AGENDA

Regular Meeting of the

CITY COUNCIL
OF THE CITY OF TROY

SEPTEMBER 12, 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

September 12, 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 Paul Lehman – Glen Oaks Alliance Church 1

ROLL CALL: 1

CERTIFICATES OF RECOGNITION: 1

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H-2 Council Member Howrylak has requested City Council set a public hearing to consider geographically modifying the Downtown Development Authority (DDA) district. Please know that statutory procedure requires the governing body to make a determination that an amendment to the district is in the best interest of the public. Attached is a staff memo indicating minimum statutory timeframes required to modify the DDA district. 23

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CALL TO ORDER:

INVOCATION & PLEDGE OF ALLEGIANCE: Pastor Paul Lehman – Glen Oaks Alliance Church

ROLL CALL:

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

CERTIFICATES OF RECOGNITION:

A-1 Presentations: No Presentations

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 Commercial Vehicle Appeal – 2239 East Maple Road

Suggested Resolution
Resolution #2005-09-
Moved by
Seconded by

Proposed Resolution A (For Approval)

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, That the request from Mr. Roger Coley, 2239 East Maple Road, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Chevrolet dump truck in a residential district is hereby **APPROVED** for _____(not to exceed two years).

Or Proposed Resolution B (For Denial)

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

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

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

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

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

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

_____
_____
_____

NOW, THEREFORE, BE IT RESOLVED, That the request from Mr. Roger Coley, 2239 East Maple Road, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Chevrolet dump truck in a residential district is hereby **DENIED**.

Yes:
No:

C-2 Rezoning Application – South Side of Long Lake Road, West of Calvert Drive, Section 14 – R-1C to CR-1 (Z 706)

Suggested Resolution
Resolution #2005-09-
Moved by
Seconded by

RESOLVED, That the R-1C to CR-1 rezoning request, located on the south side of Long Lake Road, west of Calvert Drive, Section 14, being 3.07 acres in size, is hereby **GRANTED**, as recommended by City Management and the Planning Commission.

Yes:
No:

POSTPONED ITEMS:

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

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

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:

D-2 Revision of Troy's Sign Ordinances

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

a) Revision of Sign Ordinance – Enact Chapter 85

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.

b) Revision of Sign Ordinance – Amendment to Chapter 60

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.

c) Revision of Sign Ordinance – Amendment to Chapter 3

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.

d) Revision of Sign Ordinance – Chapter 78 Repealed

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

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

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

Proposed Resolution to Amend

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

RESOLVED, That the proposed Resolution for the *Revision of Troy's Sign Ordinance* be **AMENDED** by modifying Section 60.03.02 B.1 by **STRIKING** "six square feet" and **INSERTING** "four square feet" and Section 60.03.02 B.2 by **STRIKING** "three temporary signs" and **INSERTING** "two temporary signs" and Section 60.03.02 B.4 by **STRIKING** "ninety days" and **INSERTING** "sixty days".

Yes:
No:

CONSENT AGENDA:

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

been heard. Public comment on Consent Agenda Items will be permitted under Agenda Item 9 "E".

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

Suggested Resolution
Resolution #2005-09-
Moved by
Seconded by

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

Yes:
No:

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

E-2 Approval of City Council Minutes

Suggested Resolution
Resolution #2005-09-

RESOLVED, That the Minutes of the Regular City Council Meeting of August 15, 2005 be **APPROVED** as submitted.

E-3 Proposed City of Troy Proclamations – None Proposed

E-4 Standard Purchasing Resolutions

a) Standard Purchasing Resolution 3: Exercise Renewal Option – Ice Melt

Suggested Resolution
Resolution #2005-09-

WHEREAS, On November 15, 2004, a one-year contract with an option to renew for one additional year to provide Ice Melt Compound to the City of Troy and participating members of the MITN Purchasing Cooperative was **AWARDED** to the lowest bidder meeting specifications, Washington Elevator Company of Washington, MI (Resolution #2004-11-591E4);

WHEREAS, The awarded bidder has agreed to exercise the option to renew the contract for one additional year under the same pricing, terms, and conditions.

NOW, THEREFORE, BE IT RESOLVED, That the option to renew the contract is hereby **EXERCISED** with Washington Elevator to provide Ice Melt Compound under the same contract price, terms and conditions at an estimated cost of $18,760.00 for one-year expiring October 31, 2006.

b) Standard Purchasing Resolution 1: Award to Low Bidder – Snow Removal Services – Home Chore Program

Suggested Resolution
Resolution #2005-09-

RESOLVED, That contracts to provide for seasonal requirements of snow removal services for the Home Chore Program are hereby **AWARDED** to the low total bidders, Advanced Services of Sterling Heights, as primary contractor, and Kathy's Lawn Maintenance of Saginaw as secondary contractor, for Proposal A and Proposal B for an estimated total cost of $11,092.00 per season, at unit prices contained in the bid tabulation opened August 10, 2005, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That the awards are **CONTINGENT** upon contractors' submission of properly executed bid and contract documents, including insurance certificates and all other specified requirements.

c) Standard Purchasing Resolution 3: Exercise Renewal Option – Volunteer Firefighter Uniforms

Suggested Resolution
Resolution #2005-09-

WHEREAS, On September 22, 2003, two-year contracts with an option to renew for two additional one-year periods to purchase volunteer firefighter uniforms were **AWARDED** to the low bidders, Metropolitan Uniform of Detroit, Michigan and Allie Brothers, Inc. of Livonia, Michigan (Resolution #2003-09-467-E-4);

WHEREAS, Both vendors have agreed to exercise the first one-year option to renew under the same pricing, terms and conditions as the original contracts.

NOW, THEREFORE, BE IT RESOLVED, That the option to renew the contracts are hereby **EXERCISED** with Metropolitan Uniform and Allie Brothers, Inc. to provide Volunteer Firefighter Uniforms under the same prices, terms, and conditions for one-year at an estimated cost of $12,000.00, to expire September 8, 2006.

d) Standard Purchasing Resolution 2: Bid Award: Lowest Bidder Meeting Specifications – Ramp and Stair Replacement at the Troy Historical Museum

Suggested Resolution
Resolution #2005-09-

RESOLVED, That a contract to replace the accessibility ramp and stairs at the main museum building is hereby **AWARDED** to the lowest bidder meeting specifications, Poe Restoration and Waterproofing of Commerce, Michigan for an estimated total cost of $16,250.00; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon the vendor submission of proper contract and bid documents, including insurance certificates, bonds and all other

specified requirements; and if additional work is required that could not be foreseen, such additional work is **AUTHORIZED** in an amount not to exceed 10% of the total project cost or $1,625.00.

e) Standard Purchasing Resolution 3: Exercise Renewal Option – Pavement Seam and Fracture Sealing Program

Suggested Resolution
Resolution #2005-09-

WHEREAS, On October 18, 2004, a contract to provide a Pavement Seam and Fracture Sealing Program with an option to renew for two (2) additional one-year periods was **AWARDED** to the low bidder, Scodeller Construction, Inc. of South Lyon, MI, at an estimated total cost of $657,500.00; (Resolution # 2004-10-546-E7);

WHEREAS, Scodeller Construction, Inc. has agreed to exercise the first one-year option to renew under the same prices, terms, and conditions.

NOW, THEREFORE, BE IT RESOLVED, That the first year of the option to renew the contract for a Pavement Seam and Fracture Sealing Program is hereby **EXERCISED** with Scodeller Construction, Inc. for an estimated total cost of $500,000.00, under the same contract prices, terms, and conditions expiring June 30, 2006; and if changes in the quantity of work are required, either additive or deductive, such changes are **AUTHORIZED** in an amount not to exceed 25% of the contract total project cost or $125,000.00 and within budgetary limitations.

f) Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – Troy Community Coalition

Suggested Resolution
Resolution #2005-09-

RESOLVED, That approval to expend funds budgeted in the 2005/2006 fiscal year to the Troy Community Coalition to provide community services to prevent drug and alcohol abuse in the amount of $100,000.00 is hereby **APPROVED**, and the Mayor and City Clerk are **AUTHORIZED** on behalf of the City of Troy to sign the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

g) Standard Purchasing Resolution 6: Grant Approval and Authorization to Expend City Funds – Radio Equipment

Suggested Resolution
Resolution #2005-09-

RESOLVED, That the Troy City Council does hereby **AUTHORIZE** the Troy Fire Department to receive a United States Fire Administration FIRE ACT Grant and **EXPEND** funds for the for the purchase of radio equipment from M/A-Com Inc. of Lynchburg, VA at an estimated cost of $131,000 through an Oakland County Contract in accordance with the Appendix, Radio Equipment Price Breakdown; and

BE IT FURTHER RESOLVED, That the Fire Department capital equipment budget is hereby **AMENDED** due to the grant award in the amount of $131,000.

h) Standard Purchasing Resolution 1: Award to Low Bidder – Slate Roof Repair and Replacement – Troy Historical Museum

Suggested Resolution
Resolution #2005-09-

RESOLVED, That a contract to repair and replace the slate roof at the main museum building is hereby **AWARDED** to the low bidder, Butcher & Baeker Construction Co., Inc of Rochester Hills, Michigan for an estimated cost of $91,033.00, at prices contained in the attached bid tabulation opened August 17, 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's submission of properly executed bid and contract documents, including bonds, insurance certificates and all other specified requirements; and if additional work is needed that could not be foreseen, such additional work is **AUTHORIZED** in an amount not to exceed 10% of the total project cost or $9,103.00.

E-5 Request to Waive Parking Restrictions – Smith Middle School

Suggested Resolution
Resolution #2005-09-

RESOLVED, That the City Council of the City of Troy does hereby **WAIVE** the No Parking restrictions on the west side of Donaldson Street from Square Lake Road to Cotswold Street, on September 15, 2005, between the hours of 6:30 pm - 9:30 pm; November 16 and 17, 2005, between the hours of 11:30 am - 9:00 pm; March 2, 2006, between the hours of 11:30 am - 9:00 pm; March 3, 2006, between the hours of 5:30 pm - 9:30 pm; and June 14, 2005, between the hours of 9:00 am - 12:00 noon.

E-6 Request for Acceptance of Permanent Easements for Ashbury Drive – Sanitary Sewer – Northeast ¼ of Section 24

Suggested Resolution
Resolution #2005-09-

RESOLVED, That the permanent easement from Muhammad A. Munir and Zahida Razzaq, having Sidwell #88-20-24-226-082, and the permanant easement from Babi Construction, Inc., having Sidwell #88-20-24-226-083 are hereby **ACCEPTED** for the operation, maintenance and repair or replacement of sanitary sewer on Ashbury Drive; and

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

E-7 Request for Acceptance of Warranty Deed and Permanent Easements for Maplewood Site Condominium, Milano Building Company, Section 3 – Sidwell #88-20-03-226-009

Suggested Resolution
Resolution #2005-09-

RESOLVED, That the Warranty Deed for right-of-way and four Permanent Easements for watermain, sanitary sewer and storm sewer from Milano Building Company, Inc., owner of the property having Sidwell #88-20-03-226-009, 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-8 Request to Waive Parking Restrictions – Congregation Shir Tikvah

Suggested Resolution
Resolution #2005-09-

RESOLVED, That the City Council of the City of Troy does hereby **WAIVE** the No Parking restrictions on the East side of Northfield Parkway from the parking lot entrance to Congregation Shir Tikvah to the entrance to Boulan Park, on October 3, 2005, 7:00 pm – 11:00 pm; October 4, 2005, 9:00 am – 5:00 pm; October 12, 2005, 7:00 pm – 11:00 pm; October 13, 2005, 9:00 am – 9:00 pm.

E-9 Winter Maintenance Agreement – Road Commission for Oakland County

Suggested Resolution
Resolution #2005-09-

RESOLVED, That the Winter Maintenance Agreement between the Road Commission for Oakland County and the City of Troy for Snow and Ice Control of certain primary and local roads, which are described and outlined in Exhibit A, is hereby **APPROVED** and the Mayor and City Clerk are **AUTHORIZED** to **EXECUTE** the necessary documents, a copy of this agreement, which is authorized by the provisions of 1951 PA 51 (MCL 247.651 et seq.), 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: Downtown Development Authority b) City Council Appointments: Advisory Committee for Persons with Disabilities; Advisory Committee for Senior Citizens; Animal Control Appeal Board; Cable Advisory Committee; Ethnic Community Issues Advisory Committee; Historic District Commission; Liquor Committee; Parks and Recreation Board; 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

Suggested Resolution
Resolution #2005-09-
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:

Downtown Development Authority
Mayor, Council Approval (13) – 4 years

_____	Term Expires 09/30/09
_____	Term Expires 09/30/09
_____	Term Expires 09/30/09

CURRENT MEMBERS

NAME	TERM EXPIRES
Michael W. Culpepper	09/30/08
Stuart Frankel	09/30/07
David R. Hay	09/30/07
Michele Hodges **(Requests Reappointment)**	09/30/05
William Kennis	09/30/06
Alan M. Kiriluk	09/30/08
Daniel MacLeish **(Requests Reappointment)**	09/30/05
Carol A. Price	09/30/07
Ernest C. Reschke	09/30/06
Louise E. Schilling	09/30/08
Douglas J. Schroeder	09/30/06
Harvey Weiss **(Requests Reappointment)**	09/30/05
G. Thomas York	09/30/08

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Deborah L. Baughman	03/29/01-0618/01-05/2003	04/09/01-07/09/01
Jerry E. Bloom	03/08/04-03/2006	04/12/04
Anju C. Brodbine	08/13/02-08/2004	08/19/02
Mark A. Calice	06/1997	
Anita Elenbaum	04/17/02-04/2004	04/22/02
David R. Hay	07/19/04-07/2006	08/23/04
Frank J. Howrylak	04/05/01-06/11/03-05/2005	04/09/01-06/16/03
Yul Woog Hyun (Jeff)	02/26/03-09/2005	10/06/03
Laurence G. Keisling	04/29/04-04/2006	05/03/04
Michael O'Brien	07/28/03-07/2005	08/04/03
Al Petrulis	02/11/03-02/2005	02/17/03
Mark Pritzlaff	04/17/03-04/2005	04/28/03
Gordon Schepke	03/22/05	04/04/05
Robert M. Schultz	06/19/01	01/22/01-07/09/01
Jayshree Shah	08/28/01-04/23/04-04/2006	09/17/01-02/02/04-05/03/04
Frank Shier	02/18/03-02/2005	03/03/03
Neil S. Silver	08/11/00-06/20/01-06/09/03-05/2005	08/21/00-07/09/01
Beatrice G. Smits	12/02/03-12/2005	12/15/03
Robert Victor	06/03/03-05/2005	06/16/03
Bruce J. Wilberding	08/05/99-06/17/03-03/1004-03/2006	04/12/04
Wayne C. Wright	01/07/99-06/18/03-06/2005	
Gary Yousif	11/24/03-11/2005	01/05/04

Yes:
No:

(b) City Council Appointments

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 **(Requests reappointment)**	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
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 request reappointment)**	04/30/05

INTERESTED APPLICANTS

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

Animal Control Appeal Board
Appointed by (5) – 3 years

Term Expires 09/30/08

CURRENT MEMBERS

NAME	TERM EXPIRES
Patrick K. Carolan	09/30/07
Kathleen Melchert	09/30/07
Al Petrulis	09/30/06
Jayne Saeger **(Requests Reappointment)**	09/30/05
Vincent James Viola	09/30/06

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Patricia M. Larue	08/12/02-08/2004	08/19/02
Mark Pritzlaff	04/28/0304/17/03-04/2005	04/28/03
Nancy Wheeler	04/12/0403/08/04-03/2006	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
Robert Lin	08/25/05	09/12/05

Ethnic Community Issues Advisory Committee

Appointed by Council (9) – 3 years

_____	Term Expires 09/30/06 **(Student)**
_____	Term Expires 09/30/08
_____	Term Expires 09/30/08
_____	Term Expires 09/30/08
_____	Term Expires 09/30/08
_____	Term Expires 09/30/08
_____	Term Expires 09/30/08
_____	Term Expires 09/30/08
_____	Term Expires 09/30/08
_____	Term Expires 09/30/08

CURRENT MEMBERS

NAME	TERM EXPIRES
Anju C. Brodbine	09/30/05
Amin Hashmi **(Requests reappointment)**	09/30/05
Kara Huang **(Student)**	07/01/05
Yul Woong (Jeff) Hyun **(Would prefer to serve on a different committee)**	09/30/05
Tom Kaszubski **(Requests reappointment)**	09/30/05
Padma Kuppa **(Requests reappointment)**	09/30/05

Hailu S. Robele **(Does not request reappointment)**	09/30/05
Oniell Shah **(Requests reappointment)**	09/30/05
Flora M. Tan	09/30/05
Charles Yuan **(Does not request reappointment)**	09/30/05

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Margaret Apte	01/19/05	01/24/05
Violet-Viorica Balasa	06/27/03	07/07/03
Kathleen Ann Connor	02/25/04-02/2006	03/01/04
Reuben T. Ellis	08/17/05	09/12/05
Yogesh Gusani	08/17/05	09/12/05
Michele Haight	10/18/02-10/2004	11/04/02
Kelly Jones	08/16/05	09/12/05
Dick Kuschinsky	06/19/03-06/2005	07/07/03
Al Petrulis	02/11/03-07/31/03-07/2005	02/17/03
Mark Pritzlaff	04/17/03-04/2005	04/28/03
Malina Sarma	06/27/05	07/11/05
Jayshree (Gita) Shah	04/23/04-04/2006	05/03/04
Remedios A. Solarte	09/15/04	09/20/04

INTERESTED STUDENT APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Kelly Gu	09/06/05	09/12/05
Lulu Guo	09/06/05	09/12/05

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.		

Liquor Committee
Appointed by Council - (7) – 3 years

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

CURRENT MEMBERS

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

INTERESTED STUDENT APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
None on file.		

Parks and Recreation Board
Appointed by (10) – 3 years

Term Expires 09/30/08

Term Expires 09/30/08

CURRENT MEMBERS

NAME	TERM EXPIRES
Merrill Dixon **(Senior Rep)**	04/30/06
Kathleen Fejex	09/30/07
Tod Gazetti	09/30/07
Brad Henson **(Student)**	07/01/06
Gary Hauff **(School Rep)**	07/31/06
Orestes (Rusty) Kaltsounis	09/30/06
Meaghan Kovacs **(Does not request reappointment)**	09/30/05
Tom Krent	09/30/07

Stuart Redpath	09/30/06
Jeffrey Stewart	09/30/06
Janice C. Zikakis **(Requests reappointment)**	09/30/05
Carol Anderson	

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Zarina J. Asjad	05/01/03-05/2005	05/05/03
Violet-Viorica Balasa	06/27/03-06/2005	07/07/03
Daniel H. Bliss	03/17/03-03/2005	04/14/03
Leonette Ciepielowski	07/27/04-07/2006	08/23/04
James Feldkamp	10/15/04-10/2006	11/08/04
Lynne (Mr.) Gregory	03/08/04-03/2006	04/12/04
Paul V. Hoef	09/12/01-08/14/02-08/2004	09/17/01
Thomas F. Hrynik	10/16/00-06/14/01-06/09/03-05/2005	11/06/00-07/09/01-06/16/03
Yul Woong (Jeff) Hyun	09/26/03-09/2005	10/06/03
Dan Kaiser	10/18/04-10/2006	11/08/04
Laurence Keisling	04/29/04-04/2006	05/03/04
Victor Lenivov	04/08/04-04/2006	04/12/04
Terry Navratil	06/10/03-05/2005	06/16/03
Michael O'Brien	07/25/03-07/2005	08/04/03
Al Petrulis	02/11/03-07/31/03-07/2005	02/17/03
Robert S. Preston	10/11/02	11/04/02
Mark Pritzloff	04/17/03-04/2005	04/28/03
Muriel Rounds	07/25/03-07/2005	08/04/03
Gordon Schepke	03/22/05	04/04/05
Jayshree Shah	04/23/04-04/2006	05/03/04
Oniell Shah	08/07/02	09/23/02
Beatrice G. Smits	12/02/03-12/2005	12/15/03
Renee Uitto	12/03/04-12/2006	12/06/04
Robert Victor	06/03/03-05/2005	06/16/03
Brian J. Wattles	07/10/01	07/23/01
Charles Yuan	07/12/05	07/18/05

INTERESTED STUDENT APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
None on file.		

Traffic Committee

Appointed by Council (7) – 3 years

Unexpired Term 01/31/06

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 **(Resigned 08/09/05)**	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
Katherine Tan	09/06/05	09/12/05

Yes:
No:

F-2 Standard Purchasing Resolution 3 and Bid Waiver – Option to Renew (1 Year) and Bid Waiver (1 Year) to Extend – Casualty and Property Insurance with the MMRMA for November 2005-06 and November 2006-07

Suggested Resolution
Resolution #2005-09-
Moved by
Seconded by

WHEREAS, On August 9, 2004, a one-year contract with an option to renew for one (1) additional year to provide Casualty and Property Insurance was **AWARDED** to the Michigan Municipal Risk Management Authority (MMRMA) for a premium of $293,689 for coverage year 2004/2005 (Resolution #2004-08-415); and

WHEREAS, the MMRMA has agreed to **EXERCISE** the one-year option to renew and **EXTEND** the contract for one (1) additional year under the same terms and conditions; and

WHEREAS, the agreement would include a 2% premium increase in the first year (2005/2006), and a not to exceed 5% premium increase in the second year (2006/2007).

NOW, THEREFORE, BE IT RESOLVED, That formal bidding procedures are hereby **WAIVED** and the option to renew and extend the contract is hereby **EXERCISED** with the MMRMA to provide Casualty and Property Insurance for a premium of $299,563.00 in 2005/2006, and a not to exceed premium of $314,541.00 in 2006/2007; and

BE IT FINALLY RESOLVED, This contract also includes the maintenance of a positive loss fund balance of up to $150,000 expiring November 7, 2007.

Yes:
No:

F-3 Sole Source – In-Car Camera and Radar Equipment Parts and Service

Suggested Resolution
Resolution #2005-09-
Moved by
Seconded by

WHEREAS, Decatur Electronics of Decatur, Illinois is the manufacturer and main service facility of the 8mm In-car video camera systems and radar equipment used by the Troy Police Department;

WHEREAS, It is necessary to maintain these systems so that Police Department incidents may be recorded to reduce liability and aid in litigation.

NOW, THEREFORE, BE IT RESOLVED, That the City of Troy is **AUTHORIZED** to purchase parts and services from Decatur Electronics to maintain the Police Department's fleet of 8mm in-car video systems and radar equipment for an estimated annual cost of $25,000.00 which is commensurate to authorized service center rates.

Yes:
No:

F-4 Designation of Voting Delegates at Annual NLC Meeting – Charlotte, North Carolina

Suggested Resolution
Resolution #2005-09-
Moved by
Seconded by

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 National League of Cities to be held December 10, 2005 at Charlotte, North Carolina.

Yes:
No:

F-5 Recommendation to Negotiate Purchase of Replacement Ladder Truck

Suggested Resolution
Resolution #2005-09-
Moved by
Seconded by

WHEREAS, The Troy Fire Department has standardized aerial ladder trucks over the last twenty years to allow simplified firefighter training on this type of complex apparatus;

WHEREAS, Maintenance is simplified by having platform units that have similar ladder, hydraulic, and stabilizing systems.

NOW, THEREFORE, BE IT RESOLVED, That City Administration is **AUTHORIZED** to **NEGOTIATE** a contract with Sutphen Corporation of Amlin, Ohio for the purchase of an aerial ladder truck; and

BE IT FURTHER RESOLVED, That the final contract will be **SUBMITTED** to the Troy City Council for review and final approval.

Yes:
No:

F-6 Final Site Condominium Review – Hidden Creek Site Condominium, East Side of Ellenboro, South Side of Vanderpool, Section 22 – R-1E

Suggested Resolution
Resolution #2005-09-
Moved by
Seconded by

RESOLVED, That the Final Plan as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium known as Hidden Creek Site Condominium and as recommended for approval by City Management, located on the east of Ellenboro, south of Vanderpool, including 13 home sites, within the R-1E zoning district, being 7.97 acres in size, is hereby **APPROVED**.

Yes:
No:

F-7 Amendment #1 – SLC Meter Service, Inc. – Automatic Meter Reading System

Suggested Resolution
Resolution #2005-09-
Moved by
Seconded by

WHEREAS, On February 7, 2005, Troy City Council approved a contract to provide an automatic meter reading system for the Department of Public Works Water Division to SLC Meter Service, Inc. of Davisburg, MI, the lowest, most qualified bidder as a result of a best value process for an estimated net total cost of $78,350.00 at prices as outlined in the bid tabulation opened October 15, 2004 (Resolution #2005-02-057);

WHEREAS, The initial system converted 1,000 industrial meters to an automatic meter reading system and City management recommends the scope of work be expanded to include 26,000 residential meters over a four (4) year period.

NOW, THEREFORE, BE IT RESOLVED, That City Management is **AUTHORIZED** to **NEGOTIATE** and **AMEND** the contract with SLC Meter Service, Inc.; and

BE IT FURTHER RESOLVED, That the final contract will be **SUBMITTED** to the Troy City Council for review and final approval.

Yes:
No:

F-8 Resolution Opposing Senate Bill 528

Suggested Resolution
Resolution #2005-09-
Moved by
Seconded by

WHEREAS, President Bush has established a priority for universal affordable access to broadband technology by 2007;

WHEREAS, Legislation has also been filed by Senators John McCain (Arizona) and Frank Lautenburg (New Jersey), entitled the "Community Broadband Act of 2005", that would protect a city's right to explore the option of providing municipal broadband;

WHEREAS, For local governments, reliable high-speed internet (broadband) service attracts businesses, spurs economic development and supports urban renewal;

WHEREAS, Historically, government involvement has often been necessary to provide essential services to our citizens – from rural power to public libraries. In today's global market, internet (broadband) access is an essential service, and municipalities have the obligation to make sure that all citizens and businesses have equal access to this service;

WHEREAS, Michigan local governments already have specific restrictions and a well thought out statutory law (Metro Act) that regulates local government involvement in telecommunications services;

WHEREAS, Michigan now has the worst unemployment rate in the country and internet (broadband) access is a vital economic development tool and is essential for Michigan to successfully attract new jobs and transitioning from a manufacturing-based to a technology-based economy;

WHEREAS, Oakland County has initiated a county-wide project with private partners to develop a multi-tiered wireless broadband service to attract business, spur economic development and provide efficient and effective service for all residents and visitors of the county.

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council requests the legislative bodies to **OPPOSE** SB 528 is it prevents local governments from providing any telecommunication services to citizens; including cable, high-speed internet (broadband) and wireless communications; and

NOW, THEREFORE, BE IT RESOLVED, By the Troy City Council that a copy of this resolution is **PROVIDED** to our state legislators and the Governor's office.

Yes:
No:

F-9 Section 23 – Pavement Replacement Project – Change Order No. 2, Contract 05-02

Suggested Resolution
Resolution #2005-09-
Moved by
Seconded by

RESOLVED, That Change Order No. 2 in the amount of $413,223.15 with Florence Pavement Providers for the Section 23 Pavement Replacement Project in Raintree Village No. 1 is hereby **APPROVED**. The change order in effect **RATIFIES** the work already done and **AUTHORIZES** the completion of the project, the balance of which is $ 685,401.83; and

BE IT FURTHER RESOLVED, That if additional work is required such additional work is **AUTHORIZED** in an amount not to exceed 10% of the amount of Change Order No. 2.

Yes:
No:

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

a) Commercial Vehicle Appeal – 2256 Garry – September 19, 2005
b) Commercial Vehicle Appeal – 2002 Atlas – September 19, 2005
c) Parking Variance – 4550 Investment Drive – September 19, 2005
d) Rezoning Application – Cambridge Square Office Buildings, West Side of Dequindre, North of Long Lake, Section 12 – R-1C to O-1 and E-P (Z 707) – September 19, 2005

G-2 Green Memorandums: No Memorandums Submitted

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

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H-1 Councilwoman Broomfield has requested a resolution advising the Planning Commission to make a recommendation to City Council regarding child daycare group homes. This recommendation would be advanced by the Planning Commission after conclusion of their public hearing which is going to be held on

September 27, 2005. Please refer to the attached memorandum from the City Manager for further information.

Suggested Resolution
Resolution #2005-09-
Moved by
Seconded by

RESOLVED, That the Planning Commission is **ADVISED TO ADVANCE** a recommendation to the Troy City Council regarding child daycare group homes in the R-1A through R-1E zoning classifications; and

BE IT FURTHER RESOLVED, That the Planning Commission's recommendation **IS EXPECTED** to be formulated after conclusion of the public hearing on this matter at the Planning Commission meeting of September 27, 2005

Yes:
No:

H-2 Council Member Howrylak has requested City Council set a public hearing to consider geographically modifying the Downtown Development Authority (DDA) district. Please know that statutory procedure requires the governing body to make a determination that an amendment to the district is in the best interest of the public. Attached is a staff memo indicating minimum statutory timeframes required to modify the DDA district.

Suggested Resolution
Resolution #2005-09-
Moved by
Seconded by

WHEREAS, Troy City Council **FINDS** it is in the best interest of the public to **MODIFY** the boundaries of the Troy Downtown Development Authority (DDA) district.

THEREFORE, BE IT RESOLVED, Troy City Council **SETS** a public hearing to amend the boundaries of the Troy DDA on _____, 2005 at Troy City Hall.

COUNCIL COMMENTS:

I-1 No Council Comments

REPORTS:

J-1 Minutes – Boards and Committees:

a) Troy Youth Council/Final – May 18, 2005
b) Advisory Committee for Persons with Disabilities/Draft – June 1, 2005
c) Advisory Committee for Persons with Disabilities/Final – June 1, 2005
d) Planning Commission Regular/Final – July 12, 2005
e) Employees' Retirement System Board of Trustees/Final – July 13, 2005
f) Board of Zoning Appeals/Draft – July 19, 2005
g) Board of Zoning Appeals/Final – July 19, 2005
h) Planning Commission Special/Study/Final – July 26, 2005
i) Ethnic Issues Advisory Board/Draft – August 2, 2005
j) Planning Commission Special/Study/Draft – August 2, 2005
k) Planning Commission Special/Study/Final – August 2, 2005
l) Building Code Board of Appeals/Draft – August 3, 2005
m) Board of Zoning Appeals/Draft – August 16, 2005
n) Troy CAC Advisory Committee/Draft – August 18, 2005
o) Troy Youth Council/Draft – August 24, 2005

J-2 Department Reports:

a) The Report of the Twenty fifth Annual Actuarial Valuation – December 31, 2004 of the City of Troy Incentive Plan for Volunteer Firefighters
b) Preliminary Report from the Historic District Study Committee Concerning the Brian and Mary Jean Wattles Property
c) Update on Futures Project, as well as Big Beaver Corridor Study
d) Development of City of Troy Comprehensive Plan/Amendments to City of Troy Future Land Use Plan

J-3 Letters of Appreciation:

a) Letter of Thanks to Carol Anderson from Cathy Killian, Thanking Troy Aquatic Center Staff – Jen Harvey, Michelle Harvey, Kevin Losey and Andy Gillett for Their Outstanding Efforts
b) Letter of Thanks to Chief Craft from Julie Zenger Hain, Thanking Officer Broderick and Other Officers and Staff for Their Professionalism in Court
c) Letter to Troy Police Department from Mothers and More, In Appreciation of the Presentation at Their Annual Family Picnic
d) Letter of Thanks to Jay Reynolds from Lorri Konieczko-Jim Hadden of ARUP, In Appreciation of the Presentation on Identity Theft
e) Letter of Thanks to John Szerlag from Tom Kafkes, In Appreciation of His Assistance with the Monarch Project
f) Letter of Thanks to Cindy Stewart from Paula and Steve Brazel, Thanking Cindy for Her Presentation at the Home and Garden Awards
g) Letter of Appreciation to Cindy Stewart from Roberta Beauchamp, Regarding Aldo and Orleta Cairo – Most Tranquil Garden Award
h) Letter of Appreciation to Mayor Schilling from Marvin Danto of the Michigan Design Center, Regarding the Organized Repaving of Maple Road

J-4 Proposed Proclamations/Resolutions from Other Organizations:

a) Resolution from the Oakland County Board of Commissioners – Support for Widening of I-75 in Oakland County

J-5 Calendar

J-6 Notice of Rating Action for Troy DDA from Fitch Ratings

J-7 Notice of Rating Action for City of Troy from Fitch Ratings

J-8 Letter from James R. Stokes, Deputy Director of Governor's Office for Southeast Michigan, Regarding the Resolution adopted by Troy City Council – Supporting the Legislative Correction of the WPW v. Troy Taxable Value Inequity

J-9 2005-2007 Economic Outlook Forecast for Oakland County – Final Report Attached as a Separate Item

J-10 Letter from Phoebe White Regarding Penalty on Tax Bill

J-11 Memorandum Regarding OPTECH Eagle IIIP Voting Devices and Supplies

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 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

DATE: September 6, 2005

TO: John Szerlag, City Manager

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

SUBJECT: Agenda Item - Public Hearing
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.

The property in question has an existing house that is 903 square feet in area. There is also an attached garage that is 308 square feet in area. Based upon the restrictions of Section 40.56.01 the area of the attached garage could be increased to 677 square feet. In addition, based upon the size of the property and the limitations of Section 40.56.02 of the Zoning Ordinance, detached accessory buildings totaling 836 square feet would be permitted.

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)

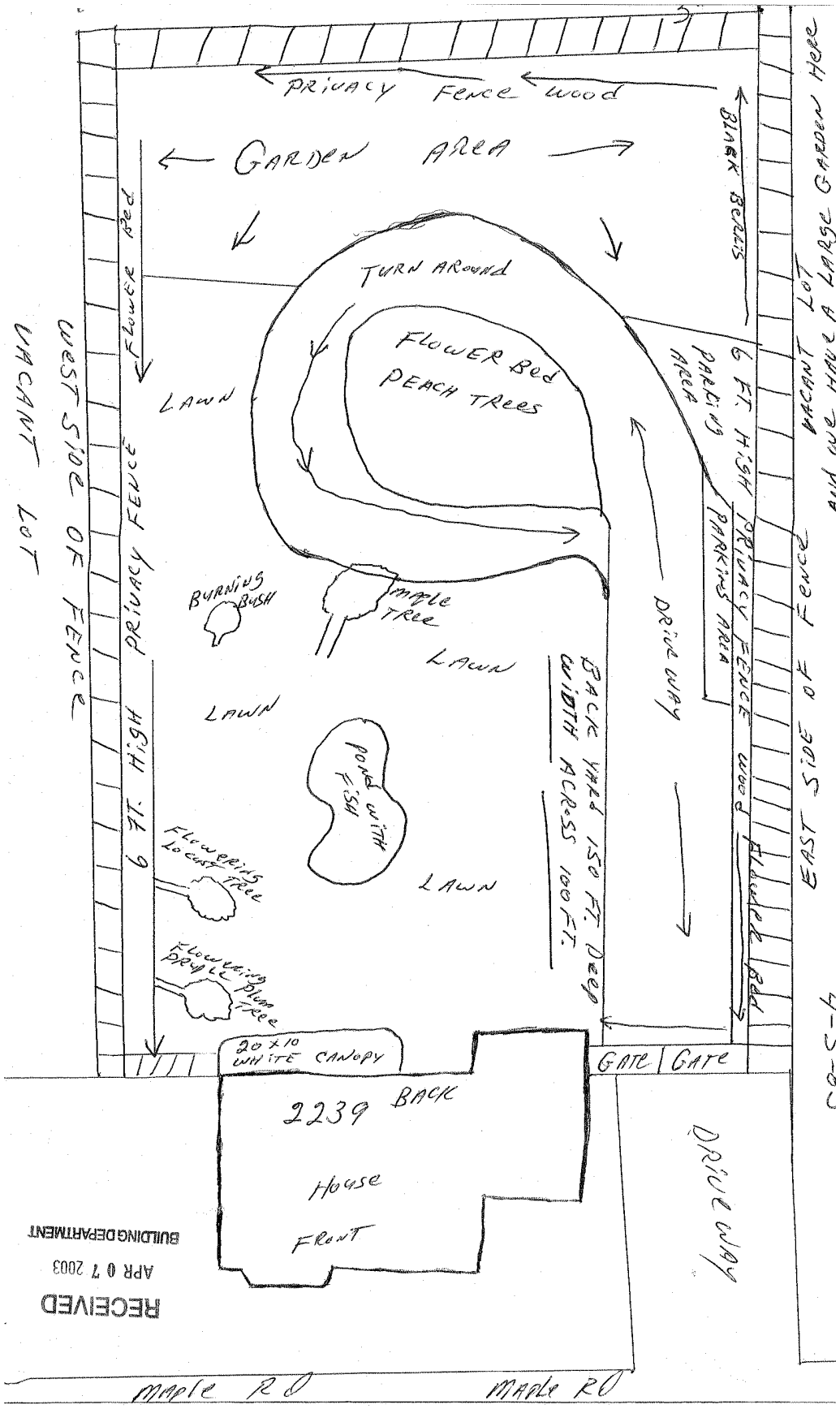
STATE OF MICHIGAN
COUNTY OF Macomb acting in Oakland

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

RECEIVED
SEP 0 2 2005
BUILDING DEPT.

TO: CITY COUNCIL

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

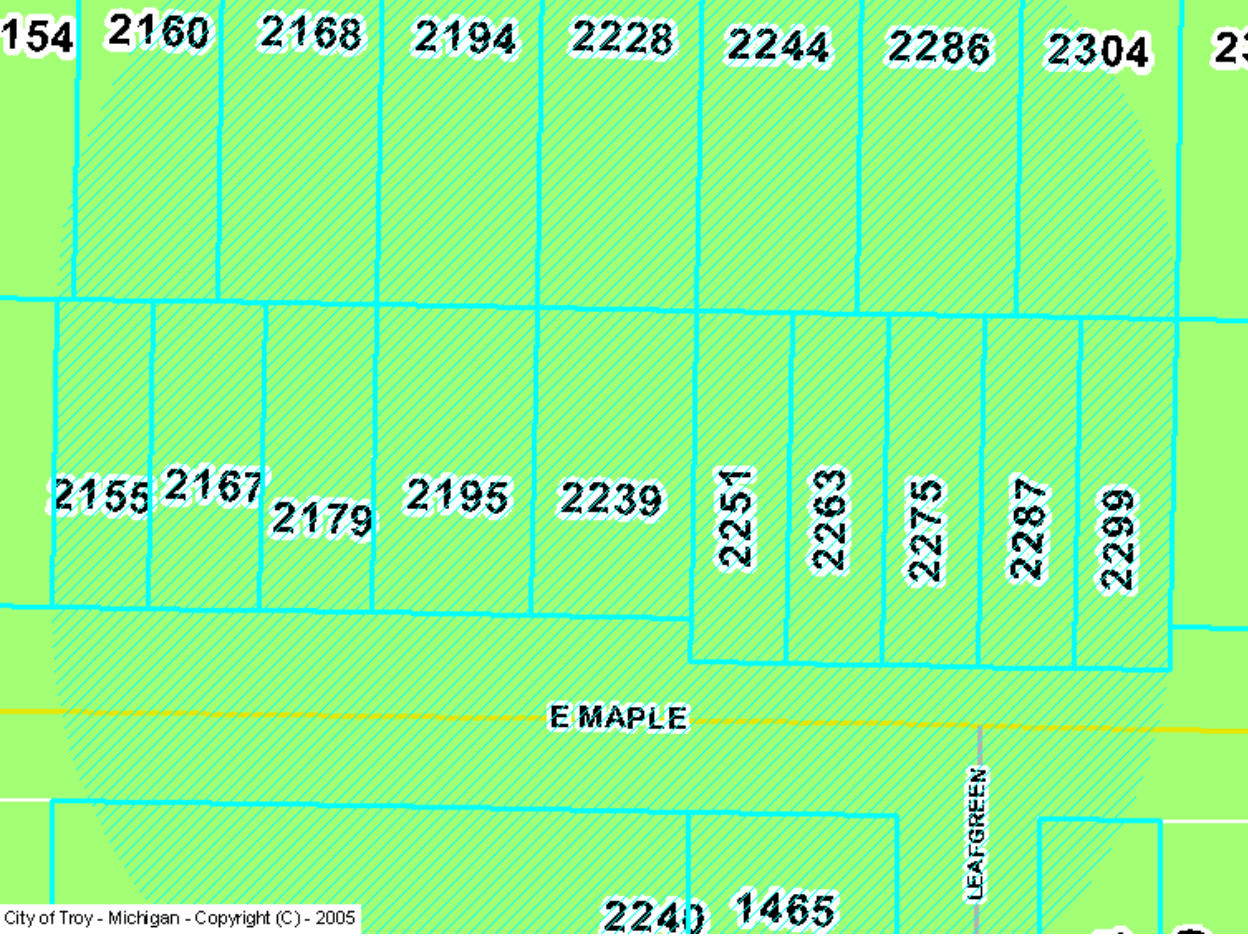
My reason for this **approval** [X] **objection** [ ] is:

Being as property faces Maple Rd it will not deter or take away from Sub. He's a working man and just one dump truck is all O.K. Percentage of People in the Gold coast area of Troy have Commerical vehicles parked on their driveway which constitutes their livelihood. LET him PARK IT

Yours Truly

NAME M C Goodrich

ADDRESS OR PROPERTY DESCRIPTION 2243 Virginia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2299
E MAPLE
LEAFGREEN
2240
1465
City of Troy - Michigan - Copyright (C) - 2005

DATE: August 29, 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 – 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 as adopted in 1971. 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 as adopted in 1971. 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)

