

Records 13

Total Valuation: 2,367,208.00

July 26, 2005

J-02b

TO: John Szerlag, City Manager

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

SUBJECT: Agenda Item - 2005 Year-To-Date Crime and Calls for Service Report

Attached is a spreadsheet detailing and comparing 2005 calls for service, criminal offenses, clearance rates, traffic crashes and citations issued through June 2005, with the same time period of 2004. This report's format complies with the National Incident Based Reporting System. All offenses within an incident are reported.

Group A Crime decreased 10.5% (192 reported incidents). Categories showing notable statistical changes are as follows:

- Assault Offenses: Down 19.8% (72 incidents).
- Destruction/Damage to Property/Vandalism: Down 17.0% (32 incidents).
- Drug/Narcotic Offenses: Down 18.0% (16 incidents).
- Fraud Offenses: Down 43.3% (36 incidents).
- Motor Vehicle Theft: Down 24.1% (14 incidents).
- Sex Offenses/Forcible: Down 44.4% (8 incidents).

Group B crime decreased 16.7% (181incidents). Categories showing notable statistical changes are as follows:

- Disorderly Conduct: Down 22.9% (30 incidents).
- Driving Under the Influence: Up 24.5% (48 incidents).
- Liquor Law Violations: Up 30.6% (11 incidents).

Total incidents of crime (Group A & B) decreased 12.8% (373 incidents).

Group C (non-criminal) calls for service showed a 7.6% increase (1209 incidents). Within Group C, alarm responses decreased 4.0% (90 alarm responses).

Clearance rates (the percentage of offenses for which a perpetrator has been prosecuted, or positively identified but not prosecuted) continue to be high; 37.1% for Group A Crime and 68.7% for Group B Crime. Arrests decreased 14.6% (103 arrests) for Group A Crime, and increased 8.9% (56 arrests) for group B Crime. Overall, arrests are down 3.5% (47 arrests). In total, the department made 1284 arrests for Group A and B crime during the first six-months of 2005.

Property damage traffic crashes are up 4.8% (63 crashes) while injury traffic crashes are down 5.8% (21 crashes). The number of traffic citations issued for hazardous traffic violations decreased 5.0%, while non-hazardous and license/title/registration violations increased 3.9% and 25.1% respectively.

Overall, crimes and calls for service are up 4.5% (840 incidents).

Please feel free to contact Chief Craft or Wendell Moore if you require additional information.

Troy Police Department

Midyear 2005/2004 Comparison

	INCIDENTS			OFFENSES			ARRESTS			CLEARANCES	
	Y-T-D		Percent	Y-T-D		Percent	Y-T-D		Percent	Y-T-D	
Group A Crime Categories	**2005**	**2004**	**Change**	**2005**	**2004**	**Change**	**2005**	**2004**	**Change**	**2005**	**Percent**
Arson	1	2	-50.0%	2	2	NC	2	0	+	1	50.0%
Assault Offenses	291	363	-19.8%	291	363	-19.8%	87	86	1.2%	158	54.3%
Bribery	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Breaking and Entering	123	124	-0.8%	123	124	-0.8%	6	11	-45.5%	9	7.3%
Counterfeiting/Forgery	57	50	14.0%	59	51	15.7%	9	12	-8.1%	7	11.9%
Destruction/Damage/Vandalism	156	188	-17.0%	167	194	-13.9%	12	4	200.0%	18	10.8%
Drug/Narcotic Offenses	73	89	-18.0%	124	130	-4.6%	88	123	-28.5%	120	96.8%
Embezzlement	35	46	-23.9%	36	46	-21.7%	24	30	-20.0%	16	44.4%
Extortion/Blackmail	1	0	+	1	0	+	0	0	NC	0	0.0%
Fraud Offenses	47	83	-43.4%	51	88	-42.0%	18	22	-18.2%	19	37.3%
Gambling Offenses	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Homicide Offenses	1	0	+	1	0	+	1	0	+	1	100.0%
Kidnapping/Abduction	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Larceny/Theft Offenses	784	779	0.6%	794	780	1.8%	331	360	-8.1%	268	33.8%
Motor Vehicle Theft	44	58	-24.1%	49	59	-16.9%	6	2	200.0%	5	10.2%
Pornography/Obscene Material	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Prostitution Offenses	0	10	-	0	10	-	0	26	-	0	0.0%
Robbery	10	14	-28.6%	10	14	-28.6%	5	9	-44.4%	5	50.0%
Sex Offenses, Forcible	10	18	-44.4%	9	18	-50.0%	4	7	-42.9%	4	44.4%
Sex Offenses, Nonforcible	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Stolen Property Offenses	2	8	-75.0%	3	9	-66.7%	1	7	-85.7%	2	66.7%
Weapon Law Violations	9	4	125.0%	11	6	83.3%	7	5	40.0%	9	81.8%
Group A Total	1,644	1,836	-10.5%	1,731	1,894	-8.6%	601	704	-14.6%	642	37.1%
Group B Crime Categories											
Bad Checks	0	11	-	0	11	-	0	0	NC	0	0.0%
Curfew/Loitering/Vagrancy	0	1	-	0	1	-	0	1	-	0	0.0%
Disorderly Conduct	101	131	-22.9%	107	143	-25.2%	8	12	-33.3%	12	11.2%
Driving Under the Influence	244	196	24.5%	257	213	20.7%	234	180	30.0%	244	94.9%
Drunkenness	3	2	50.0%	4	3	33.3%	1	0	+	2	50.0%
Family Offenses, Nonviolent	8	13	-38.5%	8	13	-38.5%	0	1	-	1	12.5%
Liquor Law Violations	47	36	30.6%	78	63	23.8%	104	95	9.5%	77	98.7%
Peeping Tom	1	1	NC	1	1	NC	0	1	-	0	0.0%
Runaway (Under 18)	18	18	NC	18	18	NC	0	0	NC	17	94.4%
Trespass of Real Property	2	7	-71.4%	6	8	-25.0%	0	5	-	4	66.7%
All Other	480	669	-28.3%	539	707	-23.8%	336	332	1.2%	342	63.5%
Group B Total	904	1,085	-16.7%	1,018	1,181	-13.8%	683	627	8.9%	699	68.7%
Group A and B Total	2,548	2,921	-12.8%	2,749	3,075	-10.6%	1,284	1,331	-3.5%	1,341	48.8%

Above data includes both completed and attempted offenses.

Troy Police Department

Midyear 2005/2004 Comparison

	INCIDENTS			OFFENSES			ARRESTS			CLEARANCES	
	Y-T-D		Percent	Y-T-D		Percent	Y-T-D		Percent	Y-T-D	
Description	**2005**	**2004**	**Change**	**2005**	**2004**	**Change**	**2005**	**2004**	**Change**	**2005**	**Percent**
Alarms	2,160	2,250	-4.0%	2,160	2,250	-4.0%	NA	NA	NA	NA	NA
All Other	14,859	13,560	9.6%	15,061	13,743	9.6%	380	256	48.4%	NA	NA
Group C Miscellaneous Total	17,019	15,810	7.6%	17,221	15,993	7.7%	380	256	48.4%	NA	NA
Group E Fire Total	26	22	18.2%	26	20	30.0%	NA	NA	NA	NA	NA
Grand Totals	19,593	18,753	4.5%	19,996	19,088	4.8%	1,664	1,587	4.9%	1,341	48.8%

Traffic Crashes and Citations

Reportable Traffic Crashes			
Personal Injury	339	360	-5.8%
Property Damage	1,375	1,312	4.8%
Fatal	5	2	150.0%
Total Reportable	1,719	1,674	2.7%
Private Property Crashes	552	578	-4.5%
Crashes Grand Total	2,271	2,252	0.8%

2005 Alcohol Involved Crashes

15 Incidents--4.4% involved alcohol.

27 Incidents--2.0% involved alcohol.

2 Incidents--100.0% involved alcohol.

44 Incidents--2.6% of all reportable crashes involved alcohol.

Traffic Citations			
Hazardous	5,645	5,939	-5.0%
Non-hazardous	843	811	3.9%
License, Title, Registration	1,877	1,500	25.1%
Parking	550	335	64.2%
Traffic Citations Total	8,915	8,585	3.8%

Date: August 5, 2005

To: John Szerlag, City Manager

From: Doug Smith, Director of Real Estate and Development
Mark Miller, Planning Director

Subject: AGENDA ITEM - ZONING ORDINANCE TEXT AMENDMENT (ZOTA 214) – Article XXVIII, Group Day Care Homes in the R-1A through R-1E Districts

A public hearing has been scheduled on this item for the August 9, 2005 Planning Commission meeting. The intent of the meeting is to solicit input on Group Day Care Homes and discuss the proposed ZOTA. All licensed Group Day Care Home providers were mailed notice of the public hearing, as were all residents within 300 feet of the 19 licensed Group Day Care Homes in Troy.

Currently the City of Troy Zoning Ordinance does not permit Group Day Care Homes (in-home daycare for between 7 to 12 children). The State of Michigan issues licenses for GDCH, however does not require applicants to meet local zoning. Consequently there are presently 19 licensed Group Day Care Homes in Troy that are in violation of the Zoning Ordinance. Note that Family Day Care Homes (in-home day care for up to 6 children) and Child Care Centers are permitted uses in Troy.

Attached is a list illustrating how nearby communities regulate Group Day Care Homes in their zoning ordinances.

Attachments:
1. Table – Regulation of Group Day Care Homes in Nearby Communities

cc: File/ZOTA 214
Sharon Schafer

G:\ZOTAs\ZOTA 214 Group Day Care Homes\Group Day Care Homes CC Memo 08 15 05.doc

REGULATION OF GROUP DAY CARE HOMES (GDCH) IN NEARBY COMMUNITIES

(Based on regulation of GDCH in local Zoning Ordinance)

LICENSED GDCH (STATE OF MI)	COMMUNITY	REGULATION OF GDCH
11	Auburn Hills	Not permitted
1	Birmingham	Permitted by right in MX (Mixed Use) District, with special conditions
6	Bloomfield Hills	Not permitted
2	Bloomfield Township	Permitted by Special Use Permit
17	Farmington Hills	Accessory uses permitted subject to special conditions in RA-1A, RA-1B, RA-1, RA-2, RA-3 and RA-4
17	Livonia	Existing GDCH permitted by right in R-1, R-2, R-3, R-4, R-5 and R-U-F districts; new GDCH require ZBA approval
9	Novi	Permitted subject to Special Conditions in R-1 through R-4
16	Rochester Hills	Not permitted
4	Shelby Township	Special land use with standards in all residential districts
17	West Bloomfield Township	Permitted by right in R-10, R-12.5 and R-30
19	Sterling Heights	Permitted by Special Use Permit

G:\ZOTAs\ZOTA 214 Group Day Care Homes\REGULATION OF FAMILY DAY CARE HOMES TABLE.doc

July 27, 2005

J-02d

TO: John Szerlag, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration
Brian P. Murphy, Assistant City Manager \ Services
Timothy L. Richnak, Public Works Director
Charles Craft, Police Chief
Jeanette Bennett, Purchasing Director

SUBJECT: **Agenda Item** –Auction (Off Site & On-line)– Vehicle Sale in Port Huron, Michigan and an On-Line Auction for a Diamond Bracelet on BidNet.

SUMMARY

In compliance with Resolution #2002-12-644-E-9 which requires that final auction reporting be submitted to City Council, miscellaneous Motor Pool vehicles were taken by the awarded City auctioneer, Mid-Thumb Auctioneering Service, LLC, to an auction held at Don's American Towing, 2547 Connor Street, Port Huron, Michigan. The auction was scheduled for Saturday, June 11, 2005. A list of the vehicles auctioned and the amount received is attached. The contract contains a provision that the auctioneer produces final accounting and the funds settlement within 30 days after the auction takes place. He has met the criteria.

In compliance with Resolution #2004-02-075, final reporting is being presented for (1) one Diamond Bracelet, which was auctioned on-line through BidNet. The on-line auction was placed on July 11, 2005 and closed on July 24, 2005. As a point of information, the bracelet was found at Somerset Mall. It was advertised and auctioned in compliance with the Ordinance: Chapter 3, Sections 1.77 and 1.78 (copy attached). Final sale amount and fees are listed below along with an attachment:

The income from the sales is as follows:

(3) Three Motor Pool Vehicles (6% auction fee)	$10,250.00
(1) One Diamond Bracelet (LOT #482)	710.00
Sales Tax (plus 6% on winning amount – LOT #482):	42.60
Costs: Auction Fee	
(6% for cleaned Motor Pool vehicles)	(-) 615.00
BidNet Auction Fee (-5% Fee)	(-) 35.50
Net Income	**$10,352.10**

BACKGROUND

Included in the specifications for the auction contract is the ability of our auctioneer to take the City's auction items to other auction locations. Mid-Thumb Auctioneering, LLC has been successful at the Port Huron location. All transportation, reporting, and advertising is included in the auction fee.

Resolution #2004-02-075 established the auction fee of 5% and provided approval to use BidNet with the provision that other on-line auction service options would be considered. Bidnet is already implementing an on-line auction service for MITN (Michigan Inter-governmental Trade Network) and is operational with access through the City of Troy home web page. MITN is Purchasing's official e-procurement website used for posting bids, tabulations, quotations, and award information. It was a Purchasing goal that one e-procurement site would be operational for all functions.