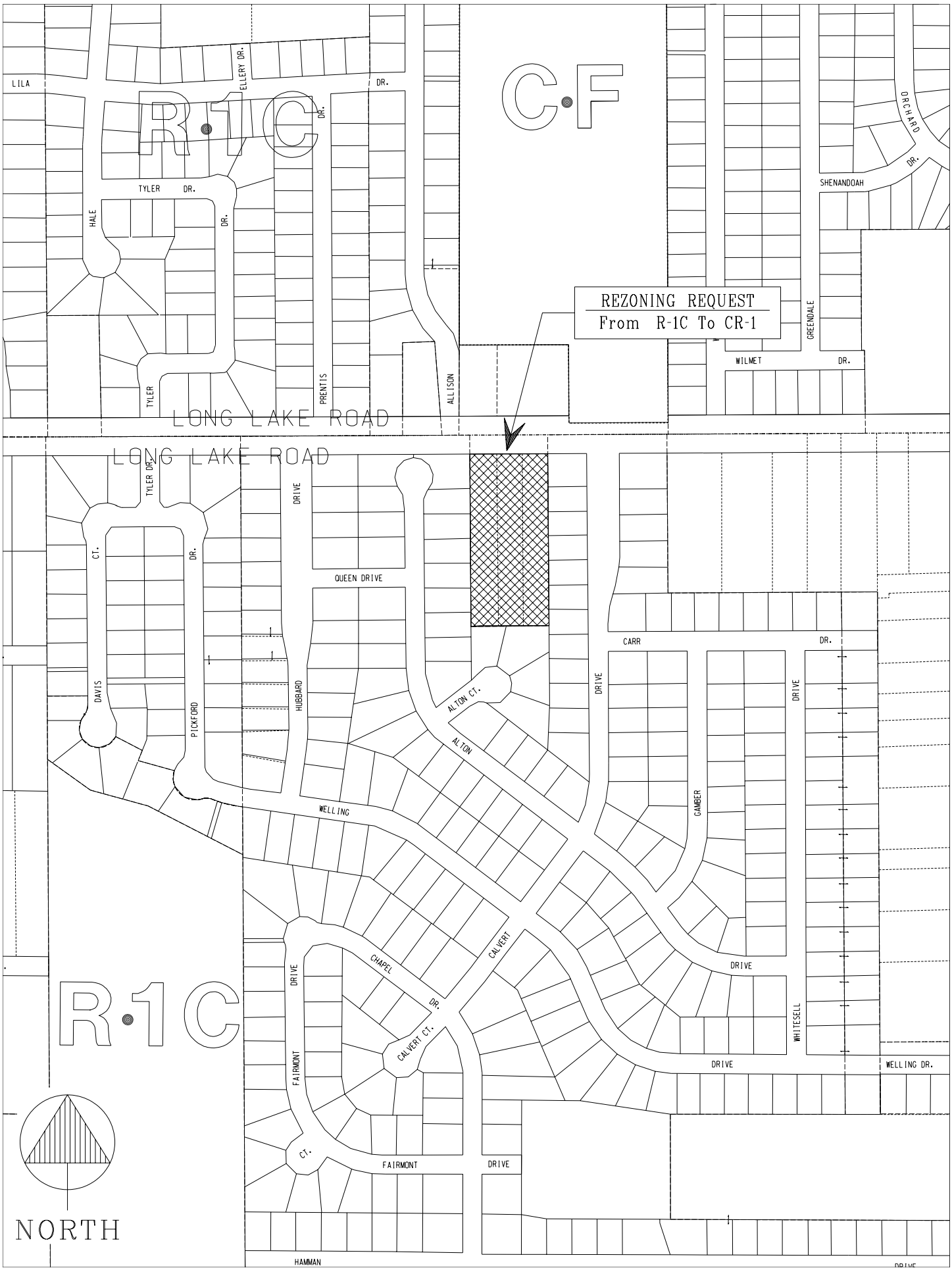
PREPARED BY RBS/MFM

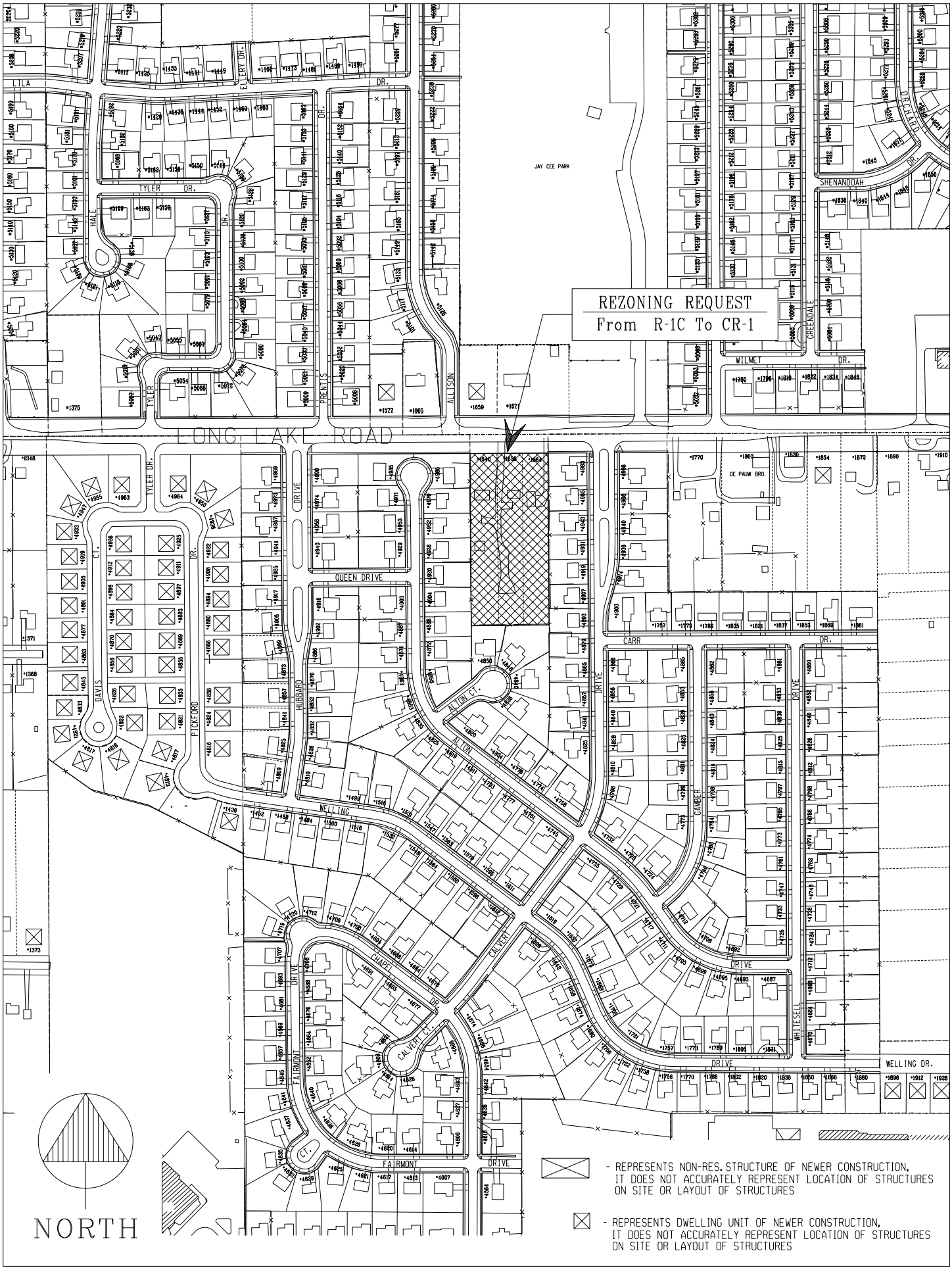
G:\REZONING REQUESTS\Z-706 Village of Tuscany Sec 14\CC Public Hearing Z-706 09 12 05.doc

CITY OF TROY

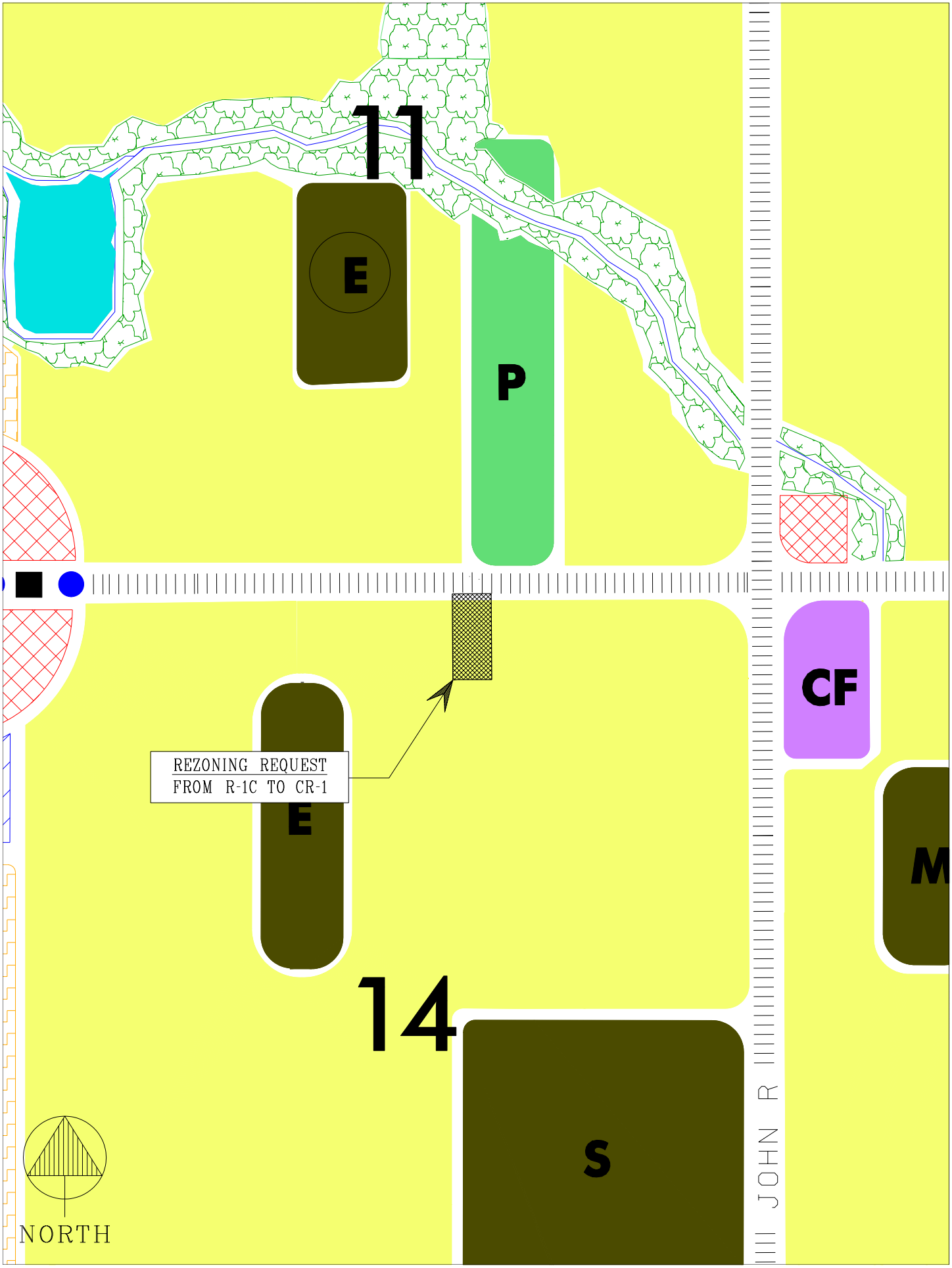
PREPARED BY CITY OF TROY PLANNING DEPT.

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

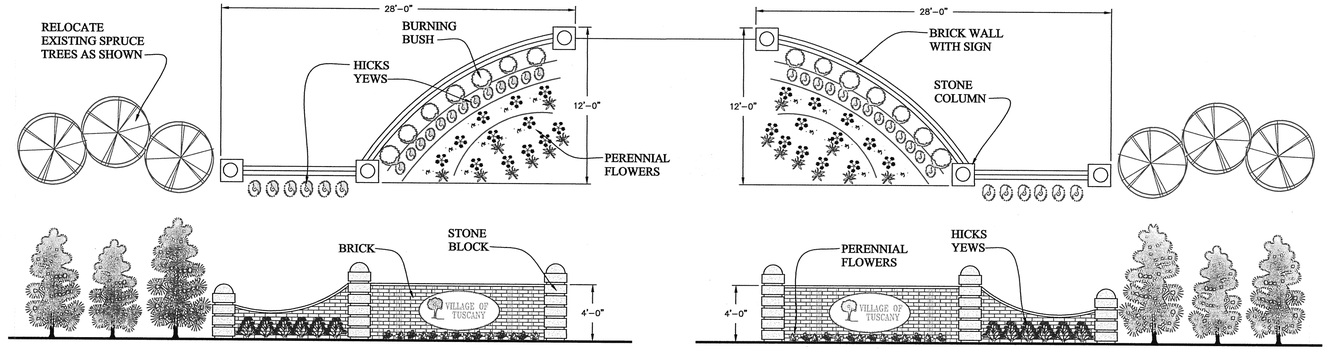
SCALE: 1"=40'

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

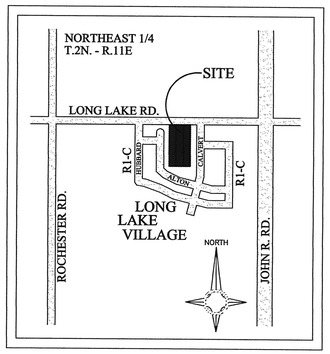
DENSITY DATA:

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)

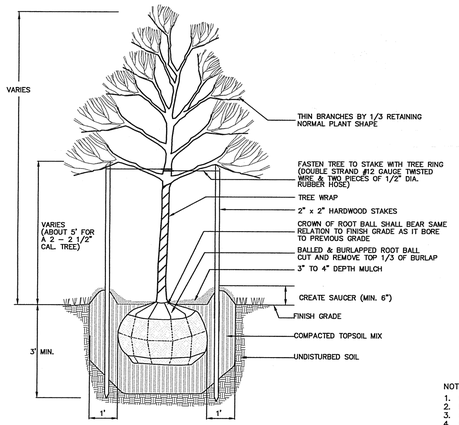
72 HOURS (3 WORKING DAYS) BEFORE YOU DIG CALL MISS DIG 800-482-7171 (TOLL FREE)

UTILITY WARNING

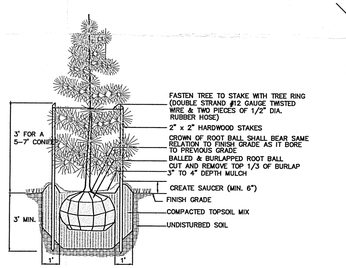
UNDERGROUND UTILITY LOCATIONS AS SHOWN ON THE PLAN, WERE OBTAINED FROM UTILITY OWNER AND NOT FIELD LOCATED.

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.

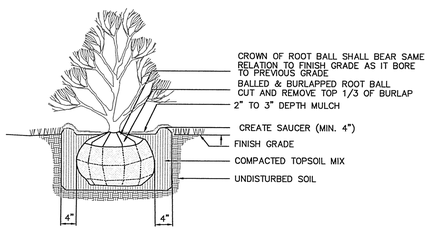


DECIDUOUS TREE PLANTING DETAIL



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

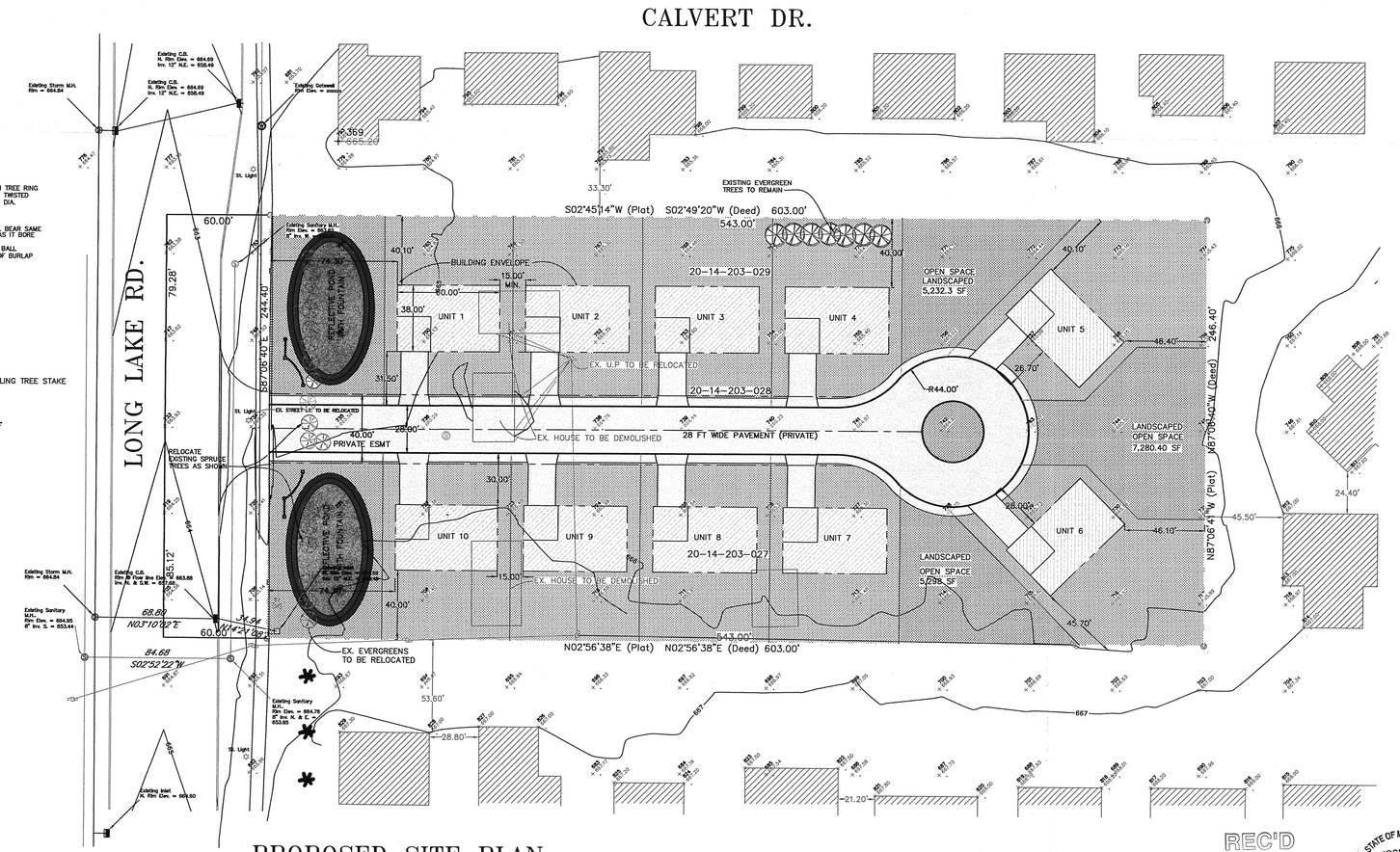


NOTES:
1. DO NOT ALLOW AIR POCKETS TO FORM WHEN BACKFILLING
2. WATER SHRUB THOROUGHLY SUBSEQUENT TO INSTALLATION

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
THESE DRAWINGS, DESIGNS, AND DETAILS ARE THE PROPERTY OF G.E.S. AND ARE NOT TO BE REPRODUCED WITHOUT WRITTEN PERMIT OF G.E.S. THESE PLANS ARE DESIGNATED ONLY FOR THE PROJECT LISTED AND AND ANY FURTHER DISTRIBUTION OF THESE PLANS IS STRICTLY PROHIBITED. ALL RIGHTS RESERVED.

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 Vaglica, 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.)

DATE: September 6, 2005

TO: John Szerlag, City Manager

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

SUBJECT: AGENDA ITEM (TABLED) – 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.

BACKGROUND INFORMATION

The building is proposed to face Creston Street. The Future Land Use Plan does not provide any guidance related to the orientation of the building. The petitioner has submitted a sketch proposing 5 units on 29,040 square feet, which is a density of 7.5 units per acre. This exceeds the maximum density of 6.2 units per acre in R-1T. When submitting for Preliminary Site Plan Approval, the petitioner must reduce the number of proposed units to 4 meet the 6.2 units per acre density requirement.

The date of the amendment to the Future Land Use Plan that classified the frontage of Rochester Road to Medium Density Residential in this area was 1999.

The City of Troy Storm Sewer Network Maps were created in August 2005. These maps indicate there is an 8-inch underground drain within the Creston Street right-of-way. No open drain is located on the property that would affect the property's development potential.

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 was amended in 1999 to classify 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

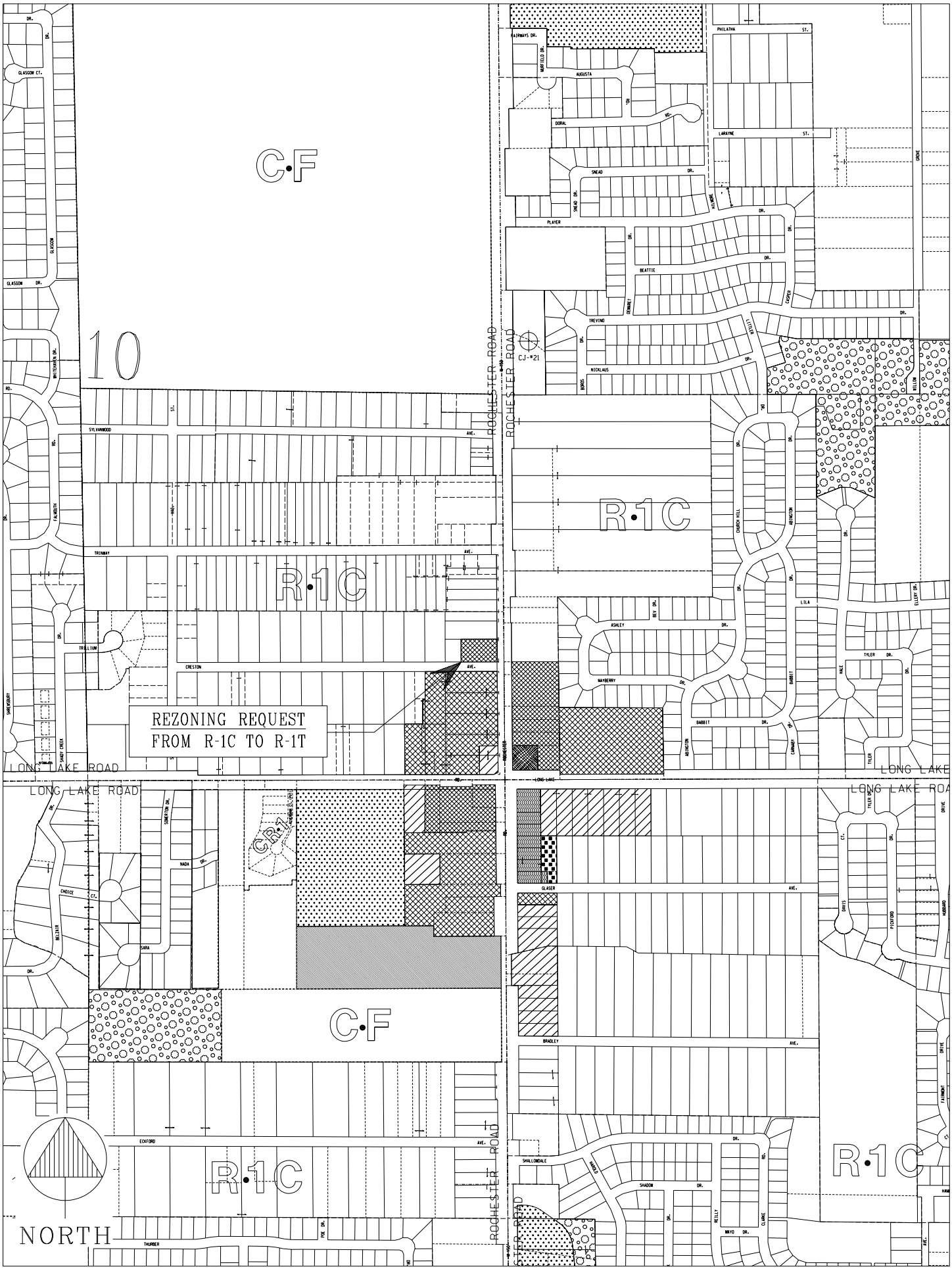
cc: Applicant
File (Z 705)

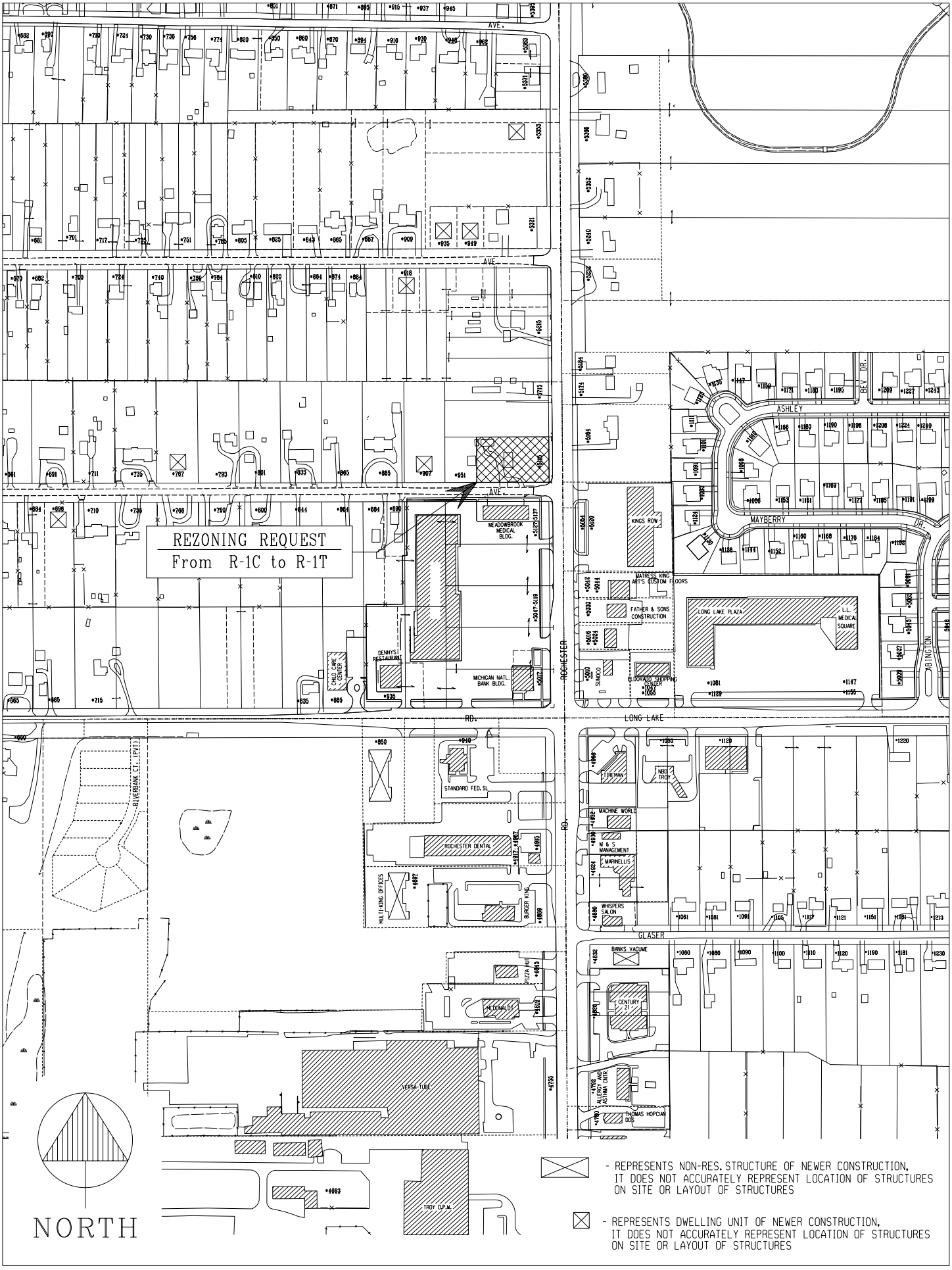
G:\REZONING REQUESTS\Z-705 Robin's Nest Sec 10\CC Tabled Item Robins Nest 09 12 05.doc

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

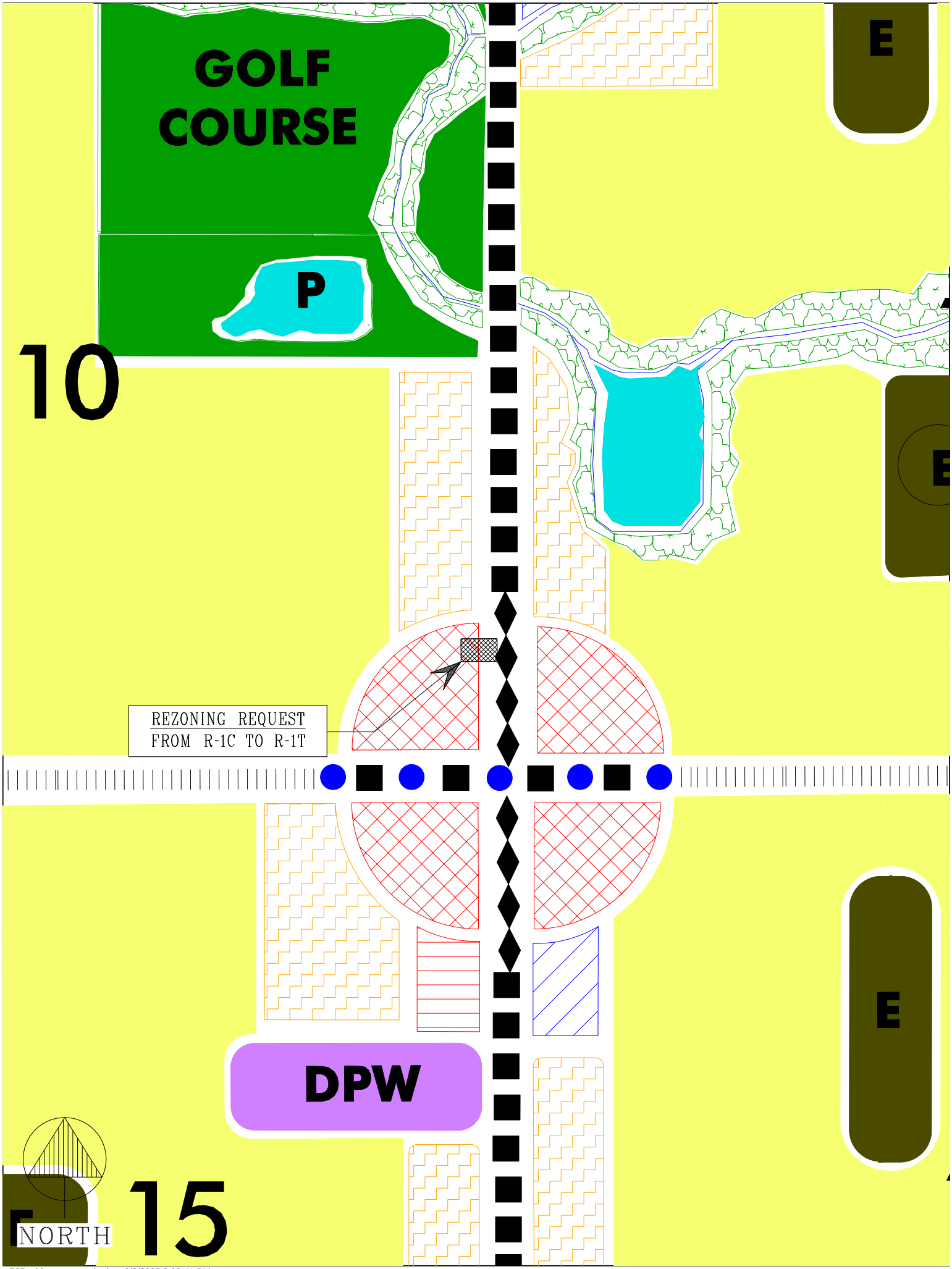

REZONING REQUEST
FROM R-1C TO R-1T
C·F
R·1C
CR·1
ROCHESTER ROAD
LONG LAKE ROAD
NORTH
10
CJ-#21
GLASGOW CT.
GLASGOW DR.
WHITEHAVEN DR.
SYLVANWOOD AVE.
FALMOUTH RD.
TRINWAY AVE.
TRILLIUM DR.
CRESTON AVE.
SHREWSBURY DR.
SHADY CREEK DR.
SOMERTON DR.
NADA DR.
CHOICE CT.
BELZAR DR.
SARA DR.
ECKFORD AVE.
THURBER 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

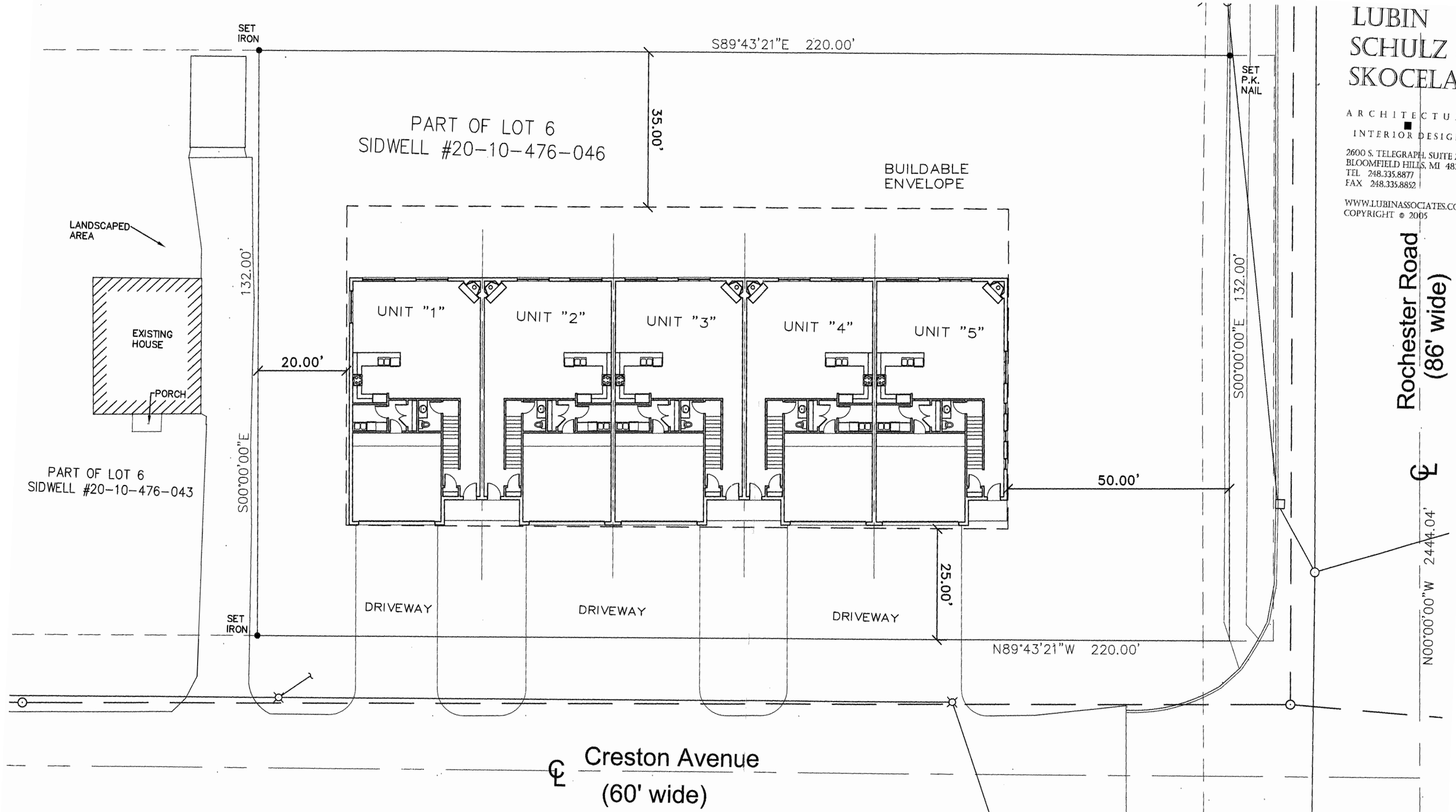
To Whom It May Concern:

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



LUBIN SCHULZ & SKOCELAS
ARCHITECTURE
INTERIOR DESIGN
2600 S. TELEGRAPH, SUITE 150
BLOOMFIELD HILLS, MI 48302
TEL 248.335.8877
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

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: September 7, 2005
SUBJECT: Proposed Revision of Troy's Sign Ordinances

Proposed modifications to the City of Troy sign ordinances were proposed at the August 15, 2005 City Council meeting. At that meeting, there was some discussion about the draft proposal. In addition, City Council was encouraged to provide any additional input to City Administration, so that a revised proposal could be submitted at the September 12, 2005 City Council meeting. After receiving this input, City Administration believes that the following proposed ordinance amendments reflect a convergence of the opinions of the individual City Council members.

The substantive ordinance revisions are as follows:

1. The previous allowance of up to three temporary signs per parcel has been modified to allow up to 12 square feet of temporary signage per parcel. However, the size of any individual temporary signs is limited to a maximum of 6 square feet.

2. Flags have been removed from the regulations governing temporary signs.

3. The 90-day time frame for temporary signage has been reduced to 60 days.

4. If a sign relates to an on-premises activity, such as the sale or lease of a house, then a temporary sign can remain for the duration of any contract covering such property, even if it exceeds the 60- day time frame.

If the Chapter 85 ordinance revision is acceptable, City Council would need to approve the new Chapter 85, as well as rescind Chapter 85A and Chapter 78, which are now incorporated into the revised Chapter 85. Council would also need to revise Chapter 3 (Administrative Service) to expressly provide the Building Department with authorization to enforce the new sign law (Chapter 85). Chapter 60 (Fees) should also be revised to set forth the fees for signs, under the new Chapter 85, into the Chapter that provides for the rest of the City's fees.

We are available to answer any questions concerning this matter.

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 three 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.

6. Sign Permits shall not be required for flags that are allowed by Section 85.03.04.

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.

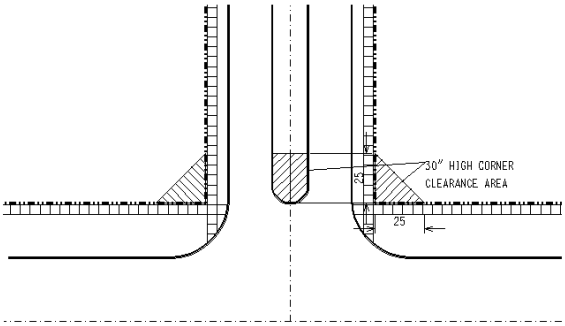

Figure 85.01.05 A

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.

85.01.06 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. Any defect due to the fault of the Sign Erector shall be repaired by 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 or 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 district. These are in addition to the signage that is exempted from permits 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 in the subdivision.

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 General Exceptions: The regulations of this Chapter shall be subject to the following exceptions.

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.

B. All temporary signs must comply with all of the following regulations:

1. Size of Temporary Signs: The total aggregate sign area of all temporary signs on any one site shall not exceed twelve (12) square feet. The maximum size of

individual temporary signs shall not exceed six square feet in area. Temporary signs shall not be higher than forty-two (42) inches above average mean grade of the yard on which it is placed.

Exceptions:

1. 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.

2. 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. 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.

3. Time Limitations for Temporary Signs: Each temporary sign shall be removed within 60 days of placement.

Exceptions

1. Where there is a valid contract for work on the premises that exceeds sixty (60) days, then temporary signs shall be permitted on the premises for the length of the contract.

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.

85.03.04 Flags

A. The display of the flag of the United States of America or other political subdivision thereof shall not be regulated by this Chapter when attached to a structure or standardized flagpole.

B. The display of not more than one flag, such as but not limited to, corporate, civic, social, cultural, church or club group shall be permitted if flown in conjunction with an American flag of equal or greater size.

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 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 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

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)

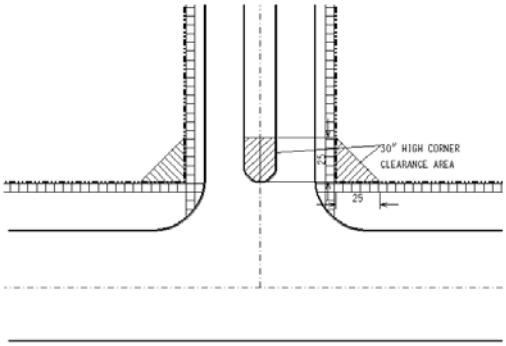

Figure 7.01.01

~~(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

A Regular Meeting of the Troy City Council was held Monday, August 15, 2005, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:32 PM.

Pastor Dennis Wegner – Troy Church of the Nazarene gave the Invocation and the Pledge of Allegiance to the Flag was given.

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

Resolution #2005-08-384
Moved by Eisenbacher
Seconded by Stine

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

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

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

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

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

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

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

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

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

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

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

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**.

Yes: All-7

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

Resolution #2005-08-385
Moved by Stine
Seconded by Eisenbacher

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: All-7

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

Resolution #
Moved by Lambert
Seconded by Stine
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.

Vote on Resolution to Postpone

Resolution #2005-08-386
Moved by Eisenbacher
Seconded by Beltramini

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, be **POSTPONED** until the Regular City Council Meeting scheduled for Monday, September 12, 2005.

Yes: All-7

POSTPONED ITEMS: No Postponed Items

CONSENT AGENDA:

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

Resolution #2005-08-387
Moved by Beltramini
Seconded by Broomfield

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Item E-4c-2, which shall be considered after Consent Agenda (E) items, as printed.

Yes: All-7

E-2 Approval of City Council Minutes

Resolution #2005-08-387-E-2

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

E-3 City of Troy Proclamation

Resolution #2005-08-387-E-3

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

E-4 Standard Purchasing Resolutions

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

Resolution #2005-08-387-E-4a

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

Resolution #2005-08-387-E-4b

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

Resolution Authorizing Attendance of Mayor and City Council Members

Resolution #2005-08-387-E-4c

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.

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

(a) License Transfer

Resolution #2005-08-387-E-5a

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

Resolution #2005-08-387-E-5b

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

Resolution #2005-08-387-E-6

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

Resolution #2005-08-387-E-7

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 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

Resolution #2005-08-387-E-8

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

Resolution #2005-08-387-E-9

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

Resolution #2005-08-387-E-10

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

Resolution #2005-08-387-E-11

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.

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

Resolution #2005-08-388
Moved by Stine
Seconded by Howrylak

RESOLVED, That David Lambert is hereby **DESIGNATED** as Voting Delegate and Robin Beltramini 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.

Yes: All-7

PUBLIC COMMENT: Limited to Items Not on the Agenda

REGULAR BUSINESS:

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

(a) Mayoral Appointments – No Appointments Scheduled

(b) City Council Appointments

Resolution #2005-08-389
Moved by Beltramini
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

Remedios Solarte Term Expires 07/31/08

Yes: All-7

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

Resolution #2005-08-390
Moved by Beltramini
Seconded by Stine

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 $7,000.00 as part of the local match for a MEGA incentive package to retain ASTI in Troy.

Yes: All-7

F-3 Traffic Committee Recommendations – July 20, 2005

Resolution #2005-08-391
Moved by Lambert
Seconded by Eisenbacher

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: All-7

F-4 2006 City Calendar Contract Extension

Resolution #2005-08-392
Moved by Stine
Seconded by Beltramini

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

MOTION CARRIED

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

Resolution #2005-08-393
Moved by Stine
Seconded by Beltramini

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

MOTION CARRIED

F-6 Bid Waiver – Troy Daze Large Tents

Resolution #2005-08-394
Moved by Lambert
Seconded by Beltramini

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: All-7

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

Resolution #2005-08-395
Moved by Stine
Seconded by Beltramini

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: All-7

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

Resolution #2005-08-396
Moved by Stine
Seconded by Beltramini

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

MOTION CARRIED

The Meeting **RECESSED** at 9:20 PM.

The Meeting **RECONVENED** at 9:33 PM.

F-9 Revision of Troy's Sign Ordinances

Resolution
Moved by Howrylak
Seconded by Eisenbacher

a) <u>Revision of Sign Ordinance – Enact Chapter 85</u>

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.

b) <u>Revision of Sign Ordinance – Amendment to Chapter 60</u>

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.

c) Revision of Sign Ordinance – Amendment to Chapter 3

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.

d) Revision of Sign Ordinance – Chapter 78 Repealed

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

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

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

Vote on Resolution to Amend

Resolution
Moved by Stine
Seconded by Schilling

RESOLVED, That the proposed Resolution for the *Revision of Troy's Sign Ordinances* be **AMENDED** by modifying Section 60.03.02 B.1 by **STRIKING** "six square feet" and **INSERTING** "four square feet" and Section 60.03.02 B.2 by **STRIKING** "three temporary signs" and **INSERTING** "two temporary signs" and Section 60.03.02 B.4 by **STRIKING** "ninety days" and **INSERTING** "sixty days".

Vote on Resolution to Postpone

Resolution #2005-08-397
Moved by Lambert
Seconded by Beltramini

RESOLVED, That the proposed Resolution for the *Revision of Troy's Sign Ordinances* (a-e) and the proposed amendment be **POSTPONED** until the Regular City Council Meeting scheduled for Monday, September 12, 2005.

Yes: All-7

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

Resolution #2005-08-398
Moved by Beltramini
Seconded by Stine

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: All-7

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

Resolution #2005-08-399
Moved by Beltramini
Seconded by Broomfield

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

MOTION CARRIED

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

Resolution #2005-08-400
Moved by Lambert
Seconded by Eisenbacher

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: All-6
No: None
Absent: Schilling

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

Resolution #2005-08-401
Moved by Eisenbacher
Seconded by Broomfield

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: All-6
No: None
Absent: Schilling

F-14 Replacement of November 2005 Ballot Proposals

Resolution
Moved by Lambert
Seconded by Stine

RESOLVED, That the Troy City Council **APPROVES AS TO FORM** the following proposed Charter Amendment Proposals 1-8 and Proposal 10 for the November 8, 2005 City General Election, and the revised Charter language, should the voters approve Charter Amendment Proposals at that election:

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 fourth and fifth 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.