JB/lb
G://Bid Award 05-06//Report and Communication – Auction Report – Port Huron 6-05.doc

1.77. Return to Finder. After any lost money or lost personal property shall have been in the custody of the Police Department for sixty (60) days and the owner shall not have been found or has abandoned his claim to the property, and there being no claim of ownership pending against such property, the same may be returned by the Police Chief to the finder thereof, if said finder shall have complied with the provisions of this Chapter regarding lost property, in all respects. No employee of the City of Troy shall be eligible to acquire any property right in any lost money or lost personal property by reason of having found any such money or personal property.

(Rev. 5-1-78)

1.78. Unclaimed Property. As to any property remaining in the custody of the Police Department as to which there are no claims pending and no finder having any rights therein, the Police Chief shall cause said property, except money, to be sold at public auction, reserving the right to reject any or all bids, or to be sold by a system recommended by the City Manager and approved by resolution of City Council. By written authorization of the City Manager, unclaimed property may be retained by the City for City use. Notice of the time and place of such sale shall be given by publishing notice thereof in a newspaper of general circulation with the City and posted for ten (10) days in three (3) of the most public places in the City. Such notice shall set forth a full description of said property. The Police Chief is hereby authorized to deliver and convey such property to the successful purchaser upon payment of the full purchase price without any warranty or representation as to title and with the understanding that in the event the rightful owner recovers such property in an action at law against such purchaser, that the liability of the City of Troy shall be limited to the amount paid by said purchaser for such property. The proceeds of all such sales and any money which shall have been held for sixty (60) days against which there is no claim pending either by any purported owner or by the finder thereof, shall be paid by the Police Chief to the City Treasurer to the credit of the General Fund. The City of Troy may purchase property at any such sale in the same manner as any other bidder.

(Rev. 2-5-90)

1.79. Property to Which Inapplicable. The provisions of this Chapter as to lost property shall not apply to perishable articles which may be sold or destroyed within twelve (12) hours, if unclaimed. This Chapter shall not apply to abandoned vehicles, nor to firearms carried in violation of State Law, nor alcoholic beverages seized by the Department, all of which shall be disposed of in accord with the applicable Statutes. Other dangerous weapons shall be destroyed.

FIRE DEPARTMENT

1.91. Department of Fire. The Department of Fire shall be headed by the Fire Chief, who shall be charged with the prevention and extinguishment of fires, the protection of life and property against fire, the removal of fire hazards, the performance of other public services of an emergency nature assigned to it, and the conducting of an educational fire prevention program.

VEHICLE AUCTION REPORT

NUMBER	MAKE	MODEL	YEAR	AUCTION FEE	AUCTION PRICE
150	CHEVROLET	LUMINA 4DR.	93	$111.00	$1,850.00
814	JEEP/CHEROKEE	CHEROKEE/4/DR	00	$276.00	$4,600.00
880	PT/GRDPRIX4DR/	GRAND PRIX 4DR	98	$228.00	$3,800.00
			TOTALS	$615.00	$10,250.00

FINANCE: PLEASE CREDIT ACCOUNT #6610.4693 GAIN/SALE OF DEPRECIATED FIXED ASSETS

VEHICLES SOLD	10,250.00
AUCTION FEE	-615.00
	9,635.00

MID-THUMB AUCTIONEERING SERVICE, L.L.C.
AUCTION PROCEEDS TRUST ACCOUNT
8769 MORRIS RD.
GOODELLS, MI 48027
PHONE: (810) 325-9595

EXPLANATION	AMOUNT
3 Vehicles Sold at	
Sheriff Sale	

74-497/724

8251

PAY Nine Thousand Six Hundred Thirty Five & 00/100 DOLLARS

CHECK AMOUNT

DATE	TO THE ORDER OF	DESCRIPTION	CHECK NO.	
6-30-05	City of Troy	Net Auction Proceeds	8251	$ 9635.00

JOHN TOMASCHKO

Tri-County Bank

⑈008251⑈ ⑆072404977⑆ 2⑈5480⑈8⑈

Prepared by: Samuel P. Lamerato, Superintendent of Fleet Maintenance

Date: 06-11-2005 ST CLAIR CO SHERIFF

MID THUMB AUCTIONEERING SERVIEC L.L.C.
8769 MORRIS ROAD
GOODELLS, MI 48027
810-325-9595

Settlement CITY OF TROY Page:
Seller: 3

Item	Description	Price	Qty	Total
945	2001 FORD CROWN VIC 4DR VIN 80798 BLUE 70125	***Not sold*** Auction		
880	1998 PONTIAC GRAND PRIX 4DR VIN 19036 GREY 79831	228.00	1	3,900.00
150	1993 CHEV. LUMINA 4 DR VIN 21589 TAN 31212	111.00	1	1,850.00
814	2000 JEEP CHEROKEE 4DR VIN 71132 GREEN 84382	276.00	1	4,600.00

Items: 4 Amount: 10,250.00

THANK-YOU !!
MID-THUMB AUCTION

Planning an Auction (810) 325-9595
MID-THUMB AUCTIONEERING SERVICE, L.L.C.
8769 MORRIS RD.
GOODELLS, MI 48027

AUCTION FINAL SETTLEMENT

AUCTION HELD FOR: St. Clair Co. Sheriff

PROPRIETOR OF SALE: City of Troy

LOCATION OF AUCTION: Don's American Towing Yard
2547 Connor St Port Huron.

DATE AUCTION WAS HELD: Saturday June 11, 2005

TOTAL PROCEEDS OF VEHICLES SOLD **********$ 10,250.00

TOTAL PROCEEDS OF ALL OTHER ITEMS SOLD**********$ —

EXPENSES:

AUCTION FEE ON VEHICLES: 6 %**********$ 615.00

AUCTION FEE ON ALL OTHER ITEMS: ____ %**********$ ____

TOTAL EXPENSES $ 615.00

NET PROCEEDS**********$ 9,635.00

ADVERTISING BREAKDOWN:

Staples Flyers	$ 167.24	Postage	$ 185.00
Auction Exchange	$ 275.36	Detroit Newspapers	$ 474.70
Tradin Times	$ 190.00	Wheeler Dealer	$ 300.00
The VOICE	$ 120.08	Shopper Penny Pincher	$ 260.00
Times Herald	$ 475.00	Buyers Guide Smilac	$ 155.00
Carls Septic Port A John	$ 65.00	TOTAL ADS	$ 2,667.58

PROPRIETOR APPROVAL & RELEASE SIGNATURE: X

X

John Tomnec Sr
AUCTIONEERS SIGNATURE

DATE June 30, 05 CHECK#

Michigan Inter-governmental Trade Network

MITN

MITN Auctions	National Auctions	Auctions Main Menu	HELP/FAQ	Contact Support	MITN Admin Menu

Report For The City Of Troy, MI

Detailed Report For Seller: Linda Bockstanz

Reported On 7/27/2005 **From: 7/1/2005 To: 7/31/2005**

Item ID	Date	Sale Amount	Charge	Type of Fee	Auction Description	Seller
482	7/24/2005	710.00	35.50	Sale	Diamond Tennis Bracelet	Bockstanz

Total Sales Amount	Total Amount Charged	Total Payments	Total Balance Due for the selected date range	Total Balance Due
$710.00	$35.50	$0.00	$35.50	$35.50

Return to Reports Menu

DATE: August 10, 2005

TO: John Szerlag, City Manager

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

SUBJECT: Additional Information on Examples of Allowable Accessory Structures Based Upon Final Action on ZOTA 215A

At the City Council Meeting of July 18, 2005, staff provided analysis of the effects of the final action of City Council on the Zoning Ordinance Text Amendment 215A relating to the allowable sizes of accessory buildings. That analysis was in the form of five examples of the allowable areas for both attached and detached accessory buildings using existing homes and parcels in the City of Troy. A copy of that report is attached for your reference.

To further help facilitate the analysis of that information, staff has prepared the attached chart showing in data format the information that was included in paragraph format in the previous memorandum. We will be happy to provide any additional information that you require in this matter.

Prepared by: Mark Stimac, Director of Building and Zoning

Note to Mayor/Council:

This matrix was developed to indicate the difference in garage sizes using a formula with, and without basements constructed as living area.

John Szerlag
City Manager

Application of New Accessory Building Standards					
Example	1	2	3	4	5
Lot Size	21,258	65,555	36,000	14,070	20,691
30% Lot Coverage Maximum	6,377	19,667	10,800	4,221	6,207
Basement Area	2,027	3,450			
1st Floor Area	2,044	3,450	2,270	1,310	2,787
2nd Floor Area	1,733	2,793	1,320	1,074	
Living Area w/ Basement	5,804	9,693	3,590	2,384	2,787
75% Living Area w/ Basement	4,353	7,270	2,693	1,788	2,090
Maximum Attached Garage w/ Basement	4,333	7,270	2,693	1,788	2,090
Maximum detached garage w/ Basement	0	1,721	1,170	731	864
Maximum Accessory Buildings w/ Basement	4,333	8,991	3,863	2,519	2,954
Living Area w/o Basement	3,777	6,243	3,590	2,384	2,787
75% Living Area w/o Basement	2,833	4,682	2,693	1,788	2,090
Maximum Attached Garage w/o Basement	2,833	4,682	2,693	1,788	2,090
Maximum Detached Garage w/o Basement	875	1,721	1,170	731	864
Maximum Accessory Buildings w/o Basement	3,708	6,403	3,863	2,519	2,954
75% of First Floor Living Area	1,533	2,588	1,703	983	2,090

DATE: July 12, 2005

TO: John Szerlag, City Manager

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

SUBJECT: Example of Allowable Accessory Structures
Based upon Final Action on ZOTA 215A

Attached is the text of the Zoning Ordinance Text Amendment regarding the provisions of the Zoning Ordinance relating to accessory building standards. This text incorporates the text as proposed by the Planning Commission as well as the revisions that were made and approved by City Council at their meeting of July 11, 2005. The Council changes are shown shaded to help differentiate them from the other proposed revisions. The only difference between the attached text and the one that was distributed on the evening of July 11th, is that the effective date in Paragraph B and C of Section 40.56.01has been corrected to show July 21, 2005.

Also enclosed are some examples of the new language applied to some residential lots within the City. The first example is a new home that is under construction in Pulte's Wyngate subdivision. The example uses one of the larger lots within the R-1B subdivision. Lot 21 has an area of 21,258 square feet. The home that Pulte is currently constructing on the lot has a first floor area of 2,044 square feet and a second floor of 1,733 square feet. This lot also uses a walk out basement with another 2,027 square feet of potential living space in the basement. This brings the total living space on this house to 5,804 square feet. The 75% limitation for attached garages would limit the size of an attached garage to no more than 4,353 square feet. However, when we add this garage area to the first floor area we get 6,397 square feet of building footprint that exceeds the 30% lot coverage limit of 6,377 square feet. Therefore the size of the attached garage would be limited to 4,333 square feet. In this scenario it would leave no available space for detached accessory buildings on the site because of the 30% lot coverage limit. Without counting the living space in the basement they could only build 3,344 square feet of attached garage. This would limit the house/garage footprint to 5,388 square feet but would free up the 875 square feet for the allowable detached accessory buildings. Under the Planning Commission/Staff proposed language the attached garage would have been limited to 1,533 square feet.

The next example is for a typical lot in the Charnwood Hills Subdivision. There is a new home that has been built on Lot 95 on Anslow Lane. This lot is 63,555 square feet in area. The home that is built there has a first floor area of 3,450 and a second floor area of 2,793 square feet. This home also has a finished basement that is 3,450 square feet, bringing the total living area of the home to 9,693 square feet. With the 75% limitation a 7,270 square foot attached garage could be constructed. In this case the 30% lot coverage limitation would allow 19,066 square feet of building on the site. As such the allowable 1,721 square foot detached garage could be constructed as well. This would mean that the total lot coverage of all buildings would be 12,441 square feet. If the basement area of this home were not countable as living space then the total building area footprint would be limited to 9,853 square feet. Under the Planning Commission/Staff proposed language the attached garage would have been limited to 2,588 square feet.

Another example is a new home under construction on Banmoor. This home has a 2,270 square foot first floor and a 1,320 square foot second floor on a 36,000 square foot lot. An attached garage of 2,692 square foot could be constructed as well as 1,170 square feet of detached accessory building on this parcel. Under the Planning Commission/Staff proposed language the attached garage would have been limited to 1,702 square feet.

Another example is an existing home on Lakewood in the Raintree Village Subdivision. It has a home that has a 1,310 square foot ground floor and a 1,074 square foot second floor on a 14,070 square foot lot. This property would be permitted to have a 1,788 square foot attached garage as well as 731 square feet of detached garage while still staying under the 30% lot coverage limit of 4,221 square feet. Under the Planning Commission/Staff proposed language the attached garage would have been limited to 982 square feet.

Lastly, is an example of a ranch home located on Bolingbroke. This home has a first floor area of 2,787 square feet on a lot that is 20,691 square feet. A total of 2,090 square foot of attached garage can be constructed with another 864 square feet of detached building permitted. Under the Planning Commission/Staff proposed language the allowable area of attached garage would not change.