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.

Vote on Resolution to Amend by Separation

Resolution #2005-08-402
Moved by Schilling
Seconded by Lambert

RESOLVED, That the Resolution for the *Replacement of November 2005 Ballot Proposals* be **AMENDED** by **SEPARATING** *Proposed Charter Amendment Proposal 9* for discussion purposes.

Yes: All-7

Vote on Resolution for the Replacement of November 2005 Ballot Proposals (1-8 & 10) as Amended

Resolution #2005-08-403
Moved by Lambert
Seconded by Stine

RESOLVED, That the Troy City Council **APPROVES AS TO FORM** the following proposed Charter Amendment Proposals 1-8 and Proposal 10 for the November 8, 2005 City General Election, and the revised Charter language, should the voters approve Charter Amendment Proposals at that election:

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

2. 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 fourth and fifth 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.

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: All-7

Vote on Resolution for the Replacement of November 2005 Ballot Proposals (9)

Resolution #2005-08-404
Moved by Lambert
Seconded by Stine

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.

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

MOTION CARRIED

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

Noted and Filed

G-2 Green Memorandums:
a) Options for Remnant Parcel – Site for Troy's First Volunteer Fire Station

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:

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

Resolution #2005-08-405
Moved by Beltramini
Seconded by Stine

RESOLVED, That City Council **SUSPEND** Rules of Procedure for the City Council, Rule #6 Order of Business, Article 15-I. Council Comments and **AUTHORIZE** City Council to discuss and take action on *G-2a Options for Remnant Parcel – Site for Troy's First Volunteer Fire Station*.

Yes: All-7

Proposed Resolution Regarding 5930 Livernois *(G-2a Options for Remnant Parcel – Site for Troy's First Volunteer Fire Station)*

Resolution
Moved by Beltramini
Seconded by Stine

RESOLVED, That Troy City Council hereby **DIRECTS** the City Manager to request input from the members of the Parks and Recreation Board, the Historical Commission, and the Historic District Commission to advise on the desirability of transforming 5930 Livernois (*G-2a Options for Remnant Parcel – Site for Troy's First Volunteer Fire Station)* into a passive or active park site.

Proposed Resolution to Amend

Resolution
Moved by Howrylak
Seconded by Broomfield

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** City Staff to hold the parcel for six months and actively seek a group of other individuals to adopt this site and subsequently raise funds for implementing design elements.

Vote on Resolution to Postpone

Resolution #2005-08-408
Moved by Eisenbacher
Seconded by Beltramini

RESOLVED, That the proposed Resolution Regarding 5930 Livernois (*G-2a Options for Remnant Parcel – Site for Troy's First Volunteer Fire Station)* and proposed Amendment be **POSTPONED** indefinitely.

Yes: All-7

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

Noted and Filed

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

Noted and Filed

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

Noted and Filed

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

Noted and Filed

J-5 Calendar

Noted and Filed

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

Noted and Filed

J-7 Municipal Sign Regulations v. the First Amendment

Noted and Filed

J-8 Cable Franchise Lawsuit Against the City of Troy

Noted and Filed

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

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 11:37 PM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, City Clerk

August 10, 2005

TO: John Szerlag, City Manager

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

SUBJECT: **Agenda Item:** Standard Purchasing Resolution 3: Exercise Renewal Option – Ice Melt

RECOMMENDATION

On November 15, 2004, the Troy City Council approved a contract to provide one-year requirements of ice melt compound with an option to renew for one (1) additional year for the City of Troy and participating members of the MITN Purchasing Cooperative to the lowest bidder meeting specifications, Washington Elevator of Washington MI. {Resolution #2004-11-591-E4}. City management recommends exercising the option to renew for one-year under the same prices, terms and conditions as the original contract to expire October 31, 2006.

Washington Elevator has agreed to exercise the one-year option to renew under 2004/2005 prices, terms, and conditions.

Description	**Price/bag**
Ice Melt – 50# bag	$6.70

MARKET SURVEY

The Purchasing Department has conducted a market survey and concurs with the recommendation to exercise the option to renew due to the effects of fuel prices on market pricing.

BUDGET

Funds for these materials are available through the Parks Operation Account # 770.7740.010.

Prepared by: Ron Hynd, Landscape Analyst
Susan Leirstein, Purchasing Systems Administrator

August 3, 2005

TO: Jeanette Bennett
Purchasing Director

FROM: Linda N. Bockstanz
Associate Buyer

RE: MARKET SURVEY – ICE MELT COMPOUND –

JOHN DEERE LANDSCAPES – Janson Parko (517) 552-0906
Janson has indicated that prices for Ice Melt Compound would be increasing about 10% to 15%. He believes that this product price increase is due to the fuel costs – transportation costs have risen 20% to 30%. As of now, he has no other products that can replace this product.

SUPPLY DEN, INC. – Oliver Denoff (586) 939-0747
Mr. Denoff commented that prices are going up because of fuel costs. He is figuring about an 8% increase on the product. As to any products that will replace or be equal to the product he has now – he has not heard of any.

WEINGARTZ SUPPLY COMPANY, INC - Daniel Weingartz (586) 731-7240
According to Daniel, Ice Melt Compound is expected to increase about 6% to 8% this year because of fuel costs. Last year's increase was about 12 % - due to the raw material costs. He does know of a new product that is out in the market that is called "Premium Ice Melter". It costs a couple of dollars less per bag, but it is made with more salt and it's not popular with some companies, because it tracks into buildings, kills the grass around the walkways in the spring, and is not good for the environment.

CONTRACTORS CONNECTION - Steven Patterson (586) 726-9690
Steven believes that Ice Melt Compound will be going up in price because of fuel costs. He figures that cost per bag will be $11.50 instead of $8.47. (About $3.00 more per bag.) He has not heard of any new products for Ice Melt Compound.

GEISLER COMPANY – Harrie DenBoer (313) 255-1450
Harrie told me that Ice Melt Company would increase 2% to 5%, because of the raw material costs and the rise of fuel costs. Harrie is not aware of any new products for Ice Melt Compound.

CONTINENTAL PAPER CO. – Dennis Mahr (800) 333-7277
Dennis commented that prices would be increasing 5% to 6%, because of the high cost of fuel, insurance, and raw material to make the product.

COLMAN-WOLF – Ken Hunt (586) 779-5500
Per Ken Hunt, Professional Ice Melt will be increasing about 5% to 7%, due to transportation costs and raw materials to produce the product. Ken does not have any new product that would replace this Ice Melt at this time.

SHEMIN NURSERIES – John Standish (248) 449-8000

John has a new product that he would like to introduce to us called “CMA-Landscaper’s Choice”. This new product does not stain floors, if tracked in buildings – does not burn the skin – is very environmentally safe to surrounding landscapes and to grass – can be applied to walk areas before storms come in – and comes in 50lb Bags, 40lb Pails, and 1 Ton Totes. Some of their Ice Melt products will be increasing about 5% to 8%, because of raw materials and transportation (Fuel) Costs.

ZEP MFG. COMPANY – Diane Kruliski (734) 525-0800

Diane said that price would increase a little, but their Company has not been very competitive with this product.

Based upon the above comments, I respectfully recommend that the City accept the offer to renew the contract for Ice Melt Compound due to an expected increase in cost per bag, mainly because of fuel costs for the next year.

CC: Susan Leirstien

CELEBRATING 50 YEARS 1955-2005 City of Troy

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

Area code (248)

Assessing 524-3311
Bldg. Inspections 524-3344
Bldg. Maintenance 524-3368
City Clerk 524-3316
City Manager 524-3330
Community Affairs 524-1147
Engineering 524-3383
Finance 524-3411
Fire-Administration 524-3419
Human Resources 524-3339
Information Services 619-7279
Law 524-3320
Library 524-3545
Parks & Recreation 524-3484
Planning 524-3364
Police-Administration 524-3443
Public Works 524-3370
Purchasing 524-3338
Real Estate & Development 524-3498
Treasurer 524-3334
General Information 524-3300

July 25, 2005

Washington Elevator
7030 West Road
PO Box 156
Washington, Mi 48094

Dear Sirs,

The City of Troy entered into contract with Washington Elevator to furnish one (1) year requirement of ice melt compound. The contract contained an option to renew for one (1) additional year in accordance with the specifications and agreement for ITB-COT 04-49. Renewal for the 2005/2006 seasons must be under the same terms and conditions as the 2004/2005 section of the original contract. If a new price is to be submitted within the terms of the current contract, 30-day notification of the new price is required. Please be aware that the City of Troy reserves the option to accept the price change or rebid.

Please fax this letter back to Parks & Recreation within five (5) working days, indicating Washington Elevator's contract renewal intent. The FAX number is 248-689-6497. It should be understood that this request to renew the contract is subject to a favorable market survey. A request by City staff to determine the successful bidder's interest in renewing the contract in no way obligates the City. The option cannot be exercised without Troy City Council approval and a blanket purchase order issued.

If you have any questions please call Ron Hynd at 248-680-7293

CHECK ONE:

☒ **Washington Elevator is interested in renewing the contract under the 2004/2005 terms and conditions.**

☐ **Washington Elevator *is not interested* in renewing the contract.**

x Jeffery Maussolf 7-31-05
Signed: Authorized Company Representative **date**

Thank You,
Ron Hynd, Landscape Analyst
City of Troy
248-680-7293 office
248-689-6497 fax

E-4 Standard Purchasing Resolution 2: Bid Award – Lowest Acceptable Bidder – Ice Melt Compound

Resolution #2004-11-591-E-4

RESOLVED, That a contract to provide one (1) year requirements of Ice Melt Compound with an option to renew for one (1) additional year for the City of Troy and participating MITN (Michigan Intergovernmental Trade Network) Purchasing Cooperative Members is hereby **AWARDED** to the lowest bidder meeting specifications, Washington Elevator Co., Inc. at the unit price contained in the bid tabulation opened October 20,2004, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with a contract expiration of October 31, 2005.

E-5 Approval of Relocation Claim, Louis and Diana Thomas, 2863 Thames, Sidwell #88-20-25-226-007, Project No. 01.105.5 – Big Beaver Road Improvements, Rochester to Dequindre

Resolution #2004-11-591-E-5

RESOLVED, That as required by Michigan Laws and Federal Regulations, the City Council of the City of Troy hereby **APPROVES** the Relocation Claim from Louis and Diana Thomas pertaining to the City of Troy's acquisition of their property at 2863 Thames, having Sidwell #88-20-25-226-007, and **AUTHORIZES** payment in the amount of $6,129.19.

E-6 Request for Approval of Relocation Claim, Virginia H. Newman, 2815 Thames, Sidwell #88-20-25-226-003, Project No. 01.105.5 – Big Beaver Road Improvements, Rochester to Dequindre

Resolution #2004-11-591-E-6

RESOLVED, That as required by Michigan Laws and Federal Regulations, the City Council of the City of Troy hereby **APPROVES** the Relocation Claim, for moving expenses, from Virginia H. Newman pertaining to the City of Troy's acquisition of her property at 2815 Thames, having Sidwell #88-20-25-226-003, and **AUTHORIZES** payment in the amount of $3,241.50.

E-7 Approval of Relocation Claim, John Cionca, Sr., 2931 Thames, Sidwell #88-20-25-229-003, Project No. 01.105.5 – Big Beaver Road Improvements, Rochester to Dequindre

Resolution #2004-11-591-E-7

RESOLVED, That as required by Michigan Laws and Federal Regulations, the City Council of the City of Troy hereby **APPROVES** the Relocation Claim from John Cionca, Sr., pertaining to the City of Troy's acquisition of their property at 2931 Thames, having Sidwell #88-20-25-229-003, and **AUTHORIZES** payment in the amount of $4,720.60.

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

October 25, 2004

To: John Szerlag, City Manager

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

Subject: **Agenda Item** - Standard Purchasing Resolution 2: Bid Award – Lowest Acceptable Bidder – Ice Melt Compound

RECOMMENDATION

On October 20, 2004, bid proposals were opened for one-year requirements of ice melt compound for use on pedestrian areas on Municipal properties. After reviewing these proposals, City management recommends awarding the contract to the low bidder meeting specifications, Washington Elevator Co., Inc. of Washington MI, for those participating MITN (Michigan Intergovernmental Trade Network) cooperative members at an estimated total cost of $18,760.00, at the unit price contained in the attached bid tabulation. Troy's portion is estimated at $10,988.00 per year.

SUMMARY

The contract is for ice melting compound used by City staff for application to sidewalks, stairs, and ramps located on municipal properties and properties controlled by the City. Guaranteed Analysis shall be:

- 25% Calcium chloride
- 25% Magnesium chloride
- 20% Potassium chloride
- 30% sodium chloride

and shall contain an inert pattern indicator and an organic anti-caking agent. Compound shall be FOB delivered in 50# bags.

Other participating agencies include but are not limited to:

- Eastpointe
- Rochester Hills
- Livingston County
- West Bloomfield Twp.

EXPLANATION OF BID NOT MEETING SPECIFICATIONS

Arnold Sales was unable to meet the City's specific ice melt requirements for this year's bid. However, they did offer a comparable product for reconsideration as an alternative for future solicitations. Samples need to be provided to test during the upcoming season. The Parks and Recreation Director or her designated representative will determine acceptability and their decision will be deemed to be in the City's best interest. If approved, the product will be included on future bids.

October 25, 2004

TO: John Szerlag, City Manager
RE: Bid Award – Ice Melt Compound

BUDGET
Funds for this purchase are available in the Parks operating Account # 770.7740.010.

73 Vendors Notified on the MITN System
11 Bid Responses Received
1 Bid did not meet specifications
1 Late Bid
4 No Bids: (1) Company had insufficient time to respond.
(3) Companies cannot meet specifications for a four-way ice melt product.

Prepared by: Ron Hynd, Landscape Analyst

Opening Date -- 10/20/04
Date Prepared -- 10/25/04

CITY OF TROY
BID TABULATION
ICE MELT COMPOUND

VENDOR NAME:		* WASHINGTON ELEVATOR CO, INC	JOHN DEERE LANDSCAPES	SUPPLY DEN INC	COLMAN-WOLF SUPPLY CO
EST QTY (BAGS)	DESCRIPTION	PRICE/EA BAG	PRICE/EA BAG	PRICE/EA BAG	PRICE/EA BAG
2,800 BAGS	**SIDEWALK ICE MELTING COMPOUND**, Four-Way Blend, "Professional Ice Melt" or Approved Alternate	**$ 6.70**	$ 7.09	$ 7.79	$ 7.95
	Quoting On:	CAPITOL PROF ICE MELT	POWERTHAW	WINTER STORM	PROFESSIONAL ICE MELTER
	Manufactured By:	WASHINGTON ELEVATOR	EC GROW INC	NORTH AMERICAN SALT CO	SPRING VALLEY
	50# Bags/Pallet	40	49	49	50
	ESTIMATED GRAND TOTAL - *	**$ 18,760.00**	$ 19,852.00	$ 21,812.00	$ 22,260.00
	DELIVERY: No. of Days after verbal request	5	5	1-2	1-2
	CONTACT INFORMATION Hrs of Oper.	8-5	7-5:30PM	7:30-5	7:30-5PM
	Phone #	(248)321-7939	(248)960-1882	(586)939-0747	(586)779-5500x131
EXTENSION OF AWARD TO MITN PURCHASING COOP:Y/N		YES	YES	YES	YES
	Minimum Order (Initial)	1 TON	1 TON	1 PALLET	2 /12 TONS
	(Add'l)	1 TON	1/4 TON		2 1/2 TONS
	TERMS	NET 30	30 DAYS	NET 30	NET 30 DAYS
	WARRANTY	NONE	NONE	FULLY GUARANTEED	N/A
	DELIVERY	5 DAYS	1 HR- 5 DAYS	1-2 DAYS	1-2 DAYS
	EXCEPTIONS	SEE SPEC SHEET ATTACHED TO BID	LISTED IN BID	N/A	BLANK
	ACKNOWLEDGEMENT Y or N	YES	YES	YES	YES

DMS:
Arnold Sales @ $6.25/bag => $17,500
Reason: Comparable product offered to test for reconsideration on future bids.

*** DENOTES LOWEST ACCEPTABLE BIDDER**

PROPOSAL: One year requirements of Ice Melt Compound with an option to renew for one additional year for the City of Troy and participating MITN Purchasing Cooperative Members

ATTEST:
Jeffrey Biegler
Charlene McComb
Linda Bockstanz

Jeanette Bennett
Purchasing Director

G:IceMelt - w/MITN PUR COOP ITB-COT 04-49.xls

Opening Date -- 10/20/04
Date Prepared -- 10/25/04

CITY OF TROY
BID TABULATION
ICE MELT COMPOUND

VENDOR NAME:		CONTINENTAL PAPER	WEINGARTZ SUPPLY CO INC	SHEMIN NURSERIES INC	CONTRACTORS CONNECTION INC
EST QTY (BAGS)	DESCRIPTION	PRICE/EA BAG	PRICE/EA BAG	PRICE/EA BAG	PRICE/EA BAG
2,800 BAGS	**SIDEWALK ICE MELTING COMPOUND**, Four-Way Blend, "Professional Ice Melt" or Approved Alternate	$ 8.02	$ 8.47	$ 8.70	$ 9.75
	Quoting On:	EVCO PREMIUM	PROFESSIONAL ICE MELTER	LANDSCAPERS CHOICE	ZERO ICE, ICE& SNOW MELTER
	Manufactured By:	FLOR DRI SUPPLY	SPRING VALLEY	KISSNER GROUP	HOWARD JOHNSON ENTERPRISES
	50# Bags/Pallet	56	50	50	48
	ESTIMATED GRAND TOTAL -	$ 22,456.00	$ 23,716.00	$ 24,360.00	$ 27,300.00
	DELIVERY: No. of Days after verbal request	1	2	5-7	3-10
	CONTACT INFORMATION Hrs of Oper.	8-5	8:30-5:30PM	8-4:30PM	7-6PM
	Phone #	(586)405-6839	(586)255-9960	N/A	(586)405-5021
EXTENSION OF AWARD TO MITN PURCHASING COOP:Y/N		YES	YES	YES	YES
	Minimum Order (Initial)	1 1/2 TON	1 1/4 TON	1 1/4 TON	4 PALLETS
	(Add'l)	1 1/2 TON	1 1/4 TON	1 1/4 TON	1 PALLET
	TERMS	NET 30 DAYS	NET 30 DAYS	N 30 DAYS	NET 20 DAYS
	WARRANTY	MFR	NONE	N/A	BLANK
	DELIVERY	OUR TRUCK	OUR TRUCK	FOB DESTINATION	2-10 DAYS ARO
	EXCEPTIONS	LISTED IN BID	BLANK	LISTED IN BID	LISTED IN BID
	ACKNOWLEDGEMENT Y or N	YES	YES	YES	YES

Opening Date -- 10/20/04
Date Prepared -- 10/25/04

CITY OF TROY
BID TABULATION
ICE MELT COMPOUND

VENDOR NAME:		GEISLER COMPANY	ZEP MFG CO		
EST QTY (BAGS)	DESCRIPTION	PRICE/EA BAG	PRICE/EA BAG		
2,800 BAGS	**SIDEWALK ICE MELTING COMPOUND**, Four-Way Blend, "Professional Ice Melt" or Approved Alternate	$ 12.15	$ 12.70		
	Quoting On:	SAFE STEP ICE MELT	POWER THAW		
	Manufactured By:	DOW	EC GROW		
	50# Bags/Pallet	49	47		
	ESTIMATED GRAND TOTAL -	$ 34,020.00	$ 35,560.00		
	DELIVERY: No. of Days after verbal request	7-10	2-7		
	CONTACT INFORMATION Hrs of Oper.	8-5	8-4:30PM		
	Phone #	(313)920-9028	(313)938-6671		
EXTENSION OF AWARD TO MITN PURCHASING COOP:Y/N		YES	YES		
	Minimum Order (Initial)	2 TONS	4 TONS		
	(Add'l)	BLANK	2 TONS		
	TERMS	BLANK	NET 30		
	WARRANTY	BLANK	60 DAYS		
	DELIVERY	BLANK	PREPAID		
	EXCEPTIONS	BLANK	BLANK		
	ACKNOWLEDGEMENT Y or N	YES	YES		

NO BIDS:
Apac Paper
Advantage Distribution Corp
Hercules & Hercules
Industrial Cleaning Supply

Michigan Inter-governmental Trade Network
MITN

Downloading History for ITB-COT 04-49 Ice Melt

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 **10/25/2004.**

Document Title:	ICE MELT COMPOUND
Date Issued:	9/28/2004
Close Date:	10/20/2004

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
18979	ADVANTAGE DISTRIBUTION	E-mail	10/13/2004	
12133	Allied Building Service Company of Detroit, Inc.	E-mail	9/28/2004	
17239	Amerisource	E-mail		
10481	Angers Equipment Company, Inc	E-mail	10/15/2004	
13995	APAC PAPER & PACKAGING CORP.	Free	10/11/2004	
13096	Arnold Sales	Free	9/29/2004	
11493	Audio Visual Equipment & Supplies, Inc.	E-mail		
10139	B & J Parking Lot Maintenance, Inc.	E-mail		
10927	B & L Landscaping	Fax	10/8/2004	
11456	B & R Sales and Service Inc.	E-mail	9/28/2004	
15934	B & W Management Services, Inc	E-mail	10/11/2004	
11464	Bell & Sons Distributors	E-mail		
10151	Central Michigan Paper	E-mail	10/4/2004	
17537	Clif Services, Inc	E-mail	10/5/2004	
11863	Colman Wolf Supply Co.	E-mail	10/7/2004	
17268	Consolidated Industries Inc.	E-mail		
13654	Contractors Connection Inc.	Free	10/18/2004	
11785	Donson Supply, Inc.	Free	10/18/2004	
11938	Downriver Refrigeration Supply Co.	E-mail	10/1/2004	
11044	Federal Pipe & Supply Company	Free	10/1/2004	
11210	Flor-Dri Supply Co., Inc.	E-mail	9/28/2004	

16320	Geisler Company	E-mail	10/7/2004	
11861	Grainger Industrial Supply	E-mail	9/30/2004	
16921	H.D. Edwards & Company	Free	9/28/2004	
10438	Hamilton's of Ortonville Inc.	Free	10/7/2004	
13972	Hercules & Hercules Inc.	E-mail	10/5/2004	
11766	HES STALLINGS-JULIEN SALES & SERVICE	E-mail		
14309	HP Products	Free	10/6/2004	
18064	HP Products	E-mail	9/28/2004	
10459	Industrial Cleaning Supply Co.	E-mail	9/29/2004	
14773	Integrated Supply Management, Inc.	E-mail	10/15/2004	
10296	jansan supply	Free	10/18/2004	
14945	John Deere Landscapes	E-mail	10/19/2004	
15720	Kelli Green Lawn Service Ltd.	E-mail		
18515	Lansing Sanitary Supply	E-mail	9/28/2004	
12569	Liquid Calcium C hloride Sales	Free	10/12/2004	
18579	LMW Constructors, LLC	E-mail	10/13/2004	
10508	LOWER HURON CHEMICAL & SUPPLY	E-mail	10/1/2004	
13084	MER-WIL INDUSTRIES	E-mail		
14512	Michigan Automatic Sprinkler Inc.	Free	10/8/2004	
17377	Morton International/Morton Salt	E-mail		
13429	Multi-Source	E-mail		
15276	Nichols	E-mail		
10726	North American Salt Co.	E-mail	10/4/2004	
11936	Northside True Value Hardware	Fax		
17174	P & L Products, Inc.	E-mail		
14858	Parkway Research/Div. Brandt Con.	E-mail		
17802	PBS SERVICES	E-mail	9/28/2004	
13022	Peter E. Johnson and Associates, Inc	Fax		
10436	Power Equipment Distributors Inc	Free	9/29/2004	
11286	Professional Maintenance, Inc.	E-mail	10/4/2004	
14286	PVS Nolwood Chemicals	E-mail	9/29/2004	
18124	S.F. Strong inc.	Fax	10/5/2004	
11001	Sheldon Supply Company	E-mail		
14349	Shemin Nurseries, Inc.	Free	10/18/2004	
12123	Source One Distribution LLC	E-mail		
14695	South Huron Industrial Inc	Fax		
13914	Steele's Service's LLC	E-mail		
12969	stokes&stokessnowremoval&landscapingco.	E-mail		
15371	Strike Group L.L.C.	E-mail	10/11/2004	
10113	Sullivan Corporation	Free	10/15/2004	
10162	SupplyDen Inc.	E-mail	10/8/2004	
10279	Sure Products, Inc	E-mail		
18557	Texas Refinery Corp	E-mail	9/28/2004	

10425	The Michigan Company	Free	10/8/2004	
15310	Tiffany's Building Services, Inc.	E-mail		
13602	Total Outdoor Services	E-mail		
12718	Tucker Group, Inc.	Free	10/18/2004	
10311	Turf Tenders Landscaping & Fertilizing Inc.	Free	10/6/2004	
14368	Washington Elevator Company, Inc.	Free	10/2/2004	
14338	Washtenaw Inc., Maintenance Services	E-mail	10/7/2004	
14785	Weingartz	E-mail	10/7/2004	
12367	Zep Manufacturing Company	E-mail	10/4/2004	

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August 22, 2005

To: John Szerlag, City Manager

From: Brian P. Murphy, Assistant City Manager/ Services
Jeanette Bennett, Purchasing Director
Timothy L. Richnak, Public Works Director

Re: **Agenda Item**: Standard Purchasing Resolution 1: Award to Low Bidder- Snow Removal Services - Home Chore Program

RECOMMENDATION

Bid proposals were opened August 10, 2005, for seasonal requirements of Snow Removal Services for the Home Chore Program. After reviewing the bid proposals, City management recommends awarding contracts for Proposal A and Proposal B, to the low total bidder Advanced Services of Sterling Heights as primary contractor and Kathy's Lawn Maintenance of Saginaw as secondary contractor for an estimated total cost of $11,092.00 per season, at unit prices as contained on the attached bid tabulation. Based on historical data, we anticipate four (4) call-outs for snow removal and salting per season.

In addition, the awards are contingent upon contractors' submission of properly executed bid and contract documents, including insurance certificates and all other specified requirements.

SUMMARY

The City expects to qualify approximately 80 residents. The successful bidder will clear snow from driveways, sidewalks, porches, and walkways and will salt as needed. The number of service calls is dependent on the weather. The successful contractor is called out to plow when at least 3" of snow has fallen, but may be called out to salt more frequently.

BUDGET

Funds for these services are reimbursed through the Oakland County Community Development Block Grant Program.

99 Vendors notified on MITN System
2 Bid Responses Rec'd
1 No Bid: Company indicated job is too small.
1 Late Bid

Prepared by: Vicki C. Richardson, Solid Waste Coordinator

Opening Date -- 8/10/05
Date Prepared -- 8/22/05

CITY OF TROY
BID TABULATION
SNOW REMOVAL SERVICES/HOME CHORE PROGRAM

VENDOR NAME: *	ADVANCED SERVICES - PRIMARY -		KATHY'S LAWN MAINTENANCE - SECONDARY -			
EST NO. / LOT SIZE	$ SNOW REMOVAL/ SERVICE CALL	$ SALTING/ SERVICE CALL	$ SNOW REMOVAL/ SERVICE CALL	$ SALTING/ SERVICE CALL	$ SNOW REMOVAL/ SERVICE CALL	$ SALTING/ SERVICE CALL
PROPOSAL A: Snow Removal East of Rochester Road						
15 — 60 - 85X125	**$ 23.90**	**$ 10.00**	**$ 21.00**	**$ 20.00**		
20 — Over 85 X 125	**$ 28.90**	**$ 15.00**	**$ 25.00**	**$ 21.00**		
PROPOSAL B: Snow Removal West of Rochester Road						
15 — 60 - 85X125	**$ 23.90**	**$ 10.00**	**$ 21.00**	**$ 20.00**		
20 — Over 85 X 125	**$ 28.90**	**$ 15.00**	**$ 25.00**	**$ 21.00**		
TOTAL PER SERVICE CALL:		**$ 155.60**		**$ 174.00**		
ESTIMATED GRAND TOTAL:	*	**$ 11,092.00**		**$ 12,280.00**		
DAYTIME PHONE #	(586)268-0803		(989)777-7602			
24- HR PHONE #	(248)521-2456		(989)992-4169			
EQUIPMENT:	ATTACHED TO BID		LISTED IN BID			
EMPLOYEES: FULL-TIME		16		4		
PART-TIME		20		2		
TERMS:		NET 30		BLANK		
EXCEPTIONS:	BLANK		BLANK			
ACKNOWLEDGEMENT:	YES		YES			

NO BIDS:
Troy Clogg Landscape Assoc

PROPOSAL - Seasonal Requirements of Snow Removal Services for the Home Chore Program

*** DENOTES LOW TOTAL BIDDER**

ATTEST:
Charlene McComb
Vicki Richardson
Linda Bockstanz

Jeanette Bennett
Purchasing Director

G:SnowRemovalHomeChoreProgram ITB-COT 05-34

Downloading History for ITB-COT 05-34 HCSnowRemo

The report below shows all fax and e-mail vendors that matched this document when it was originally issued. It also shows all vendors that have downloaded or ordered the document and any subsequent amendments as of **8/22/2005.**

Document Title:	Seasonal Requirements of Home Chore Snow Removal Services
Date Issued:	7/22/2005
Close Date:	8/10/2005

Click on the table headings for "Account Number" or "Company name" to re-sort this report by that column. You may also click on any vendor account number to view their account information.

Acct #	Company Name	Service	Date Obtained Document	Date Obtained Amendments
21113	1-888-TRASH-IT!	E-mail		
19751	4th and Inches	E-mail		
19667	ABC Lawn & Landscape	E-mail		
10239	Advanced Irrigation Systems, Inc.	E-mail	7/26/2005	
12306	Advanced Services Lawn and Landscape	E-mail	8/9/2005	
10325	Aielli Construction Company, Inc.	Free	8/10/2005	
10542	american lawn corp.	E-mail		
14279	Amerinational Community Services	E-mail		
13936	Antoine's Maintenance & Supply	Free	8/8/2005	
12114	B & B Lawn Service	Fax		
10139	B & J Parking Lot Maintenance, Inc.	E-mail		
10927	B & L Landscaping	E-mail	7/26/2005	
16403	barnhart services	Fax		
11742	Bowen Paving, Inc.	Fax		
13917	Branch Tree Service, Inc.	Fax		
10355	Brooks Landscaping, Inc	Fax		
10406	Butcher & Baecker Construction Co., Inc.	E-mail		
10682	C & R Maintenance d/b/a Rizzo Services	E-mail	7/22/2005	
21893	Cam Services	E-mail		
11355	Cartegraph	E-mail		
10915				

	CITYWORKS, INC.	E-mail		
18528	CKD Outdoor Maintenance, Inc.	E-mail		
15755	COMMERCIAL MOWING SERVICES, INC.	E-mail		
11732	Curbco, Inc.	E-mail		
15987	Cutting by Faith Landscaping snow	E-mail		
13898	D&E Landscaping & Grading Inc	E-mail		
15620	D. A. Alexander & Company	E-mail		
12323	D.L.F. Trucking, Inc.	E-mail		
19130	Distinctive Landscapes	E-mail		
19984	Dolittle's Lawn and Tree Maintenance	E-mail	7/26/2005	
20483	DorDell Business Products	E-mail	7/26/2005	
19298	Empire Equipment & Supply Co, INC	E-mail		
17044	Environmental Services of North America, Inc.	Free	7/29/2005	
15063	G.D.M. Lawn Care	E-mail	7/22/2005	
20365	G.H. Ross Contractors	E-mail		
14623	Gene's Landscape Service Co.	E-mail		
10938	Great Lakes Landscaping & Construction Inc.	Fax		
11454	Inland Waters Pollution Control	E-mail		
21855	J&J Cleaning Services, Inc.	E-mail	8/8/2005	
18538	J.C. Pearson & Sons Asphalt	E-mail		
17522	Jack B. Anglin Company, Inc	E-mail		
22022	Just Right Task Management	E-mail	7/28/2005	
13409	kathys lawn maintenance	Free	8/3/2005	
15720	Kelli Green Lawn Service Ltd.	E-mail		
14108	Kevin's Lawn Care & Snow Removal	E-mail		
13922	Kezco & Associates Landscaping Inc	E-mail		
19573	Kingsway Landscaping	Fax		
20160	Kinney Lawnscaping, inc.	E-mail		
16835	Kirtland Landscape Inc.	E-mail		
17240	Koala-T Construction, Inc.	Fax		
20136	Land Works Landscapes,Inc.	E-mail	7/26/2005	
16067	Landscape Services, Inc.	E-mail		
19649	Lawn Barber Inc.	E-mail		
13336	Lead Outdoor Services LLC	Free	7/28/2005	
19079	LNJ Construction	Fax		
13464	Loch Le Monde Landscapes	Free	7/24/2005	
15609	M & D Lawn Service, Inc.	Free	8/2/2005	
21747	Mando Construction Inc.	E-mail		
15567	Marwil & Associates	E-mail		
20686	Naturally Green Lawn Service Inc.	Free	7/26/2005	
10295	NLS Lawn Care Inc.	E-mail	7/25/2005	

12761	Northwest Consultants, Inc.	E-mail		
14529	Northwood Contracting Incorporated	Fax		
15606	O'Neal Father & Sons	Free	8/8/2005	
18380	OccuMed3	E-mail		
18835	OGW Tree Service & Trucking	E-mail		
19772	PAMA JAMA Outdoors dba Absolute Outdoor Services	E-mail		
11059	Pamar Enterprises, Inc.	E-mail		
10061	Parks Landscaping & Snow Service	E-mail		
10065	Payne Landscaping, Inc.	E-mail		
15672	Perfect Irrigation & Landscape	E-mail		
20673	Pluribus Solutions Inc.	Free	8/5/2005	
21762	Precision Lawn & Landscape Co. LLC	E-mail		
17293	Precision Lawn Irrigation, Inc.	Free	8/4/2005	
13339	Pro Maintenance, Inc	E-mail		
19077	Pro-Soil Landscape Inc.	E-mail		
19905	Quddus Trucking & Demolition Inc	E-mail		
10207	Rasins Landscape & Assoc., Inc.	E-mail		
11720	Rolar Property Services Inc.	E-mail		
13704	Shepherd's Landscape and Tree Service	E-mail	8/9/2005	
12583	Sigma Associates, Inc.	E-mail		
13684	soil and materials engineers, inc	E-mail		
19191	Soulliere Yard Care and Landscaping	Free	8/3/2005	
13632	Spalding DeDecker Associates, Inc.	E-mail		
13914	Steele's Service's LLC	E-mail		
17728	Summit Landscape Management Inc	E-mail		
20711	Superior Surfaces LLC.	Fax	8/5/2005	
10731	T.F.R. Enterprises, Inc.	E-mail		
15269	Tiede Landscaping	E-mail		
11814	Tony Anthony Inc	E-mail		
13602	Total Outdoor Services	E-mail		
10658	Troy Clogg Landscape Assoc., LLC.	E-mail	7/25/2005	
17462	Tru-Care, Inc.	Free	8/6/2005	
10285	United Lawnscape, Inc.	Fax	7/25/2005	
11267	United Soils, Inc.	E-mail		
11647	URS Corporation	E-mail		
14338	Washtenaw Inc., Maintenance Services	E-mail	7/27/2005	
13436	Wolverine Contractors, Inc.	Fax		
18147	Wyoming Development Corp	E-mail	8/1/2005	

Return to Main Menu Return to Report Menu

August 24, 2005

TO: John Szerlag, City Manager

FROM: Jeanette Bennett, Purchasing Director
William S. Nelson, Fire Chief

RE: **Agenda Item** – Standard Purchasing Resolution 3: Exercise Renewal Option – Volunteer Firefighter Uniforms –

RECOMMENDATION

On September 22, 2003, City Council approved a two-year contract to purchase volunteer firefighter uniforms with an option to renew for two one (1)-year periods with the low bidders, Metropolitan Uniform and Allie Brothers Inc. {Corrected Resolution #2003-09-467-E4). City management recommends exercising the option to renew for one (1)-year under the same prices, terms and conditions for an estimated cost of $12,000.00, to expire September 8, 2006.

Both vendors have agreed to exercise the first one-year option to renew at unit prices contained in the attached bid tabulation dated 6/19/03.

MARKET SURVEY

The Purchasing Department has conducted a market survey and concurs with the recommendation to exercise the option to renew, as market conditions remain stable.

BUDGET

Funds are available for these purchases in the Fire Department Uniform Account, #340.7768.

Prepared by: Lt. Donald Mouch. Troy Fire Department

August 23, 2005

TO: Jeanette Bennett
Purchasing Director

FROM: Linda N. Bockstanz
Associate Buyer

RE: MARKET SURVEY – FIRE UNIFORMS

HARWOOD UNIFORM – Ron Clarke (248) 681-2300
Ron has indicated the regular uniforms for the Fire Department that have been bought in the past will remain the same in price. But some of the Unions, Cities and Townships are changing their specification on Fire uniforms to a uniform made with a new material called Fireware. The cost increase of this new uniform will be 50% to 60% over the regular uniform, but safety is the key. The material is fire retardant and will burn itself out, before the fire can even start.

EXCELLENT POLICE EQUIPMENT – Stanley Muszynski Sr. (586) 254-1688
According to Stanley, uniform prices are not expected to increase, but the manufacturer of the materials have increased their cost by .50 cents per pants, which is small. As to any new fabric or materials, he is not aware of any at this time.

Based upon the above comments, I respectfully recommend that the City accept the offer to renew the contract for Fire Uniforms to the current vendor based on the fact the market remains stable and no change in fabric specification is currently planned.

CC: Susan Leirstien

City of Troy

Fire Department
500 West Big Beaver Road
Troy, Michigan 48084
Phone: 248-524-3419
Fax: 248-689-7520

August 8, 2005

Allie Brothers Uniforms
20295 Middlebelt Rd.
Livonia MI 48152-2001

The City of Troy entered into contract #20300240-OB on 9/22/03 with Allie Brothers Uniforms to furnish two-year requirements of uniforms for the Volunteer Fire Department with an option to renew for two one (1)-year periods in accordance with the specifications for ITB-COT 03-09 expiring 9/8/05. The contract contained an option to renew under the same terms and conditions as the original contract. If a new price list is to be submitted with the terms of the current contract, 30-day notification of the new list is required. Please be aware that the City of Troy reserves the option to accept the price list change or re-bid.

Please FAX this letter back to me at the Fire Department indicating if Allie Brothers Uniforms wishes to renew this contract until 9/8/06. The FAX number is 248 689-7520. 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 248 524-3419.

CHECK ONE:

Allie Brothers Uniforms IS interested in renewing the contract under the same terms and conditions: (X)

Allie Brothers Uniforms IS NOT interested in renewing the contract: ( )

X Russ Smith
Signed: Authorized Company Representative

Date: 8/15/05

Sincerely,

William S. Nelson
Fire Chief
Troy Fire Department

WSN:ss

City of Troy

Fire Department
500 West Big Beaver Road
Troy, Michigan 48084
Phone: 248-524-3419
Fax: 248-689-7520

July 28, 2005

Mr. David Silverstein
Metropolitan Uniform
438 Macomb
Detroit MI 48226

Dear Mr. Silverstein:

The City of Troy entered into contract #20300240-OB on 9/8/03 with Metropolitan Uniform to furnish two-year requirements of uniforms for the Volunteer Fire Department with an option to renew for two one (1)-year periods in accordance with the specifications for ITB-COT 03-09 expiring 9/8/05. The contract contained an option to renew under the same terms and conditions as the original contract. If a new price list is to be submitted with the terms of the current contract, 30-day notification of the new list is required. Please be aware that the City of Troy reserves the option to accept the price list change or re-bid.

Please FAX this letter back to me at the Fire Department indicating if Metropolitan Uniform wishes to renew this contract until 9/8/06. The FAX number is 248 689-7520. 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 248 524-3419.

CHECK ONE:

Metropolitan Uniform Company IS interested in renewing the contract under the same terms and conditions: ✓

Metropolitan Uniform Company IS NOT interested in renewing the contract: ( )

x David Silverstein
Signed: Authorized Company Representative

Date: August 2, 2005

Sincerely,

William S. Nelson

William S. Nelson
Fire Chief
Troy Fire Department

WSN:ss

CONSENT AGENDA

E-1 Approval of Consent Agenda
Resolution #2003-09-467
Moved by Lambert
Seconded by Beltramini

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Item E-8 which shall be considered after Consent Agenda (E) items, as printed.

Yes: All-7

E-2 Minutes: Regular Meeting of September 8, 2003

Resolution #2003-09-467-E-2

RESOLVED, That the Minutes of the 7:30 PM Regular Meeting of September 8, 2003, be **APPROVED** as submitted.

E-3 City of Troy Proclamation:
Resolution #2003-09-467-E-3

RESOLVED, That the following City of Troy Proclamation be **APPROVED:**

a) Proclamation of Recognition – Beaumont Hospital, Troy

E-4 Corrected Resolution: Standard Purchasing Resolution 1: Award to Low Bidder – Volunteer Firefighter Uniforms from Regular City Council Meeting Held on Monday, September 8, 2003

NOTE: The below corrected Resolution #2003-09-443-E-7 from the Regular City Council Meeting held on Monday, September 8, 2003 has been resubmitted for Council approval noting that "and Allie Brothers, Inc. at an estimated total cost of $12,000.00 per year" has been **INSERTED**.

Resolution #2003-09-467-E-4

RESOLVED, That contracts to furnish two-year requirements of Fire Uniforms for the volunteer firefighters with an option to renew for two-one year periods are hereby **AWARDED** to the low bidders, Metropolitan Uniform Co., Inc. and Allie Brothers, Inc. at an estimated total cost of $12,000.00 per year, at unit prices contained in the bid tabulation opened June 19, 2003, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

August 13, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Jeanette Bennett, Purchasing Director
William S. Nelson, Fire Chief

SUBJECT: Standard Purchasing Resolution 1: Award to Low Bidders – Volunteer Firefighter Uniforms

RECOMMENDATION

On June 19, 2003, bids were received from four (4) bidders to provide two-year requirements of uniforms for the volunteer firefighter staff with an option to renew for two-one year periods. The Fire Department recommends a contract be awarded to the two lowest bidders, **Metropolitan Uniform Co., Inc., 3144 W. 12 Mile Road Berkley, MI 48072** and **Allie Brothers, Inc., 20295 Middlebelt, Livonia, MI 48152** at an estimated total cost of $12,000.00 per year. Unit prices are contained in the attached bid tabulation opened June 19, 2003.

SUMMARY

While Allie Brothers had the lowest total bid by $143.42 over the second low bidder, Metropolitan Uniform, cost was not the only criteria in recommending a dual award. In addition, the evaluation committee determined the facilities needed to be conveniently located and adequately stock with merchandise. Offering more than one location would make purchasing easier for the volunteers and an efficient use of City resources.

BUDGET

Funds are available for these uniforms in the Fire Department Operating Account 340.7768.

49 Vendors Notified on the MITN System
4 Bid Responses Rec'd
4 No Bids: (1) Company has no representative in our area
(3) Companies do not handle all products specified

Prepared by: Lt. Don Mouch, Fire Department

METROPOLITAN
ESTABLISHED 1925
UNIFORM • ARMY/NAVY • OUTDOOR

455 MACOMB corner BEAUBIEN
Detroit, Michigan 48226-2383
(313) 961-4823
Fax (313) 961-3732

2454 Orchard Lake Road
Sylvan Lake, Michigan 48320
(248) 706-0760
Fax (248) 706-0762

3144 W. 12 Mile Road
Berkley, Michigan 48072
(248) 548-5025
Fax (248) 545-2950

1900 N. Wayne Road
Westland, Michigan 48185
(734) 721-2262
Fax (734) 721-6920

JULY 21, 2003

CITYOF TROY
FIRE DEPARTMENT
500 W. BIG BEAVER ROAD
TROY, MICHIGAN 48084

ATTN: LT. DON MOUCH

RE: ITB-COT 03-09
FIRE DEPARTMENT UNIFORM CLOTHING

DEAR DON:

THIS CORRESPONDENCE IS IN RESPONSE TO YOUR REQUEST REGARDING THE ABOVE STATED ITB FOR FIRE DEPARTMENT CLOTHING FOR THE CITY OF TROY.