Prepared by: Mark Stimac, Director of Building and Zoning

J-03a

Barton Malow

Barton Malow Company

26500 American Drive • Southfield, Michigan 48034 • p 248.436.5000 • f 248.436.5001

26 July 2005

RECEIVED
JUL 27 2005
CITY OF TROY
CITY MANAGER'S OFFICE

Mayor Louise Schilling
City of Troy
500 West Big Beaver
Troy, Michigan 48084

RE: Thank you!

Dear Mayor Schilling,

I just wanted to take a moment to express our gratitude regarding the cooperation we received from many of the staff members within the City of Troy offices throughout the planning and construction of Automation Alley's Technology Center. As you are well aware, the timeline for this project was quite aggressive and the quality of the services we received from all departments certainly played a significant role in our ability to turn over the building on time. As such, I think it is important to recognize the following people for their contribution.

Gary Bowers	Ron Figlan	Bill Jawlik
Rick Kessler	Bob Matlick	Pat Pettito
Doug Smith	Mark Stimac	Gary Streight
The entire Inspection Staff	The very kind administrators in the Building Department	

You are very fortunate to have a team of such professionals. It is little wonder the City of Troy is one of the most sought after locations to live, work, play and learn. Thank you again!

Kind regards,

Paul J. Marcus
Barton Malow Company

Mobile 248 766 3776
Direct Fax 248 436 5227

cc: Ken Rogers, Automation Alley
Doug Maibach, Barton Malow Company
Bruce Babiarz, Barton Malow Company

J-03b

July 26, 2005

RECEIVED
JUL 27 2005
CITY OF TROY
CITY MANAGER'S OFFICE

John Szerlag
Troy City Manager
500 W. Big Beaver
Troy, MI 48084

Dear Mr. Szerlag,

I am writing to " Thank you" for responding so quickly to the water drainage problem that was affecting my property. After talking to Brian Murphy, things moved very quickly. There was a crew out to the area where the water was coming from and they successfully diverted the water into a drainage culvert.

I can begin cutting my lawn again in the area where it was flooded.

I really appreciate the job done by you and the staff at the City of Troy.

Please pass my **" Thank you"** on to everyone who helped solve this problem.

I am so very happy that I live in Troy (5 th Generation here).

Yours truly,

Harriet Barnard

Harriet Barnard
5945 Livernois
Troy, MI. 48098

c: Jim Richnak
Mark Stimac
JKP

J-03c

Carol K Anderson

From: Stacey Pilut [slpilut@comcast.net]
Sent: Wednesday, July 13, 2005 10:15 AM
To: Carol K Anderson
Subject: Nursery School Olympics

I just would like to say thank you for a wonderful time at the Nursery School Olympics. My two sons, Keith (3) and Timmy (2) participated and they had so much fun. The first thing they did this morning was put on their ribbons back on. Their grandparents also came out to enjoy the fun. It was a great night for all. Thanks again.

Sincerely,
Stacey Pilut

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J-03d

July 12, 2005

CHIEF OF POLICE
CITY OF TROY POLICE DEPARTMENT
500 W. Big Beaver Road
Troy, MI 48084

Dear Sir:

On Saturday, July 9th. 2005, I was passing thru your area traveling south bound on I-75. I had a blow out on one of my tires. I am a 74 year old man who is handicapped. I really needed assistance. One of your officers, Melissa Baroky, was a great help to me. She was very concerned about my safety. She stayed with me until the tire was changed. In the mean time another officer stopped by and assisted me.

I sincerely want to thank you and let you know how much I appreciate all of the assistance that was given to me.

Sincerely,

Clive D. Mattice, Jr.

CC: City Mgr.
Capt. Mcdity
Off Baroky
dept Files

RECEIVED
Chief of Police
7/19/2005 CR

J-03e

11 June '05

Dear Carol,

This is just a brief note to let you know how much we appreciated the prompt service, attention and courtesy we received from Ron Hynd.

"Kudos" for Ron.

Sincerely,

Lynn and Brian Coury

Brian & Lynn Coury
2793 Derby
Troy, MI 48084

ROYAL OAK MI 480
PM
20 JUN
2005

27 USA

Carol Anderson
Troy - Parks & Rec.
3179 Livernois
Troy, MI 48083

J-03f

Farmington HILLS

FIRE DEPARTMENT

City of Farmington Hills

July 29, 2005

Bill Nelson
Troy Fire Department
500 W. Big Beaver
Troy, MI 48084

Dear Mr. Nelson,

On behalf of the City of Farmington Hills, we would like to extend our thanks to you and your organization for participating in FARMEX II.

This large-scale exercise provided unique hands-on training that helped prepare our local first responders to handle a real emergency. Among the participants were over 50 city, county, state, and federal agencies and close to 700 volunteers. The City of Farmington Hills learned many valuable lessons on our response procedures and how important interaction between agencies truly is.

By supporting our efforts, you have helped ensure that Farmington Hills and other local communities and organizations are among the best-prepared in the state to handle an emergency.

We hope that your agency learned many lessons from the exercise that resulted in productive change. Thank you again for your support and involvement in FARMEX II.

Cordially,

Vicki Barnett

Vicki Barnett
Mayor

Richard Marinucci
Fire Chief

31455 West Eleven Mile Road • Farmington Hills MI 48336
Administration • 248.871.2800 Phone 248.871.2801 Fax Fire Prevention 248.871.2820 Phone

J-03g

Mothers & More
THE NETWORK FOR SEQUENCING WOMEN

July 20, 2005

Dear Troy Fire Department,

I wanted to take the opportunity to say thank you for the wonderful presentation given by the Troy Fire Department at our annual family picnic held on June 25th. Your friendly Troy Firefighter (Todd) that came to our picnic showed our kids one of the Troy Fire Trucks. The firefighter showed the kids all the bells and whistles. They got to sit in the fire truck and some even sprayed the water hose. He gave excellent explanations and the kids had a great time!

The visit from the Troy Fire Department was definitely the highlight of the picnic! The firefighter was exceptionally friendly and helpful to all of us. The parents were all very impressed with the professionalism and generosity of the Troy Fire Department in loaning one of their trucks and firefighters for the afternoon.

Thank you so much for your gift of time and community spirit!

Sincerely,
Jennifer M. Snook

Jennifer M. Snook

Mothers and More Co-Leader
Oakland County, Chapter 13

J-03h

7-27-5

Mr. Steven Vondette,

Just a note from a "happy" home owner in Troy on Derby St.

The water main replacement you installed with proficiency and professionalism will enhance our sewer situation, and I thank you, your staff and the City of Troy.

The folks a Adams landscape must also be commended for the quality of work and sod.

Tom of Adams landscape was most congenial and informative.

Thank you,
RICHARD BURY
2287 DERBY

RECEIVED
JUL 28 2005
ENGINEERING

J-04a

CITY OF FERNDALE

RESOLUTION

OK

Moved by Councilwoman Weber, seconded by Councilman Covey, to adopt the following Resolution:

August 6, 2005, is the 60th Anniversary of the bombing of Hiroshima, Japan; and
August 9, 2005, is the 60th Anniversary of the bombing of Nagasaki, Japan; and

In August, 1945, when these catastrophes were inflicted upon the people of Japan, hundreds of thousands of people were killed instantly by the blast, fire and radiation effects of just two nuclear bombs - with health consequences that continue to this day; and

More then 30,000 nuclear weapons exist in the world today, including tens of thousands left over from the cold war between the U.S. and the former Soviet Union. As long as nuclear weapons exist, cities around the world will be vulnerable to instantaneous devastation on a scale exceeding even that experienced by Japan; and

The proliferation of nuclear weapons to Israel, India, Pakistan and North Korea and the possible acquisition for production of nuclear weapons by non-state actors has only increased the danger that nuclear weapon use or a full scale nuclear war will take place either deliberately or by accident; and

Mayors from around the world, led by the Mayors of Hiroshima and Nagasaki with survivors of the 1945 atomic destruction, joined together in New York City in the spring to demand worldwide abolition of nuclear weapons; and

August 6th and 9th have been designated as *National Days of Remembrance and Action.* Concerned citizens will gather at the four nuclear weapons sites in the U.S. (In CA, NV, NM and TN) calling for an end to the development and production of nuclear weapons; and

The U.S. Conference of Mayors unanimously adopted by acclamation a Resolution for the elimination of nuclear weapons, recognizing that weapons of mass destruction have no place in a civilized world. (June 28, 2004)

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Ferndale extend appreciation to the Mayors of Hiroshima and Nagasaki for their leadership in working for the elimination of nuclear weapons.

FURTHER BE IT RESOLVED, the City of Ferndale expresses thanks to the Japanese survivors of nuclear devastation for working for reconciliation, not retaliation, and the City of Ferndale supports the work of the U.S. Conference of Mayors for a nuclear free world.

RESOLVED FURTHER, the City of Ferndale urges her citizens, employees and businesses to work for the non-violent resolution of conflict in our homes, neighborhoods, workplaces and business community, and the Mayor and Council direct the City Clerk to forward a copy of this resolution to all communities in south Oakland County.

AYES: Council Members Covey, Galloway, Lennon, Weber; Mayor Porter
NAYS: None
MOTION CARRIED

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 July 25, 2005.

Karen Pedro

Karen Pedro, City Clerk

J-4a

6K

J-04b

CHARTER TOWNSHIP OF WHITE LAKE
OAKLAND COUNTY, MICHIGAN

LOCAL CONTROL OF LIQUOR LICENSES

WHEREAS, Michigan liquor law allocates quota liquor licenses to municipalities based on population figures derived from the latest census; and

WHEREAS, quota liquor licenses are awarded by the Liquor Control Commission (LCC) following adoption of a resolution by a local municipality indicating approval or disapproval of the request for a license; and

WHEREAS, applicants are awarded quota liquor licenses for which they have paid no monies to the local municipality, except for an application processing fee; and

WHEREAS, current Michigan liquor law allows for the recipient of a quota liquor license to use the license and realize the profits from the sale of alcoholic beverages; to place the license in escrow with the LCC; to sell the license; or to transfer the quota license to another entity in or out of the local municipality; and

WHEREAS, cities, villages, and townships are the local governmental bodies wishing to retain local control over matters such as business development, including the award of quota liquor licenses, in their communities; and

WHEREAS, allowing a quota liquor license to be transferred from a local municipality in which it was originally issued without the consent of that municipality has the effect of weakening the economic viability of that municipality and being counter-productive to the best interests of the State of Michigan; and

WHEREAS, the Charter Township of White Lake is a growing community desirous of deciding how and to whom quota liquor licenses are to be issued in the interest of promoting a healthy business climate and to ensure the health, safety, and welfare of the local citizenry; and

NOW, THEREFORE, BE IT RESOLVED THAT, the Board of Trustees of the Charter Township of White Lake 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 White Lake petitions the State legislature to enact an amendment to Michigan liquor law that would ensure local control of liquor licenses through the requirement that any and all quota liquor licenses be returned to the quota for a particular local municipality, whether city, village, or township, when no longer in use, for whatever reason, in conjunction with the viable business to which it was originally issued; and

BE IT FURTHER RESOLVED THAT, copies of this resolution, once certified, be forwarded to the Liquor Control Commission; Craig De Roche, the Speaker of the House; Ken Sikkema, Majority Leader of the State Senate; Senator Michael Bishop, State Representative James Marleau, Governor Jennifer Granholm, and to each of the municipalities in Oakland County.

MOTION BY: Trustee Lilley
SUPPORTED BY: Trustee Powell

AYES: 6
NAYS: 0
ABSENT: Trustee Brendel

RESOLUTION DECLARED ADOPTED.

I, Carol J. Burkard, the Township Clerk, do hereby certify that the foregoing is a complete and true copy of a resolution, the original of which is on file in my office, adopted by the Township Board of Trustees at a regular meeting there of held on July 19, 2005.