METROPOLITAN UNIFORM COMPANY WILL BE AGREEABLE TO A SPLIT AWARD BETWEEN OUR COMPANY AND ANOTHER VENDOR TO PROVIDE UNIFORM CLOTHING FOR YOUR FIREFIGHTERS AND ADMINISTRATIVE STAFF.
THE

THE PRICING, TERMS, AND CONDITIONS SET FORTH IN RESPONSE TO THE REQUEST WILL BE USED WHEN BILLING SAID ITEMS TO THE CITY OF TROY.

WE HAVE ALWAYS HAD A TREMENDOUS WORKING RELATIONSHIP WITH THE FIRE DEPARTMENT AND THE CITY OF TROY AND LOOK FORWARD TO CONTINUED BUSINESS WITH YOU FOR YEARS TO COME.

AS ALWAYS, I MAKE MYSELF AVAILABLE TO YOU AND OTHER MEMBERS OF YOUR DEPARTMENT AT ANY TIME AND FOR ANY OCCASION.

VERY TRULY YOURS,

DAVID SILVERSTEIN

ALLIE BROTHERS
CUSTOM TAILORS
Uniforms
Career Apparel
Finer Mens Wear

20295 MIDDLEBELT RD.
SOUTH OF 8 MILE RD.
LIVONIA, MICHIGAN 48152
(248) 477-4434
FAX (248) 477-1416

To: Troy Fire Dept.
Attn: Don Mouch
Subject: dual Bid ITB-COR-03-09

Allie Bros., Inc. will accept a dual bid (ITB-COR03-09) on Fire Uniforms.

If you have any questions, please feel free to contact my office at 248-477-4437.

Thank you,
Bob Allie

VENDOR NAME:				** ALLIE BROTHERS	METROPOLITAN UNIFORM	EXCELLENT POLICE EQUIP	HARWOOD UNIFORMS
ITEM	QTY (EA)	DESCRIPTION		PRICE/EA	PRICE/EA	PRICE/EA	PRICE/EA
1.		**HATS - CLASS A**					
		Pershing Cap - Fire Department					
A.	20	1) Firefighter - Navy		**$ 36.00**	**$ 27.50**	$ 38.00	$ 45.00
B.	0	2) Officer - White		$ 45.00	$ 42.99	BLANK	$ 65.00
2.		**SHIRTS (White, Navy blue)**					
		White - Class A					
A.	20	1) Long Sleeve	MEN	**$ 39.95**	**$ 44.99**	$ 44.95	$ 46.50
			WOMEN	$ 39.95	$ 44.99	$ 44.95	$ 46.50
		Navy Blue - Class B					
B.	20	1) Long Sleeve	MEN	**$ 34.95**	**$ 39.99**	$ 39.95	$ 49.90
			WOMEN	$ 34.95	$ 39.99	$ 39.95	$ 49.90
C.	20	2) Short Sleeve	MEN	**$ 32.95**	**$ 35.99**	$ 35.95	$ 45.50
			WOMEN	$ 32.95	$ 35.99	$ 35.95	$ 45.50
		Quoting On:		STATION WEAR	1276/1576	LION'S	AS SPEC
		Manufactured By:		LION	LION MFG	BLANK	LION
3.		**TIE, NORMAL KNOT**					
A.	20	Normal Length		**$ 4.00**	**$ 3.50**	$ 3.00	$ 4.00
B.	0	Long Length		$ 5.00	$ 3.50	BLANK	$ 4.00
C.	0	Short Length		$ 4.00	$ 3.50	BLANK	$ 4.00
4.		**JACKET - FIRE STAFF ASST.**					
	3	Spiewak with removable liner		**$ 124.95**	**$ 109.99**	$ 139.95	$ 125.00
						BLAUER 6120	
5.		**DRESS BLOUSE - CLASS A**					
	10	Dress Blouse, Double breasted					
		Buttons included as spec.					
			MEN	**$ 199.95**	**$ 199.99**	$ 199.95	$ 225.00
			WOMEN	$ 199.95	$ 199.99	$ 199.95	$ 225.00
		Quoting On:		13754	13754/34892	13745	AS SPEC
		Manufactured By:		ELBECO	ELBECO/	ELBECO	ELBECO
					FECH BROS		
6.		**RANK INSIGNIA - STRIPES**					
A.	0	Lieutenant	Silver or Gold	$ 10.00	10.99/row	BLANK	$ 18.50
B.	0	Captain	Silver or Gold	$ 15.00	10.99/row	BLANK	$ 20.50
C.	0	Assistant Chief	Silver or Gold	$ 15.00	10.99/row	BLANK	$ 22.50
7.		**EMBROIDERED SERVICE STARS**			$1.99 SILVER		
	0	Silver or Gold on Navy background		$ 2.00	$3.00 GOLD	$ 2.00	$ 3.00
8.		**TROUSERS - CLASS A**					
A.	20	1) Fechhmeimer 32260	MEN	**$ 69.95**	**$ 86.50**	$ 84.95	$ 89.90
		2) Fechhmeimer 35260	WOMEN	$ 69.95	$ 86.50	$ 84.95	$ 89.90
		Quoting On:		1360	32260/35260	TROUSERS	AS SPEC
		Manufactured By:		ELBECO	fech bros	FECH	FECH
B.	20	3) Fechhmeimer 34291	MEN	**$ 59.95**	**$ 59.99**	$ 67.95	$ 75.00
		4) Fechhmeimer 35291	WOMEN	$ 59.95	$ 59.99	$ 67.95	$ 75.00
		TROUSERS - CLASS B					
C.	50	Manufactured: Lyon or App. Alter.					
		Style #130 Color: Navy	MEN	**$ 38.95**	**$ 36.00**	$ 38.95	$ 52.50
			WOMEN	$ 38.95	$ 36.00	$ 38.95	$ 52.50

Opening Date -- 6-19-03
Date Prepared -- 6/24/03

CITY OF TROY
BID TABULATION
FIRE UNIFORMS

		VENDOR NAME:		** ALLIE BROTHERS	METROPOLITAN UNIFORM	EXCELLENT POLICE EQUIP	HARWOOD UNIFORMS
9.		**LEATHER GOODS**					
		BELTS	MEN	**$ 19.95**	**$ 18.99**	$ 34.95	$ 15.50
	20	Garrison Belts	WOMEN	$ 19.95	$ 18.99	$ 34.95	$ 15.50
		Quoting On:		FIRE BELT	SPEC	FIRE BELTS	FBW
		Manufactured By:		DUTY MAN	BLANK	PANDO	PANDO
10.		**SHOES**					
	10	Manufacturer by:		**$ 74.95**	**$ 79.99**	$ 65.00	$ 84.50
		Bates or App. Alter.					
		Quoting On:		941	SPEC	834 6130	968
		Manufactured By:		BATES	BATES	THUROGOOD	BATES
11.		**EXTRA TAILORING CHARGES**					
A.	10	Shirt Tailoring (Side & Sleeve Seams		**$ 8.00**	**N/C**	$ 5.00	$ 4.50
B.	5	Billy Pocket (Sew-In)		**$ 6.00**	**N/C**	$ 10.00	$ 7.50
		ESTIMATED TOTAL COST FOR ITEMS INCLUDED IN AWARD CALCULATION --		**$ 11,135.35**	**$ 11,278.77**	$ 12,110.85	$ 13,603.50
		FACILITY:					
		Inventory valued at:		120,000	500,000	10,000	100,000
		Location:		LIVONIA	VARIOUS AREAS	SHELBY TWP	908 W HURON
		Miles from Troy City:		19	6	8	10
		CONTACT INFORMATION:					
		Hours of Operation		9-5:30 M-F	9-6M-F	10-6 M-F	8:30-5 M-F
		Emergency Phone #	Y or N	YES	YES	N/A	YES
		TERMS:		NET 30	NET 30	NET 30 DAYS	NET 30
		WARRANTY:		PER MFG	BLANK	MFG	100%
		DELIVERY:		**As Specified**	**As Specified**	**As Specified**	**As Specified**
		TOLL FREE ORDER #		800-352-5543	BLANK	586-254-1688	BLANK
		EXCEPTIONS:		BLANK	BLANK	BLANK	BLANK

NO BIDS:
Seneca Medical
Douglas Safety Systems
ATC Uniforms Inc
Apollo Fire Equipment

**** DENOTES DUAL AWARD TO LOWEST TOTAL BIDDERS**

ATTEST:
Richard Sinclair
MaryAnn Hays
Linda Bockstanz

Jeanette Bennett
Purchasing Director

Downloading History for ITB-COT 03-09FireUniform

The report below shows all fax and e-mail vendors that matched this document when it was originally issued. It also shows all vendors that have downloaded or ordered the document and any subsequent amendments as of **7/15/2003.**

Document Title:	Two Year Requirements of Fire Uniforms with an Option To Renew
Date Issued:	5/30/2003
Close Date:	6/19/2003

Click on the table headings for "Account Number" or "Company name" to re-sort this report by that column. You may also click on any vendor account number to view their account information.

Acct #	Company Name	Service	Date Obtained Document	Date Obtained Amendments
12214	A.T.C. Uniforms Inc.	E-mail	6/10/2003	
12773	Abatix Corp.	Free	6/3/2003	
12399	Alert Emergency Equipment Group, Inc	E-mail	6/3/2003	
12522	ALLIE BROTHERS UNIFORMS	E-mail	7/1/2003	
10719	APOLLO FIRE EQUIPMENT CO.	E-mail	5/30/2003	
12765	Aress Corporation	E-mail	6/12/2003	
12040	Argus Supply Company	E-mail		
10142	Benchmark Financial Ltd	E-mail		
12695	BOILERS, CONTROLS & EQUIPMENT, INC.	E-mail	6/11/2003	
11702	Cadillac Overall Supply	E-mail	6/2/2003	
11902	copstuffbydk	Free	6/1/2003	
11531	Cortex Solutions	E-mail		
11167	Defcon-1	E-mail		
10669	Douglass Safety Systems	E-mail	6/2/2003	
12517	Elite Sportswear LP	Fax		
12983	Excellent Police Equipment, Inc	E-mail	6/16/2003	
12560	FireService Management	Free	6/2/2003	
13037	Galls Incorporated	Free	6/19/2003	
11071	Hamilton Uniforms	E-mail	6/3/2003	

11885	Harwood Tuxedo & Uniforms, Inc.	E-mail	6/4/2003	
11766	HES STALLINGS-JULIEN SALES & SERVICE	E-mail	6/19/2003	
11850	I Marks Textiles	E-mail		
10365	JEM Industries Inc.	E-mail	6/17/2003	
12021	JOHN CARLO, INC.	E-mail	6/10/2003	
10898	K & O International	E-mail		
12429	K2id, LLC	Free	6/16/2003	
11598	Media Connection Advertising Inc	E-mail		
10223	MEMORY 101	E-mail	6/19/2003	
11630	Mercer Equipment Rentals	E-mail	6/3/2003	
10172	Metropolitan Uniform	E-mail	6/2/2003	
11241	Michigan State Industries	Free	6/10/2003	
10476	National Dry Goods	Fax		
12224	Prizm	E-mail		
10842	Quartermaster, Inc.	E-mail		
11747	Red the Uniform Tailor	Free	6/16/2003	
11216	Seneca Medical inc.	E-mail	6/2/2003	
12525	Somerset Cleaners	E-mail		
12135	Sure-Fit Laundry Co, Inc	Fax	6/5/2003	
11737	Tabb Textiles Inc.	E-mail		
10010	Test E-mail Company	E-mail	6/2/2003	
11645	Trans World Services, Inc.	E-mail		
11748	u design concepts inc.	E-mail		
11127	U.S. Cavalry, Inc.	E-mail		
12607	Uniforms Manufacturing, Inc.	E-mail		
10281	Uniforms Plus	Free	6/2/2003	
11662	United Uniform Manufacturers Inc.	E-mail		
11123	USA Patch Company	E-mail		
10815	WearGuard-Crest an ARAMARK Company	E-mail		
12714	WEST SHORE FIRE INC.	Free	6/7/2003	

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August 19, 2005

To: John Szerlag, City Manager

From: Brian P. Murphy, Assistant City Manager/Services
Jeanette Bennett, Purchasing Director
Brian Stoutenburg, Library Director

Subject: **Agenda Item** – Standard Purchasing Resolution 2: Bid Award: Lowest Bidder Meeting Specifications – Ramp and Stair Replacement at the Troy Historical Museum

RECOMMENDATION

On August 12, 2005, bids were opened for the replacement of the accessibility ramp and stairs at the main museum building. City management recommends that an award be made to the lowest acceptable bidder, Poe Restoration and Waterproofing of Commerce, Michigan at an estimated total cost of $16,250.00. This is contingent upon vendor submission of proper contract and bid documents, including insurance certificates, bonds, and all specified requirements.

In addition, we are requesting authorization to add work due to unforeseen circumstances, not to exceed 10% of the original project cost.

EXPLANATION OF BID NOT MEETING SPECIFICATIONS

McCarthy Construction Company submitted a bid without the required bid surety check of $4,000.00. Instead, they submitted an unacceptable 5% bid bond. The bid proposal document states the following on page 3 of 3 of the Instructions to Bidders:

> 9) A cashier's check, certified check, or money order in the amount of $4,000.00 must accompany the bid to insure the bid. The two lowest unsuccessful bidders will have their bid surety returned after the bid award. BID BONDS ARE NOT ACCEPTABLE. The bid surety will be returned to the successful bidder upon submission of the specified acceptable Performance, Labor and Material Payment Bonds, and an executed two (2) year maintenance Bond in accordance with specifications.

The addendum issued on July 29, 2005, as a result of a non-mandatory pre-bid meeting reiterated the requirement to provide a bid surety check for $4,000.00; and bid bonds were not acceptable.

SUMMARY

At the front of the museum's main building, the existing half wall adjacent to the accessibility ramp has become unstable because it is separating from the ramp. In addition, the concrete stairs at the front entrance have deteriorated to the point they have become a safety issue.

Five companies submitted bids for the replacement of the accessibility ramp and stairs. Poe Restoration and Waterproofing was the lowest acceptable bidder.

August 19, 2005

To: John Szerlag, City Manager
Re: Bid Award – Ramp and Stair Replacement – Troy Museum

BUDGET

Funds are available to complete this project in the Museum General Repairs Account #401804.7975.900.

135 Vendors Notified via MITN System
5 Bid Responses Rec'd
1 Bid did not meet Specifications
1 No Bid: Contractor unionized, job was not prevailing wage.

Prepared by: Loraine Campbell, Museum Manager

Opening Date -- 8/12/05
Date Prepared -- 8/19/05

CITY OF TROY
BID TABULATION
RAMP & STAIRS - MUSEUM & HISTORICAL VILLAGE

VENDOR NAME:	*	**POE Restoration & Waterproofing**	Mando Construction	Grunwell Cashero Company	Western Waterproofing Company
Check #		101624352	298858256	345016232	967361655-6
Amount		**$4,000.00**	$4,000.00	$4,000.00	$4,000.00
DESCRIPTION		PRICE	PRICE	PRICE	PRICE
REPLACE THE MUSEUM RAMP AND STAIRS INCLUDING MASONRY AT THE TROY MUSEUM AND HISTORICAL VILLAGE IN ACCORDANCE WITH THE SPECIFICATIONS:					
COMPLETE FOR THE SUM OF:	*	**$16,250.00**	$16,425.00	$18,440.00	$23,000.00
ALTERNATE #1 - Provide/Install - Stone Caps		$800.00	$100.00	$1,150.00	$1,200.00
INSURANCE: Can Meet		XX	XX	XX	XX
Cannot Meet					
CONTACT INFORMATION:					
Hrs of Operations:		8:00 to 5:30	24 Hrs	8:00 to 5:00	8:00 to 5:00
24 Hr. Phone #		248-360-7788	586-531-4740	313-475-8799	810-560-9982
SITE INSPECTION: Y or N		No	Yes	Yes	Yes
Date		-	7/28/2005	7/28/2005	7/28/2005
COMPLETION DATE:		**October 15, 2005**			
Can meet		XX	XX	XX	XX
Cannot meet					
BIDDERS QUESTIONNAIRE Y or N		Yes	Yes	Yes	Yes
TERMS:		Net 30	Net 30	Per Specifications	Blank
WARRANTY:		2 Years	18 Months	2 years	Blank
EXCEPTIONS:		N/A	Blank	Blank	Blank
ACKNOWLEDGEMENT: Yes or No		Yes	Yes	Yes	Yes
ADDENDUM #1 Yes or No		No	Yes	Yes	Yes

DMS: McCarthy Construction Co. - No Check - Bid Bond

ATTEST:
Loraine Campbell
M. Aileen Bittner
Linda Bockstanz
Mark Stimac

*** DENOTES LOWEST ACCEPTABLE BIDDER**

Jeanette Bennett
Purchasing Director

Opening Date -- 8/12/05
Date Prepared -- 8/19/05

CITY OF TROY
BID TABULATION
RAMP & STAIRS - MUSEUM & HISTORICAL VILLAGE

VENDOR NAME:		Commercial Contracting Corporation			
	Check #	118580			
	Amount	$4,000.00			
DESCRIPTION		PRICE	PRICE	PRICE	PRICE
REPLACE THE MUSEUM RAMP AND STAIRS INCLUDING MASONRY AT THE TROY MUSEUM AND HISTORICAL VILLAGE, IN ACCORDANCE WITH THE SPECIFICATIONS:					
COMPLETE FOR THE SUM OF:		$35,500.00			
ALTERNATE #1 - Provide/Install - Stone Caps		$800.00			
INSURANCE:	Can Meet	XX			
	Cannot Meet				
CONTACT INFORMATION:					
	Hrs of Operations:	8:00 to 5:00			
	24 Hr. Phone #	248-866-3049			
SITE INSPECTION:	Y or N	Yes			
	Date	7/28/2005			
COMPLETION DATE:		**October 15, 2005**			
	Can meet	XX			
	Cannot meet				
BIDDERS QUESTIONNAIRE	Y or N	Partial			
TERMS:		Blank			
WARRANTY:		2 Years			
EXCEPTIONS:		Blank			
ACKNOWLEDGEMENT:	Yes or No	Yes			
ADDENDUM #1	Yes or No	Yes			

NO BIDS:
All Star Construction, Inc

G:\ITB-COT 05-18 Ramps & Stair - Museum

Downloading History for ITB-COT 05-18 RampStairs

The report below shows all fax and e-mail vendors that matched this document when it was originally issued. It also shows all vendors that have downloaded or ordered the document and any subsequent amendments as of **8/19/2005.**

Document Title:	Museum Ramp & Stair Replacement Including Masonry
Date Issued:	7/13/2005
Close Date:	8/12/2005
Date Amendment #1 was Issued:	8/2/2005

Click on the table headings for "Account Number" or "Company name" to re-sort this report by that column. You may also click on any vendor account number to view their account information.

Acct #	Company Name	Service	Date Obtained Document	Date Obtained Amendments
21113	1-888-TRASH-IT!	E-mail		
20244	A-1 Builders, Inc.	Free	7/14/2005	
14155	Acquest Realty Advisors, Inc.	E-mail		
20997	Advanced Cleaning Services	E-mail		
21569	Advanced Specialty Contractors, LLC	E-mail		
19261	ADVANCEDPOWERWASH PLUS INC.	E-mail		
21225	All Point Builders	E-mail		
22021	All-Star Construction	Free	8/8/2005	#1 8/8/2005
12133	Allied Building Service Company of Detroit, Inc.	E-mail		#1 8/2/2005
19884	AM Home Improvements	E-mail		
18618	American Seal and Restoration Inc.	E-mail		
13777	Applied Cleaning Technology, Inc	E-mail		
20625	Barringer Construction	E-mail		
19300	Bowman Associates, Inc.	Fax		#1 8/2/2005
11631	Bowman Construction LLC	Free	7/14/2005	
19443	bp3 Solutions, LLC	E-mail		
18238	Brencal Contractors, Inc.	E-mail		
21893	Cam Services	E-mail		
19594	Capital Waste, Inc.	E-mail		
12550				

	Cedroni Associates Inc.	Free	7/25/2005	
15039	Cefai Builders, Inc.	E-mail		
16371	Century Cement Co Inc	Fax		#1 8/2/2005
18211	Chezcore, Inc.	Fax		#1 8/2/2005
15864	Choice Windows & Siding INC	E-mail		
10928	Commercial Contracting Corporation	E-mail	7/14/2005	#1 8/2/2005
12020	Computer & Electronics Enterprises, Inc.	E-mail		
13523	Concrete Cutting & Breaking, Inc.	E-mail		
10688	Construction Specialities, Inc	Fax		#1 8/2/2005
21655	Coulter Painting LLC.	Fax		#1 8/2/2005
11122	Crystal Bright Janitorial Services, Inc.	E-mail		
17560	D1 Services	Free	7/26/2005	#1 8/9/2005
21998	Davenport Masonry, Inc.	Fax	7/28/2005	#1 8/2/2005
18754	De La Cruz Electric L.L.C.	E-mail		
19030	Decra-Scape, Inc.	Free	8/3/2005	
21267	Delf's Painting	E-mail		
10707	Detroit Diamond Drilling Inc.	E-mail		
20675	Diversified Concepts and Services, Inc.	E-mail		
19136	Dodaj Enterprises	E-mail		
19984	Dolittle's Lawn and Tree Maintenance	E-mail	7/26/2005	
18383	Dorian Construction, Inc.	E-mail		
14117	Doring, Incorporated	E-mail		
21396	Dumas Construction Services	E-mail	7/28/2005	
15168	Edwards Glass Company	E-mail		
15566	Elliott Leveling, Inc. dba A-1Concrete Leveling	E-mail		
17755	F.H. Martin Construction Co.	E-mail		
18997	fbh architectural building products, inc	E-mail		
20980	Fire Prevention Professional Services, LLC	E-mail		
13350	Fred Lax Construction	E-mail	8/2/2005	#1 8/2/2005
21379	G & J Custom Painting	E-mail		
20365	G.H. Ross Contractors	E-mail		
20789	Garza Construction	E-mail		
10969	Geotech Services, Inc.	E-mail		
10938	Great Lakes Landscaping & Construction Inc.	Fax		#1 8/2/2005
10086	Grunwell-Cashero Company	E-mail	8/11/2005	#1 8/11/2005
10833	Hartwell Cement Company	E-mail	7/14/2005	
21711	Haskell Service Company	Fax		#1 8/2/2005
21620	Higdon Builder's, Inc.	E-mail		
21233	Improvement Technologies Company	E-mail		
21050	Initial Investment, Inc.	E-mail		
19591	Innovated Capital Solutions	E-mail		

17231	Irish Construction Company, Inc.	E-mail		
15040	J.R. Mathews, Inc	Fax		#1 8/2/2005
19350	James J. Leamon Landscape Design and Construction	E-mail		
11382	Jarvis Construction	Fax		#1 8/2/2005
19626	JL Judge Construction Services, LLC	E-mail		
13381	JM Olson Corporation	E-mail		
13283	Kelcris Corporation	E-mail		
19651	Keystone Design Group	E-mail		
16050	Kopke Home Enhancement, Inc.	E-mail		
16426	Lacaria Concrete Construction Inc.	Fax		#1 8/2/2005
21243	Laigo Holdings - DBA Schoenherr Iron Works	Free	7/18/2005	
19195	LDS Contractors, Inc.	Free	7/15/2005	
19079	LNJ Construction	Fax		#1 8/2/2005
18437	LUNA Construction Services, LLC	E-mail		
18159	Mago Construction	E-mail		
21747	Mando Construction Inc.	E-mail		#1 8/8/2005
11153	Mark 1 Restoration Co. of Mi., Inc.	E-mail	7/15/2005	
21751	Mark 1 Restoration Services, Inc.	E-mail		
12302	MECHANICAL COMFORT, INC.	E-mail		
21477	Mega Fresh Cleaning Company	E-mail		
19880	MKK Technologies, Incorporated	Free	7/18/2005	
21852	Nance Construction LLC	E-mail	7/25/2005	#1 8/2/2005
13310	North Star Refrigeration, Heating and Cooling	E-mail		
18380	OccuMed3	E-mail		
14258	Orion Waterproofing, LLC	E-mail		
11073	Oscar W. Larson Co.	E-mail		
15677	Paulson's Construction, Inc.	E-mail		
17790	Pete Wood Plumbing & Heating Co.	E-mail		
11148	Phare Truth Electrical Services Inc	E-mail		
20588	Piedmont Concrete. Inc.	E-mail		
17202	Poe Restoration & Waterproofing	E-mail	8/10/2005	#1 8/10/2005
11344	Premium Sevices, Inc	E-mail	7/14/2005	
16071	Pro Commercial Services, Inc.	E-mail		
11361	Quickie Carpet Cleaning	Free	7/19/2005	
17314	R. L. Corriveau Construction, Inc.	E-mail		
12261	RAMA RAO AND ALFRED, INC	Free	7/13/2005	
21077	Rapid Recovery Service, Inc	E-mail		
20683	Richard Crane General Contractors	E-mail		
11720	Rolar Property Services Inc.	E-mail		
20640	Rose Moving & Storage Company, Inc.	E-mail		
19601	RPH Building Inc.	E-mail		

10713	Rumford Industrial Group, Inc.	E-mail		
21310	S. L. Hayes & Associates, Inc.	E-mail		
20294	S.B.G. CONSTRUCTION COMPANY	E-mail		
21102	SCM Construction Services	Fax		#1 8/2/2005
20116	Seal-All Waterproofing Company, Inc.	Free	8/10/2005	
17862	Sheldon Construction, Inc.	Free	7/15/2005	
18379	Shively-Bouma, Inc	E-mail		
13223	Simpson Development Group	E-mail		
19222	SLI.LLC	E-mail		
13539	Soft Touch Painting inc	E-mail		
13684	soil and materials engineers, inc	E-mail		
19197	Soulliere Decorative Stone, Inc.	E-mail	8/2/2005	#1 8/2/2005
15989	Stroyko Construction LLC	E-mail		
17956	Superior Surface Solutions, Inc.	E-mail		
20711	Superior Surfaces LLC.	Fax	7/20/2005	#1 8/2/2005
20303	SUSAN L. HUBBARD Attorney-At-Law	E-mail		
19841	T. L. Hart, Inc.	E-mail		
20126	The Petersen Companies Inc.	E-mail		
21820	Tri-Pups, Inc.	Free	7/29/2005	
20793	Triumph Telecommunication Systems	E-mail		
20210	TROY CEILING&PARTITION L.L.C.	E-mail		
11619	TROY ORNAMENTAL IRON & FENCE	Free	8/3/2005	
18541	Turner Construction Company	E-mail		
19703	Twin Med Inc.	E-mail		
20874	US Construction and Design Services, LLC	E-mail	7/14/2005	
20218	VHM Enterprise INC	E-mail	7/25/2005	
12029	Vulcanmasters Welding Company	Free	8/8/2005	
13067	W-3 Construction Co.	E-mail		
13207	Walbridge Aldinger Company	E-mail		
13921	WALKER LANDSCAPING, INC.	E-mail		
14338	Washtenaw Inc., Maintenance Services	E-mail	7/27/2005	#1 8/3/2005
11965	Western Waterproofing Company	E-mail	8/9/2005	#1 8/9/2005
13711	Williams Construction	E-mail		
18147	Wyoming Development Corp	E-mail	7/25/2005	

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August 16, 2005

TO: John Szerlag, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services
Jeanette Bennett, Purchasing Director
Timothy L. Richnak, Public Works Director

RE: **Agenda Item** – Standard Purchasing Resolution 3: Exercise Renewal Option – Pavement Seam and Fracture Sealing Program

RECOMMENDATION

On October 18, 2004, the Troy City Council approved a contract to complete a Pavement Seam and Fracture Sealing Program with an option to renew for two (2) additional one-year periods, to the low bidder, Scodeller Construction, Inc. at an estimated total cost of $657,500.00, with authorization to change the quantity of work either additive or deductive in an amount not to exceed 25% {Resolution #2004-10-546-E7}. Scodeller Construction, Inc. has agreed to exercise the one-year option to renew under the same prices, terms, and conditions.

The Public Works Department recommends exercising the option to renew for one-year, which will expire June 30, 2006, at an estimated total cost of $500,000.00, at unit prices as contained in the attached bid tabulation opened 9/29/04. In addition, staff requests authorization to change the quantity of work either additive or deductive at unit prices contained in the attached bid tabulation, not to exceed 25% of the total project cost and within budgetary limitations.

BACKGROUND

- Scodeller Construction, Inc. has been able to produce a quality product for the City.

- Moving this work forward enhances the pavement's useful life, improves the safety for all pedestrians and reduces the liability for the City.

MARKET SURVEY

The Purchasing Department has conducted a market survey and concurs with the recommendation to exercise the option to renew as fuel prices are expected to rise in the next year.

BUDGET

Funding for this program is available in the Capital Accounts for the Pavement Seam and Fracture Sealing Program - Major and Local Roads, Account #401479.7989.200 ($100,000.00) and #401499.7989.120 ($400,000.00) respectively.

Prepared by: Marina Basta Farouk, Project Construction Manager

August 16, 2005

TO: Jeanette Bennett
Purchasing Director

FROM: Linda N. Bockstanz
Associate Buyer

RE: MARKET SURVEY – PAVEMENT SEAM & FRACTURE SEALING

MICHIGAN JOINT SEALING, INC.– Jerry (248) 476-4120
According to Jerry, all prices will be the same for materials for pavement and sealing. There maybe an increase of 10% in the next nine months, because of fuel, but as far as he's concerned he believes prices will even out by next year. As of new products coming out, he has not heard of any for this year.

Based upon the above comment, I respectfully recommend that the City accept the offer to renew the contract for Pavement Seam & Fracture Sealing to the current vendor on the fact that costs will remain the same now, but will increase in the coming nine months based upon rising transportation and fuel costs.

CC: Susan Leirstien

ATTN: DAVED K. BACCI
Scodeller Construction, Inc.
P.O. Box 448,
South Lyon MI 48178

Dear Mr. Bacci:

On October 27, 2004, the City of Troy entered into contract 20400360 OB with Scodeller Construction, Inc. to provide one (1) year requirements of the Pavement Seam and Fracture Sealing Program. This contract contained an option to renew for two (2) additional one- year periods through mutual consent of both parties, within 30 days of contract termination.

Please fax this letter back to Marina Basta Farouk at Public Works Department indicating if Scodeller Construction, Inc. wishes to renew this contract until June 30,2006. Our fax number is (248) 524-3520. It should be understood that this request to renew the contract is subject to a favorable market survey. A request by City staff to determine the successful bidder's interest in renewing the contract in no way obligates the City. The option cannot be exercised without Troy City Manager and City Council approval and a blanket purchase order issued.

If you have any questions please call me at (248) 524-3595.

CHECK ONE:

Scodeller Construction, Inc.. is interested in renewing the contract under the same prices, terms, and conditions: X

Scodeller Construction, Inc.. is not interested in renewing the contract: ( )

X _____
Signed: Authorized Company Representative

Date: 8-2-05 David K. Bacci

Thank you,
Marina Basta Farouk
Project Construction Manager

E-7 Standard Purchasing Resolution 1: Award to Low Bidder – Pavement Seam and Fracture Sealing Program

Resolution #2004-10-546-E-7

RESOLVED, That a contract to complete the Pavement Seam and Fracture Sealing Program with an option to renew for two (2) additional one-year periods is hereby **AWARDED** to the low bidder, Scodeller Construction, Inc., P.O. Box 448, South Lyon, MI 48178 for an estimated total cost of $657,500.00, at unit prices contained in the bid tabulation opened September 29, 2004; 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 is required either additive or deductive, such changes are authorized in an amount not to exceed 25% of the total project cost and within budgetary limitations.

E-8 Approval of Relocation Claim – William Franklin Asbury – 2956 Sparta – Sidwell #88-20-25-203-001 – Project No. 01.105.5 – Big Beaver Road Improvements – Rochester to Dequindre

Resolution #2004-10-546-E-8

RESOLVED, That as required by Michigan Laws and Federal Regulations, the City Council of the City of Troy hereby **APPROVES** the Relocation Claim from William Franklin Asbury pertaining to the City of Troy's acquisition of his property at 2956 Sparta, having Sidwell #88-20-25-203-001, and **AUTHORIZES** payment in the amount of $23,603.00.

E-9 Approval of Relocation Claim – Louis and Diana Thomas – 2863 Thames – Sidwell #88-20-25-226-007 – - Project No. 01.105.5 - Big Beaver Road Improvements – Rochester to Dequindre

Resolution #2004-10-546-E-9

RESOLVED, That as required by Michigan Laws and Federal Regulations, the City Council of the City of Troy hereby **APPROVES** the Relocation Claim from Louis and Diana Thomas pertaining to the City of Troy's acquisition of their property at 2863 Thames, having Sidwell #88-20-25-226-007, and **AUTHORIZES** payment in the amount of $27,586.40.

October 7, 2004

TO: John Szerlag, City Manager

FROM: Brian Murphy, Assistant City Manager/Services
Jeanette Bennett, Purchasing Director
Timothy Richnak, Public Works Director

RE: **Agenda Item** - Standard Purchasing Resolution 1: Award To Low Bidder – Pavement Seam and Fracture Sealing Program

RECOMMENDATION

On September 29, 2004, bids were received for the Pavement Seam and Fracture Sealing Program with an option to renew for two (2) additional one-year periods. City management recommends awarding the contract to the low bidder, Scodeller Construction, Inc. P.O. Box 448, South Lyon MI 48178 for an estimated total cost of $657,500.00, at unit prices contained in the attached bid tabulation.

In addition, staff requests authorization to change the quantity of work either additive or deductive at unit prices contained in the attached bid tabulation, not to exceed 25% of the total project cost and within budgetary limitations.

The award is contingent upon the recommended bidder submission of proper contract and bid documents, including bonds, insurance certificates and all other specified requirements. The program was bid on a low total award basis due to bonding requirements and contract size. Maintenance will be performed at the locations identified and is scheduled for completion by June 30, 2005.

BUDGET

Funds are available to complete this project in the Public Works Construction Capital Accounts for Crack and Joint Sealing Major and Local Roads, Account #401479.7989.200 and #401499.7989.120 respectfully.

57 Vendors Notified on MITN System
1 Vendor Walk-In
2 Bid Responses Rec'd

Prepared by: Marina Basta-Farouk, Project Construction Manager

CITY OF TROY ITB-COT 04-40

Opening Date -- 9-29-04
Date Prepared -- 10/7/04

BID TABULATION
PAVEMENT SEAM & FRACTURE SEALING

VENDOR NAME:	* SCODELLER CONSTRUCTION INC	MICHIGAN JOINT SEALING INC
Ck Number	233619886	649171894
Ck Amount	**$2,500.00**	**$2,500.00**

Proposal: City of Troy Pavement Seam & Fracture Sealing Program with an Option to Renew for Two (2) Additional One-Year Periods

ITEM	DESCRIPTION	Estimated Quantities	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1	Pavement Seam & Fracture Sealing for Major Roads - Labor	350,000 L.F.	$ 0.665	$ 232,750.00	$ 0.67	$ 234,500.00
2	Pavement Seam & Fracture Sealing for Local Roads - Labor	500,000 L.F.	$ 0.635	$ 317,500.00	$ 0.70	$ 350,000.00
3	Pavement Seam & Fracture Sealing for Material for Major and Local Roads	275,000 LBS.	$ 0.39	$ 107,250.00	$ 0.45	$ 123,750.00
4	Traffic Control	Included	------	Included	------	Included
	ESTIMATED GRAND TOTAL		*	$ 657,500.00		$ 708,250.00

INSURANCE:	Can meet	XX	XX
	Cannot Meet		
CONTACT INFORMATION:			
	Hrs of Operation	7AM-7PM	7AM-4PM
	Contact Number	(248)787-1139	(248)476-4120
PROGRESS PAYMENTS:	Y or N	Yes, Bi-Weekly	Upon Completion
COMPLETION SCHEDULE:			
	Can Meet	XX	XX
	Cannot Meet		
		First Year by June 30, 2005	
TERMS:		NET 30	NET 30
WARRANTY:		1 YEAR	1 YEAR
EXCEPTIONS:		BLANK	BLANK
ACKNOWLEDGEMENT:	Y or N	YES	YES
VENDOR QUESTIONNAIRE:	Y or N	YES	YES
LEGAL STATUS OF BIDDER	Y or N	YES	YES
NON-COLLUSION AFFIDAVIT	Y or N	YES	YES

ATTEST:
MaryAnn Hays
Marina Basta-Farouk
Tom Rosewarne
Linda Bockstanz

*** DENOTES LOW BIDDER**

Jeanette Bennett
Purchasing Director

G:ITB-COT 04-40 Pavement Seam & Seal

Michigan Inter-governmental Trade Network
MITN

Downloading History for ITB-COT 04-40PavementCak

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 **10/7/2004.**

Document Title:	Pavement Seam & Fracture Sealing Program
Date Issued:	8/25/2004
Close Date:	9/29/2004

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
11800	ABC PAVING COMPANY	Free	8/31/2004	
18057	advanced air services,inc.	E-mail		
12964	Ajax Materials Corporation	E-mail		
12466	Al's Asphalt Paving Co., Inc.	Fax		
14279	Amerinational Community Services	E-mail		
14471	Angelo Iafrate Construction Company	E-mail		
11691	Asphalt Specialists, Inc.	Fax		
12250	Barrett Paving Materials Inc.	E-mail		
16399	Barthel Contacting Company	E-mail		
10851	BEI Associates Inc.	E-mail		
11742	Bowen Paving, Inc.	Fax		
17556	C.A. Hull Co., Inc.	E-mail		
15673	Central Contractors Inc	E-mail		
16371	Century Cement Co Inc	Fax		
16936	Crandell Bros. Trucking	Fax		
12323	D.L.F. Trucking, Inc.	E-mail		
17560	D1 Services	Free	8/31/2004	
12164	Edw. C. Levy Co.	E-mail		
16017	Fleis & Vandebrink Engineering, Inc	E-mail		
16547	Gaglio Bros. Corporation	E-mail		
13719	Giorgi Concrete LLC	E-mail		

17654	GM & Sons, Inc. Concrete Construction	Fax		
15842	Harlan Electric Company	E-mail		
10833	Hartwell Cement Company	E-mail		
11514	Highway Maintenance & Construction Co.	E-mail		
18538	J.C. Pearson & Sons Asphalt	E-mail	9/10/2004	
17898	J.P. Asphalt	Free	8/27/2004	
12021	JOHN CARLO, INC.	E-mail		
17901	MacKenzie Environmental Services	E-mail		
18159	mago construction	E-mail		
18045	Maxwell Products, Inc.	Free	9/24/2004	
11560	Michigan Joint Sealing, Inc.	E-mail	9/29/2004	
15741	MIDWEST PAVEMENT CONTRACTING, INC	Fax		
10604	nationwide fence & Supply	E-mail		
12761	Northwest Consultants, Inc.	E-mail		
18380	OccuMed3	E-mail		
11059	Pamar Enterprises, Inc.	E-mail		
13805	precision cut landscaping	E-mail	9/7/2004	
15509	Pro-Line Asphalt Paving Corp.	Fax		
15064	Protech Diamond Tools	E-mail		
11361	Quickie Carpet Cleaning	Free	9/1/2004	
13691	R & E Trucking Inc.	Fax		
14705	R. W. Armstrong and Associates, Inc.	E-mail		
12387	Rauhorn Electric, Inc.	E-mail		
15568	Rotondo Construction Corp.	E-mail		
14057	S.J.R. Pavement Repair	Fax	9/8/2004	
12265	scodeller construction, inc.	E-mail	8/26/2004	
11383	Six-S, Inc.	Free	9/1/2004	
13684	soil and materials engineers, inc	E-mail		
17956	Superior Surface Solutions, Inc.	E-mail		
10327	T & M ASPHALT PAVING, INC.	E-mail		
12535	The Stansley Group	E-mail		
11814	Tony Anthony Inc	E-mail		
15301	Tyger Excavating Inc.	E-mail		
13562	V&J Cement Construction Inc.	E-mail		
13207	Walbridge Aldinger Company	E-mail		
13711	Williams Construction	E-mail		

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Public Works Department

Memo

To: John Szerlag, City Manager

From: Brian P. Murphy, Assistant City Manager / Services

Jeanette Bennett, Purchasing Director

Timothy Richnak, Public Works Director

Date: 8/30/2005

Re: Pavement Seam and Fracture Sealing Program Background

Attached is an MDOT manual developed by Michigan Technological University providing the background as to the importance of pavement sealing programs. It also provides photos that illustrate cracks that are suitable for Sealing.

Attached there is a collection of photos from the streets that are scheduled to be sealed in the 2005/06 program and are identified as attachment "A". These streets are but a few of the locations and are as follows:

Rockfield, Evanswood, Moringdale, Northampton.

In attachment "B" we have provided some after photos from our most resent pavement sealing program. These streets are but a few of the locations and are as follows:

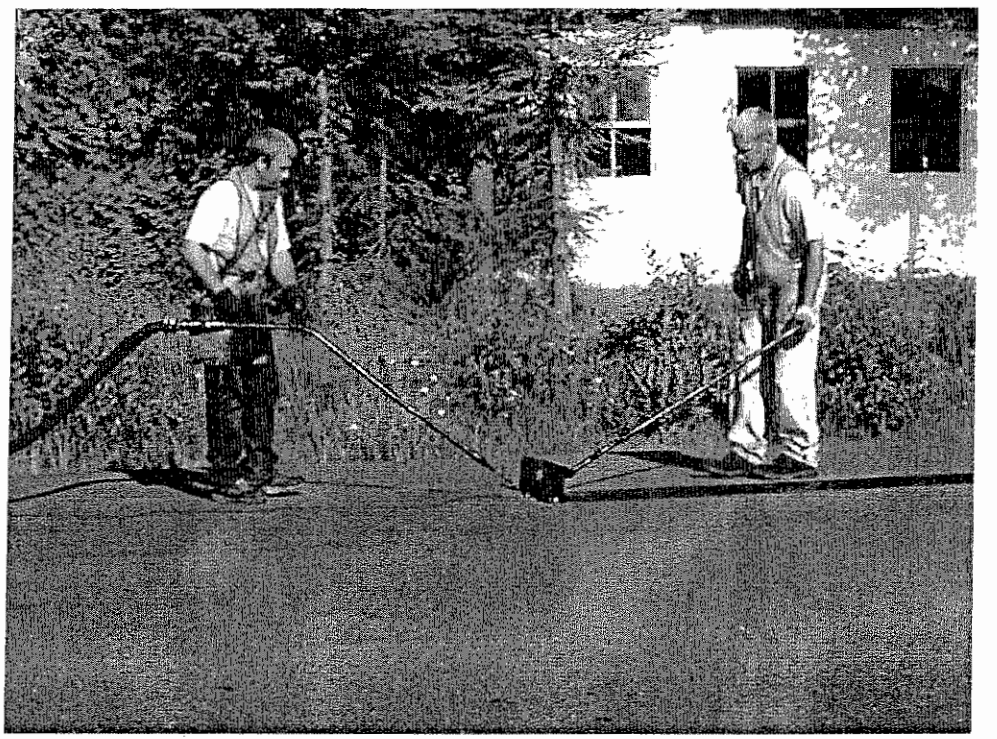
Amberwood, Caswell, Fieldstone, and Harned.

Attachment "C" provides photos of the actual seam and fracture operation.

Prepared by Timothy Richnak, Public Works Director

Sealing and Filling of Cracks for Bituminous Concrete Pavements

Selection and Installation Procedures



MDOT
Michigan Department of Transportation

Developed by Michigan Technological University in cooperation with the Michigan Department of Transportation

Acknowledgments

This manual is intended to provide basic guidelines to assist field personnel in the identification of candidate pavements for crack sealing and/or filling operations. It is also intended to provide guidelines to aid in the selection of the proper treatment. The guidelines and procedures described in this manual are supported by The Michigan Department of Transportation (MDOT). This manual was produced from materials provided by both MDOT and Michigan Technological University (MTU) by Michigan's Local Technical Assistance Program (LTAP). Non of the above mentioned parties warrant the material in this manual.

The primary source of information for this manual was the *Development of a Laboratory Screening Test for Asphalt Pavement Crack Sealants and Fillers, June 1998.* The report was submitted by:

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Submitted To:
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Michigan Department of Transportation

Michigan's LTAP serves as the Technology Transfer (T^2) effort of the Federal Highway Administration's Office of Technology Applications. The T^2 Centers' mission is to bridge the gap between research and practice by conducting training sessions and demonstrations and by serving as clearinghouses for information related to the latest state-of-the-art technology in roads, bridges and public transportation. The T^2 Centers are funded by LTAP, with matching funds from State governments, universities, State highway agencies and other organizations. The LTAP network consists of 57 T^2 Centers (one in each State, one in Puerto Rico, and six that serve Native American Tribal Governments) and serves State, county and local highway and transportation personnel.

MichiganTech

Produced by
Michigan's
Local Technical
Assistance Program

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1 INTRODUCTION

Background

Cracking is one of the most common distresses encountered on asphalt concrete (AC) pavements. Cracking can occur as single or multiple, transverse, longitudinal, block, or alligator cracks. Transverse and longitudinal cracking is usually addressed by sealing or filling the cracks with an asphalt-based material to reduce infiltration of moisture. Prevention of moisture infiltration will help mitigate the occurrence of further distresses, such as stripping of asphalt cement from aggregate particles and weakening of the pavement structure. Many methods are currently used to seal or fill cracks, and it is difficult to know which method and material will be the most cost-effective for a given situation.

Cracking in an asphalt pavement is caused when traffic and temperature fluctuations create strains that the pavement cannot accommodate. Several factors influence crack development, including temperature extremes and rate of change, pavement structural design, construction quality, temperature susceptibility, aging characteristics of the asphalt cement, and traffic characteristics (SHRP 1993). Cracking can occur as transverse, longitudinal, alligator, and block cracking.

Cracks are inevitable, and neglect will lead to a more rapid deterioration of the road surface. Preventative maintenance can help extend the life of the road and provide a smoother road surface. Maintenance activities can range from crack sealing and filling, to other, more involved surface treatments. Crack sealing and filling activities have been performed for quite some time. When performed properly, crack sealing and filling can extend the life of the pavement to the point where the cost of the activities is outweighed by the cost-benefit of the additional pavement life (SHRP 1993).

Importance of Sealing and Filling

Crack sealing and filling of asphalt pavements is a necessary and important maintenance activity that is required to mitigate the infiltration of water and incompressibles into a pavement system. Sealing/filling operations should be instituted when pavement cracks first develop, as timely treatment will help prevent further pavement deterioration. The effects of not sealing/filling cracks include increased pavement deterioration, including raveling, tenting, and migrating of cracks, along with potholes and frost heave damage.

Crack sealing and crack filling are two different activities, and the difference between them must be understood to effectively treat a pavement. Crack sealing is a rigorous operation, intended to prevent water from entering the pavement structure. It involves thorough crack preparation followed by the placement of a high-quality material in a specific configuration. Please refer to Figure 1.1 for an example of an AC pavement crack suitable for sealing. Crack sealing is normally used on working cracks. Working cracks are de-

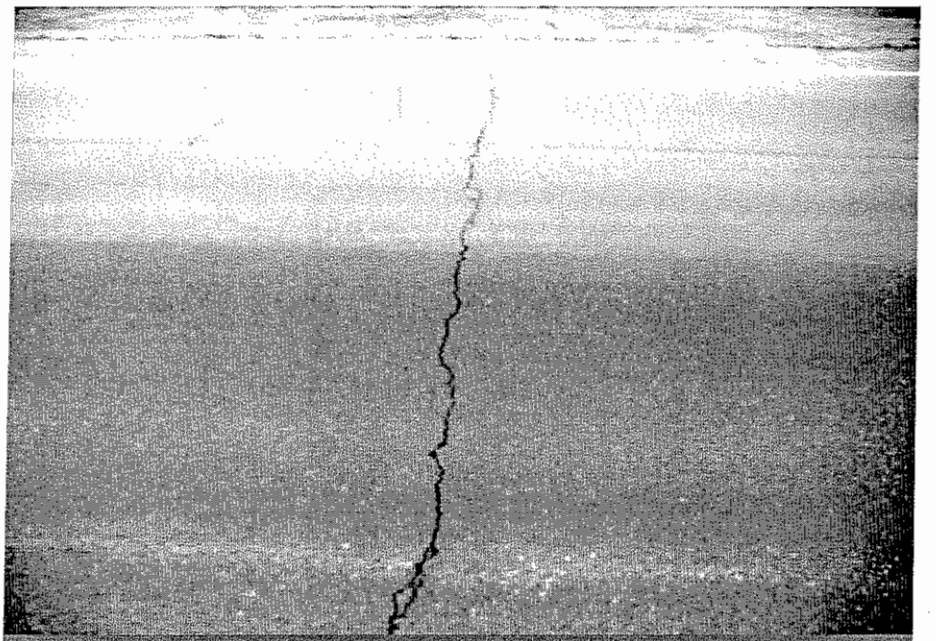

Figure 1.1 - AC pavement crack suitable for sealing

fined as those that experience considerable horizontal and/or vertical movement as a result of temperature changes and/or traffic loading. Working cracks typically have horizontal and/or vertical crack movements of 2.5 mm or more (Smith et al. 1991).

Crack filling is an activity designed to reduce the amount of water infiltrating into a pavement and reinforce the adjacent pavement. Please refer to Figure 1.2. This crack is unsuitable for sealing due to the high degree of spalling and secondary cracking present, but is a good candidate for filling. Crack filling is normally applied to cracks unsuitable for sealing and to non-working cracks. Non-working cracks are defined as those that experience relatively little horizontal and/or vertical movement as a result of temperature changes and/or traffic loading. Non-working cracks typically have horizontal and/or vertical crack movements of less than 2.5 mm (Smith et al. 1991).

Cracking can be repaired in a variety of ways, ranging from pavement maintenance activities, such as surface treatments and crack filling, to full-scale pavement rehabilitation projects, like resurfacing (Smith and Romine 1993). Alligator and longitudinal cracks in the wheel paths are indicative of structural deficiency, and require at least partial reconstruction for an effective solution (Turgeon 1989). Proper pavement design and drainage can help control these types of cracks. Transverse and longitudinal cracking are most often caused by thermal changes and are related to the cold temperature and age stiffening characteristics of the asphalt concrete, which in turn is directly related to the properties of the asphalt binder. This type of cracking should be treated soon after initiation to minimize the infiltration of water that can cause further deterioration.

Transverse and longitudinal thermal cracks can be treated through crack sealing and filling. The goal is to reduce or eliminate the infiltration of moisture into the pavement structure, and prevent incompressible materials from entering the crack. Water can lead to accelerated fatigue, stripping, pumping, and other pavement damage. It is commonly believed that sealing and filling are justified because they extend pavement life. The earlier these detrimental effects can be prevented, the better the chance that a pavement's life will be extended (Turgeon 1989).

Figure 1. 2 - AC pavement crack suitable for filling

II SELECTION CRITERIA FOR SEALING AND FILLING

General Overview

The first step of any crack treatment operation is an evaluation of the pavement to assess the extent and type of cracking present and to determine the appropriate treatment(s). If a pavement is badly deteriorated, has large quantities of closely spaced or random cracking, or other major deficiencies are present, crack filling or sealing may not be appropriate and another repair should be used. Good pavement condition data is essential for proper treatment selection.

Most highway agencies have developed policies and criteria that specify the type of maintenance to be performed on cracked pavements. These criteria are often based on an assessment of the overall pavement condition and crack characteristics. These policies also specify when cracks should first be filled or sealed.

Requirements exist at most highway agencies regarding air temperatures and the seasons when crack filling/sealing operations should be conducted. In cold temperatures, the pavement contracts and the cracks open to their widest. In hot temperatures, the pavement expands, closing the cracks. To limit failures due to excessive expansion and contraction, it is preferable to perform the crack treatment activities during the moderate spring and fall temperatures when the cracks are midway between the extremes. However, given the environmental conditions that Michigan encounters, conducting these operations in the spring and fall may put the operation in the middle of a wet period. As such, care must be taken so that the sealing and filling operations are conducted in dry conditions. If a treatment is placed too early in the spring or too late in the fall, moisture may be present in the pavement creating frost action that will render a seal or fill ineffective. It is important to keep moisture out of the base for this reason. Additionally, it is important that when performing a seal/fill operation, the crack is clean. Having a clean crack permits adhesion and provides for a better overall treatment.

Although MDOT currently has no set criteria of when to perform crack sealing and filling, they typically initiate crack sealing within 2 to 3 years of a bituminous overlay over concrete, and within 3 to 8 years after a full-depth bituminous pavement construction or a bituminous overlay over a bituminous pavement.

Determining Crack Density and Edge Deterioration

The first step in the treatment selection process is to characterize the density of cracking and level of edge deterioration using the basic definitions presented in the *SHRP Materials and Procedures for Sealing and Filling Cracks in Asphalt-Surfaced Pavements – Manual of Practice* (Smith and Romine 1993).

Crack density thresholds are not defined in the SHRP Manual "because experienced personnel can usually make reasonable assessments of density" (Smith and Romine 1993). Although this may be true, some guidance regarding the determination of crack density is necessary. As a starting point, the threshold between moderate and high density will be established at the point where transverse and longitu-

Linear Crack Length per 100 m Pavement Section	Density
< 10 m	Low
10 m to 135 m	Moderate
> 135 m	High

Table 2.1 - Determination of Crack Density

dinal cracking will be classified as block cracking. According to the SHRP publication entitled *Distress Identification Manual for the Long-Term Pavement Performance Project* (SHRP 1993), this transition occurs at a crack spacing of 3 m. This approximately translates to 10 full width transverse cracks and one full-length longitudinal crack in a 100 m long pavement section. In a 3.5 m wide pavement lane, a total of 135 m of linear cracking in a representative 100 m of pavement is thus assumed to be a reasonable threshold value between moderate and high density. The demarcation between low and moderate density is less clear. Generally, two to three transverse cracks within a 100 m long pavement section would justify a sealing operation, and thus a reasonable threshold is 10 m of linear cracking in a representative 100 m length of pavement. Table 2.1 can be used as a general guideline when determining crack density.

Figures 2.1 - 2.6 illustrate various degrees of crack densities and edge deterioration.

Once a reasonable determination of crack density and edge deterioration is made, Figures 2.7, 2.8, and 2.9 outline the appropriate course(s) of action for low, moderate, and high density cracking, respectively. *These flow charts are meant to give a general overview of the appropriate actions. These are not hard-and-fast rules, and good engineering judgement is needed in each situation to verify that the correct course of action is being taken.*

Figure 2.1 - Example of low density cracking

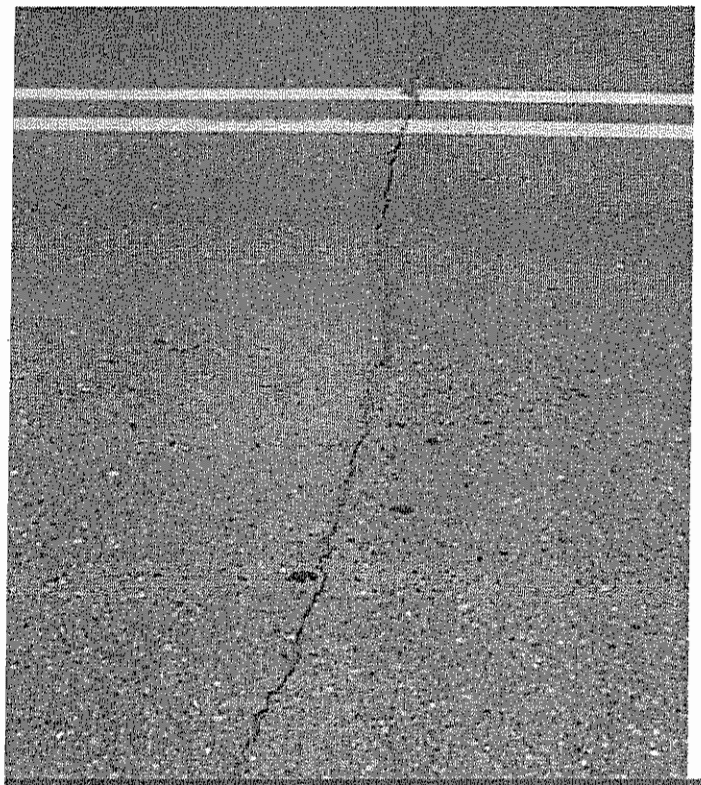

Figure 2.2 - Example of cracking with low edge deterioration

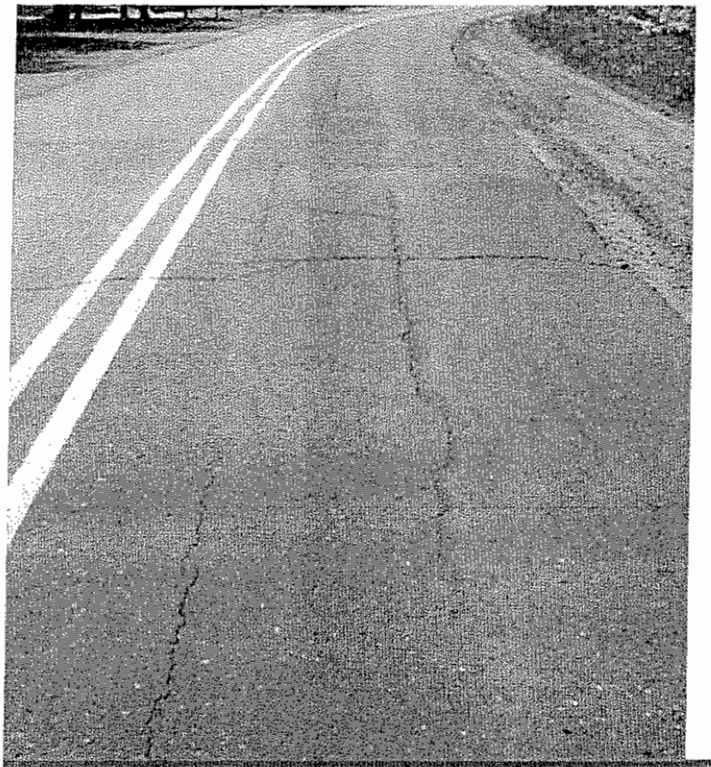

Figure 2.3 - Example of medium density cracking

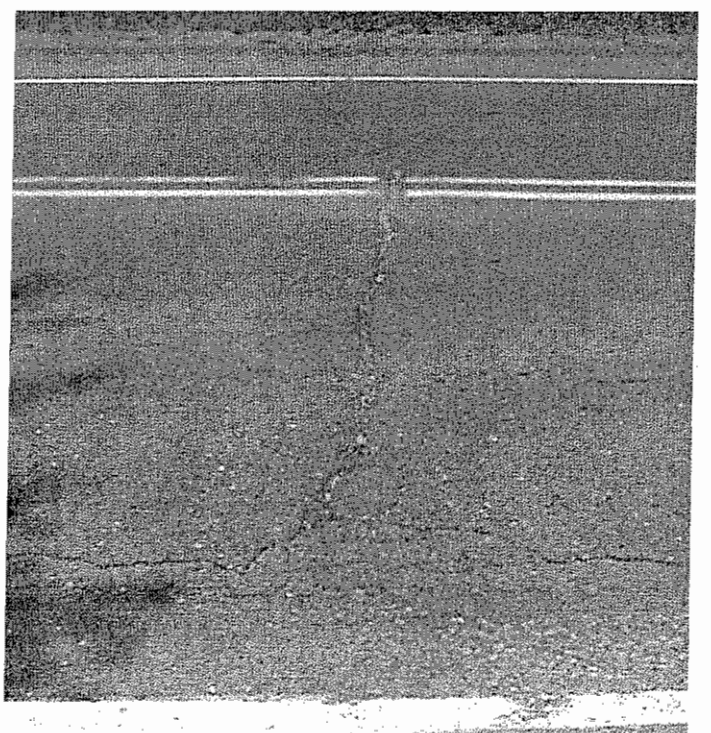

Figure 2.4 - Example of cracking with medium edge deterioration

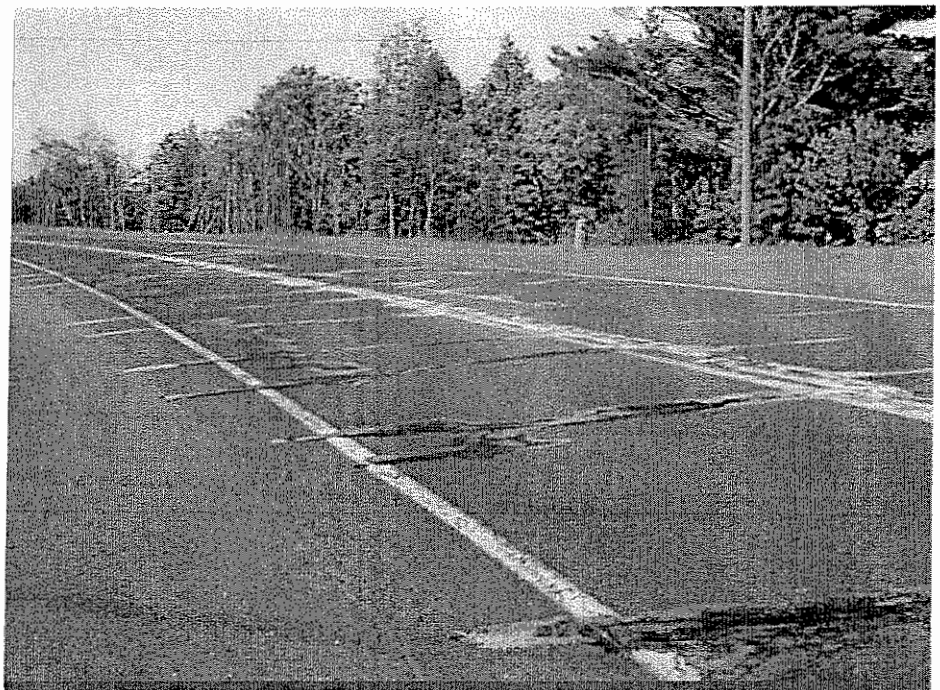

Figure 2.5 - Example of high density cracking

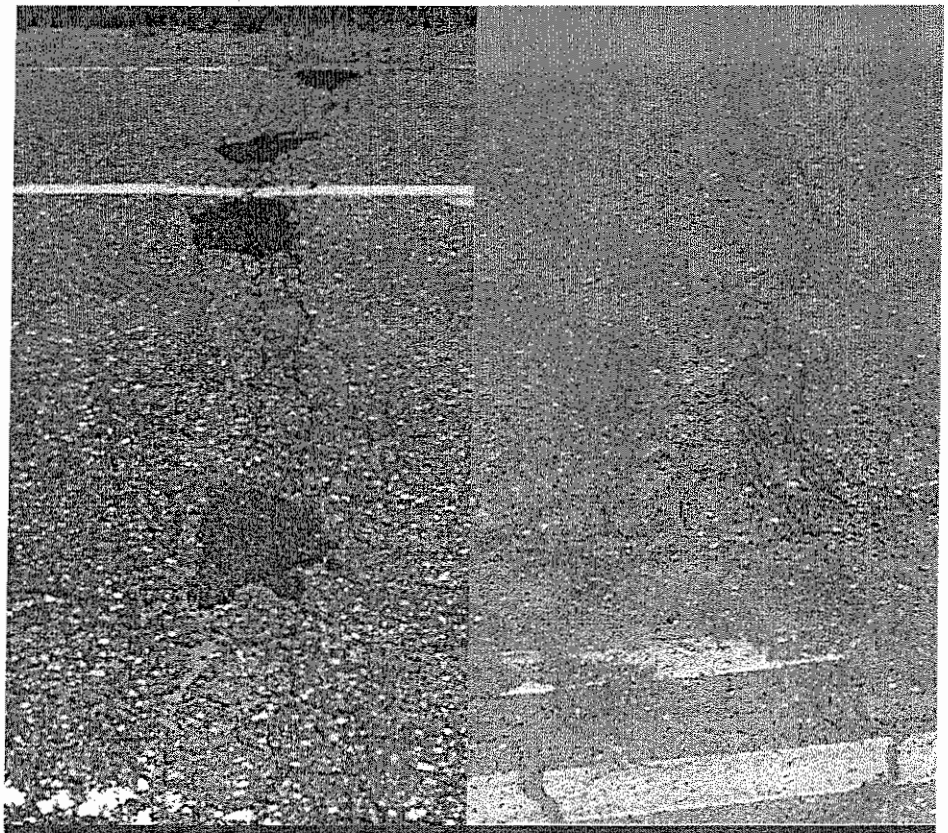

Figure 2.6 - Examples of cracking with high edge deterioration

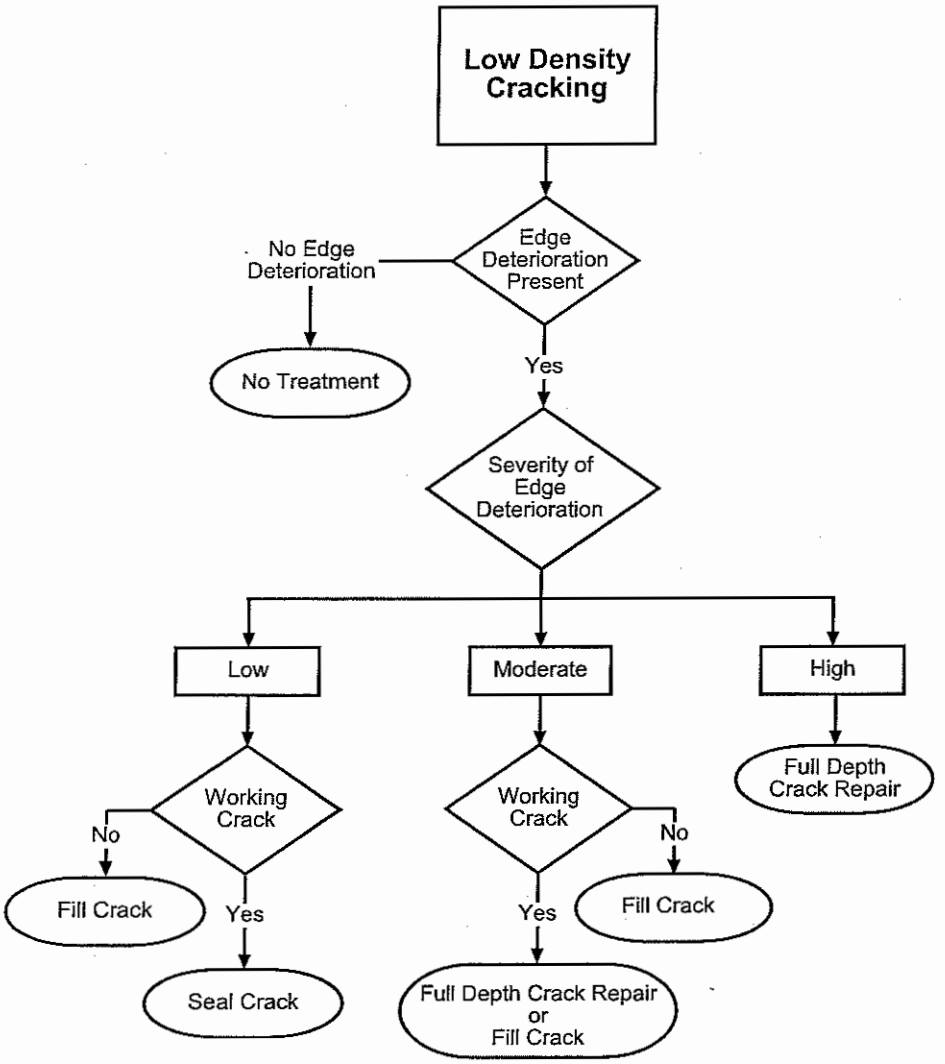

Figure 2.7 - Appropriate treatment for low density cracking

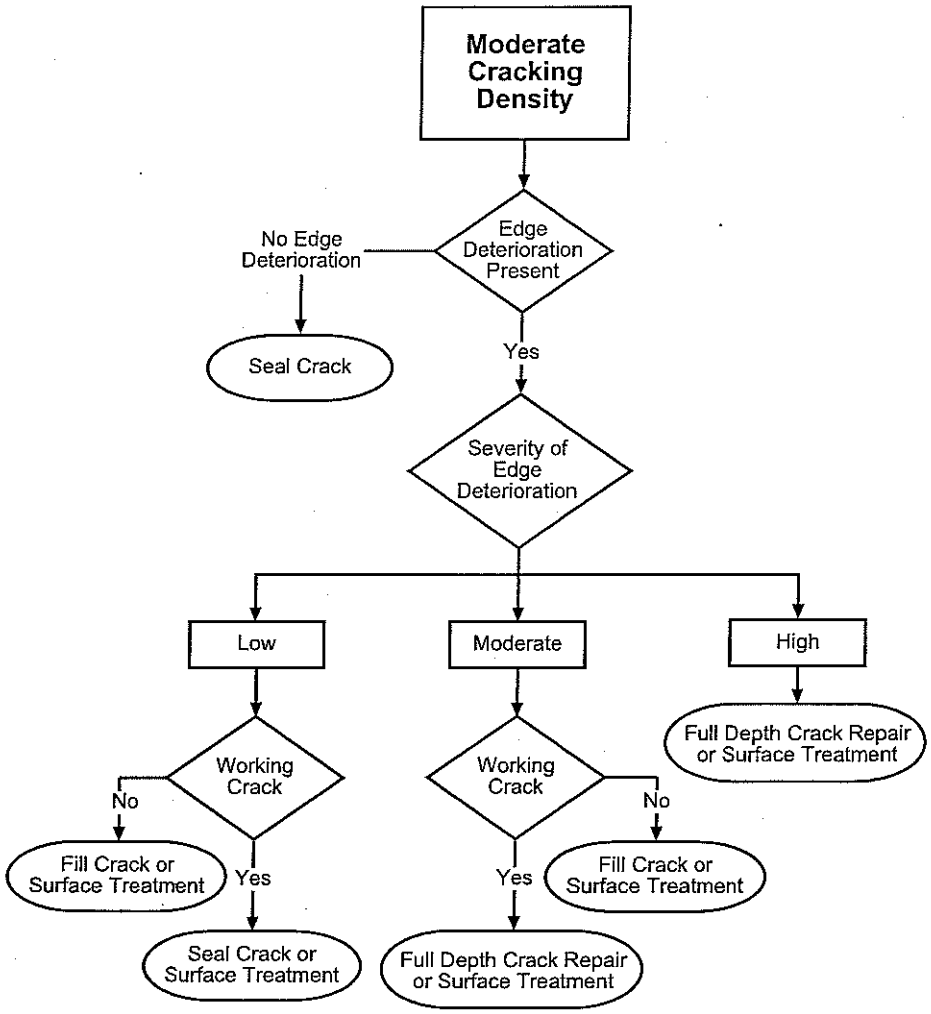

Figure 2.8 - Appropriate treatment for moderate density cracking

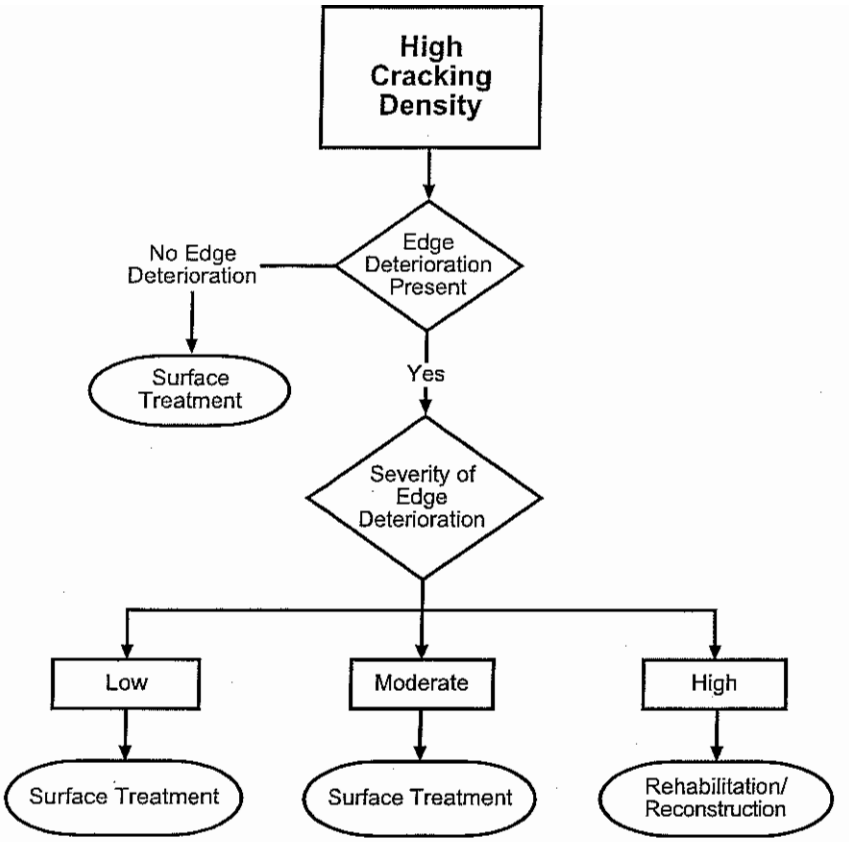

Figure 2.9 - Appropriate treatment for high density cracking

As shown in these figures, crack sealing is primarily used to address working cracks of low to medium density with low edge deterioration. Crack filling is used on low to moderate density non-working cracks with low to moderate edge deterioration, or on working cracks of low to medium density with moderate edge deterioration.

Other treatments listed include crack repair and surface treatment. Crack repairs typically involve the partial or full depth removal of the cracked material. The area is replaced with new bituminous materials. Surface seals include chip seals, slurry seals, and microsurfacing. In depth descriptions of these treatments is beyond the scope of this manual, and the above descriptions are for reference only.

III SEALING AND FILLING PROCEDURES

Traffic Control and Worker Safety

Traffic control in the work zone is a vital part of any crack treatment, whether it is a stationary or a moving operation. Proper work zone operations will ensure both the safety of the work crew and motorists. The materials and equipment used in crack filling and sealing operations also present safety concerns for workers. Proper safety attire should be worn and workers should be made aware of all safety precautions related to the material and equipment used in the operation. **Please note: It is beyond the scope of this manual to instruct current MDOT policies regarding work zones and worker safety. Please refer to the appropriate MDOT publications for a detailed overview of these practices.**

Installation Procedures

Procedures vary between crack sealing and filling operations. *Regardless of the operation performed, proper execution of the procedures and quality workmanship are essential and cannot be overemphasized.* Crack sealing and filling operations consist of at least two and up to five steps, depending on the type of treatment. In order to determine the proper procedures for a particular situation, review current MDOT specifications. Given a situation where all five steps are necessary, the typical order is:

1. Crack cutting
   crack sealing only
2. Crack cleaning and drying
   crack sealing and filling
3. Material preparation
   crack sealing and filling
4. Material placement
   crack sealing and filling
5. Blotting
   possible in both crack sealing and filling

Crack Cutting

Crack cutting is performed during crack sealing operations and is done to create a uniform, rectangular reservoir, centered as closely as possible over a particular crack, while inflicting as little damage as possible to the surrounding pavement (Smith and Romine 1993). Crack cutting is done with either a diamond saw or rotary impact router. Please refer to Figures 3.1 and 3.2 for an example of a rotary impact router and to Figures 3.3 and 3.4 for an example of a diamond blade saw. The saw has a wide, small diameter blade to cut a reservoir, while a router has multiple impacting blades or teeth. The saw creates a smooth walled reservoir, while the router creates rougher edges. The saw creates a more rectangular reservoir and a higher percentage of aggregate surface area, while the router is more maneuverable, which allows it to follow the contours of the crack more closely. The router also has a higher production rate than sawing. A diamond saw can have production rates of 1.2 to 2.1 m/min, while a rotary impact router can have production rates of 3.6 to 4.6 m/min. (Smith and Romine 1993). However, the rotary

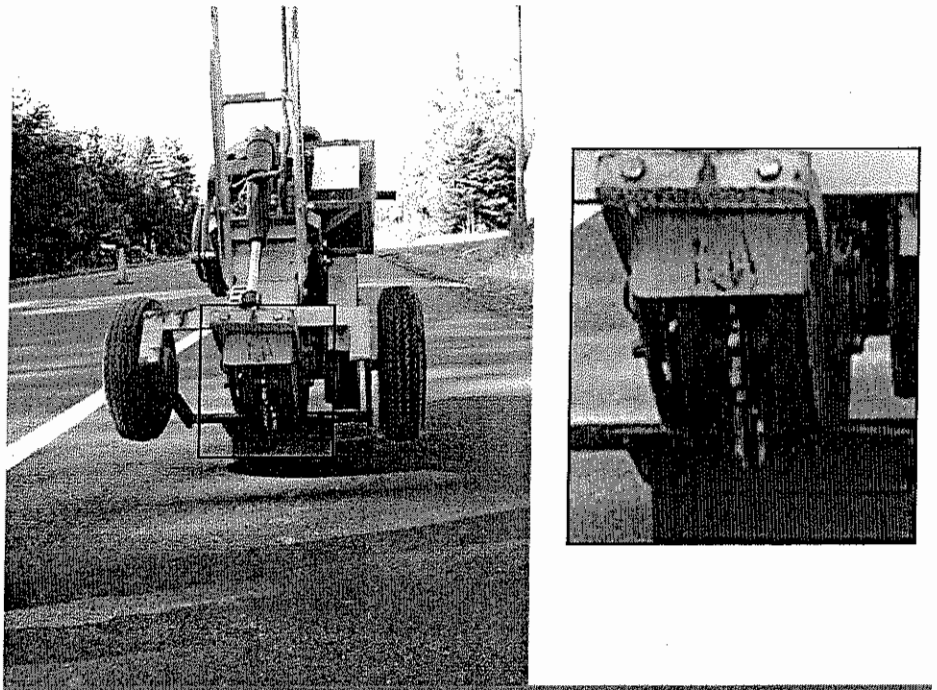

Figure 3.1 - Rotary impact router with close-up of blade

Figure 3.2 - Crack cutting using rotary impact router

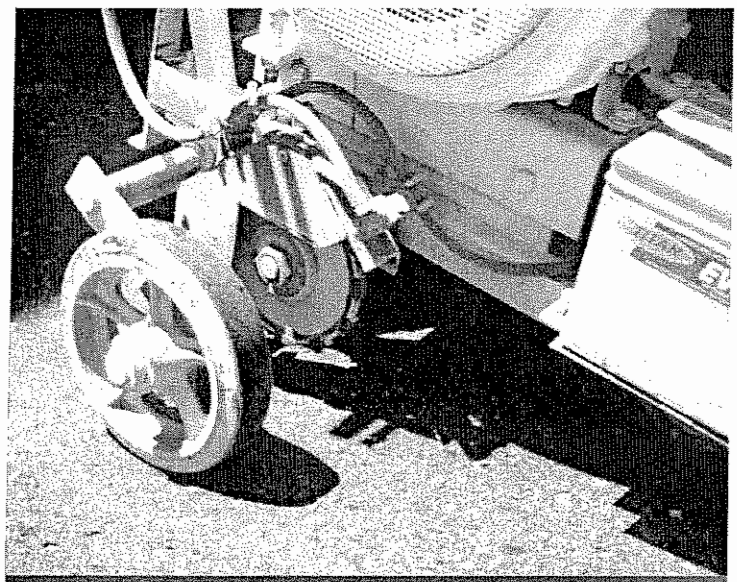

Figure 3.3 - Close-up of diamond saw blade

Figure 3.4 - Example of diamond saw

impact blades wear faster, and poor reservoir configurations result from worn blades. It is important to closely follow the crack when creating a reservoir to maximize the effectiveness of the operation. Figures 3.5 and 3.6 are examples of properly cut cracks. Widths and depths of the cut will vary depending on the configurations.

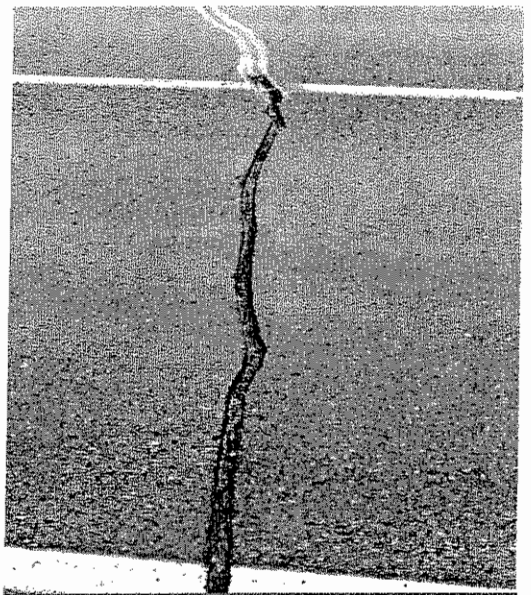

Figure 3.5 - Properly cut crack

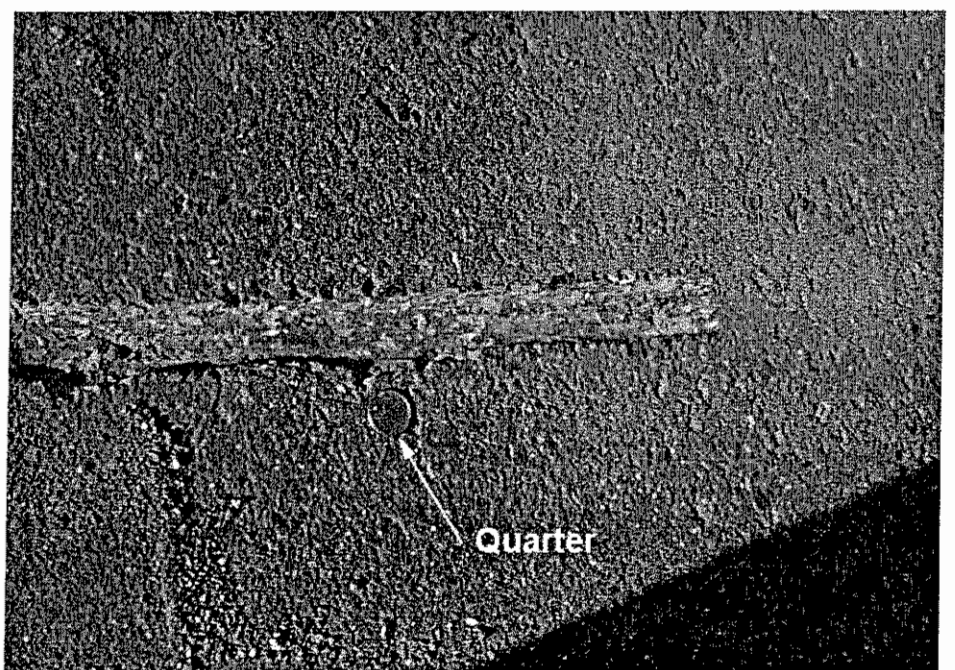

Figure 3.6 - Example of relative width of cut crack

Crack Cleaning and Drying

Crack cleaning and drying is done to provide a clean, dry crack channel and to remove any loose materials from the crack. A clean, dry crack is extremely important, as a large percentage of sealant failure is caused by adhesion failure with the crack wall. Crack cleaning can be done by hand tools, brushing or sweeping, airblasting, hot airblasting, or sandblasting.

High-Pressure Airblasting

Airblasting with compressed air is an effective method of removing particles and dust. High-pressure airblasting equipment must be able to provide a continuous, high-volume, high-pressure airstream delivering 620 kPa (90 lb/in^2) and 4.3 m^3/min (150 ft^3/min) flow (Smith and Romine 1993). Refer to Figure 3.7 for an example of high-pressure airblasting followed by hot airblasting. Please note that the worker in front is performing the high-pressure airblasting and the worker following is performing the hot airblasting. Working in tandem enables the team to effectively clean and dry cracks more quickly than performing these operations separately.

Due to the fact that most modern air compressors introduce water and oil into the air supply, it is essential that the compressors are equipped with moisture and oil filters. The presence of either water or oil in the crack will inhibit the sealing and filling material's bond (Smith and Romine 1993).

Figure 3.7 - Crack cleaning through high-pressure airblasting followed by hot airblasting

Hot-Airblasting

Hot airblasting with a hot compressed-air lance, or heat lance, is effective for both cleaning and drying a crack. The heat lance must be able to produce 1370°C (2500°F) and a blast velocity of 600 m/s (1970 ft/s). The heating provides two unique benefits. Moisture is quickly evaporated, improving potential for bond, and if the material installation follows closely behind, the heated surface can enhance the bonding of hot-applied materials (Smith and Romine 1993). Overheating is a danger and must be avoided, as it can scorch and weaken the edge of the crack or reservoir. Typically, hot airblasting is not required.

Sandblasting

Sandblasting operations should be conducted during dry weather conditions and should be followed up by airblasting to remove the sand from the crack reservoir and roadway. Sandblasting not only removes dust and debris, but also strips away any loose particles. It is a specialized procedure that is usually more costly due to the equipment and materials needed. Refer to Figure 3.8 an example of the sandblasting operation.

Figure 3.8 - Crack cleaning through sandblasting

Material Preparation

Proper material preparation is necessary for an effective seal. The specific material preparation requirements provided by the manufacturer should be followed. These include the minimum placement temperature, material heating temperatures, prolonged heating guidelines, recommended pavement temperature and recommended moisture conditions.

It is important that the specific recommendations from the material manufacturer are followed, as overheating of the material should be avoided. Overheating the material may alter the material's properties significantly. This can have a detrimental effect on the operator's ability to install the material, and adversely affect the performance of the material. If the material is overheated, it should be discarded and new material should be prepared. This will cause delays that will effect the entire operation. Furthermore, it may also necessitate repeating previous crack cleaning activities.

Material Placement

There are several configurations commonly used for the application of fillers and sealants. These configurations range from simply filling unprepared cracks, to cutting a specific size of reservoir for sealant placement. Typical placement configurations are shown in Figure 3.9. Reservoirs are generally associated with sealing operations, and simple overbands are usually used with filling operations, though this is not always the case.