Carol J. Burkard

Carol J. Burkard, Clerk
White Lake Township
Oakland County, Michigan

RECEIVED

AUG 0 1 2005

CITY OF TROY
CITY MANAGER'S OFFICE

J-04c

CITY OF FERNDALE

RESOLUTION

I-75 Final Environment Impact Statement
M-102 to M-59 Proposed Expansion

OK
3S

Moved by Councilman Covey, seconded by Councilwoman Weber, to adopt the following Resolution:

As a Community that will be directly and indirectly impacted by the proposed expansion of I-75 in Oakland County, the City of Ferndale has been a member of the Local Advisory Committee studying the proposed M-102 to M-59 expansion of I-75 in Oakland County, and has monitored the planning and environmental review process closely; and

Having reviewed the I-75 Expansion Final Environmental Impact Statement (FEIS), Ferndale finds that the FEIS has not adequately responded to or addressed Ferndale's specific concerns raised in Ferndale's questions, findings and Resolutions communicated to MDOT and its study consultants throughout the process and specifically in its Resolution in June of 2004, said concerns which will again be enumerated as follows:

-The FEIS shrugs off and neglects Ferndale's concerns and recent university research that indicates fine particulate matter generated by vehicles contributes significantly to increased heart disease and heart attacks, aggravates asthma and is a carcinogen, with the FEIS stating there are no standards, therefore MDOT is not required to address said concerns, while Ferndale contends this matter should be addressed with minimally a survey of hospitals and residents to determine if such afflictions are being suffered by an above average rate by those who live within 1,000 feet of the current I-75 within the proposed I-75 segment to be expanded,

-The FEIS states that noise increases due to the likely 33% increase of induced traffic onto an expanded I-75 should generally fall into acceptable ranges which Ferndale finds as an unacceptable response to Ferndale citizens ongoing protests over Freeway noise which already exists, with the FEIS offering no specific noise mitigation plans to deal with current, let alone future noise increases, with evidence of already unacceptable noise concerns being documented by the attached petition of Ferndale residents who have testified in front of the Ferndale City Council that current freeway noises have dramatically and negatively impacted the quality of their lives while dramatically decreasing the value of their homes making them difficult if not impossible to sell,

-The FEIS does not adequately address Ferndale's concerns over narrow dangerous ten foot wide inside shoulders at segments along the proposed expansion route saying proper safety accommodations providing an acceptable degree of shoulder safety to senior citizens, mothers with children in their vehicles, and the disabled, would be cost prohibitive,

-The FEIS seeks to advance the $1 billion expansion of I-75 expansion process (the Freeway and arterials) and secure a Record of Decision (ROD) to advance the project at a time when Metro-Detroit's 2005 to 2030 infrastructure maintenance deficit is estimated to be approximately $100 billion by its MPO, while Ferndale and common sense suggest would dictate that any further expenditures on the costly major expansion of I-75 be deferred until the State of Michigan, SEMCOG (metro-Detroit's MPO) and the region agree on a strategic and financial plan to address current transportation system maintenance and deficiencies, let alone add to this burden,

-Ferndale's concerns over certain heavy, economically disruptive, and polluting traffic congestion, for multiple years, during the expansion of I-75 and the arterial roads that feed it, were not adequately addressed in the FEIS, with no adequate construction mitigation plan being suggested,

-The remedy to the above concern, suggested by Ferndale and a large coalition of metro-Detroit citizens, to first construct a rapid transit system on Woodward Avenue, from Detroit to Pontiac (which runs parallel to the corridor throughout the proposed construction segment), to provide congestion mitigation during the construction process, as has occurred in other regions of the USA to accommodate citizens during similar major freeway expansions, having been totally dismissed by MDOT and their FEIS consultants, with said consultants making misjudgments on local political/public will, versus what prudent steps could and should be taken to address the legitimate traffic construction congestions concerns; and

By not seriously looking at construction mitigation or temporary or permanent alternatives or complementary systems to the expansion of I-75 in Oakland County, MDOT and the Federal Highway administration, through the inadequate FEIS, will proceed to further increase metro-Detroit's dependence on mid-east oil, will further aggravate the well-documented reality that Metro-Detroit is the most racially and economically segregated region in the country, will accelerate southeast Michigan's status as practicing the most unsustainable sprawl and unplanned, uncoordinated development patterns in America, while missing golden opportunities and public needs, to diversify the economy in a region and state with the highest unemployment rates in America; and

Ferndale also reminds MDOT and the Federal Highway Administration that said studies and expansions are being viewed and approved through an MPO that has been documented by Ferndale and others to be highly discriminatory against investment in the region's central city (Detroit) and by proximity the inner ring suburbs.

THEREFORE BE IT RESOLVED, that we, the City Council of the City of Ferndale, on behalf of our Community and the millions of area residents who desire metropolitan equity, the pursuit of healthy and sustainable transportation practices, and the diversification of our transportation system and economy throughout the region, hereby find the FEIS deficient and for the reasons stated herein and in previous Resolutions on the subject, call upon MDOT and the Federal Highway Administration that the ROD authorizing any further costs to advance the expansion of I-75 in Oakland County, be deferred until the concerns herein, especially a construction traffic congestion mitigation plan, air quality research and noise abatement plan, are developed and agreed upon by the region, with a failure to do so being a violation of federal transportation rules, regulations and law.

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to Governor Granholm, the State Legislature and appropriate parties as directed by the City Manager.

AYES: Council Members Weber, Covey, Galloway, Lennon; Mayor Porter
NAYS: None
MOTION CARRIED

I, Karen Pedro, Clerk of the City of Ferndale, do 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 on July 25, 2005.

Karen Pedro

Karen Pedro, City Clerk

J-05

August 2005

August 2005

S	M	T	W	T	F	S
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September 2005

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Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
August 1 7:30pm City Council-Regular (Council Chambers)	2	3 8:30am BUILDING CODE BOARD OF APPEALS (Conference Room L 7:00pm ADVISORY COMMITTEE FOR PERSONS WITH	4	5	6 7
8	9 7:30pm Planning Commission-Regular (Council Chambers)	10	11	12	13 14
15 7:30pm City Council-Regular (Council Chambers)	16 7:30pm BZA (Chambers) 7:30pm Historic District Commission (Conference Room C)	17 7:30am Updated: DDA Meeting (Conference Room Lower Level)	18	19	20 21
22	23 7:30pm Planning Commission-Study (Council Boardroom)	24	25	26	27 28
29	30	31			

PH 9/12 Comm. Veh. App. 2239 E Maple Rd
PH 9/12 Rezoning App S of Long Lake, W of Calvert, Sec 14-R-1C to CR-1 (Z706)

September 2005

September 2005

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October 2005

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30	31					

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
			September 1 10:00am Senior Advisory Board meeting (Comm Ctr conf rm)	2	3 4
5	6	7 8:30am BUILDING CODE BOARD OF APPEALS (Conference Room L 7:00pm ADVISORY COMMITTEE FOR PERSONS WITH	8 7:30pm Park Board meeting (Comm Ctr conf rm)	9	10 11
12 7:30pm City Council-Regular (Council Chambers)	13 7:30pm Planning Commission-Regular (Council Chambers)	14	15	16	17 18
19 7:30pm City Council-Regular (Council Chambers)	20 7:30pm BZA (Chambers) 7:30pm Historic District Commission (Conference Room C)	21 7:30am DDA Meeting (Conference Room Lower Level)	22	23	24 25
26	27 7:30pm Planning Commission-Study (Council Boardroom)	28	29	30	

October 2005

October 2005

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November 2005

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Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
					October 1
					2
3	4	5	6	7	8
7:30pm City Council-Regular (Council Chambers)	7:30pm Planning Commission-Study (Council Boardroom)	8:30am BUILDING CODE BOARD OF APPEALS (Conference Room L 7:00pm ADVISORY COMMITTEE FOR	10:00am Senior Advisory Board meeting (Comm Ctr conf rm)		9
10	11	12	13	14	15
	7:30pm Planning Commission-Regular (Council Chambers)		7:30pm Park Board meeting (Comm Ctr conf rm)		16
17	18	19	20	21	22
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)			23
24	25	26	27	28	29
	7:30pm Planning Commission-Study (Council Boardroom)				30
31					

R/C JS J-06

Bendzinski & Co.

municipal finance advisors

RECEIVED

JUL 28 2005

CITY OF TROY
CITY MANAGER'S OFFICE

July 27, 2005

Mr. John Szerlag, City Manager
City of Troy
500 West Big Beaver Road
Troy, Michigan 48084-5285

RE: Standard & Poor's Annual Review of "AAA" U.S. Municipalities

Dear John:

Enclosed is a report from Standard and Poor's Rating Agency entitled "Annual Review of "AAA" Rated U.S. Municipalities", showing that the City is only one of three Michigan Municipalities and 66 cities in the entire United States which have been granted a "AAA" rating by Standard & Poor's Corporation. As we indicated it to you and the City Council, the rating represents strong fiscal policies, administration and leadership by the City's legislative body. We are proud to be the City's Financial Advisors and encourage you to continue your outstanding work.

As usual, if you should have any questions, or require any additional information, please do not hesitate to call.

Sincerely,

BENDZINSKI & CO.
Municipal Finance Advisors

Robert C. Bendzinski, CIPFA

RCB/cam
Enclosure
cc: John Lamerato
S:\lwpdocs\City\Troy\AAA rating

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STANDARD & POOR'S PUBLIC FINANCE

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Annual Review Of 'AAA' Rated U.S. Municipalities

How 'AAA's Managed Through The Recession

How Management Coped With The Effects Of The Recession

A Case Study: Glastonbury, Connecticut

Behind The 'AAA' Ratings

Administration

Debt

Economy

Finances

Outlook

Since the last review of 'AAA' rated U.S. municipalities in September 2003, there have been five additions to the GO rated municipalities list -- and for the first time in recent memory -- two municipalities were deleted. The list of municipalities now stands at 66, compared with 45 four years ago.

Additions to the list include Glastonbury, Conn., and Lincoln, Mass., which are issuers using Standard & Poor's Ratings Services ratings for the first time. Both of these municipalities achieved the 'AAA' rating right out of the gate. Three other issuers achieved the 'AAA' rating through upgrades, with Madison Borough, N.J., and West Des Moines, Iowa upgraded from 'AA+', while Coral Springs, Fla. was raised two notches from 'AA'.

For the first time, two issuers -- Dallas, Texas and Coral Gables, Fla. were downgraded from 'AAA', but still maintain a lofty 'AA+' rating. Dallas's rating was lowered in November 2003 reflecting ongoing budget and financial pressures and significant infrastructure challenges faced by the city. Coral Gables Issuer Credit Rating (implied GO rating) was lowered in December 2003 based on diminishing financial reserves over a multi-year period, inconsistent budget results and an over reliance on enterprise fund transfers.

The recent additions all displayed strengths in the key rating factors leading to their 'AAA' ratings:

- Pro active management;
- Low-to-moderate debt levels;
- Economies that have outperformed the region in recessions and expansions;
- Higher wealth levels; and
- Strong and well elucidated financial and debt policies combined with historically comfortable financial positions, which provide a safety net protecting against virtually all uncertainties.

How 'AAA's Managed Through The Recession

The stability of 'AAA' ratings is due in part to the following factors:

- 'AAA' revenue streams tend to be less economically cyclical -- for instance, less dependent on economically sensitive revenues compared to states, which are heavily dependent on personal and corporate income taxes; business; sales taxes and capital gains taxes, which feel the effects of an economic slowdown almost immediately.
- Municipal revenue streams, with a reliance on the more stable property tax and locally derived fees and charges, have shown remarkable resilience through the recent recession. The less economically sensitive revenue sources provide a significant share of operating budget revenues. The property tax, supported by a surprisingly strong housing market, was not affected to any noticeable degree by the recent recession. Tax collections remained quite high through the recession, averaging in excess of 99% in Standard & Poor's 'AAA' rated municipalities, and in most cases tax collections provided better-than-budgeted results while continuing to grow.
- The strong pace of new housing construction, fueled by low mortgage rates, combined with residential valuation appreciation and tax base growth, has in most cases provided better-than-budgeted revenues in areas such as permits, fees and charges. This has allowed municipalities to offset declines or stagnation in other revenue areas such as interest income, state aid cuts and sales tax caused by the recession.
- Due to their relative high wealth and income, and well above average property valuations, most 'AAA' rated municipalities receive very little state aid and therefore weren't materially hurt by state aid cuts.
- Generally, sales tax revenues performed better than expected through the recession, with collections in many instances experiencing modest declines of only a few percentage points over

prior years.
- Most 'AAA' rated communities' reserve levels, on a percentage basis, were quite strong going into the current slowdown.

How Management Coped With The Effects Of The Recession

As previously mentioned, management is a key rating component in the rating process. Management of the 'AAA' rated communities has demonstrated a proactive approach historically in managing through all economic cycles.

Here are some of the many actions Standard & Poor's has observed:

- To absorb the loss of revenue, increased financial pressure and rising health care and public safety costs, a combined approach was undertaken by balancing budgets from a combination of staff reductions, hiring freezes, use of reserves, and some minor fee adjustments.
- There is little evidence pointing to wholesale or large tax increases. While in some instances property taxes and certain fees and charges are increasing, large tax increases alone were not viewed as a solution.
- Discretionary spending and in some instances capital spending was scaled back.
- Very few budget-balancing efforts involve use of one-shot revenues of any magnitude.

A Case Study: Glastonbury, Connecticut

Located in the greater Hartford area about 10 miles south east of Hartford, the state capital, Glastonbury is primarily a residential community with a nice mix of business and commercial development. Management continuity is evident. There has been a strong focus on long-term planning, with a seasoned management team that has carefully managed resources through growth spurts as well as national and regional slowdowns. Well established policies and procedures for debt, budgeting, finances, reserves and capital spending, complemented by multi-year financial forecasting have aided the town in managing growth. Management has been diligent in guiding the town's economic development, resulting in a high quality, diverse residential, commercial balance. The town's revenue structure relies on the stable property tax, which comprises nearly 90% of general fund revenues. Through the recession, management has been able to maintain property tax collections at 99%. The town receives limited state aid, and most aid is grant related. Given the difficulties Connecticut has experienced in recent years balancing its own budget, state aid cuts have been easily accommodated within the town's operating budget.

Table 1 'AAA' Rated Municipailities By State And Region

Northeast	No.	Midwest	No.	West/Southwest	No.	Southeast	No.
Connecticut	8	Minnesota	5	California	6	North Carolina	5
Massachusetts	7	Illinois	4	Texas	2	Florida	3
New Jersey	6	Michigan	3	Arizona	1	Virginia	2
New York	2	Ohio	2	Washington	1	Georgia	1
Pennsylvania	1	Nebraska	2			Tennesse	1
		Kansas	1				
		Missouri	1				
		Indiana	1				
		Iowa	1				

Behind The 'AAA' Ratings

Close examination of 'AAA' rated communities' ratios shows that population size does not matter, nor does geographic location. Indianapolis has nearly 800,000 residents, while Bloomfield Hills, Mich. has fewer than 5,000 residents. However, both large and small population 'AAA' communities share important attributes, such as low unemployment rates and above-average wealth levels. Grouping the municipalities by size and region reveals for instance, that per capita market values and wealth levels tend to be higher in the northeast than in other regions. The fact that these two statistics move in tandem indicates a direct link between the wealth of a community and property values. Even though large cities generally have lower wealth levels, it is not impossible for them to achieve the highest rating category.

Standard & Poor's emphasizes four factors when assigning a 'AAA' rating to a municipality:

- Strong and proactive administrations;
- Effective debt management policies with moderate to low debt ratios;
- A vibrant and diverse economy or participation in one; and
- A strong track record of managing financial position supported by sufficient reserves and established policies that guide management practices.

These factors combine both qualitative and quantitative factors.

Qualitative data includes:

- The presence of an experienced management team with a history of conservative budgeting and successful management through all economic cycles;
- The scope and extent of financial responsibility for municipal services shared with other levels of government; and
- The extent to which a municipality can draw on alternative sources to finance operations.

Quantitative factors, however, provide the numbers and ratios helpful to financial analysis. These reveal:

- The relative ability to repay principal and interest (but not willingness to pay, which is a qualitative factor);
- Sufficiency of reserves; and
- The strength of the economy and its growth trend.

Together, the qualitative and quantitative factors provide insight into a community's ability to support its debt.

Administration

One of the most important factors in rating a community is the community's financial management team. In order to achieve a 'AAA' rating, management must have strong, interactive relations with elected officials, favorable budgeting results, and a proven track record of managing through good as well as bad economic periods. The management team must also have a strong grasp of its finances and an explicit plan for future capital outlays and tax base development. Conservative and accurate budgeting is another important attribute of 'AAA' rated communities. 'AAA' rated communities' management demonstrate the ability to manage resources, recognize potential revenue and or expenditure pressures, and react during the fiscal year to ensure maintenance of financial position. Superior management is never passive.

Debt

'AAA' rated communities carry affordable and easily manageable debt ratios. The average net debt per capita for the 66 'AAA' rated communities is $2,794. Seven of the smaller municipalities exceed $4,500 debt per capita. As a result of these smaller communities incurring higher debt per capita ratios, the 'AAA' average debt per capita has grown in recent years. Compared to five years ago, however, the median debt per capita for all 'AAA's' has grown from $1,700 five years ago to $2,604 currently.

Smaller municipalities generally provide fewer services or services on a smaller scale that require less debt financing than larger communities. The fact that Standard & Poor's assigns 'AAA' ratings to eight municipalities with populations greater than 250,000 illustrates that issuers are not penalized by their size or for providing those extra services, assuming the services fit within the budget. High debt-per-capita

levels can also be offset by other factors. Manhattan Beach, California's debt-per-capita level is above average at $4,695 but its per capita effective buying income is well above the national average, at 272%.

The 'AAA' municipalities have a very low debt-to-market value average of 2.1%, and aggressively pay off approximately 70% of their long-term debt within 10 years. While such aggressive debt retirement schedules can increase fixed costs by accelerating repayment faster than need be, 'AAA' municipalities exhibit the economic strength and financial capability to support the rapid amortization. Typically, less than 10% of the 'AAA' rated communities' general fund and debt service budgets are dedicated to debt service.

Economy

A municipality does not necessarily need to have a dynamic economy in order to achieve a high-grade rating. Predominantly residential communities such as Massachusetts' Sudbury, Weston, Dover, and Wellesley benefit from their close proximity to the technology-intensive Route 128 corridor, the growing Route 495 commercial sector, and participation in the strong and diverse Boston economy. The larger 'AAA' municipalities tend to support their own diverse economies. Stamford, Conn., and Raleigh-Durham, N.C., have strong corporate headquarters presence. The diversity of these economies provides the assurance that they will be able to weather a downturn in any one sector.

Some of the key ratios demonstrating a municipality's economic health include unemployment, the market value and trend of property valuations, and the relative wealth levels measured by effective buying income. High per capita property valuation represents a significant investment in property. In economic downturns, higher-valued properties typically retain valuation and exhibited strong growth through the recession. Bloomfield Hills, Mo., has a very high $543,788, market value per capita as does Greenwich, Conn., $466,184, and Weston, Mass., has $406,057. The larger population 'AAA's tend to have much lower per capita market values, such as Columbus, Ohio, at $42,599, and Indianapolis, Ind., at $52,818. The average per capita market value for all 'AAA' rated communities is $177,658, up a strong 37% over the last 18 months.

Table 2 AAA' Rated Municipalities Key Ratios

Municipality	State	Population	PC EBI % U.S.	Tot MV ($)	PC MV ($)	Gen FB % Exp.	Unres FB % Exp.	Overall debt % MV	Overall debt PC ($ mil.)
Alexandria	Va.	134,000	174	22,757,185	169,830	17	17	1.1	1,907
Avon	Conn.	16,709	211	2,952,353	176,692	9	7	1.0	1,685
Bedford Twn	N.Y.	18,670	163	5,174,656	277,164	46	45	1.4	3,848
Bernards Twp	N.J.	26,268	250	5,115,934	194,759	53	50	0.3	574
Birmingham	Mich.	19,360	283	4,999,228	258,225	23	19	3.2	8,178
Bloomfield Hills	Mich.	3,811	536	2,072,377	543,788	29	19	1.0	5,238
Bloomington	Minn.	85,172	136	10,106,693	118,662	34	33	2.8	3,268
Boca Raton	Fla.	76,043	233	14,913,519	196,120	30	30	1.5	2,934
Cambridge	Mass.	101,355	141	21,348,001	210,626	32	29	0.6	1,268
Cary	N.C.	107,973	151	11,494,877	106,461	62	52	2.6	2,757
Cerritos	Calif.	53,100	111	4,900,000	92,279	233	211	1.1	1,019
Charlotte	N.C.	614,330	123	62,692,001	102,049	27	16	2.6	2,602
Charlottesville	Va.	40,999	72	3,538,307	86,302	14	13	1.4	1,204
Columbus	Ohio	711,470	96	42,599,172	59,875	11	8	3.9	2,330
Coral Springs	Fla.	126,711	124	6,675,464	52,683	45	44	0.8	416
Dover	Mass.	5,558	147	1,718,511	309,196	24	18	0.8	2,476
Durham	N.C.	209,420	100	14,773,879	70,547	22	12	3.3	2,342
Edina	Minn.	47,425	237	7,133,201	150,410	49	47	1.6	2,387
Fairfield	Conn.	57,340	226	10,403,152	181,429	10	9	2.5	4,517
Germantown	Tenn.	40,203	221	4,006,706	99,662	79	70	3.6	3,608

Glastonbury	Conn.	28,832	168	4,102,819	125,128	9	9	1.6	2,490
Glencoe Vill	Il.	8,762	429	1,663,293	189,830	29	20	3.6	6,731
Greensboro	N.C.	235,262	103	20,759,571	88,240	32	16	3.5	3,048
Greenwich	Conn.	61,101	295	28,484,297	466,184	7	5	0.2	693
Harrison Village	N.Y.	25,150	206	7,204,616	286,466	20	18	1.4	3,978
Hinsdale	Il.	17,940	289	3,735,941	208,246	33	31	2.1	4,313
Indianapolis	Ind.	791,926	105	41,827,846	52,818	40	36	5.6	2,973
Irving	Texas	196,750	111	13,959,039	70,948	14	12	8.6	6,111
Lincoln	Neb.	235,565	98	12,744,105	54,100	35	31	2.1	1,169
Lincoln	Mass.	8,111	149	1,830,623	225,696	16	12	0.2	486
Lower Merion Twp	Pa.	59,850	288	10,626,224	177,548	18	17	2.4	4,300
Madison Boro	N.J.	16,500	171	2,929,330	177,535	47	45	0.2	410
Manhattan Beach	Calif.	36,600	272	8,216,801	224,503	51	49	2.1	4,695
Millburn Twp	N.J.	19,765	288	4,311,445	218,135	33	18	1.9	334
Minneapolis	Minn.	382,618	104	34,544,631	90,285	24	24	4.2	3,768
Mountain View	Calif.	72,000	176	11,329,212	157,350	125	98	2.1	3,288
Naperville	Il.	138,802	165	14,487,771	104,377	35	33	2.2	2,331
Needham	Mass.	28,911	182	6,285,225	217,399	13	7	0.6	1,392
Northbrook Vill	Il.	33,435	221	5,667,660	169,513	55	48	2.8	4,782
Norwalk	Conn.	84,170	152	15,576,344	185,058	9	9	1.0	1,923
Omaha	Neb.	399,357	110	19,438,092	48,673	14	12	4.5	2,207
Overland Pk	Kan.	163,319	152	15,125,579	92,614	54	52	3.0	2,755
Palm Beach Twn	Fla.	9,676	440	8,152,038	842,501	47	45	0.5	4,242
Palo Alto	Calif.	60,246	258	15,020,454	248,564	71	64	0.4	947
Plano	Texas	245,000	188	20,869,735	85,183	27	24	4.9	4,208
Princeton Twp	N.J.	16,027	113	3,282,939	204,838	7	6	1.2	2,535
Raleigh	N.C.	328,880	122	29,380,152	89,334	44	32	3.0	2,675
Ridgefield	Conn.	24,054	263	5,789,129	240,672	11	8	2.4	5,717
Ridgewood Vill	N.J.	24,936	237	4,724,961	189,484	18	13	1.5	2,862
Rochester	Minn.	93,037	113	6,908,453	74,255	35	34	1.8	1,299
Roswell	Ga.	79,334	174	8,105,687	102,172	60	43	1.9	1,908
Santa Monica	Calif.	87,954	195	15,786,981	179,491	97	24	1.9	3,453
Scottsdale	Ariz.	222,500	185	35,156,385	149,017	28	27	1.8	2,710
Seattle	Wash.	572,600	172	83,938,096	146,591	17	6	1.9	2,778
St Paul	Minn.	288,000	91	27,646,797	95,996	22	19	2.3	2,233
Stamford	Conn.	120,107	163	15,560,354	129,554	5	3	1.9	2,484
Sudbury	Mass.	16,841	234	3,753,911	222,903	10	5	0.5	1,097
Summit	N.J.	21,131	271	4,203,149	198,909	37	26	1.3	2,500
Town & Country	Mo.	10,894	322	2,281,929	209,467	136	135	1.6	1,524
Troy	Mich.	84,841	165	11,911,394	140,397	41	34	1.6	2,236
Wellesley	Mass.	26,613	218	8,211,972	308,570	6	2	0.6	1,821
West Des Moines	Iowa	52,884	135	4,338,384	82,036	27	27	5.5	4,482
West Hartford	Conn.	61,045	174	5,198,364	85,156	7	7	2.8	2,341
Westlake	Ohio	31,719	163	3,736,300	117,794	102	71	2.4	2,762
Weston	Mass.	11,469	333	4,657,065	406,057	10	5	1.1	4,582

Winston-Salem	N.C.	185,776	101	14,897,732	80,192	22	13	3.3	2,615

There are some differences among the municipalities depending on population and location. Larger cities (those with more than 250,000 residents) have average per capita values of about $73,000; smaller communities (those with less than 15,000 people) show a very high average per capita value of $390,000. This dramatic difference can best be explained by the relative homogeneity of smaller communities. Larger municipalities, by contrast, contain a mix of wealthy and poorer areas that tend to moderate per capita values. For instance, Madison Boro, N.J., with a per capita market value of $177,535, is a wealthy residential suburb of New York City.

In contrast, Indianapolis, Ind., is a diverse city with a per capita market value of $36,341. Northeast municipalities have higher per capita valuations reflecting the generally higher housing values in, New Jersey, Connecticut, and Massachusetts, as well as higher incomes. The relationship between per capita effective buying income and market value per capita indicates that higher incomes are associated with higher property values.

Additionally, most 'AAA' municipalities share strong employment and income figures, which can offset other areas of weakness. Charlottesville, Va., has an unemployment rate well below the national average, which helps offset a per capita wealth level that is 93% of the U.S. average. The presence of the University of Virginia also assures Charlottesville of relatively strong employment in economic expansions as well as contractions. In our analysis, Standard & Poor's often uses the three-year average unemployment figure, which tends to smooth one-year aberrations and provides a better indication of an economy's health.

The average wealth levels of Charlottesville and Columbus, Ohio, are also offset by the presence of large and well-regarded state universities. While the large student population depresses wealth levels, the intellectual capital helps create jobs and a dynamic economy. Just as the large university presence in the areas of Palo Alto, Calif. (Stanford), and Cambridge, Mass. (Harvard and MIT), help generate new businesses and jobs in those areas, Charlottesville (University of Virginia) and Columbus (Ohio State University) reap the benefits of significant university presence. Raleigh and Durham have higher-than-average wealth levels, but also benefit from the presence of Duke, Wake Forest, and the University of North Carolina. These three prestigious universities form an important base for the "Research Triangle" and a fast growing regional economy with high-paying jobs.