Once the filling or sealing operation commences, it is important that the entire operation moves at a steady pace. It is vital that the kettle operator regularly monitors the temperature and quantity of material in the kettle. As mentioned earlier,

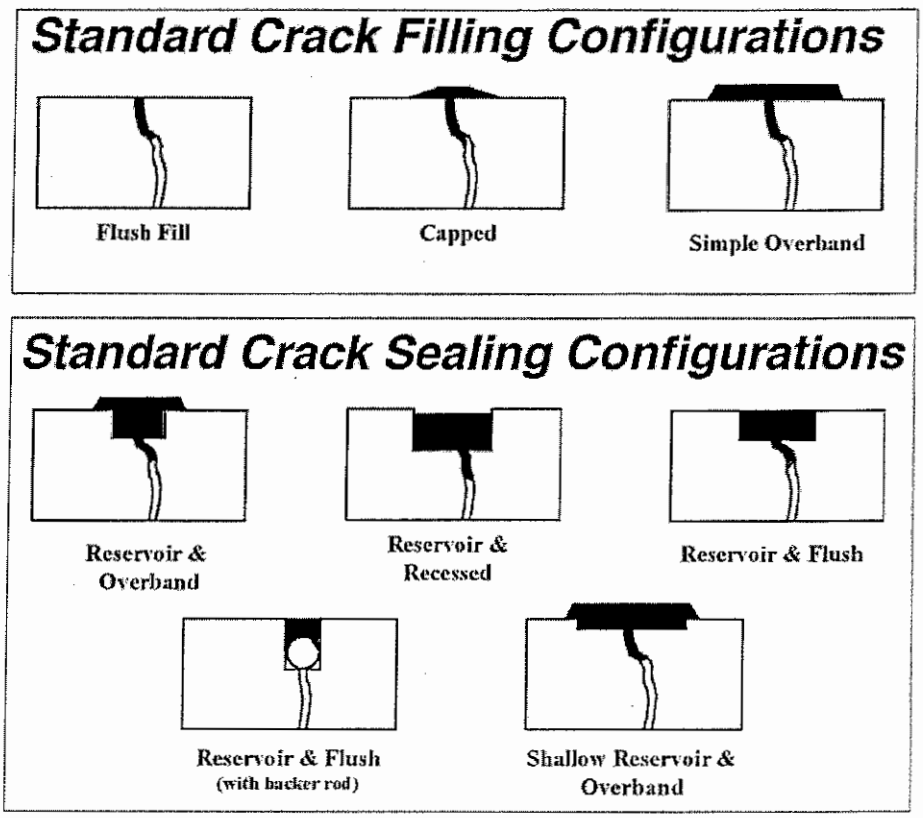

Figure 3.9 - Typical placement configurations

overheating can suspend the entire operation. Under-heated material can also produce problems as the material may not flow correctly, and it may not bond properly. This is another benefit of applying the material in the relatively mild weather of spring and fall, as maintaining material temperature in cold and hot weather is more difficult.

The application procedures for all crack sealing and filling materials are basically the same. The material should be applied in a continuous motion from the bottom of the crack up to reduce the chance of trapping air beneath the material. Enough material should be applied to provide the desired configuration. Occasionally, additional material must be applied to ensure proper coverage.

Filling Configurations

Crack filling involves either a one or two person team placing the filling material and then spreading it out over and into the crack(s) with a squeegee. Squeegees are typically U or V shaped to push the material and concentrate it over the crack. One person installation is done using an attachment to the material application wand. Refer to Figure 3.10 for an example of a filling operation. Advantages of filling include the need for less equipment and smaller installation crews.

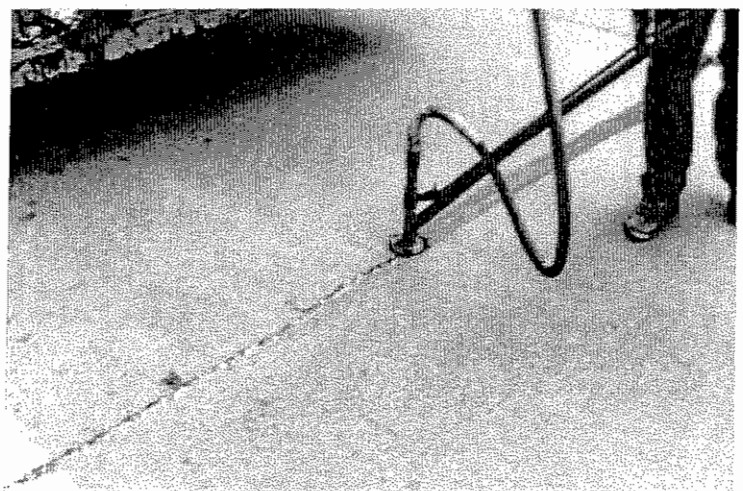

Figure 3.10 - Single operator using application wand and attachment to apply fill material

Sealing Configurations

In a sealing operation, sealant is placed either flush with the surface or slightly recessed within a cut reservoir. The purpose of the reservoir is to create room for enough material to be applied, create a desirable sealant shape, and provide a uniform surface for the sealant to adhere to. The sealant also may be recessed to prevent plow and traffic damage.

Chehovits and Manning (1984) give the following advantages of a typical sealant configuration:

> First the sealant is applied only to surface level, resulting in a neat appearance when compared with the band-aid configuration. Second, the sealant is not on top of the pavement surface, and therefore it is not directly exposed to abrasion by vehicle tires. The crack widening operation also cleans the crack faces, which provides intact surfaces for the sealant to adhere to. Another advantage when compared with the band-aid configuration is that the sealant is subjected to a lesser amount of strain when the pavement contracts in cold weather because of the increased width of the sealant.

A combination reservoir overband configuration exists in which the material is placed in a reservoir and also above the reservoir in an overband. Refer to Figure 3.11. This configuration attempts to combine the advantages and eliminate some of the disadvantages of the reservoir and overband configurations. A combined overband and reservoir will limit cohesive failures and reinforce the edges of the reservoir (Turgeon 1989).

Figure 3.11 - Combination of reservoir and overband

The sealant is usually placed directly into the reservoir or crack. For cracks greater than 10 mm wide, a bond breaker, such as polyethylene foam backer rod, may be placed in the bottom of the crack. The purpose of this backer rod is to prevent the material from running down in the crack, prevent a three-sided bond, and control the shape factor (Smith and Romine 1993). A backer rod is installed after the crack has been properly cleaned and before sealant application. The backer rod should be non-absorptive, flexible, and compatible with the sealant material being used. The size should be about 25 percent larger in diameter than the crack width (ERES 1993). Refer to Figure 3.12 for example of backer rod installation.

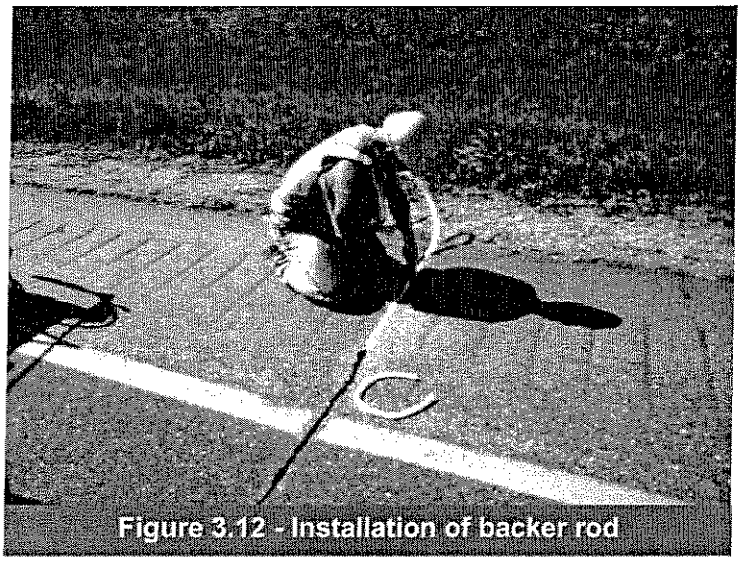

Figure 3.12 - Installation of backer rod

The shape factor is the ratio of the width to the depth of the sealant. The shape of the sealant can be controlled by using a backer rod or by specifying the dimensions of the crack reservoir. The shape factor influences stress development in a sealant, and thus the performance of the sealant system. A sealant experiences tensile stress as the pavement contracts and the crack widens. As the ratio of depth to width increases, so does the stress on the sealant/crack interface. This can lead to adhesive failure. A reservoir that is wider than it is deep will lessen the stress on the sealant (Turgeon 1989).

Reservoir dimensions may vary depending on location and/or specifications. Typical dimensions for an overband are 75-100 mm wide and a thickness of 3 mm. Reservoir dimensions are controlled by the shape factor. Typical standard reservoir widths are 12.5 – 40 mm , and 12.5 – 20 mm deep. The shallow reservoir is typically about 40 mm wide and 4 mm deep. The cutting depth may be greater for a reservoir if a backer rod is used.

Blotting

Blotting protects the uncured crack treatment material from tracking under traffic. Blotting material is typically used in areas where traffic has to travel on the material before it has had time to cure. Blotting material is also frequently used in areas of stop-and-go traffic and where there may be traffic turning on the material.

The blotting material should be applied immediately after the material is placed and finished. Toilet paper, talcum powder, lime, sand, and limestone chips are commonly used as blotting materials.

Figure 3.13 - Installation of toilet paper as blotting material

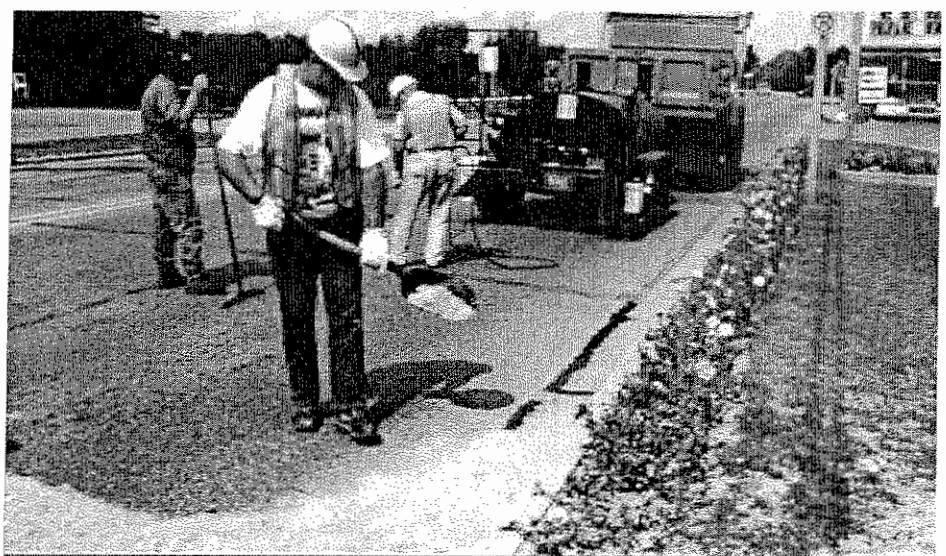

Figure 3.14 - Installation of sand as blotting material

Estimating Costs and Quantities

Estimating material requirements is a difficult task, as each situation is unique. A reliable estimate of the required materials can be the deciding factor in whether or not a certain section of road receives the appropriate maintenance activities. Table 4.1 can be used to help determine the material requirements

Determining Material Quantity Requirements

A. Length of roadway to be treated	_____ m
B. Length of sample segment inspected	_____ m
C. Amount (length) of targeted crack in sample segment inspected	_____ lin m
D. Amount (length) of targeted crack in roadway [D=C x (A/B)]	_____ lin m

Table 4.1 - Determining material quantity requirements

Sealing costs range from $3.94 to $8.20 per meter of crack, while filling costs range from $0.50 to $3.61 per meter of crack. When estimating costs, it is strongly recommended that you use a representative 100 m section (minimum) of roadway per kilometer as the sample segment. This representative section can then be used to calculate an estimate using the pay item in the specifications. If the work will not commence until the following season, it may be necessary to add 25% or more to the determined quantity.

V REFERENCES

Chehovits, Jim G., Manning, Mark. (1984) "Materials and Methods for Sealing Cracks in Asphalt Concrete Pavements." Transportation Research Board, Washington D. C. TRB/TRR 990. Pages 21-31.

SHRP (1993). "Distress Identification Manual for the Long-Term Pavement Performance Project." SHRP-P-338. Strategic Highway Research Program. National Research Council. Washington, DC.

Smith, K. L., Peshkin, D. G., Rmeili, E. H., Van Dam, T., Smith, K. D., Darter, M. J. (1991). "Innovative Materials and Equipment for Pavement Surface Repairs - Volume 1: Summary of Material Performance and Experimental Plans." Strategic Highway Research Program. Report No. SHRP-M/UFR-91-504.

Smith, Kelly L., Romine, A. Russell. (1993). "Asphalt Pavement Repair Manuals of Practice: Materials and Procedures for Sealing and Filling Cracks in Asphalt-Surfaced Pavements." Strategic Highway Research Program. Report No. SHRP-H-348.

Turgeon, C. M. (1989). "Evaluation of Materials and Methods for Bituminous Pavement Crack Sealing and Filling." Minnesota Department of Transportation. Investigation No. 9LRR660.

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A

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A

B

B

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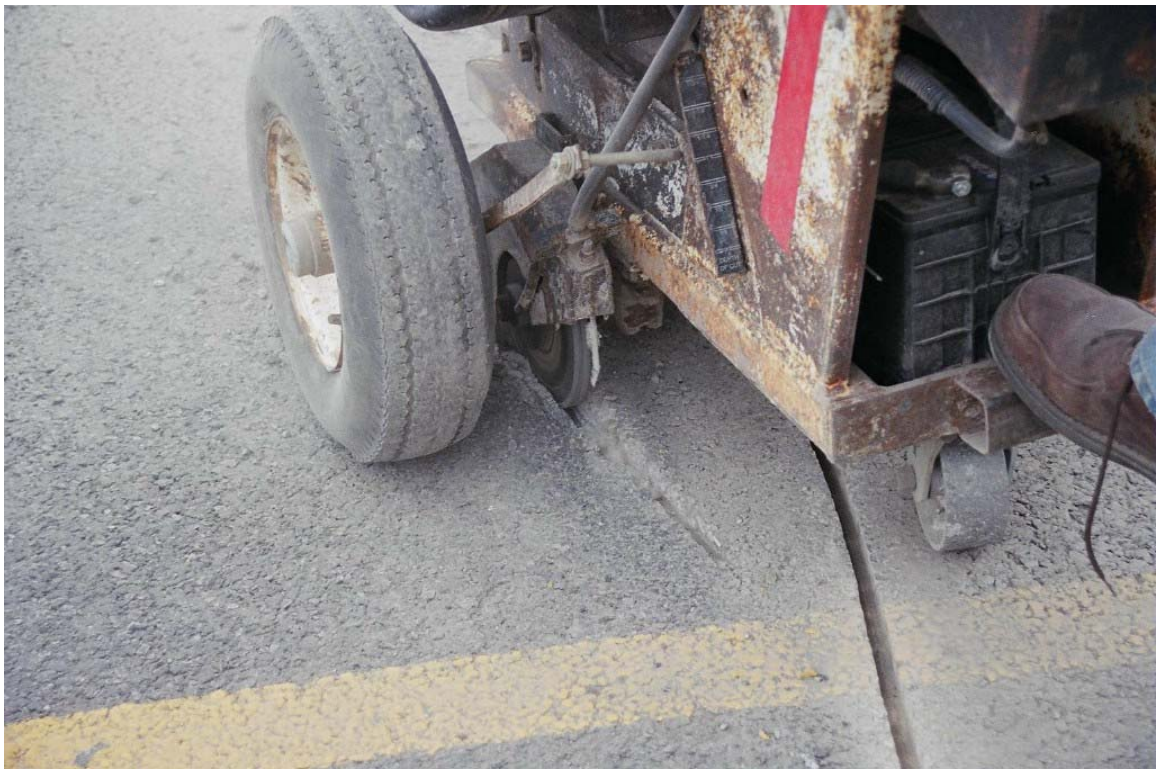
B

C

C



C

August 25, 2005

To: John Szerlag, City Manager

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

Subject: Agenda Item - Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – Troy Community Coalition

APPROVAL TO EXPEND FUNDS

The Police Department requests approval to continue to provide funding to the TROY COMMUNITY COALITION in the amount of $100, 000.00 for the 2005/2006 fiscal year.

BACKGROUND

The Troy Community Coalition will provide community services to prevent drug and alcohol abuse.

Funding requirements were previously approved by the City Council on September 13, 2004, resolution #2004-09-454, September 22, 2003, resolution #2003-09-474, July 22, 2002, resolution #2002-07-427, September 10, 2001, resolution #2011-09-449 and August 21, 2000, resolution #2000-387-E-4.

BUDGET

The Police Department's Police Administration Contractual Services – Troy Community Coalition, account #305.7802.109 has been designated for the funding of this program.

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

Prepared by: Terry Colussi, Office Coordinator

AGREEMENT BETWEEN THE CITY OF TROY AND TROY COMMUNITY COALITION

This Agreement, by and between the City of Troy, 500 W. Big Beaver Road, Troy, Michigan 48084 (hereinafter referred to as the "CITY"), and the Troy Community Coalition, 4420 Livernois, Troy, Michigan 48098, a Michigan non-profit organization, (hereinafter referred to as "TCC"),

RECITALS

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

WHEREAS, the CITY desires to provide individuals with an opportunity to participate in the TCC program; and

WHEREAS, the general purpose of the TCC is to provide opportunities for mental, social and physical growth and development of individuals to prevent drug and alcohol abuse and to cope with their environment; and

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

TCC RESPONSIBILITIES.

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

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

B. TCC shall also offer programs to individuals which are designed to further the social and emotional needs of the individuals and to prevent drug and alcohol abuse.

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

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

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

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

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

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

C. All community and special projects undertaken by TCC.

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

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

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

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

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

6. Review of Programs by the City. Upon request, TCC will review with the CITY staff the programs funded by this Agreement to determine if there are appropriate counseling activities or educational guidance and which may be utilized by the individual.

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

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

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

10. Insurance. TCC shall present to the CITY documentation that is satisfactory to the CITY that indicates that TCC is covered under a policy of insurance or self-insurance.

TROY'S RESPONSIBILITIES

The CITY hereby agrees to pay to TCC an amount not to exceed $100,000.00 for services performed under this Agreement. Full payment shall be made by September 30, 2005.

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

MUTUAL COVENANTS

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

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

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

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

5. Terms of Agreement. This Agreement shall become effective as of September 1, 2005 and shall terminate on August 31, 2006 unless terminated under the provisions set forth in this Agreement.

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

WITNESSES:

CITY OF TROY

_____

_____
Louise Schilling, Mayor

_____

_____
Tonni Bartholomew, City Clerk

WITNESSES:

TROY COMMUNITY COALITION

Ann M. Comiskey
Ann M. Comiskey,
Executive Director

DATE: September 1, 2005

TO: John Szerlag, City Manager

FROM: William S. Nelson, Fire Chief

SUBJECT: **AGENDA ITEM** – Standard Purchasing Resolution 6: Grant Approval And Authorization to Expend City Funds – Radio Equipment

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Recommendation

City management recommends that the Troy City Council approve the use of funds received from a U. S. Fire Administration Grant and authorizes the purchase of radio equipment under existing Oakland County contract, at an estimated cost of $131,000.

Background

The City of Troy has received a U.S. Fire Administration FIRE Act grant for $131,000 for the purchase of mobile and portable radios to operate with the new Oakland County 800 MHz digital trunked radio system. The equipment top be purchased is covered under the existing Oakland County contract with M/A-Com Inc. the system provider.

This is a 70% federally funded project with a 30% local match. Oakland County has agreed to reimburse the 30% local match.

Budget

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

RADIO EQUIPMENT PRICE BREAKDOWN

6 each	VTAC vehicular Tactical Repeaters @9,000	$54,000.00
23 each	P7200 portable radios, intrinsically safe with 110 volt single unit chargers, without leather cases @ $3,328.70	$76,560.10
	Total	$130,560.10

U.S. Department of Homeland Security
Office for Domestic Preparedness
Washington, D.C. 20531

Mr. Richard Sinclair
Troy Fire Department
500 W. Big Beaver
Troy, Michigan 48084-5254

Re: Grant No.EMW-2004-FG-06159

Dear Mr. Sinclair:

Congratulations, on behalf of the Department of Homeland Security and the Office for Domestic Preparedness. Your grant application submitted under the FY 04 Assistance to Firefighters Grant has been approved. The approved project costs amount to $134,294.00. The Federal share is 70 percent or $94,006.00 of the approved amount and your share of the costs is 30 percent or $40,288.00.

As part of your award package, you will find Grant Agreement Articles. Please make sure you read and understand the Articles as they outline the terms and conditions of your Grant award. Maintain a copy of these documents for your official file. **You establish acceptance of the Grant and Grant Agreement Articles when you request and receive any of the Federal Grant funds awarded to you.**

The first step in requesting your grant funds is to confirm your correct Direct Deposit Information. Please go on-line to the AFG eGrants system at https://portal.fema.gov and if you have not done so, complete and submit your SF 1199A, Direct Deposit Sign-up Form. Please forward the original, completed SF 1199A, Direct Deposit Sign-up Form, signed by your organization and the banking institution to the address below:

Department of Homeland Security
Emergency Preparedness and Response Directorate (FEMA)
Grants Management Branch
500 C Street, SW, Room 334
Washington, DC 20472

Attn: Assistance to Firefighters Grant Program

After your SF 1199A is reviewed and you receive an email indicating the form is approved, you will be able to request payments online. If you have any questions or concerns regarding the process to request your grant funds, please call 1-877-510-6762.

Sincerely,

Matt A.Mayer
Acting Executive Director
Office of State and Local Government
Coordination and Preparedness

Agreement Articles

U.S. Department of Homeland Security
Washington, D.C. 20531

AGREEMENT ARTICLES

ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM - Operations and Firefighter Safety program

GRANTEE: Troy Fire Department

PROGRAM: Operations and Firefighter Safety

AGREEMENT NUMBER: EMW-2004-FG-06159

AMENDMENT NUMBER:

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Article II	Grantee Concurrence
Article III	Period of Performance
Article IV	Amount Awarded
Article V	Requests for Advances or Reimbursements
Article VI	Budget Changes
Article VII	Financial Reporting
Article VIII	Performance Reports
Article IX	DHS Officials
Article X	Other Terms and Conditions
Article XI	General Provisions
Article XII	Audit Requirements

Article I - Project Description

The grantee shall perform the work described in the approved grant application's Program Narrative. That narrative is made a part of these grant agreement articles by reference. The purpose of the Assistance to Firefighters Program is to protect the health and safety of the public and firefighting personnel against fire and fire-related hazards. After careful consideration, DHS has determined that the grantee's project, as detailed in submitted project narrative and budget information, submitted as part of the grantee's application (and considered part of this agreement by reference), was consistent with the program's purpose and worthy of award. As such, any material deviation from the approved program narrative must have prior written approval.

Article II - Grantee Concurrence

By requesting and receiving Federal grant funds provided by this grant program, the grantee accepts and agrees to abide by the terms and conditions of the grant as set forth in this document and the documents identified below. All documents submitted as part of the application are made a part of this agreement by reference.

Article III - Period of Performance

The period of performance shall be from 10-FEB-05 to 09-FEB-06.

The grant funds are available to the grantee for obligation only during the period of performance of the grant award. The grantee is not authorized to incur new obligations after the expiration date unless the grantee has requested, and DHS has approved, a new expiration date. The grantee has 90 days after period of performance to incur costs associated with closeout or to pay for obligations incurred during period of performance. Award expenditures are for the purposes detailed in the approved grant application only. The grantee cannot transfer funds or assets purchased with grant funds to other agencies or departments without prior written approval from DHS.

Article IV - Amount Awarded

The amount of the award is detailed on the Obligating Document for Award attached to these articles. Following are the budgeted estimates for object classes for this grant (including Federal share plus grantee match):

Personnel	$0.00
Fringe Benefits	$0.00
Travel	$0.00
Equipment	$134,294.00
Supplies	$0.00
Contractual	$0.00
Construction	$0.00
Other	$0.00
Indirect Charges	$0.00
Total	$134,294.00

Article V - Requests for Advances or Reimbursements

Grant payments under the Assistance to Firefighters Grant Program are made on an advance or reimbursable basis for immediate cash needs. When the grantee needs grant funds and has obtained a user account, the grantee fills out the on-line Request for Advance or Reimbursement. If the grantee has not obtained a user account, an account may be obtained by calling the help desk at 1-866-274-0960.

Article VI - Budget Changes

Generally, changes in the budget-line items are permitted, as long as the original program narrative is accomplished. The only exception to this provision is for grants where the Federal share is in excess of $100,000.00. In grants where the Federal share exceeds $100,000.00, the budgeted line items can be changed, but if the cumulative changes exceed ten (10) percent of the total budget, Changes must be pre-approved.

Article VII - Financial Reporting

The Request for Advance or Reimbursement mentioned above, will also be used for interim financial reporting purposes. At the end of the performance period, or upon completion of the grantee's program narrative, the grantee must complete, on-line, a final financial report that is required to close out the grant. The Financial Status Report, is due within 90 days after the end of the performance period.

Article VIII - Performance Reports

The grantee must submit a semi-annual and a final performance report to DHS. The final performance report should provide a short narrative on what the grantee accomplished with the grant funds and any benefits derived there from. The semi-annual report is due six months after the award date.

Article IX - DHS Officials

Program Officer: Tom Harrington, Deputy Chief of the Grants Program Office, is the Program Officer for this grant program. The Program Officer is responsible for the technical monitoring of the stages of work and technical performance of the activities described in the approved grant application.

Grants Assistance Officer: Christine Torres, is the Assistance Officer for this grant program. The Assistance Officer is the Federal official responsible for negotiating, administering, and executing all grant business matters.

Grants Management Branch POC: Arlyce Powell is the point of contact for this grant award and shall be contacted for all financial and administrative grant business matters. If you have any questions regarding your grant please call 202-646-3973.

Article X - Other Terms and Conditions

Pre-award costs directly applicable to the awarded grant are allowable if approved in writing by the DHS Program Office.

Article XI - General Provisions

The following are hereby incorporated into this agreement by reference:

44 CFR, Emergency Management and Assistance

Part 7	Nondiscrimination in Federally-Assisted Programs
Part 13	Uniform administrative requirements for grants and cooperative agreements to state and local governments
Part 17	Government-wide Debarment and Suspension (Non-procurement) and Government-wide Requirements for Drug-free Workplace (Grants)
Part 18	New Restrictions on Lobbying

31 CFR 205.6 Funding Techniques

OMB Circular A-21 Cost Principles for Educational Institutions

OMB Circular A-87 Cost Principles for State/local Governments, Indian tribes

OMB Circular A-122 Cost Principles for Non-Profit Organizations

OMB Circular A-102	Uniform Administrative Requirements for Grants and Agreements With State and Local Governments Assistance to Firefighters Grant Application and Assurances contained therein.
OMB Circular A-110	Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other NonProfit Organizations Assistance to Firefighters Grant Application and Assurances contained therein.

Article XII- Audit Requirements

All grantees must follow the audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations. The main requirement of this OMB Circular is that grantees that expend $500,000.00 or more in Federal funds (from all Federal sources) must have a single audit performed in accordance with the circular.

As a condition of receiving funding under this grant program, you must agree to maintain grant files and supporting documentation for three years upon the official closeout of your grant. You must also agree to make your grant files, books, and records available for an audit by DHS, the General Accounting Office (GAO), or their duly authorized representatives to assess the accomplishments of the grant program or to ensure compliance with any requirement of the grant program.

Additional Requirements if applicable

FEDERAL EMERGENCY MANAGEMENT AGENCY
OBLIGATING DOCUMENT FOR AWARD/AMENDMENT

1a. AGREEMENT NO.	2. AMENDMENT NO.	3. RECIPIENT NO.	4. TYPE OF ACTION	5. CONTROL NO.
EMW-2004-FG-06159	0	38-6027333	AWARD	W397589N

6. RECIPIENT NAME AND ADDRESS
Troy Fire Department
500 W. Big Beaver
Troy
Michigan, 48084-5254

7. ISSUING OFFICE AND ADDRESS
ODP/Financial and Grants Management Division
500 C Street, S.W., Room 350
Washington DC, 20472
POC: Arlyce Powell 202-646-3973

8. PAYMENT OFFICE AND ADDRESS
ODP/Financial Services Branch
500 C Street, S.W., Room 723
Washington DC, 20472

9. NAME OF RECIPIENT PROJECT OFFICER
Richard Sinclair

PHONE NO.
248-524-3419

10. NAME OF PROJECT COORDINATOR
Tom Harrington

PHONE NO.
(202) 307-2790

11. EFFECTIVE DATE OF THIS ACTION
10-FEB-05

12. METHOD OF PAYMENT
SF-270

13. ASSISTANCE ARRANGEMENT
Cost Sharing

14. PERFORMANCE PERIOD
From:10-FEB-05 To:09-FEB-06

Budget Period
From:01-OCT-04 To:30-SEP-05

15. DESCRIPTION OF ACTION
a. (Indicate funding data for awards or financial changes)

PROGRAM NAME ACRONYM	CFDA NO.	ACCOUNTING DATA (AACS CODE) XXXX-XXX-XXXXXX-XXXXX-XXXX-XXXX-X	PRIOR TOTAL AWARD	AMOUNT AWARDED THIS ACTION + OR (-)	CURRENT TOTAL AWARD	CUMMULATIVE NON-FEDERAL COMMITMENT
AFG	97.044	2005-62-0364RE-63000000-4101-R	$0.00	$94,006.00	$94,006.00	$40,288.00
		TOTALS	$0.00	$94,006.00	$94,006.00	$40,288.00

b. To describe changes other than funding data or financial changes, attach schedule and check here.
N/A

16 a. FOR NON-DISASTER PROGRAMS: RECIPIENT IS REQUIRED TO SIGN AND RETURN THREE (3) COPIES OF THIS DOCUMENT TO FEMA (See Block 7 for address)

Assistance to Firefighters Grant - Fire Prevention and Safety Program recipients are not required to sign and return copies of this document. However, recipients should print and keep a copy of this document for their records.

16b. FOR DISASTER PROGRAMS: RECIPIENT IS NOT REQUIRED TO SIGN

This assistance is subject to terms and conditions attached to this award notice or by incorporated reference in program legislation cited above.

17. RECIPIENT SIGNATORY OFFICIAL (Name and Title)
N/A

DATE
N/A

18. FEMA SIGNATORY OFFICIAL (Name and Title)
Arlyce Powell

DATE
04-FEB-05

September 6, 2005

To: John Szerlag, City Manager

From: Brian P. Murphy, Assistant City Manager/Services
Jeanette Bennett, Purchasing Director
Brian Stoutenburg, Library Director

Subject: **Agenda Item** – Standard Purchasing Resolution 1: Award to Low Bidder – Slate Roof Repair and Replacement – Troy Historical Museum

RECOMMENDATION

On August 17, 2005, bids were opened for the repair and replacement of the slate roof of the main museum building. City management recommends that an award be made to the low total bidder, Butcher & Baeker Construction Co., Inc. of Rochester Hills, Michigan at an estimated total cost of $91,033.00. This is contingent upon vendor submission of proper contract and bid documents, including insurance certificates, bonds, and all specified requirements.

In addition, staff is requesting authorization to add work due to unforeseen circumstances, not to exceed 10% of the original project cost or $9,103.00.

SUMMARY

The roof of the main museum building, the original Troy Township Hall, is comprised of slate shingles. Some of the shingles have slid out of place and some are broken or cracked. In addition, extensive discoloring has occurred due to the rusted sheet metal flashing, gutters, and ridge caps. This project will replace damaged shingles, reinstall shingles that have fallen out of place, replace the flashing, counter flashing, closed valley pans, and vent stack flashing, and install ice and water shields.

BUDGET

Funds are available to complete this project in the Museum General Repairs Capital Account #401804.7975.900.

35 Vendors Notified via MITN System
43 JD Edwards Vendors mailed Notices
3 Vendor Walk-Ins
2 Bid Responses Rec'd
2 No Bids: Both companies not interested in bidding at this time.

CITY OF TROY ITB-COT 05-20

Opening Date -- 08-17-05
Date Prepared -- 9/6/05

BID TABULATION
SLATE ROOF REPAIR & REPLACEMENT - MUSEUM

VENDOR NAME: **	**Butcher & Baecker Construction**	Detroit Cornice and Slate Company	Butcher & Baecker Construction ALTERNATE BID	
CHECK #:	792638040	906196556		
CHECK AMOUNT:	**$9,000.00**	**$9,000.00**		
PROPOSAL: ROOF REPAIR & REPLACEMENT OF TROY MUSEUM, at 60 WATTLES ROAD, TROY				
To repair and replace the Slate roof system in accordance with specifications, terms, and conditions.				
COMPLETE FOR THE SUM OF:	**$85,000.00**	$99,000.00	$ 92,500.00	
ALTERNATE #! - Gutter Screens	**$1,700.00**	$9,000.00		
Additional Material Costs:	**UNIT PRICE**	**UNIT PRICE**		
Wood Replacement-Trim, fascia, & Soffits				
1' x 2'	40 QTY 4.50 LF	40 QTY .50 LF		
1' x 6'	65 QTY 5.00 LF	65 QTY 7.00 LF		
1' x 10'	65 QTY 5.50 LF	65 QTY 8.00 LF		
1' x 12'	40 QTY 5.75 LF	40 QTY 14.00 LF		
Rigid Extruded Alum. Soffit Vent	180 QTY 14.00 LF	180 QTY 5.00 LF		
Bead Board Soffit	60 QTY 12.00 LF	60 QTY 5.00 LF		
Slate Repairs - over 10%	QTY 25.00 SP	QTY 35.00 SP		
ESTIMATED TOTAL FOR MATERIALS	**$ 4,332.50**	$ 2,755.00		
ESTIMATED GRAND TOTAL: **	**$91,032.50**	$110,755.00		
SCHEDULE OF VALUES: Marked as:	Upon Request	Blank		
INSURANCE: Can Meet	XX	XX		
Cannot Meet				
SITE INSPECTION: Y/N	XX	XX		
Date	7/28/2005	7/28/2005		
COMPLETION DATE:				
Can Meet	XX	XX		
Cannot Meet				
BIDDER QUESTIONNAIRE: Attached	XX	XX		
Not Attached				
TERMS:	Net 30	30 Days		
WARRANTY:	2 Yrs - Labor	2 Years		
EXCEPTIONS:	LISTED IN BID	NONE	Entire Roof Removal and Replacement	
ACKNOWLEDGEMENT: Y or N	Yes	Yes		
ADDENDUM 1: Y or N	Yes	Yes		
MICHIGAN HISTORIC NETWORK	Yes	No Info		

ATTEST:
Loraine Campbell
Cheryl Stewart
Brian Stoutenburg
Mark Stimac
Linda Bockstanz

NO BIDS:
Allen Brothers
Bloomfield Construction

**** DENOTES LOW TOTAL BIDDER**

Jeanette Bennett
Purchasing Director

G:Slate Roof Repair & Replacement-Museum ITB-COT 05-20

Michigan Inter-governmental Trade Network
MITN

Downloading History for ITB-COT 05-20 Slate Roof

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 **9/6/2005.**

Document Title:	City of Troy Museum Slate Roof Repair and Replacement
Date Issued:	7/14/2005
Close Date:	8/17/2005
Date Amendment #1 was Issued:	8/2/2005
Date Amendment #2 was Issued:	8/10/2005

Click on the table headings for "Account Number" or "Company name" to re-sort this report by that column. You may also click on any vendor account number to view their account information.

Acct #	Company Name	Service	Date Obtained Document	Date Obtained Amendments
20569	Allen Brothers, Inc.	E-mail	7/14/2005	#1 8/2/2005 #2 8/10/2005
18855	Anselmo & Associates Architects & Interior Design	E-mail		
20645	Beard Associates Inc.	E-mail		
16844	Bloomfield Construction	E-mail	7/18/2005	#1 8/10/2005 #2 8/10/2005
11631	Bowman Construction LLC	Free	7/15/2005	
10406	Butcher & Baecker Construction Co., Inc.	E-mail	8/17/2005	#1 8/17/2005 #2 8/17/2005
19594	Capital Waste, Inc.	E-mail		
18963	CEI Roofing, Inc.	Free	7/21/2005	#1 8/5/2005
17373	Certified Abatement Services, Inc..	E-mail		
12099	ChristenDETROIT	E-mail		
17560	D1 Services	Free	7/26/2005	
14564	Detroit Cornice & Slate Co., Inc.	Free	8/10/2005	#1 8/4/2005
20675	Diversified Concepts and Services, Inc.	E-mail		

11657	Giffels-Webster Engineers, Inc.	Free	8/8/2005	
14310	H. A. Smith Lumber & Hardware	E-mail		
14831	Industrial Waste Cleanup, Inc.	E-mail		
19350	James J. Leamon Landscape Design and Construction	E-mail		
21993	JKM Roofing	Free	7/25/2005	#1 8/5/2005 #2 8/20/2005
10670	LaDuke Roofing and Sheet Metal	Free	7/18/2005	
14543	Lutz Roofing	E-mail		
21721	Mactec Engineering and Consulting	Free	8/16/2005	#1 8/16/2005 #2 8/16/2005
21747	Mando Construction Inc.	E-mail	7/19/2005	#1 8/8/2005
21229	Mihm Enterprises, Inc.	Free	7/18/2005	
21994	NIKO Contracting Co., Inc.	Free	7/22/2005	
11936	Northside True Value Hardware	Fax		#1 8/2/2005 #2 8/10/2005
18380	OccuMed3	E-mail		
10345	Port Huron Roofing & Sheet Metal Company	E-mail		
19477	Professional Service Industries, Inc	E-mail		
11361	Quickie Carpet Cleaning	Free	7/19/2005	
12261	RAMA RAO AND ALFRED, INC	Free	7/18/2005	
20535	Renaissance Sheet Metal	Fax	7/29/2005	#1 8/2/2005 #2 8/10/2005
13568	Royal Roofing Co. Inc.	E-mail	7/18/2005	
13739	Schena Roofing & Sheet Metal Co. Inc.,	Fax	7/25/2005	#1 8/2/2005 #2 8/10/2005
10971	Seaboard Asphalt Products Company	E-mail		
11558	T. F. Beck Company	E-mail		

Return to Main Menu Return to Report Menu

August 15, 2005

TO: John Szerlag, City Manager

FROM: Charles T. Craft, Chief of Police

SUBJECT: Agenda Item - Request To Waive Parking Restrictions

Smith Middle School requests that the parking restrictions be waived on Donaldson street from Square Lake Road to Cotswald street, so that they may host school activities on the following dates:

- September 15, 2005, between the hours of 6:30 pm and 9:30 pm (Open House)
- November 16 and 17, 2005, between the hours of 11:30 am and 9:00 pm (Parent Teacher Conferences)
- March 2, 2006, between the hours of 11:30 am and 9:00 pm (Parent Teacher Conferences)
- March 3, 2006, between the hours of 5:30 pm and 9:30 pm (Family Fun Friday)
- June 14, 2006, between the hours of 9:00 am and 12:00 noon (8th Grade Promotion)

Both sides of Donaldson are posted no parking areas and parking at Smith Middle School is limited.

Smith Middle School makes these requests each year and city staff is supportive of them. Therefore, it is recommended that parking restrictions on the non-hydrant side of the street (the west side) be waived on the dates and times requested. Waiving the restrictions on the non-hydrant side will provide additional parking while still allowing for the passage of emergency vehicles.

August 16, 2005

TO: John Szerlag, City Manager

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

RE: AGENDA ITEM – Request for Acceptance of Permanent Easements for Ashbury Drive Sanitary Sewer
Northeast ¼ of Section 24

In conjunction with the construction of some new homes on the south side of Asbury Drive, just west of Dequindre, the Real Estate & Development Department has received the following sanitary sewer easements:

SIDWELL #	OWNER(S)	CONSIDERATION
24-226-082	Muhammad A. Munir & Zahida Razzaq	$1
24-226-083	Babi Construction, Inc.	$1

Management recommends that City Council accept the attached easements.

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

PERMANENT EASEMENT

Sidwell #88-20-24-226-082
Resolution #

Muhammad A. Munir and Zahida Razzaq, husband and wife, Grantors, whose address is 2952 Ashbury, Troy, MI 48083 for and in consideration of the sum of: One and no/100 Dollar ($1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace sanitary sewer, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE ATTACHED EXHIBIT "A"

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

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

IN WITNESS WHEREOF, the undersigned hereunto affixed _____ signature(s) this 5th day of August A.D. 2005

_____ (L.S.)
*Muhammad A. Munir

_____ (L.S.)
*Zahida Razzaq

STATE OF MICHIGAN)
COUNTY OF Wayne)

The foregoing instrument was acknowledged before me this 5th day of August, 2005, by Muhammad A. Munir and Zahida Razzaq, husband and wife.

_____
*
Notary Public, Wayne County, Michigan

My Commission Expires Oct. 8, 2005

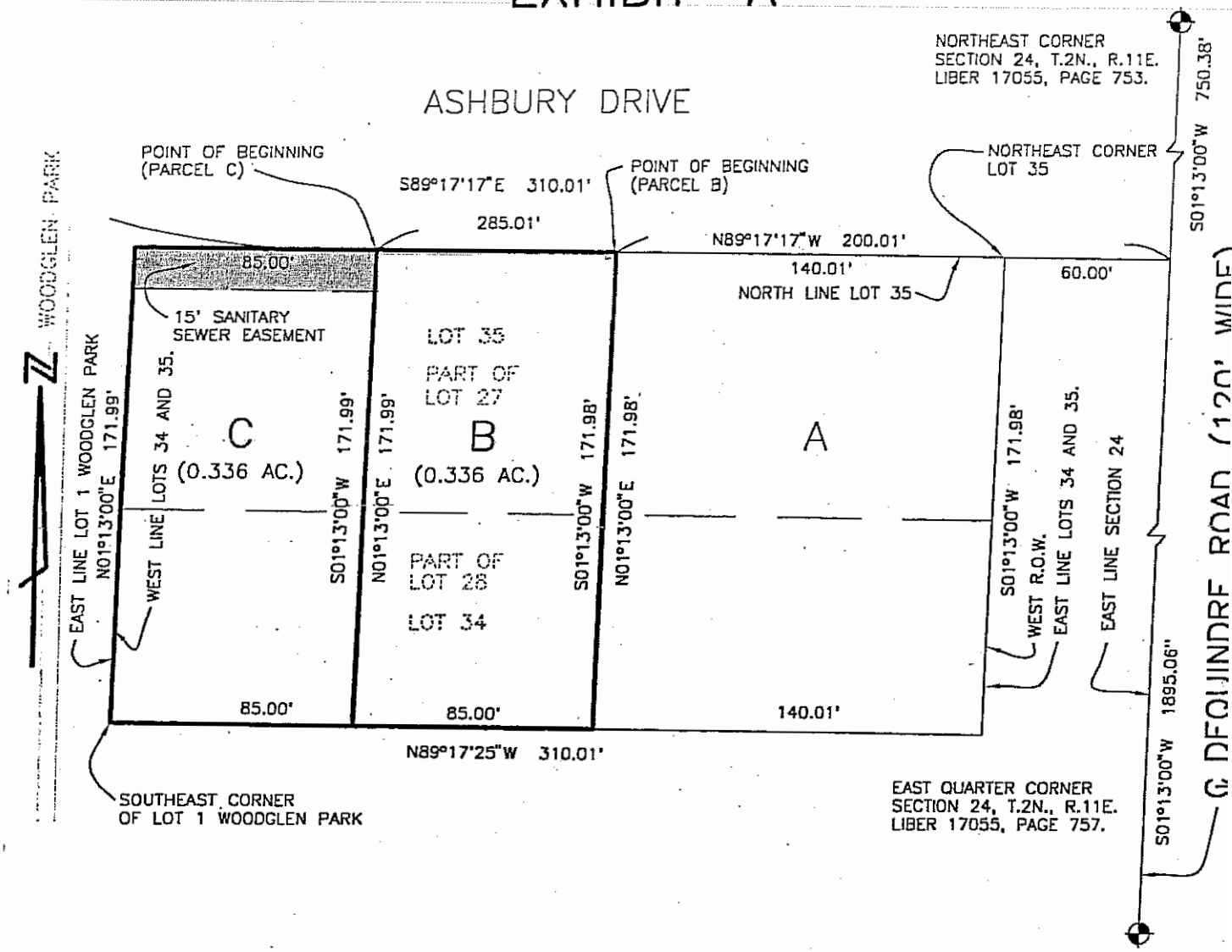
Prepared by: Patricia A. Petitto
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

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

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

ELIZABET BORREV
Notary Public, Wayne County, MI
My Commission Expires Oct. 8, 2005

EXHIBIT "A"



Description
Sanitary Sewer Easement

Part of Lots 27 and 28 of Eyster's Dequindre Farm Sub No. 5 as recorded in Liber 55 of Plats, page 58, Oakland County records, also described as part of Lots 34 and 35 of the Amended Plat of part of Lots 26, 27 and 28 of Eyster's Dequindre Farms Subdivision No. 5 as recorded in Liber 280 of plats, pages 28 and 29, Oakland County records, being part of the Northeast Quarter of Section 24, T.2N., R.11E., City of Troy, Oakland County, Michigan being described as:

Commencing at the Northeast corner of Section 24; thence S.01°13'00"W. 750.38 feet along the East line of Section 24, also being the centerline of Dequindre Road; thence N.89°17'17"W. 285.01 feet to the point of beginning; thence S.01°13'00"W. 15.00 feet; thence N.89°17'17"W. 85.00 feet; thence N.01°13'00"E. 15.00 feet; thence S.89°17'17"E. 85.00 feet to the point of

PERMANENT EASEMENT

Sidwell # 20-24-226-083

Babi Construction, Inc., a Michigan Corporation, Grantor, whose address is 1643 Hamlet, Troy, MI 48084 for and in consideration of the sum of: One Dollar ($1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace sanitary sewer, said easement for land situated in the City of Troy, Oakland County, Michigan, described as:

SEE ATTACHED EXHIBIT "A"

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

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

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

IN WITNESS WHEREOF, the undersigned hereunto affixed his signature(s) this 27TH day of JULY A.D. 20 05.