Finances

The fourth important factor is a municipality's finances, which are closely tied to the strength of the management team and the tax base's ability to generate revenue. Strong financial management with the ability to accurately plan and develop significant reserves is a common characteristic of highly rated municipalities. Average unreserved general fund balance as a percentage of operating expenditures for all 'AAA' rated municipalities is very strong, at 28%, which remained virtually unchanged compared prior to the recession. Reserves of this magnitude provide local governments great flexibility in dealing with unforeseen events such as an unexpected shortfall in revenues or rise in expenses. At the top of the list are four communities including, Town & Country, Mo., with an unreserved general fund balance of 135%; Mountain View, Ca. (98%); Westlake, Ohio (102%) and Germantown, Tenn. (70%). The strong financial profiles have allowed the 66 'AAA' rated communities to weather the current national economic slowdown.

Outlook

While the number of new entrants to the 'AAA' rated list slowed, on a net basis, as a direct result of the most recent economic slowdown, we believe that now that growth is again accelerating, continued growth in the 'AAA' list is inevitable. This is not to say that there are no challenges ahead. While revenue growth is again occurring on the local level, mixed signals on state aid, unfunded mandates, rising health care costs, homeland security, pension performance and multi-year wage contracts will continue to challenge management. Standard & Poor's will continue to focus on how officials manage these budget issues, but given the track record of this exclusive group, practices in place and management skills will continue to ensure strong performance. Mastery of these issues will likely result in further additions to the 'AAA' list.

Table 3 Explanation Of Table Column Headings

Although all municipalities are arranged in the same table, direct comparison is problematic because not all municipalities provide the same services — some support school systems, others do not. Ratios, by themselves, do not address the subtleties and diversities of the municipalities.
Population: The number of residents in the community or county. Source: Bureau of the Census.
PC EBI (Per capita effective buying income) % of U.S.: PC EBI of the municipality as a ratio of the nation's PC EBI. Source: Market statistics.
Tot MV (Total market value): The value of the municipality's taxable property. Source: Official statements of the municipalities.
PC MV (Per capita market value): This ratio measures total taxable value of all property in a jurisdiction divided by the number of residents. A higher ratio usually translates into more resources available to meet obligations.
Gen FB (General fund balance) % expenditures: This ratio measures the total general fund balance as a percentage of operating expenditures. Higher percentages are a sign of financial strength.
Unres FB (Unreserved general fund balance) % expenditures: Similar to total general fund balance, but more restrictive because only those funds not reserved for some specific purpose are included. Source: Audits of the municipalities.
Overall net debt % MV: A ratio of the dollar value of debt to the value of the underlying tax base. This number provides insight into how heavy the debt burden is on taxable property.
Overall debt PC (per capita): Measures direct and overlapping debt responsibility on an entity on a per capita basis. It measures how heavy a debt burden is on an individual basis.

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The McGraw-Hill Companies

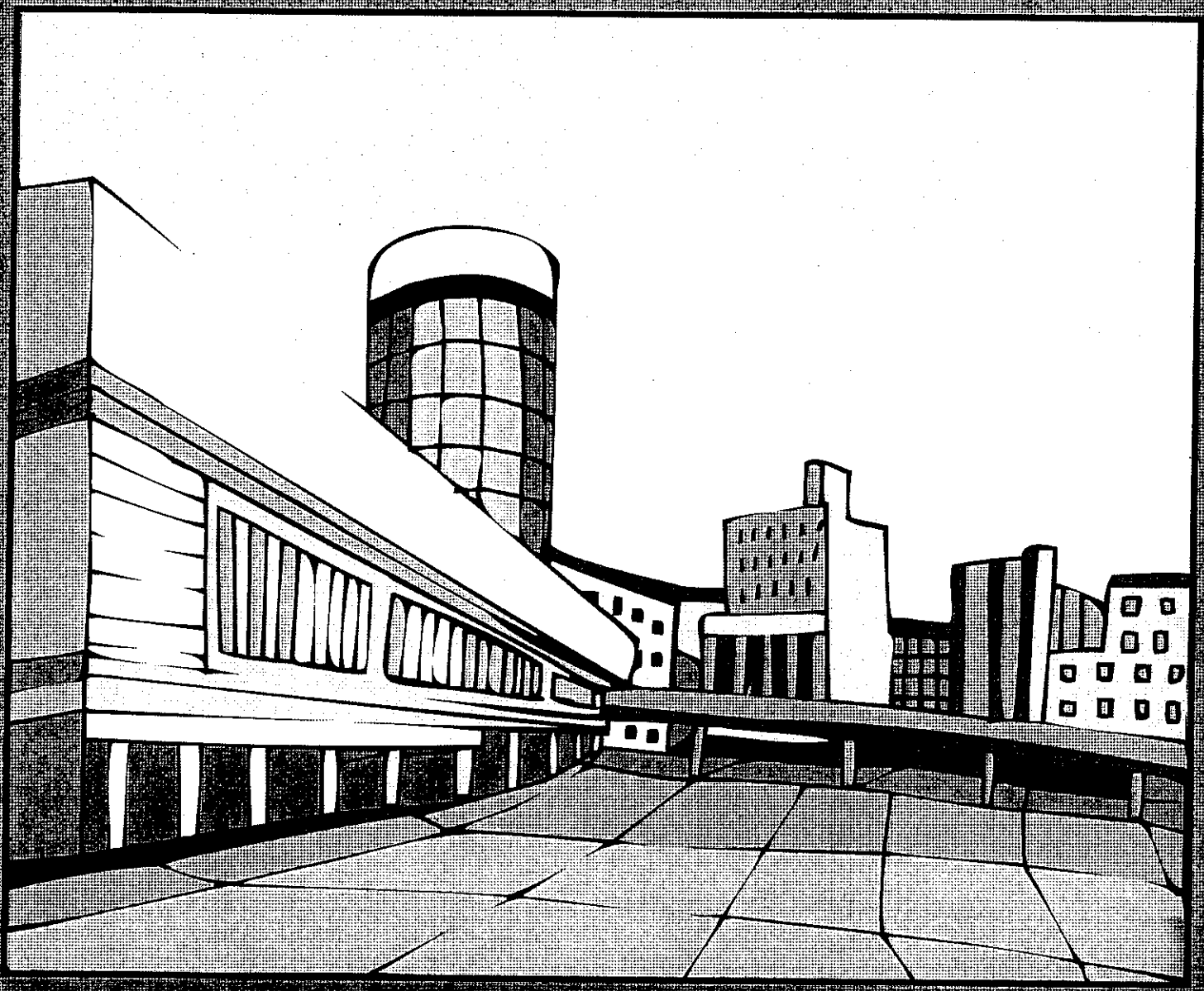
TO: Mayor and Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
DATE: July 26, 2005
SUBJECT: Municipal Sign Regulations v. the First Amendment

Enclosed please find a feature article titled *Municipal Sign Regulations v. the First Amendment*. I was asked to write this article for the 2005 Municipal Law Issue of Laches, which is the publication of the Oakland County Bar Association. Since proposed revisions to Troy's sign ordinance appear as a City Council agenda item, I thought that the article was timely and may be helpful.

As always, if you have any questions concerning the above, please let me know.

LACHES

OCBA OAKLAND COUNTY BAR ASSOCIATION



Municipal Law Issue

www.ocba.org

June 2005 • Number 473

Municipal Sign Regulations v. the First Amendment

by Lori Grigg Bluhm

Recently, our office had the opportunity to revisit the tenuous balance between the rights of a municipality to regulate for health, safety and welfare reasons and the individual's constitutional First Amendment right to free speech. In a presumably unprecedented move, a George W. Bush political sign was temporarily housed at the offices of the American Civil Liberties Union (ACLU). The sign was acquired through a Troy resident, who had placed the sign in his yard just after George W. Bush was nominated for president at the Republican National Convention in 2004. When the building inspection official asked the resident to remove the sign since it didn't comply with the then-existing City of Troy regulations, the resident contacted the ACLU, who filed a lawsuit on his behalf. The ACLU also challenged the political sign regulations of several other municipalities throughout the state of Michigan.

The Michigan Legislature enacted election consolidation, which is likely to result in more candidates or ballot issues for each election. This increase may now create issues in some Michigan jurisdictions. Several communities have not revisited their sign ordinances in years. I was recently invited to discuss our political sign case with the Michigan Association of Code Enforcement Officials. After being barraged with questions at this meeting, it was evident that there is some ambiguity concerning the appropriate or legal limits of regulation for local political sign ordinances, which is not surprising in light of the existing case law on the matter, which is sometimes contradictory.

It is clear that local municipalities have authority to enact regulations under the police powers. As stated in the plurality opinion in *Young v. American Mini Theatres, Inc.*,[1] "(T)he city's interest in attempting to preserve the quality of urban life is one that must be accorded high respect." *Young* recognized that the First Amendment does not guarantee a right to communicate one's views at all times and places or in any manner.

However, a municipality must also comply with the constitutional free speech provisions of the First Amendment to the U.S. Constitution, which fiercely protects political and religious speech. Most residents of a municipality satisfactorily achieve the balance between free speech and the preservation of property values, and are mindful and considerate of the impact of their actions in the neighborhood. They will ensure that any signs on their property will be placed in a manner that promotes aesthetics and safety and maintains the existing property values. However, municipalities are constantly receiving requests to enact more stringent regulations on residential properties. These requests are usually motivated by the neighbors of an absentee landowner who is unaware that his property is littered or cluttered and therefore unaware of the negative impact to adjoining properties. In a minority of cases, the requests are motivated by the person who exuberantly maximizes any opportunity to create distress for their neighbors. The proliferation of signs on residential property, the litter caused by the failure to remove signs within a reasonable time, or the posting of signs that are not suited for existing weather conditions are examples of how one resident's exercise of an unlimited right to

(continued on page 23)

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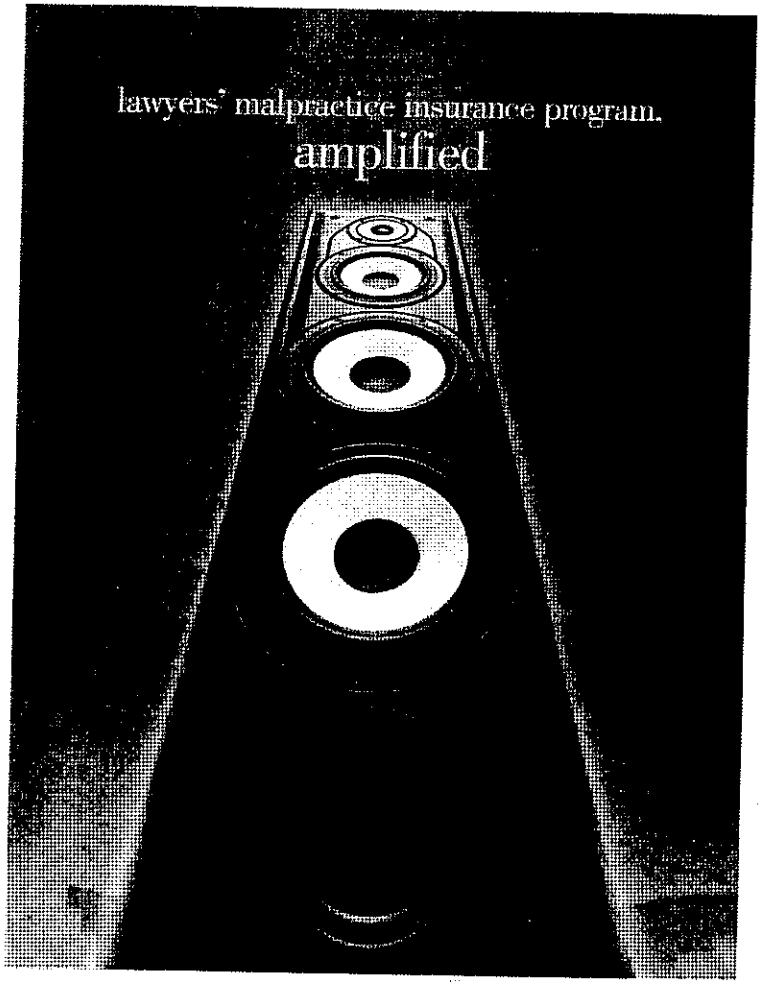
(continued from page 17)

display signage on their property can negatively impact a neighbor's residential property.

A municipality cannot absolutely ban signs on residential property, since these forms of speech are afforded great reverence. According to *City of Ladue v. Gilleo*,[2] yard signs are a "venerable means of communication that is both unique and important... (R)esidential signs have long been an important and distinct medium of expression."[3] Residential signs are a medium for political, religious or personal messages, as well as commercial messages. However, if there is a proliferation of yard signs, or aesthetic or safety concerns about the manner and placement of signs, then residents are left without any viable means to restrict this conduct that diminishes the surrounding properties. Therefore, the municipality is relied upon to enact regulations that are consistent with the First Amendment to the U.S. Constitution, which guarantees the freedom of speech. Historically, there have been many municipalities that addressed this matter by adopting content-neutral restrictions on the number of allowable signs or the size of allowable signs. For many communities, there is an additional allowance for additional signage during an election cycle, in recognition of the venerated right of political speech. This allowance has been justified on the basis that the regulations are not based on the viewpoint of the message. In other words, the government is not expressing an animus toward the message contained on the sign. For example, municipalities cannot enact restrictions that prohibit residential signs for one political party, candidate or issue while allowing the signs of the opposition. In light of the recent case law, however, municipalities should exercise caution when they separate political sign regulations from other types of sign regulations. Municipalities that treat political signs different than other signs on residential properties will face challenges that the regulation is an unconstitutional content-based restriction on free speech.