BABI CONSTRUCTION, INC., A MICHIGAN CORPORATION

By Ray Babi (L.S.)
Ray Babi, President

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument as acknowledged before me this 27TH day of JULY, 20 05, by Ray Babi, President, of Babi Construction, Inc., a Michigan Corporation, on behalf of the corporation.

Patricia A. Petitto
PATRICIA A. PETITTO

Notary Public, OAKLAND County, Michigan

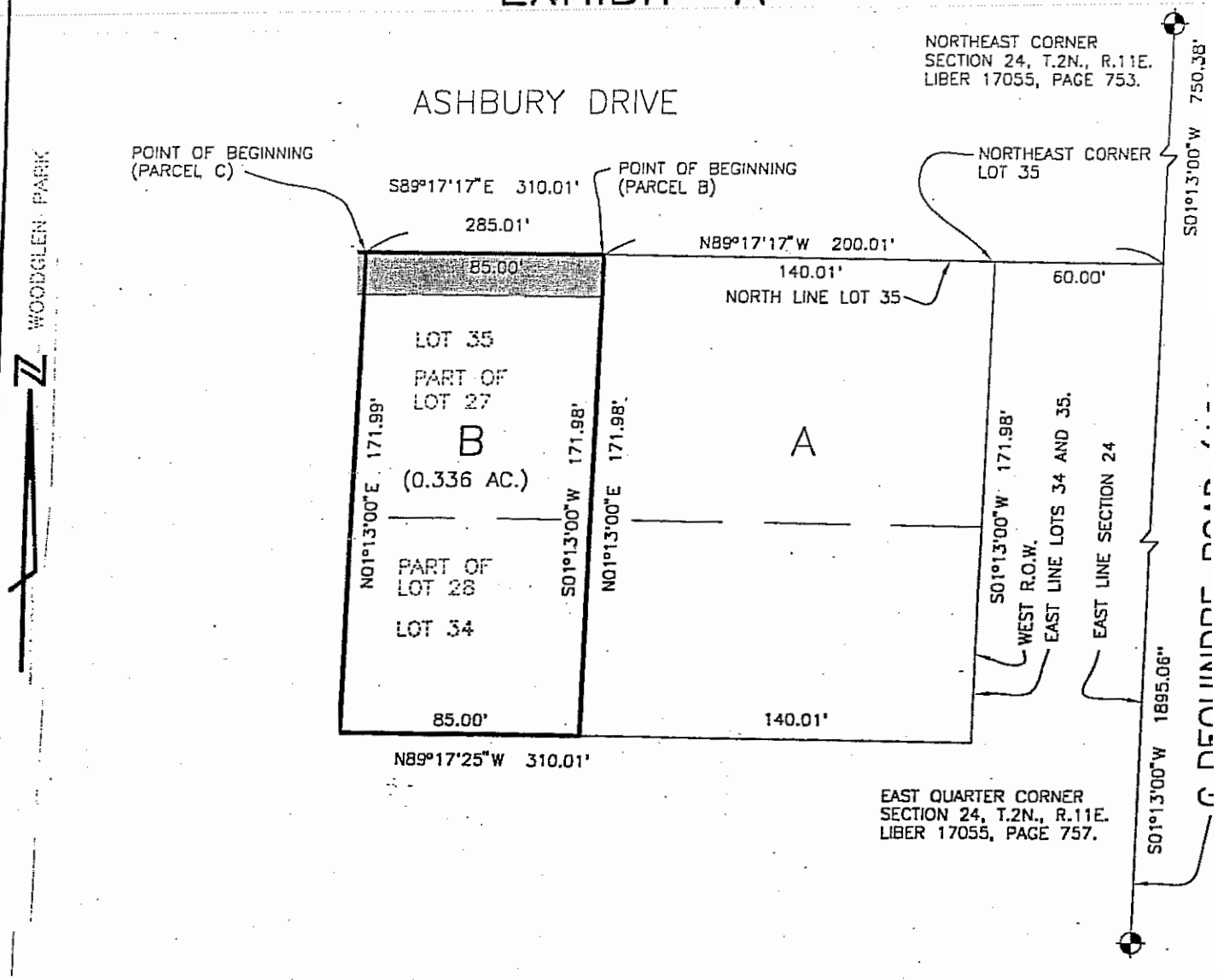
(Corporations)

My Commission Expires 12-31-11

Prepared by:
Patricia A. Petitto
City of Troy
500 West Big Beaver
Troy, Michigan 48084

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

EXHIBIT "A"



Description
Sanitary Sewer Easement

Part of Lots 27 and 28 of Eyster's Dequindre Farm Sub No. 5 as recorded in Liber 55 of Plats, page 58, Oakland County records, also described as part of Lots 34 and 35 of the Amended Plat of part of Lots 26, 27 and 28 of Eyster's Dequindre Farms Subdivision No. 5 as recorded in Liber 280 of plats, pages 28 and 29, Oakland County records, being part of the Northeast Quarter of Section 24, T.2N., R.11E., City of Troy, Oakland County, Michigan being described as:

Commencing at the Northeast corner of Section 24; thence S.01°13'00"W. 750.38 feet along the East line of Section 24, also being the centerline of Dequindre Road; thence N.89°17'17"W. 200.01 feet to the point of beginning; thence S.01°13'00"W. 15.00 feet; thence N.89°17'17"W. 85.00 feet; thence N.01°13'00"E. 15.00 feet; thence S.89°17'17"E. 85.00 feet to the point of beginning

August 31, 2005

TO: John Szerlag, City Manager

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

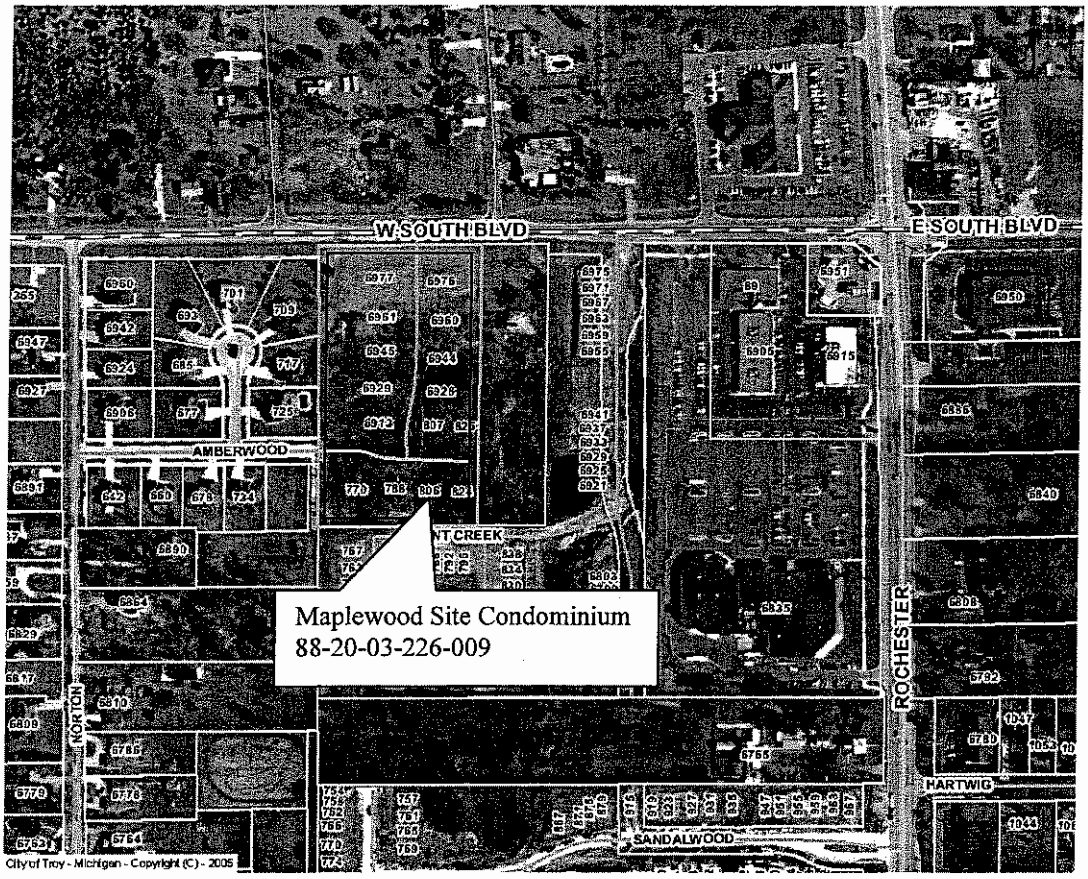
RE: AGENDA ITEM – Acceptance of Warrant Deed and Permanent Easements for Maplewood Site Condominium, Milano Building Company, Inc., Section 3 - Sidwell #88-20-03-226-009

As part of the development of Maplewood Site Condominium, located in Section 3, west of John R, the Real Estate & Development has acquired four permanent easements for watermain, sanitary sewer and storm sewer as well as a warranty deed for street right-of-way from the property owner, Milano Building Company, Inc. The consideration on each document is $1.00.

In order for this project to proceed, management recommends acceptance of the attached documents.

Prepared by : Larysa Figol, Right of Way Representative

MAPLEWOOD SITE CONDOMINIUM
SECTION 2
SIDWELL #88-20-03-226-009



WARRANTY DEED

Sidwell # 88-20-03-226-009
Resolution #

The Grantor(s) Milano Building Company, Inc. a Michigan Corporation, whose address is: 47858 Van Dyke, Ste 410, Shelby Township, MI 48317 convey(s) and warrant(s) to the City of Troy, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road,, Troy, Michigan 48084, the following described premises situated in the City of Troy, County of Oakland and State of Michigan:

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

For the sum of One Dollar and no/100 ($1.00)

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

Dated this 30th day of August, 2005.

Milan Building Company, Inc. a Michigan Corporation

By: Franco Mancini
Its: President

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 30th day of August, 2005, by Franco Mancini, President of Milano Building Company, Inc. a Michigan corporation, on behalf of the corporation.

*LARYSA FIGOL

Notary Public, OAKLAND County, MI
My commission expires: 3-2-2006
Acting in OAKLAND COUNTY, MI

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

Tax Parcel #88-20-03-226-009 Recording Fee _____ Transfer Tax _____

TYPE OR PRINT NAMES UNDER SIGNATURES

A R Decker & Associates
Consulting Engineers
Civil - Structural
920 East Long Lake Road
Troy, Michigan 48085
Telephone (248) 528-3779
Facsimile (248) 528-3548
DRAFTER: DOUG MOON, P.E.

EXHIBIT "A"

NOTE: NO FIELD WORK DONE AS PART OF THIS PLAN. ALL BOUNDARY INFORMATION IS BASED ON DEKEYSER SURVEYING, JOB No. 3858, DATED 12-03-2002.

DESCRIPTION (PROVIDED BY DEKEYSER SURVEYING)

PARCEL No. 20-03-226-009
PART OF THE NE. 1/4 OF SEC. 3, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE N. 1/4 COR. OF SAID SEC. 3, AND RUNNING THENCE N88°03'42"E, ALONG THE NORTH LINE OF SAID SEC. 3, 9.21' FEET; TO THE S. 1/4 COR OF SEC 34, T.3N., R.11E., AVON TWP., OAKLAND COUNTY, MICHIGAN; THENCE N88°57'15"E, ALONG THE NORTH LINE OF SAID SEC. 3, 1333.68' FEET, (RECORDED AS 1333.54'); THENCE S01°14'28"E, 60.00' FEET TO THE POINT OF BEGINNING; THENCE FROM SAID POINT N88°57'15"E, ALONG THE SOUTH LINE OF SOUTH BOULEVARD (60'1/2 WIDTH), 370.20' FEET; THENCE S00°23'05"E, 616.10' FEET; THENCE S88°53'19"W, ALONG THE NORTH LINE OF "SANDLEWOOD NORTH CONDOMINIUMS" AS PROPOSED 360.99' FEET; THENCE N01°14'28"W, ALONG THE EAST LINE OF "AMBERWOOD ESTATES SUB" AS RECORDED IN LIBER 230 OF PLATS ON PAGES 24 THRU 27, OAKLAND COUNTY RECORDS, 616.48' FEET TO THE POINT OF BEGINNING.
CONTAINING 225,257.60 SQ. FT. OR 5.171 ACRES MORE OR LESS.

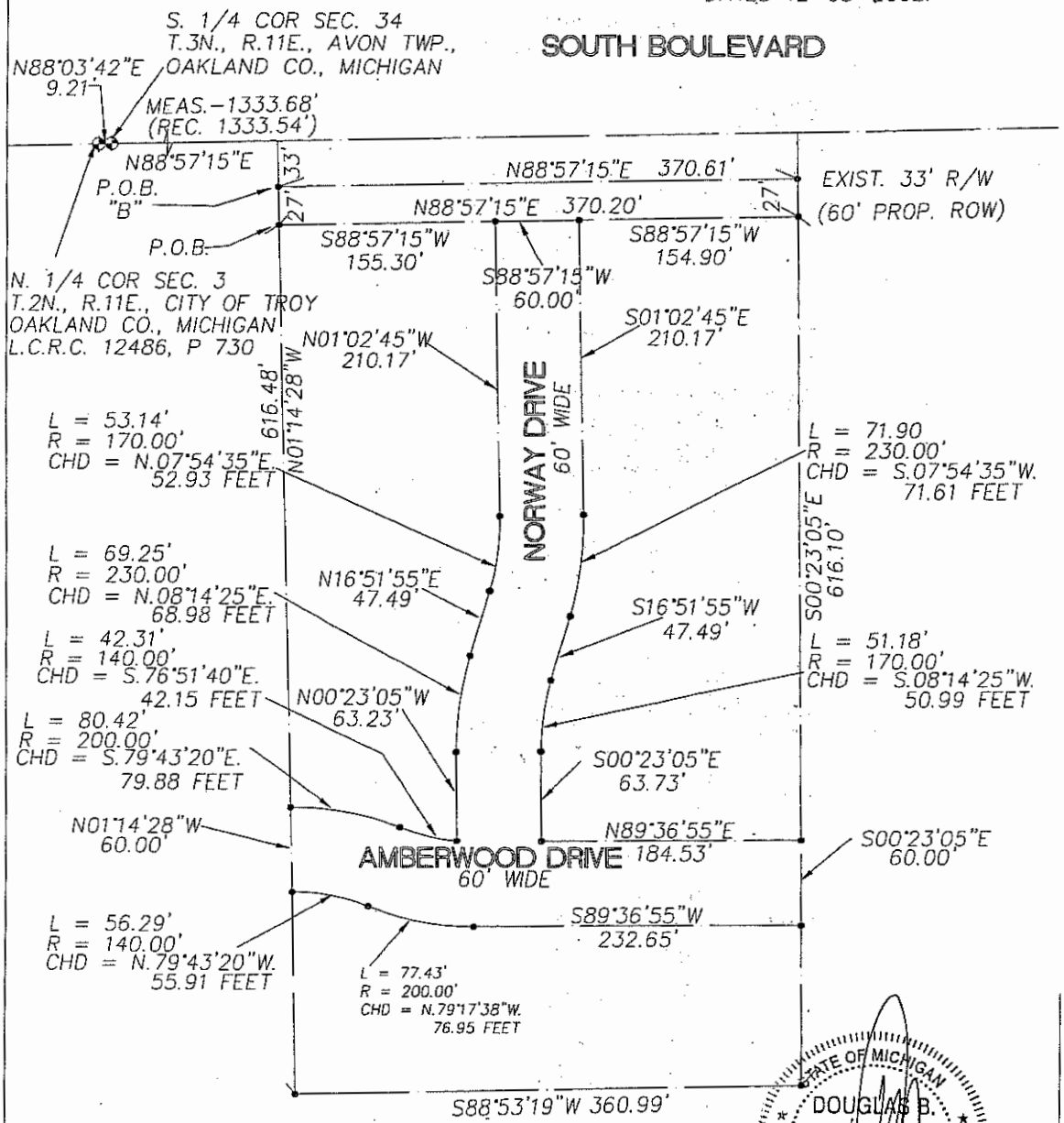
PARCEL "B" TO BE TRANSFERED (ROAD RIGHT-OF-WAY)

PART OF THE NE. 1/4 OF SEC. 3, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE N. 1/4 COR. OF SAID SEC. 3, AND RUNNING THENCE N88°03'42"E, ALONG THE NORTH LINE OF SAID SEC. 3, 9.21' FEET; TO THE S. 1/4 COR OF SEC 34, T.3N., R.11E., AVON TWP., OAKLAND COUNTY, MICHIGAN; THENCE N88°57'15"E, ALONG THE NORTH LINE OF SAID SEC. 3, 1333.68' FEET, (RECORDED AS 1333.54'); THENCE S01°14'28"E, 33.00' FEET TO THE POINT OF BEGINNING; THENCE N88°57'15"E, ALONG THE EXISTING 33' FOOT RIGHT OF WAY OF SOUTH BLVD., 370.61' FEET; THENCE S00°23'05"E, 27.00 FEET; THENCE S88°57'15"W, ALONG A PROPOSED 60' FOOT RIGHT OF WAY OF SOUTH BLVD., 154.90' FEET; THENCE S.01°02'45"E., 210.17 FEET; THENCE 71.90 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 230.00 FEET, AND A CHORD BEARING S.07°54'35"W., 71.61 FEET; THENCE S.16°51'55"W., 47.49 FEET; THENCE 51.18 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADUIS OF 170.00 FEET, AND A CHORD BEARING S.08°14'25"W., 50.99 FEET; THENCE S.00°23'05"E., 63.73 FEET; THENCE N.89°36'55"E. 184.53 FEET; THENCE S.00°23'05"E., 60.00 FEET; THENCE S.89°36'55"W., 232.65 FEET; THENCE 77.43 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 200.00 FEET, AND A CHORD BEARING N.79°17'38"W., 76.95 FEET; THENCE 56.29 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 140.00 FEET, AND A CHORD BEARING N.79°43'20"W., 55.91 FEET; THENCE N.01°14'28"W., 60.00 FEET; THENCE 80.42 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 200.00 FEET, AND A CHORD BEARING S.79°43'20"E., 79.88 FEET; THENCE 42.31 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 140.00 FEET, AND A CHORD BEARING S.76°51'40"E., 42.15 FEET; THENCE N.00°23'05"W., 63.23 FEET; THENCE 69.25 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 230.00 FEET, AND A CHORD BEARING N.08°14'25"E., 68.98 FEET; THENCE N.16°51'55"E., 47.49 FEET; THENCE 53.14 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 170.00 FEET, AND A CHORD BEARING N.07°54'35"E., 52.93 FEET; THENCE N.01°02'45"W., 210.17 FEET; THENCE S.88°57'15"W., 155.30 FEET; THENCE N01°14'28"W, 27.00' FEET TO THE POINT OF BEGINNING.

A R Decker & Associates
Consulting Engineers
Civil - Structural
920 East Long Lake Road
Troy, Michigan 48085
Telephone (248) 528-3779
Facsimile (248) 528-3548
DRAFTER: DOUG MOON, P.E.

EXHIBIT 'B'
OVERALL / PIECE TO BE TRANSFERRED

NOTE: NO FIELD WORK DONE AS PART OF THIS PLAN. ALL BOUNDARY INFORMATION IS BASED ON DEKEYSER SURVEYING, JOB No. 3858, DATED 12-03-2002.



SCALE: 1" = 100'

PERMANENT EASEMENT

Sidwell # 88-20-03-226-009
Project #

Milano Building Company, Inc., a Michigan Corporation, Grantor, whose address is 47858 Van Dyke, Shelby Township, MI 48317 for and in consideration of the sum of: One and no/100 ($1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace storm sewer, said easements for land situated in the City of Troy, Oakland County, Michigan, described as:

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

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

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

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

IN WITNESS WHEREOF, the undersigned hereunto affixed his signature(s) this 30th day of August A.D. 2005.

In presence of:
WITNESS

Milano Building Company, Inc.
A Michigan Corporation

By _____ (L.S.)
Franco Mancini, President

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument as acknowledged before me this 30th day of August, 2005, by Franco Mancini, President of Milano Building Company, Inc., a Michigan Corporation on behalf of the corporation.

*LARYSA FIGOL

Notary Public, OAKLAND County, Michigan

(Corporations)

My Commission Expires 3-2-2006

Acting in OAKLAND COUNTY, MI

Prepared by:
Larysa Figol
City of Troy, Real Estate & Dev.
500 West Big Beaver
Troy, Michigan 48084

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

EXHIBIT "A"

PROPOSED SANITARY SEWER EASEMENT

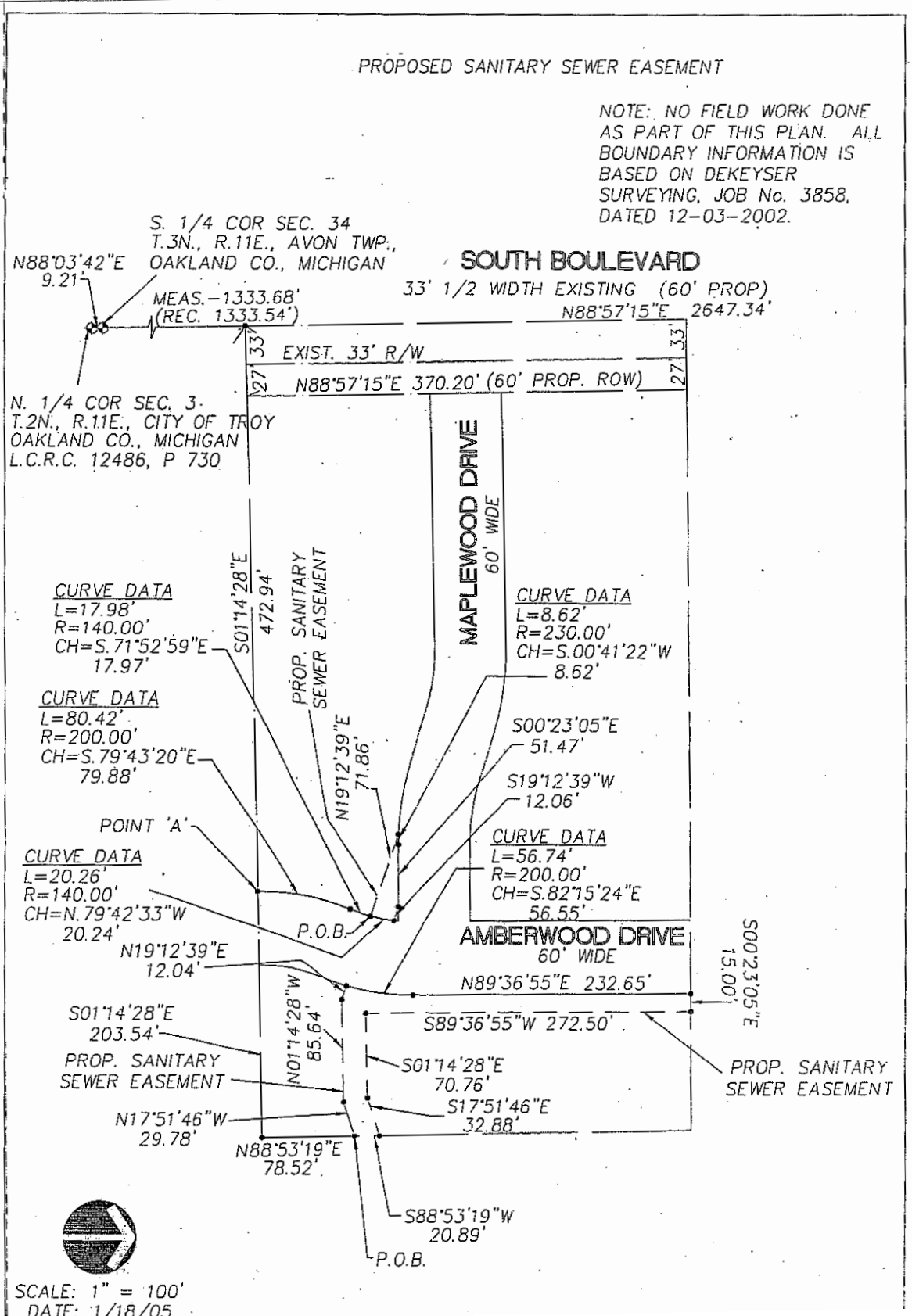
PROPOSED SANITARY SEWER EASEMENT

PART OF THE NE. 1/4 OF SEC. 3, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE N. 1/4 COR. OF SAID SEC. 3, AND RUNNING THENCE N.88°03'42"E., ALONG THE NORTH LINE OF SAID SEC. 3, 9.21 FEET; TO THE S. 1/4 COR OF SEC 34, T.3N., R.11E., AVON TWP., OAKLAND COUNTY, MICHIGAN; THENCE N.88°57'15"E., ALONG THE NORTH LINE OF SAID SEC. 3, 1333.68 FEET, (RECORDED AS 1333.54 FEET); THENCE S.01°14'28"E., 472.94 FEET TO A POINT ALSO KNOWN AS POINT 'A'; THENCE S.01°14'28"E., 203.54 FEET; THENCE N.88°53'19"E., 78.52 FEET TO THE POINT OF BEGINNING; THENCE N.17°51'46"W., 29.78 FEET; THENCE N.01°14'28"W., 85.64 FEET; THENCE N.19°12'39"E., 12.04 FEET; THENCE 56.74 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 200.00 FEET, AND A CHORD BEARING S.82°15'24"E., 56.55 FEET; THENCE N.89°36'55"E., 232.65 FEET; THENCE S.00°23'05"E., 15.00 FEET; THENCE S.89°36'55"W., 272.50 FEET; THENCE S.01°14'28"E., 70.76 FEET; THENCE S.17°51'46"E., 32.88 FEET; THENCE S.88°53'19"W., 20.89 FEET TO THE POINT OF BEGINNING.

ALSO BEGINNING AT A POINT 'A', THENCE 80.42 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 200.00 FEET, AND A CHORD BEARING S.79°43'20"E., 79.88 FEET; THENCE 17.98 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 140.00 FEET, AND A CHORD BEARING S.71°52'59"E., 17.97 FEET TO THE POINT OF BEGINNING; THENCE N.19°12'39"E., 71.86 FEET; THENCE 8.62 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 230.00 FEET, AND A CHORD BEARING S.00°41'22"W., 8.62 FEET; THENCE S.00°23'05"E., 51.47 FEET; THENCE S.19°12'39"W., 12.06 FEET; THENCE 20.26 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 140.00 FEET, AND A CHORD BEARING N.79°42'33"W., 20.24 FEET TO THE POINT OF BEGINNING. SUBJECT TO ANY AND ALL EASEMENTS OR RESTRICTIONS OF RECORD.

NOTE: NO FIELD WORK DONE AS PART OF THIS PLAN. ALL BOUNDARY INFORMATION IS BASED ON DEKEYSER SURVEYING, JOB No. 3858, DATED 12-03-2002

EXHIBIT "A"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S. 1/4 COR SEC. 34
T.3N., R.11E., AVON TWP.,
OAKLAND CO., MICHIGAN
N88°03'42"E
9.21'
MEAS.-1333.68'
(REC. 1333.54')
SOUTH BOULEVARD
33' 1/2 WIDTH EXISTING (60' PROP)
N88°57'15"E 2647.34'
33'
EXIST. 33' R/W
27'
N88°57'15"E 370.20' (60' PROP. ROW)
N. 1/4 COR SEC. 3
T.2N., R.11E., CITY OF TROY
OAKLAND CO., MICHIGAN
L.C.R.C. 12486, P 730
MAPLEWOOD DRIVE
60' WIDE
S01°14'28"E
472.94'
PROP. SANITARY SEWER EASEMENT
CURVE DATA
L=17.98'
R=140.00'
CH=S.71°52'59"E
17.97'
CURVE DATA
L=8.62'
R=230.00'
CH=S.00°41'22"W
8.62'
CURVE DATA
L=80.42'
R=200.00'
CH=S.79°43'20"E
79.88'
N19°12'39"E
71.86'
S00°23'05"E
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12.06'
POINT 'A'
CURVE DATA
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R=200.00'
CH=S.82°15'24"E
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AMBERWOOD DRIVE
60' WIDE
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85.64'
S89°36'55"W 272.50'
PROP. SANITARY
SEWER EASEMENT
S01°14'28"E
70.76'
PROP. SANITARY
SEWER EASEMENT
N17°51'46"W
29.78'
S17°51'46"E
32.88'
N88°53'19"E
78.52'
S88°53'19"W
20.89'
P.O.B.
SCALE: 1" = 100'
DATE: 1/18/05

PERMANENT EASEMENT

Sidwell # 88-20-03-226-009
Project #

Milano Building Company, Inc., a Michigan Corporation, Grantor, whose address is 47858 Van Dyke, Shelby Township, MI 48317 for and in consideration of the sum of: One and no/100 ($1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace water main, said easements for land situated in the City of Troy, Oakland County, Michigan, described as:

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

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

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

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

IN WITNESS WHEREOF, the undersigned hereunto affixed his signature(s) this 30th day of August A.D. 2005.

In presence of:
WITNESS

Milano Building Company, Inc.
A Michigan Corporation

By _____ (L.S.)
Franco Mancini, President

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument as acknowledged before me this 30th day of August, 2005, by Franco Mancini, President of Milano Building Company, Inc., a Michigan Corporation, on behalf of the corporation.

LARYSA FIGOL

Notary Public, OAKLAND County, Michigan

(Corporations)

My Commission Expires 3-2-2006

Acting in OAKLAND COUNTY, MI

Prepared by:
Larysa Figol
City of Troy, Real Estate & Dev.
500 West Big Beaver
Troy, Michigan 48084

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

EXHIBIT "A"

PROPOSED WATER MAIN EASEMENT

PROPOSED WATER MAIN EASEMENT

PART OF THE NE. 1/4 OF SEC. 3, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE N. 1/4 COR. OF SAID SEC. 3, AND RUNNING THENCE N.88°03'42"E., ALONG THE NORTH LINE OF SAID SEC. 3, 9.21 FEET; TO THE S. 1/4 COR OF SEC 34, T.3N., R.11E., AVON TWP., OAKLAND COUNTY, MICHIGAN; THENCE N.88°57'15"E., ALONG THE NORTH LINE OF SAID SEC. 3, 1333.68 FEET, (RECORDED AS 1333.54 FEET); THENCE S.01°14'28"E., 60.00 FEET; THENCE N.88°57'15"E., 215.30 FEET TO THE POINT OF BEGINNING; THENCE S.01°02'45"E., 55.16 FEET; THENCE N.43°57'15"E., 21.21 FEET; THENCE N.01°02'45"W., 40.16 FEET TO A POINT ALSO KNOWN AS POINT 'A'; THENCE S.88°57'15"W., 15.00 FEET TO THE POINT OF BEGINNING.

ALSO BEGINNING AT A POINT 'A', THENCE N.88°57'15"E., 139.90 FEET; THENCE S.00°23'05"E., 502.30 FEET TO THE POINT OF BEGINNING; THENCE S.00°23'05"E., 113.80 FEET; THENCE S.88°53'19"W., 20.00 FEET; THENCE N.00°23'05"W., 114.05 FEET; THENCE N.89°36'55"E., 20.00 FEET TO THE POINT OF BEGINNING. SUBJECT TO ANY AND ALL EASEMENTS OR RESTRICTIONS OF RECORD.

NOTE: NO FIELD WORK DONE AS PART OF THIS PLAN. ALL BOUNDARY INFORMATION IS BASED ON DEKEYSER SURVEYING, JOB No. 3858, DATED 12-03-2002.

DATE: 1/10/05

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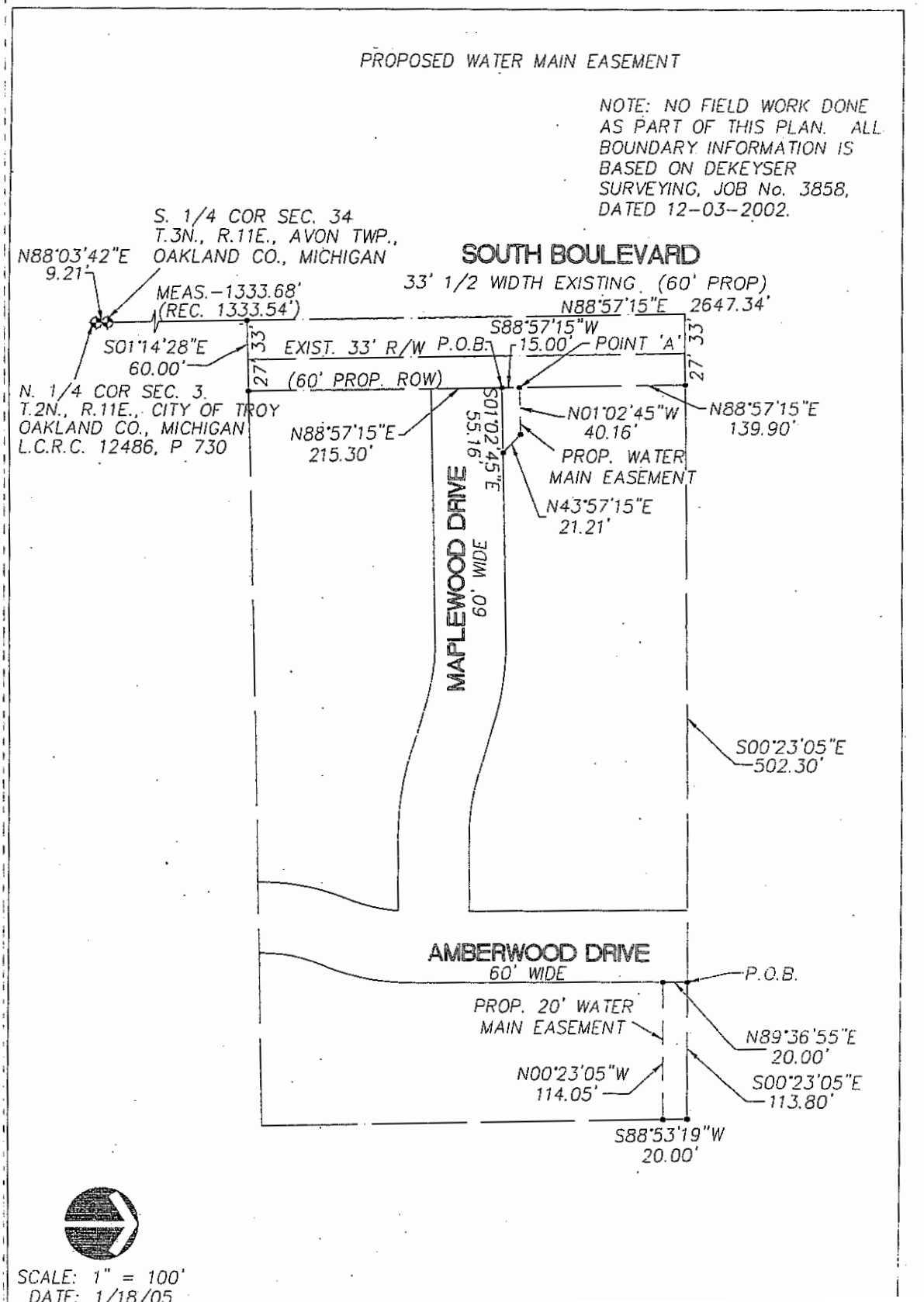
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OAKLAND CO., MICHIGAN
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9.21'
MEAS.-1333.68'
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SOUTH BOULEVARD
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N88°57'15"E 2647.34'
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POINT 'A'
S01°14'28"E
60.00'
EXIST. 33' R/W
P.O.B.
33'
27'
(60' PROP. ROW)
N. 1/4 COR SEC. 3.
T.2N., R.11E., CITY OF TROY
OAKLAND CO., MICHIGAN
L.C.R.C. 12486, P 730
N88°57'15"E
215.30'
S01°02'45"E
55.16'
N01°02'45"W
40.16'
N88°57'15"E
139.90'
PROP. WATER
MAIN EASEMENT
N43°57'15"E
21.21'
MAPLEWOOD DRIVE
60' WIDE
S00°23'05"E
502.30'
AMBERWOOD DRIVE
60' WIDE
P.O.B.
PROP. 20' WATER
MAIN EASEMENT
N89°36'55"E
20.00'
N00°23'05"W
114.05'
S00°23'05"E
113.80'
S88°53'19"W
20.00'
SCALE: 1" = 100'
DATE: 1/18/05

PERMANENT EASEMENT

Sidwell # 88-20-03-226-009
Project #

Milano Building Company, Inc., a Michigan Corporation, Grantor, whose address is 47858 Van Dyke, Shelby Township, MI 48317 for and in consideration of the sum of: One and no/100 ($1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace water main, said easements for land situated in the City of Troy, Oakland County, Michigan, described as:

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

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

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

IN WITNESS WHEREOF, the undersigned hereunto affixed his signature(s) this 30th day of August A.D. 2005.

In presence of:
WITNESS

Milano Building Company, Inc.
A Michigan Corporation

By _____ (L.S.)
Franco Mancini, President

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

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Larysa Figol
LARYSA FIGOL

Notary Public, OAKLAND County, Michigan

(Corporations)

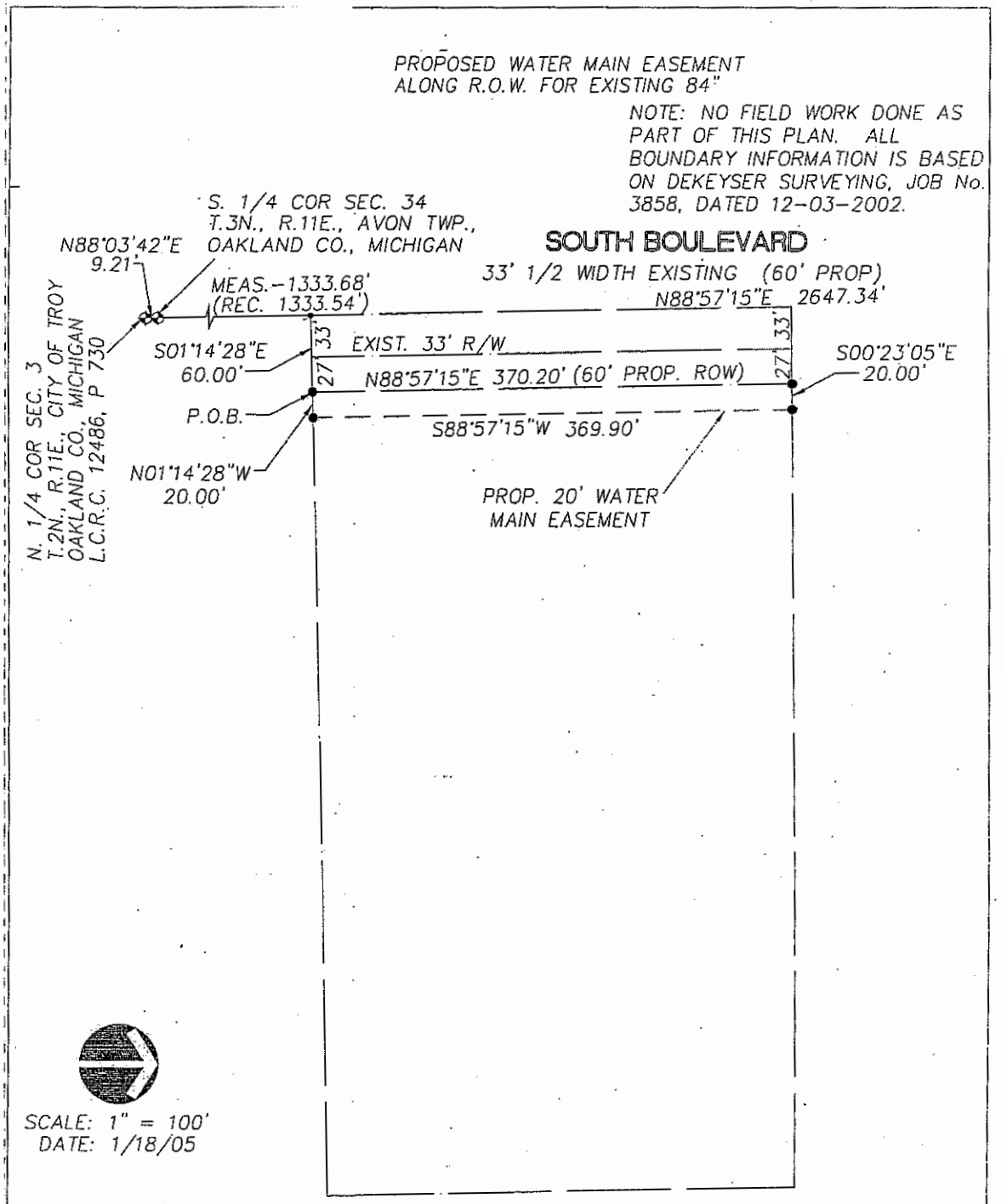
My Commission Expires 3-2-2006

Acting in OAKLAND CTY, MI

Prepared by:
Larysa Figol
City of Troy, Real Estate & Dev.
500 West Big Beaver
Troy, Michigan 48084

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

EXHIBIT "A"



PROPOSED 20' WATERMAIN EASEMENT:

A PARCEL OF LAND BEING PART OF THE NORTHEAST 1/4 OF SECTION 3, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS BEGINNING AT THE NORTH 1/4 CORNER OF SECTION 3; THENCE N.88°03'42"E., 9.21 FEET; TO THE SOUTH 1/4 CORNER OF SEC. 34, THENCE N.88°57'15"E., 1333.68 FEET, (RECORDED AS 1333.54 FEET) ALONG THE NORTH LINE OF SAID SEC. 3, THENCE S.01°14'28"E., 60.00 FEET TO THE POINT OF BEGINNING; THENCE N.88°57'15"E., 370.20 FEET; THENCE S.00°23'05"E., 20.00 FEET; THENCE S.88°57'15"W., 369.90 FEET; THENCE N.01°14'28"W., 20.00 FEET TO THE POINT OF BEGINNING. SUBJECT TO ANY AND ALL EASEMENTS OR RESTRICTIONS OF RECORD.