Content-Based Challenges

The freedom of speech can be limited by time, place and manner restrictions. The rational basis test is set forth in *Perry Education Association v. Perry Local Educator's Association*[4] and requires any restrictions to be content-neutral, narrowly tailored to further a substantial government interest, and must leave open ample alternative means for communicating the desired message. A definition of content neutrality is found in *Members of the City Council of the City of Los Angeles et. al. v. Taxpayers for Vincent*.[5] In that case, temporary signs – including political signs – were prohibited from being posted on public property, such as utility poles. The U.S. Supreme Court stated, in pertinent part:



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> (T)here are some purported interests – such as a desire to suppress support for a minority party or an unpopular cause, or to exclude the expression of certain points of view from the marketplace of ideas – that are so plainly illegitimate that they would immediately invalidate the rule. The general principle that has emerged from this line of cases is that the First Amendment forbids the government to regulate speech in ways that favor some viewpoints or ideas at the expense of others...(citations omitted)...That general rule has no application to this case, for there is no claim that the ordinance was designed to suppress certain ideas that the City finds distasteful or that it has been applied to appellees because of the views that they express. The text of the ordinance is neutral – indeed it is silent – concerning any speaker's point of view, and the District Court's findings indicate that it has been applied to appellees and others in an evenhanded manner. (p. 2128)

This rule is succinctly stated in *Ward v. Rock Against Racism*,[6] where the U.S. Supreme Court declared "the principal inquiry in determining content neutrality ... is whether the government has adopted a regulation of speech because of disagreement with the message it conveys."[7] *Ward* has been cited by almost every U.S. Supreme Court opinion that discusses First Amendment issues.

Under this rule, it could be permissible to distinguish on the basis of categories of speech. It is permissible to adopt more stringent regulations for the category of commercial speech than for non-commercial speech. Regulations of political signs should also be permissible, as long as the opportunity to display ideological messages, such as political signs, are equal to or greater than the opportunity to display commercial signs on a property. However, the more recent trend in determining content neutrality is whether a person needs to look at the message on a sign to determine whether it is permitted. In *City of Cincinnati v. Discovery Network*,[8] the City of Cincinnati wanted to reduce the number of news racks on public streets, and therefore they banned all commercial racks in the city. Newspaper racks were allowed, however. Since the regulation required persons to look inside the news rack to see whether it could remain on public property, the U.S. Supreme Court held that this was content-based. The Court also held that there was not a justification for the distinction between commercial speech and non-commercial speech, other than the city's insufficient articulation that "commercial speech has low value."[9]

In *Boos v. Barry*,[10] there was an absolute ban on persons carrying signs in front of foreign embassies that were critical of foreign governments. However, signs that were supportive of foreign governments were permitted, which led to the Court's determination that this regulation was content-based. The focus was on the message, rather than the category of speech (political). In *Boos*, the articulated purpose of the regulation was to "protect the dignity of foreign diplomatic personnel by shielding them from speech that is critical of their governments."[11] According to the majority opinion in *Boos*, "a regulation that does not favor either side of a political controversy is nonetheless impermissible because the First Amendment's hostility to content-based regulation extends ... to a prohibition of public discussion on an entire topic."[12]

Satisfying the Narrowly Tailored Prong

Even when a political sign regulation is content-based, it may still be constitutional if the restriction is necessary to serve a compelling state interest and it is narrowly drawn to achieve those ends.[13] Regulations for each municipality are different, and each municipal attorney is encouraged to review their own ordinances to determine whether there is an articulated compelling state interest and whether the regulations are narrow enough to achieve the compelling state interest(s). This review would most beneficially occur in the non-political season, rather than being a last-minute response to a request filed by a political opponent in the middle of a heated election.

In support of their challenge to our ordinance, the ACLU relies on a non-binding Fourth Circuit case, *Arlington County Republican Committee v. Arlington County, Virginia*,[14] that strikes an ordinance that set a limit of two political signs per

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house, and held that this regulation was unduly restrictive. The Court also determined that other means of communication, including hand billing or canvassing, involved too much time or expense and therefore were insufficient.

In the Sixth Circuit, the case most often cited as a challenge to any Michigan political sign regulation is the 1996 opinion of Judge Anna Diggs Taylor of the Eastern District of Michigan, *Dimas v. Warren*.[15] In *Dimas*, the plaintiff challenged Warren's prohibition on political signs more than 45 days prior to an election, and also the limitation on the number of signs to one per candidate. Judge Taylor invalidated these portions of Warren's sign ordinance as unconstitutional, since they were content-based restrictions that were not narrowly tailored to further the significant government interests of neighborhood aesthetics, property values or traffic safety, and they did not leave open alternative channels for the communication of the message. However, in 1997, in lieu of an appeal to the Sixth Circuit Court of Appeals, the City of Warren and the ACLU negotiated a consent judgment. According to this consent judgment, Warren has the following regulations for political signs: 1) Temporary election signs are allowed on private property as of the date of the election filing date for the elected office sought. For all other elections and referendums without filing deadlines, the temporary election signs shall not be erected more than 60 days prior to the earliest election date. All election signs must be removed within seven days after the final election, and within seven days after any primary election for those candidates who will not go on to the final election. 2) Residents are permitted up to two signs per candidate and per issue viewpoint, per lot frontage. 3) Up to three opinion signs are permitted on each residential lot for an unlimited duration. These signs shall be limited to a maximum of four square feet per sign. 4) The maximum allowable size of election signs along residential roads is six square feet, and up to sixteen square feet along collector roads and major thoroughfares. 5) Window signs are permitted for residential properties. 6) Violation of the political sign ordinance provisions is a municipal civil infraction, punishable by a maximum fine of $100. Prior to citation, a warning notice and seven days to cure shall be provided to political candidates who have failed to timely remove their political signs. This notice shall indicate the precise location of the offending sign(s).

The provisions of this consent judgment provide some guidance for municipalities that are reviewing their sign ordinances. However, it may not satisfy the demands of each community. However, at a minimum, if a municipality treats political signs differently than other categories of signs, the justification should be more than just safety and aesthetics. In a recent opinion from the Eastern District of Michigan, Judge David Lawson has opined, "although 'safety' and 'aesthetics' are substantial government interests, they are not compelling enough to justify content-based restriction of fully protected, non-commercial speech."[16]

Lori Grigg Bluhm is the City Attorney for the City of Troy. She received her B.A. from Albion College in 1989, and her J.D. in 1992 from Wayne State University. She recently achieved the designation as a Local Government Fellow from the International Municipal Lawyer's Association. She is currently the Secretary/Treasurer of the Public Corporation Section of the State Bar of Michigan. She is also a member of the Real Property Section of the State Bar of Michigan, a member of the Michigan Association of Municipal Attorneys, a member of the International Municipal Lawyer's Association and a member of the American Bar Association (State and Local Government Law Section). She is a past chair of the Oakland County Bar Association's Municipal Law Committee and the Public Service Committee. She practices municipal law exclusively, representing her sole client, the City of Troy.

Footnotes

1 427 U.S. 50, 71; 96 S. Ct. 2440; 49 L.Ed.2d 310 (1976).
2 512 U.S. 43, 114 S. Ct. 2038, 129 L.Ed.2d 36 (1994).
3 *Id* at 54.
4 460 U.S. 37, 44 (1983).
5 466 U.S. 789, 104 S. Ct. 2118, 80 L.Ed. 2d 772 (1984).
6 491 U.S. 781, 109 S.Ct.2746, 105 L.Ed.2d 661 (1989).
7 *Id* at 2745.
8 507 U.S. 410, 113 S. Ct. 1505, 123 L.Ed.2d 99 (1993).
9 *Id* at 1517.
10 485 U.S. 312, 108 S. Ct. 1157, 99 L.Ed.2d 333 (1988).
11 *Id* at 1164.
12 *Id* at 319 (quotations omitted).
13 *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490, 101 S. Ct. 2882, 69 L.Ed.2d 800 (1981).
14 983 F.2d 587 (4th Circuit, 1993).
15 939 F. Supp. 554 (E.D. Michigan 1996).
16 *King Entertainment, Inc. v. Thomas Township*, 215 F. Supp.2d 891, 910 (E.D. Mich. 2002).

ADR

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TO: Mayor and Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
DATE: August 9, 2005
SUBJECT: Cable Franchise Lawsuit Against the City of Troy

The City of Troy was one of thirteen defendants served with a lawsuit challenging the cable franchise fees as an illegal tax. The other municipalities include Ann Arbor, Canton Township, Grand Rapids, Kalamazoo, Livonia, Midland, Muskegon, Plymouth Township, Royal Oak, St. Clair Shores, Warren and Westland. **Eight** of the individual circuit court judges dismissed the lawsuit in against the following jurisdictions: Ann Arbor, Canton Township, Grand Rapids, Livonia, Muskegon, St. Clair Shores, and Westland. The Plaintiffs voluntarily dismissed the Plymouth Township case, and Warren settled their case. Although the remaining three jurisdictions (**Troy,** Royal Oak, and Midland), had filed motions for dismissal, the circuit court judges stayed these cases to wait for a decision in the Michigan Court of Appeals, since the Plaintiffs appealed each of the eight dismissals. These three cases will now likely be dismissed, based on the recent decisions of the Michigan Court of Appeals.

The eight cases were not consolidated at the Court of Appeals, but were heard on the same day. Although the circuit court judges based their dismissals on different reasons, the Michigan Court of Appeals affirmed the dismissal of all eight cases on two separate grounds. Extensive briefs were filed in all of the cases, and the Michigan Municipal League filed an amicus brief in support of the municipal position. Although the briefs raised several justifications for dismissal, the Court affirmed the dismissal based on the statute of limitations preclusion in seven of the cases. The Court held that the lawsuit was not filed within one year of the execution of the cable franchise agreements, as required by MCL 600.308(a)(3). The statute of limitations defense was not available in the eighth case, since Livonia followed a different procedure in the circuit court. However, the Court of Appeals was consistent in relying on the one- year limitation, when it held that Livonia's revenue from the franchise fee in the one- year prior to the filing of the lawsuit was not disproportionate to the expenses for cable in that same year, and therefore the cable franchise fee was not a tax.

It is likely that the Plaintiffs will ask the Michigan Supreme Court to review the Court of Appeals decisions. I will keep you updated as to any applications for leave to appeal that are filed on behalf of the municipalities. If you have any questions, please let me know.

CC: Cable Advisory Board

August 10, 2005

TO: John Szerlag, City Manager

FROM: Brian Murphy, Assistant City Manager – Services
Brian Stoutenburg, Library Director

SUBJECT: Memo from the Friends of the Troy Public Library Book Shop Management Committee

Attached is a copy of a letter from the Friends of the Troy Public Library Book Shop Management Committee requesting to locate the Friends Used Book Shop on the main floor of the library on a permanent basis. City staff is forwarding a copy of the request to the Library Advisory Board for review and comment. City staff will report on the Board's remarks and will provide additional information, most likely in September.

MEMO
FTPL BOOK SHOP

TO: Brian Stoutenburg(Library Director) and TPL Board of Directors
CC: John Szerlag (City Manager), Brian Murphy (Assistant City ManagerServices), John Lamerato (Assistant City Manager - Finance), Louise Schilling (Mayor), Troy City Council, Tammy Duszynski (FTPL Board of Directors)

FROM: FTPL Book Shop Management Committee

DATE: August 1st, 2005

SUBJECT: Friends of the TPL Book Shop Future

In March 2005, due to the HVAC replacement project at the TPL, the Friends Book Shop was temporarily relocated from its space on the lower level to the meeting room on the main level.

In the last five months, Troy Community members have consistently expressed their delight at the Book Shop's upstairs location. Simultaneously, the Book Shop customer traffic and income have increased substantially - 35% each month versus same time last year (see Pg. 2). As of July 31st the Book Shop has brought in $50,000 in income. We estimate to make an unprecedented $95100,000 in calendar year 2005 if the current trend is allowed to continue.

On May 1st, 2005 the Friends organization, together with TPL Management, conducted a "Visioning Session" so that the Troy Community could have an opportunity to give input and ideas regarding of the "Library of the Future" (see Pg. 4). Facilitated by Joe Joseph (Director of GM Knowledge Center and Dean of GMU Engineering College) the session's objective was two fold;

a) to compile and prioritize a list of specific needs and improvements to be incorporated in the future library expansion and,
b) to determine the Friends' role in future fund raising activities.

With the Book Shop's move to the ain Level, a unique opportunity has presented itself; one with little (if any) risk, yet one that has potential to immediately respond to our community's needs and to offer a high return on the community's investment in its future. Therefore, the current location of the Book Shop needs to be reassessed quickly by Library and City leadership before its scheduled move back to the lower level in September.

The attached information and proposal outlines a forward thinkinG. fiscally responsible way to;

- respond to the positive feedback received from various Troy Community members
- make the best use of current facilities,
- continue current sales levels at Book Shop, and
- embark on fundraising activities immediately and thus minimize the future cost of library expansion to the taxpayers of Troy.

Success breeds success. By allowing the Book Shop high visibility and linking its tangible, positive image to the fundraising campaign, TPL and the Friends will be able to more easily attract the attention and support of Troy's private as well as business sector and best serve the Community as a whole.

.

Respectfully,
FTPL Book Shop Management Committee (Nancy Booth, Judith Hamlin, Kathy Laskowski, and Eve Parsons)

Friends of the TPL Book Shop

FACT SHEET

- Book Shop 2004-5 income was **$81.000**. Projected 2005-6 income is **$95,000 to $100,000** (based on current 6 mo. run rates).
- Book Shop's expenses are minimal-less than 1 % of revenues. Shop is **run entirely by volunteers**.
- Book Shop consistently contributes approximately **85%** of FTPL's total income which supports various TPL activities (see Pg. 2).
- New Book Shop management implemented a business plan, operating policies, inventory management process, and proactive volunteer recruiting/training which drove **income up 32% in 24 months** (see pg. 2).
- A **Marketing Plan** is being created which focuses on building stronger links with the Troy business and educational communities, synchronizing PR efforts with TPL activities, implementing proactive donation solicitation plus other initiatives to further grow customer base and to **solidify entire Troy Community's support**.
- FTPL income funds hundreds of quality programs annually that are **FREE** to the entire Troy Community.
- Programs **create jobs** for instructors, musicians, etc., hired for events as well as for those librarians who coordinate and administer the programs.
- Book sales **create tax revenue** at Book Shop and subsequently when resold by dealers (core group of regular, profitable customers).
- Book Shop offers **low cost** reading and educational materials (95% of inventory <$1.00) to community and its neighbors.
- Book Shop gives select donated materials **directly to TPL book stacks** (ex: DVD's, paperback fiction).
- Book Shop **provides volunteer opportunities for all members of the diverse Troy Community** - including high school students, seniors and mentally challenged adults.
- Book Shop **supports a diverse group of organizations** by giving surplus inventory for free to Troy Senior Center, schools (Detroit, Pontiac & other underprivileged neighbors) convalescent homes, hospice, prisons, etc..
- Book Shop activities are closely aligned with and support TPL's;
  - **Vision** by delivering quality service through funding hundreds of free programs.
  - **Mission** by providing materials for lifelong learning and personal enrichment at a very low cost.
  - **Values** by providing a "welcoming and culturally stimulating setting" at free programs and through volunteer opportunities. (see Pg. 5)
- Book Shop's activities are **aligned with and support the City of Troy's**:
  - **Vision** by focusing on the Troy Community - the customers. Book Shop is aggressive in its efforts to improve service delivery via ongoing initiatives. Book Shop actively supports TPL staff via funding of various professional development programs.
  - **Mission** by providing a public service in a friendly and professional manner.
  - **Value** of lifelong learning and diversity. This is reflected in Book Shop's clientele as well as volunteer ranks; parents, children, students, seniors, educators, business people, mentally challenged adults - all members of the Troy Community. (see Pg. 6)

Friends of the TPL Book Shop

CURRENT STATUS

Over the last 5 months (Mar - Jul) or virtually half of 2005, the Book Shop has been temporarily located in the TPL Meeting Room on the main floor. During this time frame:

- Sales averaged nearly $2,000 per weekend - or **35% more** each month than sales on lower level during same time last year (see Financial Snapshot below). January 1 to July 31 sales total **$52.568**. July 2005 sales totaled **$10.159** - an all time record in Book Shop history.
- Book Shop customer traffic increased with many new customers.
- Upstairs location is **more accessible** to handicapped, senior citizens and mothers with young children & strollers.
- **Public awareness** of the Book Shop and entire FTPL organization increased.
- Book Shop attracted an unprecedented 8 **new volunteers** resulting in an all time high of 57 volunteers on board.
- Attendance at various programs held off-site has increased.
- Library attendance has not declined.
- **Community has given freQuent, very positive feedback** regarding the temporary location to Book Shop Volunteers as well as Library Staff. **Requests that Book Shop remains upstairs are frequent & ongoing**.
- Community has not voiced any negative comments to Book Shop Volunteers regarding programs being moved to locations other than the Meeting Room.

FINANCIAL SNAPSHOT

Fiscal Year	2004-5	2003-4	2002-3	24 Month Change
Book Shop Income	$81,198	75,676	61,547	32%
Total Friends Income	96,269	88,276	85,862	12%
% Book Shop/FTPL	84%	86%	72%	

Monthly Book Shop Sales	2005	2004		% Change
March	$8,160	6,030	+2,130	+35%
April	9,124	6,778	+2,346	+35%
May	5,822	4,474	+1,348	+30%
June	4,427*a	5,921	-1,494	- 25%*a
July	10,159	7,473	+2,686	+36%
Total 5 Months	$37,692	$30,676	$ 7,016	+23%

*a Book Shop closed for 2 weekends in June due to HVAC delay resulting in approximately $4,000 in lost income. If adjusted for 2-week loss (by doubling June 2 week actual), June '05 sales would be $8,854 or 50% higher than June '04.

Friends of the TPL Book Shop

PROPOSAL

In response to the extremely positive feedback received from various Troy Community members; **Participants at the May Visioning Session, Library Patrons. Book Shop Customers, Library Staff and Friends' Volunteers,** and the substantial growth in sales, the current location of the Friends Book Shop needs to be reassessed quickly. Serious consideration should be given to keeping the Book Shop in the Meeting Room on the main level given the **multifold benefits to the entire Troy Community** and very few, if any, risks.

Opportunities -- value added to the Troy Community and TPL:

- Greater Book Shop visibility which translates into...
  - more customers
  - more donations
  - more volunteers (flexibility for future weeknight & *lor* more business hours) and thus **increased income** and continued support of programs, the TPL and the Troy Community.
- Option to hold programs at TPL, the Community Center and Troy Museum. This would add flexibility to open programs to larger groups on an ongoing basis thus, increase participation in TPL programs and make **better use of existing Trov facilities.**
- Add space by converting lower level Book Shop facility into a mid size meeting room (could be funded by the FTPL). As half of the lower level is already being used for computer classes, this is a **natural extension of the TPL's meeting and training facilities.**
- Use the Book Shop as a vehicle (a tangible, highly visible, successful operation) to attract Troy Community's attention to fund raising efforts for future library expansion as outlined at Visioning Meeting in May.
- Synchronize the timing of Book Shop's grand opening on main floor with Troy Daze and 50th Anniversary celebrations to reinforce fund raising efforts.

Risks:

No significant risks have been identified to date. Some portion (but not all) of the TPL programs would need to be held off site like they already have been during the 5+ months of the HV AC project. This may mean a small increase in the cost of the programs to pay for space at Community Center facility. However, these costs would be included in the total program cost thus, be covered by the FTPL (see Pg. 7)

CONCLUSION

The above are all compelling - **business based and fiscally sound** -- reasons which serve the Troy Community and are in the Community's best interest. The Book Shop is a proven and consistent performer - even in less than optimal economic times. The **value added contribution to the Troy Community** is quite significant:

- rich program schedule accessible to all for FREE
- low cost materials for students, educators, seniors, & community at large
- volunteer opportunities open to all members of the community
- ability to supporting less privileged neighbors

Locating the Book Shop on the main level of the TPL will expand on the above contributions and reap even greater rewards. It will show the City's Leadership hears its constituency and is quick to respond to needs voiced by the Troy Community.

TROY PUBLIC LIBRARY
SPACE NEEDS IDEAS

Main floor location for Friends bookstore and gift shop

Drive through service window - returns and pick-up

Quiet study rooms

Group study rooms

Teen services area

Meeting rooms/program rooms/conference rooms

Audio-visual area

International language/culture area

Enlarged lobby

Staff work space

Materials merchandising (browsing) space

Better cafe space

First floor computer training lab

Children's story program area

Enlarged stack space for book collections

Additional parking

TROY PUBLIC LIBRARY VISION, MISSION, VALUES

VISION: The vision of the Troy Library is that the community will view the Library as an exemplary model for the delivery of quality services.

MISSION: The mission of the Troy Public Library is to create meaningful opportunities for lifelong learning and personal enrichment that anticipate and excel in meeting the expectations of the Troy community. The Library works through its mission by:

- Focusing on its patrons
- Providing access to information in a variety of formats
- Providing access to ideas, insights, and materials that inspire
- Providing access to resources that encourage curiosity, imagination, and creativity
- Providing a welcoming and culturally stimulating setting in which the community can interact with resources, a knowledgeable staff, and each other

VALUES: The Troy Public Library values:

- The delivery of quality-based services
- Finding solutions that lead to patron satisfaction
- A forward thinking staff
- A proactive organizational management environment that promotes partnerships (teams), application of technology, and the customer service model of delivery
- Personal traits of honesty, courtesy, responsiveness, ethical behavior, fairness, personal responsibility, commitment, cooperation, accessibility, excellence, accuracy, and reliability

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John Szerlag
(szerlagaj@ci.troy.mi.us)
City Manager

Mission Statement

Provide public service to people in a friendly, professional manner so that they appreciate the experience and can expect to be served that way again.

Vision Statement

To that end, we strive to be:

- Externally focused on our customers;
- Professional and courteous in our treatment of others;
- Aggressive in our efforts to improve service delivery by using the best means available; and
- Concerned about the professional growth of our co-workers.

Value Statement

We value honesty, courtesy, responsiveness, diversity, lifelong learning, ethical behavior, quality, cooperation, accessibility, dedication, loyalty, and excellence.

Goals

- Minimize cost and increase efficiency of government.
- Retain and attract investment, while encouraging redevelopment.
- Effectively and professionally communicate internally and externally.
- Creatively maintain and improve public infrastructure.
- Annually improve the stategic plan.
- Protect life and property.

RESOURCES

- City Manager Home
- Council-Manager Form of Government
- City of Troy's Goal's & Objectives
- Downtown Development Authority

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Last modified: 3/2/2005

Troy Community Center
Room Rental Information

Room	Square Feet	Approx. Capacity (Theater)	Surface	Non-Profit Resident Groups	Resident Groups	Non-Resident Groups
Indoor Pool	5000	150		$236	$306	$346
Gym (Full)	13,400	380	Wood	$90	$110	$140
Gym (Half)	6700	190	Wood	$50	$60	$80
Dance Studio A or D	2764	75	Wood	No Charge	$40	$50
Dance Studio B or C	1260	36	Rubber	No Charge	$40	$50
Activity Room 503	877	49	Carpet	No Charge	$40	$50
Activity Room 504	1161	49	Linoleum	No Charge	$40	$50
Arts and Crafts Room 401	1143	32	Concrete	No Charge	$40	$50
Dining Room 402	2319	128	Carpet	No Charge	$40	$50
Conference Room 403/404	195	8	Carpet	No Charge	$30	$40
Meeting Room 301/302	1120	66	Carpet	No Charge	$40	$50
Meeting Room 303	1910	136	Carpet	No Charge	$40	$50
Banquet Room 304	2492	153	Carpet/Lin	No Charge	$40	$50
Banquet Room 305	2564	153	Carpet/Lin	No Charge	$40	$50
Banquet Room 304 & 305	5056	374	Carpet/Lin	No Charge	$380 (4 hrs) $760 (8 hrs)	$460 (4 hrs) $920 (8 hrs)

Rates: Room rental rates listed above are **per hour**. The banquet room (304 & 305 combined) is only available for a half day (4 hours) or full day (8 hours) rental.
After Hour Rentals: A fee of up to $45 will be added to all room rentals that take place when the Community Center is closed (see Hours of Operation below) and includes set up and tear down time.
Additional Staff: Additional staff or custodial support deemed necessary by the Troy Parks and Recreation Department will be charged to the rentee at the current hourly rate of $15 per hour.
Audio Visual Equipment: See price list for equipment available and rental rates.
Room Capacity: Capacities listed are approximate and based on a theater style set up.
Catering: Emerald Food Service is the exclusive caterer for the Community Center. Arrangements for food and beverage service must be made at least 72 hours in advance by calling 248-689-2494. Food and beverages served at the event must be provided by E.F.S. with the exception of snacks and pre-packaged non-perishable food in rooms 403, 404, 503 and 504. Violations will result in loss of facility use privileges and the group will be charged the rate for food if Emerald Food Service had supplied it.
Payment: A $30 non-refundable and non-transferable deposit is due with the application and will be charged when the reservation is confirmed. Full payment is due at least 5 days before the event. Cancellations must be requested 5 days before the event in order to obtain a refund (excluding deposit) on the room rental.
Hours of Operation: M–F 8 am–10 pm, Sat 8 am–4 pm (close at 1 pm in July/Aug), Sun-Closed

Group Classifications

Non-Profit Resident Groups – Any non-profit tax exempt corporations, community/civic organizations, churches, fraternal bodies, educational units, or government organizations that must consist of at least 75% Troy residents and supply a 501 (C) number or tax exempt certificate.

Resident Groups (Business/Public) – Any business located within the Troy city limits having a meeting for staff; or public group that consists of 75% Troy residents and does not have a 501 (C) number or tax exempt certificate.

Non-Resident Groups (Business/Public) – Any business that is located outside the Troy city limits; or public group that does not consist of 75% Troy residents.