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A Michigan Corporation

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Larysa Figol
* LARYSA FIGOL
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(Corporations)

My Commission Expires 3-2-2006
Acting in OAKLAND CTY, MI

Prepared by:
Larysa Figol
City of Troy, Real Estate & Dev.
500 West Big Beaver
Troy, Michigan 48084

Return to:
City Clerk, City of Troy
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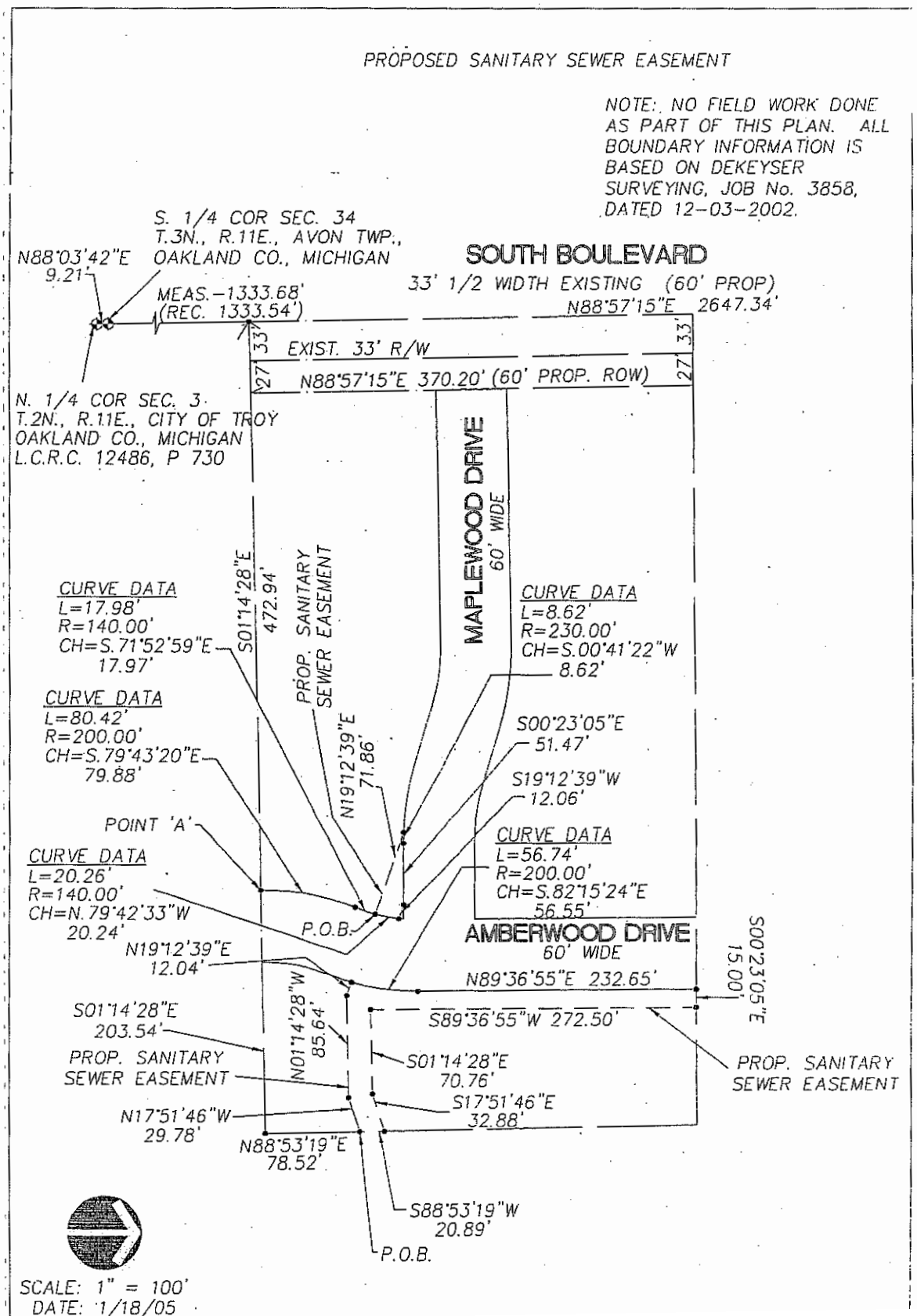
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20.89'
P.O.B.
SCALE: 1" = 100'
DATE: 1/18/05

September 7, 2005

TO: John Szerlag, City Manager

FROM: Charles T. Craft, Chief of Police

SUBJECT: Agenda Item - Request to Waive Parking Restrictions

The Congregation Shir Tikvah, 3900 Northfield Parkway, requests that the no parking restrictions on the east side of Northfield Parkway from the entrance to the synagogue parking lot to the entrance to Boulan Park be waived on the following dates and times:

- October 3, 2005, (Monday) 7:00 pm – 11:00 pm
- October 4, 2005, (Tuesday) 9:00 am – 5:00 pm
- October 12, 2005, (Wednesday) 7:00 pm – 11:00 pm
- October 13, 2005, (Thursday) 9:00 am – 9:00 pm

This request is made to accommodate parking for attendees of the High Holidays observances on those dates. Shir Tikvah has an agreement to utilize the parking lot of the Stonehaven Church (Wattles Road e/o Northfield Parkway) and desires to eliminate the need for attendees to park in adjacent sub-divisions. Waiving the no parking restrictions will allow service attendees to park on the unpaved shoulder of the roadway. Synagogue officials indicate they will ensure those parking there do not impede traffic.

The police and fire departments process this request each year and are not opposed to it.

August 23, 2005

TO: John Szerlag, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services
Timothy L. Richnak, Public Works Director

SUBJECT: Agenda Item - Winter Maintenance Agreement, Road Commission for Oakland County

Attached is the proposed 2005 / 2006 Winter Maintenance Agreement between the Road Commission for Oakland County and the City of Troy. We are in agreement with the measured lane mile figures as has been presented, and with the level of compensation for each road configuration.

In 2001 the City of Troy began to service all county roads in Troy for snow and ice control. The amount of compensation to the City has increased by approximately two percent (2%) over last season's contract. This does not cover our cost, but a higher level of service is provided, and the RCOC is in concurrence.

It continues to be evident that this agreement is beneficial to the RCOC and the City of Troy. The City has been able to administer Snow & Ice Control in a timely and uniform manner on these our highest priority roads (Major City and County) roads in the City of Troy. It allows the County to concentrate on it's highest priority road (I-75 and M-59) responsibilities during the storm events.

We recommend that the proposed maintenance agreement be approved as printed.

Reviewed as to Form and Legality: _____ 9/7/05
Lori Grigg Bluhm, City Attorney Date

Prepared by: Timothy L. Richnak, Public Works Director

July 6, 2005

Mr. Timothy Richnak
Director of Public Works
City of Troy
500 West Big Beaver Road
Troy, Michigan 48084-5285

RE: 2005-2006 Winter Maintenance Agreement

Dear Mr. Richnak:

Attached are two copies of a Winter Maintenance Agreement between the Road Commission for Oakland County and the City of Troy.

If this agreement is satisfactory, please return the two-signed copies and the resolution of approval by your City Council. One fully signed copy will be returned to you upon approval by the Board of Road Commissioners.

Please note that the insurance provisions in Section V have been updated to include the Road Commission's current standard insurance requirements (see Exhibit C). If you have any comments on these provisions, you may contact Nancy T. Slutsky, Legal Counsel, at 248-645-2000. Please furnish proof that your liability insurance covers this agreement, and particularly covers your personnel and equipment working on county roads under the jurisdiction of the Board of Road Commissioners. If there are any changes in this coverage during the term of this agreement, we must be notified of these changes. We will also need a current certificate of membership in the Michigan Municipal Workers Compensation Fund.

Also, please note the changes in Section VI.

The Board of Road Commissioners and I extend our appreciation to you, the City Council, and your personnel for the fine work that has been done. We will continue to cooperate in anyway to provide our citizens with the best road system possible.

Sincerely,

Thomas H. Meszler, P.E.
Director of Highway Maintenance

/sll

Attachment

ROAD COMMISSION for OAKLAND COUNTY

QUALITY LIFE THROUGH GOOD ROADS:
ROAD COMMISSION FOR OAKLAND COUNTY
"WE CARE"

Board of Road Commissioners

Richard G. Skarritt
Chairman

Rudy D. Lozano
Vice-Chairman

Larry P. Crake
Commissioner

Brent O. Bair
Managing Director

Gerald M. Holmberg
Deputy Managing Director
County Highway Engineer

Highway Maintenance Department

2420 Pontiac Lk. Rd.
Waterford, MI
48328

248-858-4881

FAX
248-858-7607

TDD
248-858-8005

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WINTER MAINTENANCE AGREEMENT

Under 1951 PA 51, As Amended

This Agreement made this _____day of _____, 2005, between the Board of County Road Commissioners of the County of Oakland, State of Michigan, a Public Body Corporate, hereinafter referred to as the "BOARD", and the City of Troy, Oakland County Michigan, a Municipal Corporation hereinafter referred to as the "CITY", witnesseth as follows to-wit:

Certain county primary and local roads more specifically set forth in Exhibit A, attached hereto, are under the jurisdiction and control of the Board and are located within or adjacent to the City.

The City hereby agrees to be responsible for the winter maintenance of said roads under the terms of this Agreement and the Board agrees to participate in the cost thereof as provided in Section III of this Agreement.

The "Winter Maintenance" included in the terms of this Agreement shall be such as is defined in Section I of this Agreement.

NOW, THEREFORE, in consideration of the mutual convenants set forth herein as provided, it is hereby agreed as follows:

I

Winter Maintenance, as herein required to be performed by City, shall include the following minimum requirements:

SNOW AND ICE CONTROL: Snow removal by blading, plowing and other methods necessary to make the roads reasonably safe for public travel. Ice Control by salting, sanding, scraping and other methods necessary to make the roads reasonably safe for public travel.

II

City agrees to hold harmless, represent, defend and indemnify the Board, its officials and employees from any and all suits arising out of the performance or non-performance of the activities, which are the subject matter of this Agreement only, specifically those activities set out in Section I. However, this hold harmless provision does not apply if any claim or suit is alleged to be or demonstrated to be the result of a defect in highway design or condition not related to the maintenance activities set out in Section I. Further, since the Board has the statutory responsibility for maintenance of the roads under this Agreement, its is the intent of the parties that the delegation by Agreement of those maintenance responsibilities to the City provide immunity to the City as an agent of the County. Therefore, the City falls within the governmental immunity protection of the County.

Only during that part of the year that the City is providing snow removal or ice control under Section I, the City agrees to notify the Board within 30 days, should it become aware of defects or maintenance requirements in the roads set forth in Exhibit A, if said defects or maintenance requirements are not Winter Maintenance subject to this Agreement.

III

In consideration of the assumption of Winter Maintenance by the City, the Board agrees to pay to the City the sum of

$3,065.17 per mile, for roads having two lanes of through traffic
$4,348.95 per mile, for roads having three lanes of through traffic
$5,364.05 per mile, for roads having four or five lanes of through traffic
$6,616.00 per mile, for roads having six or more lanes of through traffic,

in accordance with the mileage set forth in Exhibit A, attached hereto and made a part hereof. Such amounts are to be used by the City for Winter Maintenance. Payments are to be made by the Board to the City as follows:

35% in December 2005
65% in March 2006

The making of said payments shall constitute the Board's entire obligation in reference to Winter Maintenance.

IV

The usual maintenance guidelines and standard practices utilized by the Board, including but not limited to, the Board adopted Winter Maintenance Guidelines, shall control. Should any dispute arise as to the character or extent of Winter Maintenance or to City's performance hereunder, the controversy may be referred to an arbitration board consisting of the Road Commission for Oakland County Director of Highway Maintenance, the Public Works Director and a third person to be chosen by them for settlement thereof.

V

The City shall acquire and maintain, during the term of the Agreement, statutory Worker's Compensation Insurance, automobile and comprehensive general liability insurance coverage as described in Exhibit C attached hereto covering the Board's liability for any and all claims arising out of the City's performance or non-performance of the activities which are the subject matter of this Agreement.

Certificates of insurance for each policy providing for 30 days notice of cancellation, termination or material change shall be provided to the Board, and are attached as Exhibit D.

VI

The City further agrees to comply with all relevant laws and regulations of the State of Michigan for safeguarding the air and waters of the State**.** In particular, City facilities and operations must meet the provisions of Part 5 (Spillage of Oil and Polluting Materials) rules promulgated pursuant to Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. (Rules R324.2001 through R324.2009 address release prevention planning, secondary containment, surveillance, and release reporting requirements).

VII

In accordance with 1976 PA 453, as amended, and 1976 PA 220, as amended, the City covenants not to discriminate against any employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight, marital status or because of a handicap that is

unrelated to the individual's ability to perform the duties of the particular job or position and to require a similar covenant on the part of any subcontractor employed in the performance of the Agreement.

VIII

It is the intention of the parties hereto that this Agreement is not made for the benefit of any third party.

It is anticipated that subsequent agreements regarding Winter Maintenance activities will be executed annually by the Parties hereto.

The terms and conditions of this Agreement shall become effective on October 1, 2005, and shall continue in full force and effect until a subsequent Winter Maintenance agreement has been executed by the parties hereto or until this agreement is terminated, as set forth below.

In the event that a subsequent Winter Maintenance agreement has not been executed by the parties hereto on or before September 1, 2006, either party may terminate this Agreement by providing the other party hereto with written notice of intent to terminate, at least thirty days prior to the date of termination.

This Agreement is executed by the Board at its meeting of _____, and by the City by authority of a resolution of its governing body, adopted _____, (copy attached as Exhibit B).

Witnesses:

CITY OF TROY
A Municipal Corporation

_____ By:_____

Its:_____

_____ By:_____

Its:_____

Witnesses:

BOARD OF COUNTY ROAD COMMISSIONERS
OF THE COUNTY OF OAKLAND,
A Public Body Corporate

_____ By:_____

Its:_____

_____ By:_____

Its:_____

WINTER MAINTENANCE
2005-2006
CITY OF TROY

EXHIBIT A

Long Lake Road
Extending from Adams to Dequindre

1.54 miles at $3,065.17 per mile	$ 4,720.36
0.16 miles at $4,348.95 per mile	$ 695.83
3.47 miles at $5,364.05 per mile	$ 18,613.25
0.86 miles at $6,616.00 per mile	$ 5,689.76
TOTAL	$ 29,719.20

John R Road
Extending from Fourteen Mile Road to South Boulevard

1.15 miles at $3,065.17 per mile	$ 3,524.95
0.32 miles at $4,348.95 per mile	$ 1,391.66
4.37 miles at $5,364.05 per mile	$ 23,440.90
0.38 miles at $6,616.00 per mile	$ 2,514.08
TOTAL	$ 30,871.59

Big Beaver
Extending from Adams to Dequindre

3.40 miles at $5,364.05 per mile	$ 18,237.77
2.61 miles at $6,616.00 per mile	$ 17,267.76
TOTAL	$ 35,505.53

Crooks Road
Extending from Maple Road to South Boulevard

0.38 miles at $3,065.17 per mile	$ 1,164.77
0.26 miles at $4,348.95 per mile	$ 1,130.73
3.08 miles at $5,364.05 per mile	$ 16,521.27
1.40 miles at $6,616.00 per mile	$ 9,262.40
TOTAL	$ 28,079.17

Livernois Road
Extending from Maple Road to South Boulevard

1.31 miles at $3,065.17 per mile	$ 4,015.37
0.34 miles at $4,348.95 per mile	$ 1,478.64
3.05 miles at $5,364.05 per mile	$ 16,360.35
0.43 miles at $6,616.00 per mile	$ 2,844.88
TOTAL	$ 24,699.24

WINTER MAINTENANCE
2005-2006
CITY OF TROY

EXHIBIT A

Maple Road	
Extending from Dequindre to Coolidge	
5.01 Miles at $5364.05 per mile	$ 26,873.89
South Boulevard	
Extending from Dequindre to Adams	
5.96 Miles at $3,065.17 per mile	$ 18,268.41
Dequindre Road	
Extending from Fourteen Mile to South Boulevard	
2.16 Miles at $3,065.17 per mile	$ 6,620.77
3.98 Miles at $5,364.05 per mile	$ 21,348.92
TOTAL	$ 27,969.69
Adams Road	
Extending from South Troy City Limits to South Boulevard	
4.34 Miles at $ 3,065.17 per mile	$ 13,302.84
TOTAL	$235,289.55

CITY OF TROY
EXHIBIT A
(Continued)

TWO LANES
($3,065.17 per mile)

1.54 miles	$ 4,720.31
1.15 miles	$ 3,524.95
0.38 miles	$ 1,164.77
1.31 miles	$ 4,015.37
5.96 miles	$ 18,268.41
2.16 miles	$ 6,620.77
4.34 miles	$ 13,302.84
16.84 miles	$ 51,617.47

THREE LANES
($4,348.95 per mile)

0.16 miles	$ 695.83
0.32 miles	$ 1,391.66
0.26 miles	$ 1,130.73
0.34 miles	$ 1,478.64
1.08 miles	$ 4,696.86

FOUR OR FIVE LANES
($5,364.05 per mile)

3.47 miles	$ 18,613.25
4.37 miles	$ 23,440.90
3.40 miles	$ 18,237.77
3.08 miles	$ 16,521.27
3.05 miles	$ 16,360.35
5.01 miles	$ 26,873.89
3.98 miles	$ 21,348.92
26.36 miles	$141,396.35

SIX OR MORE LANES
($6,616.00 per mile)

0.86 miles	$ 5,689.76
0.38 miles	$ 2,514.08
2.61 miles	$ 17,267.76
1.40 miles	$ 9,262.40
0.43 miles	$ 2,844.88
5.68 miles	$ 37,578.88

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TOTAL	49.96 miles	$235,289.55

35% in December, 2005	$ 82,351.34
65% in March, 2006	$152,938.21
	$235,289.55

EXHIBIT C

LIABILITY AND INSURANCE REQUIREMENTS

The Consultant, prior to beginning work, shall file with the Road Commission for Oakland County copies of completed certificates of insurance, as evidence that he carries adequate insurance, satisfactory to the ROAD COMMISSION. Insurance coverage shall be provided in accordance with the following:

a. Worker's Compensation Insurance – To provide protection for the Consultant's employees, to the statutory limits of the State of Michigan, and $100,000 employer's liability. The indemnification obligation under this section, shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable by or for the consultant under worker's disability compensation coverage established by law.

b. Bodily Injury and Property Damage – To afford protection against all claims for damages to public or private property, and injuries to persons arising out of and during the progress and to the completion of the work, and with respect to product and completed operation for one year, after completion of the work.

   1. Bodily Injury and Property Damage Other Than Automobile (Comprehensive General Liability including contractual liability coverage) – The minimum limits of property damage and bodily injury liability covering each contract shall be:

      Single Limit: Bodily Injury and Property Damage Liability:

Each Occurrence:	$2,000,000
Aggregate:	$2,000,000

   2. Bodily Injury Liability and Property Damage Automobiles (Comprehensive Auto Liability) – The minimum limits of bodily injury liability and property damage liability shall be:

      Single Limit; Bodily Injury and Property Damage Liability:

Each Occurrence	$2,000,000

      Such insurance shall include coverage for all owned, hired, and non-owned vehicles.

c. Professional Liability (Errors and Omissions) – To afford professional liability protection against all claims arising out of the work. The minimum limits of professional liability shall be $2,000,000. However, policies are subject to review by the Road Commission prior to beginning work.

d. Excess and Umbrella Insurance – The consultant may substitute corresponding excess and/or umbrella liability insurance for a portion of the above listed requirements in order to meet the specified minimum limits of liability.

e. Notice – The Consultant shall not cancel, reduce, or non-renew the coverage of any insurance required by this Section without providing 30 day prior written notice to the Road Commission for Oakland County. All such insurance must include an endorsement whereby the insurer shall agree to notify the Road Commission for Oakland County immediately of any reduction by the Consultant. The Consultant shall cease operations on the occurrence of any such cancellation or reduction, and shall not resume operations until new insurance is in force. If the Consultant cannot secure the required insurance within 30 days, the Board reserves its right to terminate the contract.

f. Reports – The Consultant or his insurance carrier shall report all claims received, claims investigations made and disposition of claims to the County Highway Engineer.

RISK Michigan Municipal MANAGEMENT AUTHORITY

CERTIFICATE OF COVERAGE

This certificate is issued as a matter of information only and confers no rights upon the certificate holder except to the extent shown below. This certificate does not amend, extend or alter the coverage contained in the Authority's Joint Powers Agreement and coverage attachments thereto.

This is to certify that a Self-Insured Program has been undertaken by the member listed below through the Authority pursuant to Act 138 P.A. 1982.

The coverage provided by the Authority is as follows:

1. Liability coverage for general liability, automobile (including Michigan no-fault) law enforcement and public officials liability; in the sum of $15,000,000 each occurrence inclusive of loss adjustment and defense costs.

2. Property Coverage including loss to real & personal property, to amounts stipulated in coverage documents and overview for this member.

3. Motor Vehicle Physical Damage Coverage for the vehicles stipulated in the Coverage Document.

4. ☐ Information only

5. ☐ The entity named below is included in the scope of protection as additional insured and loss payee, only as respects claims arising from the purchase or lease of vehicles or other property. Losses, if any, will be adjusted with the member and payable to the member and the following, as their interest may appear:

6. ☒ Other (as described here): ***The scope of protection includes Road Commission for Oakland County as additional insured, only as respects claims which may arise from work done by the City of Troy in conjunction with the Winter Road Maintenance Agreement.***

Authority membership and coverage are continuous in nature, and bear no expiration or termination date, however, should the member identified below withdraw from the Authority, or its Authority Membership be otherwise terminated, the Authority will endeavor to notify the certificate holder in writing thirty (30) days in advance thereof, but failure to furnish such notice will impose no obligation or liability of any kind upon the Authority, or its representatives.

Certificate Holder:
Road Commission for Oakland County
2420 Pontiac Lake Road
Waterford, MI 48328

Member:
City of Troy - Member #137
500 West Big Beaver Road
Troy, MI 48084-5285

Distribution:
MMRMA Underwriting
Stephen Cooperrider, City of Troy

Effective Date of Membership: 11/8/90

Date Issued: August 4, 2005

Authorized Representative

Michigan Municipal League
Workers' Compensation Fund

CERTIFICATE OF MEMBERSHIP

The Michigan Municipal League Workers' Compensation Fund, approved by the Director of the Workers' Compensation Agency as a group self-insured, certifies that

Troy, City Of

Is a member in good standing of the Fund,
For the year expiring

June 30, 2006

and as such is approved by the Agency as a self-insurer.
Employer's liability coverage of

$500,000

Is included.

Michael J. Forster

July 1, 2005
Effective Date

NOTE: This certificate is proof that your entity has complied with The Workers' Compensation Agency by becoming a Member of the Michigan Municipal League Workers' Compensation Fund. Copies of this certificate may be provided to third parties as evidence that the required workers' compensation coverage is in place.

August 30, 2005

TO: John Szerlag, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance and Administration
James A. Nash, Financial Services Director
Stephen Cooperrider, Risk Manager

SUBJECT: Agenda Item – Standard Purchasing Resolution 3 and Bid Waiver – Option to Renew (1 Year) and Bid Waiver (1 Year) to Extend – Casualty and Property Insurance with the MMRMA for November 2005-06 and November 2006-07

RECOMMENDATION:
On Monday, August 9, 2004 Troy City Council approved a one-year policy for Casualty and Property Insurance with an option to renew for one additional year to the Michigan Municipal Risk Management Authority (Resolution#2004-08-415). City Management recommends exercising the option to renew, and extending the policy for one additional year.

The Michigan Municipal Risk Management Authority (MMRMA) has agreed to renew the policy for 2005-06 at a premium of $299,563. This is a 2% rate increase over last year with terms and conditions remaining the same. The MMRMA has also offered the City a second year with a guarantee the premium for 2006-07 will not be increased by more than 5% with no change in terms and conditions.

SUMMARY:

Current (2004-05) premium:	$293,685
Proposed 1st year (2005-06) premium:	$299,563
Proposed 2nd year (2006-07) not to exceed premium:	$314,541

MARKET SURVEY:
The MMRMA reinsurance carriers proposed an 8% increase to the MMRMA for July 1, 2005. The MMRMA negotiated with their carriers that they would take on an additional $500,000 within the MMRMA layer of insurance. They were then able to keep their reinsurance cost flat.

Risk Management conducted a review of the market through discussion with other Risk Managers, representatives of insurance agencies, and a review of insurance periodicals and Internet research. We have determined that the MMRMA proposal is very good based on current market conditions.

The MMRMA is also offering the City a second year guarantee of premium that will not be more than a 5% increase. With the most catastrophic loss in history going on right now in hurricane Katrina estimated at $26 billion in losses and counting, property and

casualty rates across the country will be greatly affected. This is only the beginning of this year's hurricane season.

BACKGROUND:

The City last bid the casualty and property insurance in 1996. At that time the insurance marketplace was experiencing a soft market. A soft market provides insurance sellers with low prices and broad coverage. Underwriting of insurance is more relaxed and allows for greater leniency in determining insurance premiums and coverage availability. The MMRMA provided the lowest bid price in 1996 of $294,391. Since that time, the MMRMA has been able to keep annual premiums below the 1996 pricing and provide even broader coverage while increasing coverage limits from $10 million to $15 million.

Cost History: The cost for insurance of this renewal continues to be below the second lowest base bid price of 1996. The following are the cost of insurance for years 1996 through 2004: $294,391, $292,874, $291,761, $262,585, $269,829, $277,297, $282,096, $282,096, and $293,685.

Loss Fund History: In 1996, the City agreed to maintain a positive loss fund balance of up to $150,000 that is designated to pay claims. The City currently has a positive loss fund balance of $9,256.31. The MMRMA will be requesting a contribution to the loss fund this year. The contribution based on the City's July 31, 2005 balance would be $140,743.69.

The premium after the 2% increase is greater than the 1996 premium charged by the MMRMA, it is less than the second lowest bid in 1996. In addition, the quotes from the other bidders in 1996 are ten years old. The insurance market has had some upheaval during the past ten years. The MMRMA has worked very hard and has been very diligent in keeping our premiums stable given inflation over ten years, the World Trade Center tragedy, the Enron debacle, the hardening of the insurance market place over the past four years, the threat of terrorism, the natural disasters of the four hurricanes of 2004, and the Tsunami that hit Southeast Asia in 2005. All these contribute to a volatile insurance marketplace.

We submit that a review of the following attachments in addition to those items previously mentioned supports the recommendation that the City should accept the MMRMA proposal.

- Attachment #1 is a history of insurance premiums paid for casualty and property insurance since 1988/89.
- Attachment #2 is a cost comparison and coverage comparison from the most recent competitive bidding process in 1996, as presented by Mr. Angelo Zervos, Insurance Counselor for the City of Troy.
- Attachment #3 is a listing of MMRMA member cities throughout the State of Michigan.

- Attachment #4 is a listing of the top ten Oakland County communities ranked by population that are MMRMA members.

Other services provided by the MMRMA as part of the insurance premium include: Notary Bonds, Oakland County Sheriff's Bonds, claims handling services (other than allocated legal expenses), loss control services (which include numerous educational programs), no annual aggregate limits of liability, risk transfer counseling, risk management counseling, financial strength (MMRMA total assets of $253,594,873 and a retention fund balance of $16,482,091), and others.

BUDGET:
Funds for this insurance are budgeted in departmental line items.

RISK Michigan Municipal MANAGEMENT AUTHORITY

BOARD OF DIRECTORS

JAMES KOHMESCHER
Chairman
City of Wyoming

JAMES SCHARRET
Vice Chairman
City of Southfield

MICHAEL WELSCH
Secretary
Iosco County

MICHAEL BOSANAC
Monroe County

RICHARD BURKE
City of Ishpeming

MICHAEL DORNAN
City of Wixom

CINDY KING
Charter Township
of Van Buren

LEONARD PETERS
Eaton County

ROBERT SEETERLIN
Charter Township
of Waterford

THOMAS YACK
Charter Township
of Canton

MICHAEL L. RHYNER
Executive Director

August 12, 2005

Stephen Cooperrider
City of Troy
500 West Big Beaver Road
Troy, MI 48084

RE: MMRMA Renewal - 2005/2006 & 2006/2007

Dear Steve:

Enclosed you will find your 2005/2006 Coverage Overview and I am happy to say we are offering a modest increase of 2%. Along with the increase, we are also offering a second year renewal (2006/2007) with a maximum increase of 5%. The terms and conditions of your existing policy have not changed.

This is the best renewal offer to cross my desk so far. I am sorry I was not able to deliver this to you personally, but duty calls. I will contact you the week of August 22nd to answer any questions you may have.

Sincerely,

Boyd M. Smith, CIC
Risk Manager

cc: MMRMA Underwriting

14001 Merriman • Livonia, MI 48154 • (734) 513-0300 • FAX (734) 513-0318 • www.mmrma.org

City of Troy

500 West Big Beaver
Troy, Michigan 48084
Fax: (248) 524-0851
www.ci.troy.mi.us

Area code (248)

Assessing
524-3311

Bldg. Inspections
524-3344

Bldg. Operations
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 Technology
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

CITY OF TROY
OAKLAND COUNTY, MICHIGAN

RESOLUTION

Approval of Negotiated Agreement with the Michigan Municipal Risk Management Authority (MMRMA) for Casualty and Property Insurance Coverage

At a Regular meeting of the Troy City Council held on Monday, August 9, 2004, the following Resolution was passed:

Resolution #2004-08-415
Moved by Broomfield
Seconded by Beltramini

WHEREAS, On November 4, 1996, a three-year contract for Casualty and Property Insurance was awarded to the low bidder, Michigan Municipal Risk Management Authority (MMRMA) (Resolution #96-1032).

WHEREAS, The contract was extended on August 16, 1999 for three years with an option to renew for three additional years (Resolution #99-376-E-4).

WHEREAS, The contract was again approved for extension on August 2, 2002 for a two-year option under the same terms and conditions with changes in self-insured retention, stop loss, sewer back up coverage, and terrorism coverage due to the hardening insurance market (Resolution #2002-08-453).

WHEREAS, On March 1, 2004 authorization was given to the City Manager to negotiate a new agreement with the MMRMA for Casualty and Property Insurance (Resolution #2004-03-108-E-11).

NOW, THEREFORE, BE IT RESOLVED, That an agreement to renew the contract for Casualty and Property Insurance with the MMRMA be **EXERCISED** at a premium cost of $293,689.00 with no change in terms and conditions. This cost represents a 4% increase over last year's premium; and

BE IT FINALLY RESOLVED, That this contract **INCORPORATES** an option to renew for the 2005/2006 coverage year depending on exposures, claims, underwriting, and market conditions. This agreement also **INCLUDES** the maintenance of a positive loss fund balance of up to $150,000.00 expiring November 7, 2006.

Yes: All-7

I, Barbara A. Holmes, duly appointed Deputy Clerk of the City of Troy, do hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Troy City Council at a Regular Meeting duly called and held on Monday, the Ninth day of August, 2004.

Barbara A. Holmes

Barbara A. Holmes, CMC
Deputy City Clerk

ATTACHMENT #1

INSURANCE PREMIUM HISTORY

POLICY YEAR	INSURER	PREMIUM CASUALTY AND PROPERTY	SELF-INSURED RETENTION	LIMITS	LOSS FUND CONTRIBUTION
1988/89	Corroon and Black	$866,048	Varied by coverage	Varied by coverage	Not Applicable
1989/90	Note: C&B put on notice that we were comparing a quote from the MML.				
	Corroon and Black	$729,286	Varied by coverage	Varied by coverage	Not Applicable
1990/91	Note: RFP from C&B, MML, and MMRMA.				
	MMRMA	$495,599	$100,000	$10 mil	$50,000
1991/92	Note: RFP from C&B, MML, and MMRMA.				
	MMRMA	$519,586	$100,000	$10 mil	$50,000
1992/93	NOTE: RFP from MML and MMRMA. (C&B declined to bid)				
	MMRMA	$467,300	$150,000	$10 mil	$50,000
1993/94	NOTE: RFP for 3 year contract from MML, MMRMA, Johnson & Higgins, and Sedgwick James				
	MMRMA	$296,804	$250,000	$10 mil	$55,615
1994/95	MMRMA	$314,767	$250,000	$10 mil	$60,921
1995/96	MMRMA	$329,818	$250,000	$10 mil	$89,132
1996/97	NOTE: RFP for 3 year contract from Lademan & Youd, MMRMA, MI Community Underwriters, Ralph Wilson Agency, and Gallagher Abow. (MML, Willis Corroon, and Sedgwick James declined to bid.)				
	MMRMA	$294,391	$250,000	$10 mil	$73,000
1997/98	MMRMA	$292,874	$250,000	$10 mil	$73,000
	NOTE: Limits automatically increased during year at no cost.			$15 mil	
1998/99	MMRMA	$291,761	$250,000	$15 mil	$0
	NOTE: Negotiated new three year agreement with the MMRMA.				
1999/00	MMRMA	$262,585	$250,000	$15 mil	Not requested by MMRMA
2000/01	MMRMA	$269,829	$250,000	$15 mil	Not requested by MMRMA
2001/02	MMRMA	$277,297	$250,000	$15 mil	Not requested by MMRMA
	NOTE: Negotiated a new two year agreement with MMRMA.				
2002/03	MMRMA	$282,096	$500,000	$15 mil	$118,640
2003/04	MMRMA	$282,096	$500,000	$15 mil	$30,800
	NOTE: Negotiatied a new one year agreement with option to renew with the MMRMA.				
2004/05	MMRMA	$293,685	$500,000	$15 mil	$150,000

ATTACHMENT #2

Cost Comparisons

Coverage	MMRMA	GALLAGHER	WILSON	LADEMAN	MCU
Liability	294,491	224,000	284,589	336,416	345,837
Property	Included	25,159	Included	Included	Included
Crime	Included	1,502 (1)	1,502 (1)	1,502 (1)	Included
Vehicle	Included	Included	Included	Included	Included
Boiler	Included	2,536 (1)	2,536 (1)	2,536 (1)	Included
Base Bid Quote	**294,491**	**253,197**	**288,627**	**340,454**	**345,837**
Prior Acts	Included	Included	Included	Included	26,120
Safety Fees	Included	4,600 (2)	1,000 (2)	1,000 (2)	Included
Claims Adm.	Included	36,822 (2)	40,000 (2)	40,000 (2)	20,000 (2)
Risk Mgmt Fees	4,000 (2)	Included	Included	Included	Included
Finance Charge	Included	5,513	Included	Included	Included
Total Adjusted Quotes	**298,491**	**300,132**	**329,627**	**381,454**	**391,957**
Fiduciary, UST (3)	22,600	22,600	22,600	22,600	22,600
Total:	**321,091**	**322,732**	**352,227**	**404,054**	**414,557**

(1) Costs are "Shared" insurance markets. (See pre-qualification process)
(2) Fee estimates are consultants opinion based on available facts.
(3) All bidders "shared" the Fiduciary Liability, Underground Storage Tank Liability.

ATTACHMENT #2

Coverage

While the rates were competitive, there were significant deviations from the current insurance program. The proposals have been briefly listed for comparison purposes.

Abbreviations for list:

(A)	C.M. Althoff	(Y)	Yes
(G)	Gallagher ABOW	(N)	No
(W)	Ralph Wilson	(R)	Limits and /or coverage is less than current insurance.
(L)	Lademan & Youd		
(M)	Michigan Community Underwrites	(E)	Limits and/or coverage are more than current.
(U)	Available but not quoted.		

Bid Coverage or Terms Itemized	**A**	**G**	**W**	**L**	**M**
Annual Aggregate Stop Loss Retention	Y	R	N	Y	Y
Employee Benefits Insurance Occurrence Basis	Y	N	Y	Y	Y
Municipal Engineers E & O Liability	Y	R	Y	R	N
Failure to Supply Water, Gas or Electric	Y	Y	N	R	N
Class Action Liability	Y	R	R	R	Y
Wrongful Entry, Eviction, or Invasion of Privacy	Y	R	Y	Y	Y
Property Limits or Terms	Y	Y	R	R	Y
Prior Act Claim- Made policies	Y	Y	Y	R	Y
Employers Liability	Y	Y	Y	Y	R
Zoning, Condemnation, Inverse Condemnation	Y	R	N	R	Y
Coverage From Criminal Acts of Employees	Y	R	Y	N	Y
Uninsured Motorist	Y	E	Y	Y	Y
Broadcast Liability	Y	Y	Y	Y	U
Fireworks	Y	R	Y	Y	R

The broadest insurance protection continues to be the MMRMA.

ATTACHMENT #3:

Listing of MMRMA member cities throughout the State of Michigan.

Algonac
Alma
Bay City
Belleville
Bloomfield Hills
Carson
Cheboygan
Clawson
Davison
Dearborn Heights
Dowagiac
Eastpointe
Escanaba
Essexville
Farmington Hills
Farmington
Ferndale
Garden City
Gladstone
Grand Ledge
Grand Rapids
Hazel Park
Howell
Huntington Woods
Iron Mountain
Ironwood
Ishpeming
Kalamazoo
Keego Harbor
Lake Angelus
Livonia
Ludington
Madison Heights
Manton
Mason
Mt. Clemens
Mt. Pleasant
Muskegon
Negaunee
New Buffalo
Northville
Orchard Lake Village
Owosso
Parchment
Pinconning
Pleasant Ridge
Pontiac
Port Huron
Portage
River Rouge
Riverview
Rochester Hills
Royal Oak
Sandusky
Scottville
South Haven
Southfield
Southgate
Springfield
St. Clair Shores
St. Ignace
St. Joseph
Sylvan Lake
Troy
Wayne
Westland
Whitehall
Wixom
Wyoming

ATTACHMENT #4:

Listing of the Top Ten Oakland County communities ranked by population that are MMRMA members.

COMMUNITY	DATE JOINED MMRMA
City of Southfield	September 1, 1985
City of Farmington Hills	June 10, 1985
City of Troy	November 8, 1990
City of Pontiac	July 1, 1985
Waterford Township	December 15, 1983
City of Royal Oak	May 31, 1985
City of Rochester Hills	July 27, 1985
Bloomfield Township	August 20, 1997
West Bloomfield Township	July 27, 1985
City of Madison Heights	July 1, 1986

August 16, 2005

TO: John Szerlag, City Manager

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

SUBJECT: **Agenda Item –** Sole Source– In Car Camera And Radar Equipment Parts And Service

RECOMMENDATION

The Police Department requests City Council approval to establish a contract to service and purchase parts in order to maintain our radar units and fleet of in-car video systems installed in Police Department Patrol vehicles from the manufacturer, Decatur Electronics of Decatur, Illinois at an estimated annual cost of $25,000.00 per year. All services received and parts purchased by the Troy Police Department from Decatur Electronics is at the same rates (dealer) they would charge any authorized service center. The hourly service rate is $65.00 per hour.

BACKGROUND

The Troy Police Department has been using an in-car video system to record traffic stops, emergency and non-emergency calls for approximately eight years. When the system was purchased, it was done through a company called ID Control. Decatur Electronics then purchased ID Control shortly after the City purchased the camera systems. ID Control's sole product was a 8mm in-car video system. Decatur Electronics has made several updates and improvements to this video system over the years and the Troy Police Department has updated the original system as much as possible using factory trained in-house personnel. The video systems require a modified 8mm video recorder, which is only modified and serviced through Decatur Electronics. Due to the age of the systems and the fact that our systems cannot be updated to current standards, the systems sometimes require service that may only be performed at the factory. The equipment was originally purchased as a sole source.

The Troy Police Department also exclusively uses Decatur radar units for the enforcement of speed related laws. The Department has found these units to be reliable and cost effective. The Department has also found that dealing with one manufacturer of radar units helps eliminate questions regarding training on multiple units in court cases. Decatur Electronics also extends to us dealer pricing on repairs to these units, also at $65.00 per hour.

BUDGET

The Police Department has allocated funds for this project in Account #315.7802.070.

Prepared by: Russell Weipert, Police Service Aide - Patrol Division

and promote cities as centers of opportunity, leadership, and governance.

National League of Cities

1301 Pennsylvania Ave., N.W.
Washington, DC 20004-1763
202-626-3000
Fax: 202-626-3043
www.nlc.org

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Indianapolis, Indiana

Immediate Past President
Charles Lyons
Selectman
Arlington, Massachusetts

Executive Director
Donald J. Borut

F-04

August 18, 2005

MEMORANDUM

TO: City Clerks of Direct Member Cites

FROM: Donald J. Borut, Executive Director

SUBJECT: Congress of Cities Voting and Alternate Voting Delegates

The National League of Cities' **Annual Business Meeting** will be held on Saturday, December 10, 2005, at the Congress of Cities in Charlotte, North Carolina. As a direct member city, your elected officials are entitled to vote at the Annual Business Meeting. Based on the population of the city, each member city casts between one to twenty votes. The number of votes each city is allowed can be found on the table on the reverse side of this memorandum.

To be eligible to cast a city's vote(s), each voting delegate and alternate must be officially designated by the city using the attached credentials form. This form will be forwarded to NLC's Credentials Committee. **NLC Bylaws expressly prohibit voting by proxy**. The voting delegate must pick up his/her voting credentials **BEFORE** the Annual Business Meeting and must be present at the Annual Business Meeting to cast the city's vote(s).

Your city elected officials should be made aware of this request so that decisions can be made on who will be the voting delegate and alternate at NLC's Annual Business Meeting. Before the Congress of Cities, please consult the NLC website at www.nlc.org for information summarizing the proposed *National Municipal Policy* amendments and resolutions that are to be voted on at the Annual Business Meeting. This information should be shared with your voting delegates.

We ask that you return the completed form to NLC on or before **Thursday, October 13, 2005**. Please follow the instructions on the card for filling out the form and make a copy for your own files. A pre-addressed envelope is attached for your convenience. If you have any questions or concerns, contact Katherine Bates at bates@nlc.org or (202) 626-3176.

Past Presidents: **Karen Anderson,** Mayor, Minnetonka, Minnesota • **Clarence E. Anthony,** Mayor, South Bay, Florida • **John DeStefano, Jr.,** Mayor, New Haven, Connecticut • **William H. Hudnut, III,** Mayor, Town of Chevy Chase, Maryland • **Sharpe James,** Mayor, Newark, New Jersey • **Brian J. O'Neill,** Councilman, Philadelphia, Pennsylvania • **Directors: Lorraine Anderson,** Councilmember, Arvada, Colorado • **Tommy Baker,** Alderman, Osceola, Arkansas • **Vickie Barnett,** Mayor, Farmington, Michigan • **Phil Bazemore,** Mayor Pro Tem, Monroe, North Carolina • **Daniel Beardsley, Jr.,** Executive Director, Rhode Island League of Cities and Towns • **Thomas Bredeweg,** Executive Director, Iowa League of Cities • **Kenneth Bueche,** Executive Director, Colorado Municipal League • **Rosemounda Butler,** Council Member, West Columbia, South Carolina • **Nora Campos,** Councilmember, San Jose, California • **Roosevelt Coats,** Councilman, Cleveland, Ohio • **Jim Condos,** Council Chair, South Burlington, Vermont • **Lisa Dooley,** Executive Director, West Virginia Municipal League • **Clay Ford, Jr.,** Mayor Pro Tem, Gulf Breeze, Florida • **Eddy Ford,** Mayor, Farragut, Tennessee • **Danny George,** Executive Director, Oklahoma Municipal League, Inc. • **Matthew Greller,** Executive Director, Indiana Association of Cities and Towns • **Ken Harward,** Executive Director, Association of Idaho Cities • **Lester Heitke,** Mayor, Willmar, Minnesota • **Jim Higdon,** Executive Director, Georgia Municipal Association • **Ruth Hopkins,** Councilmember, Prairie Village, Kansas • **Ted Jennings,** Mayor, Brewton, Alabama • **Ronald Loveridge,** Mayor, Riverside, California • **Joseph Maestas,** Councilor, Española, New Mexico • **Michael McGlynn,** Mayor, Medford, Massachusetts • **James Mitchell, Jr.,** Council Member, Charlotte, North Carolina • **Joe Moore,** Alderman, Chicago, Illinois • **Ed Oakley,** Councilmember, Dallas, Texas • **Margaret Peterson,** Councilmember At Large, West Valley City, Utah • **Dottie Reeder,** Mayor, Seminole, Florida • **Terry Riley,** Council Member, Kansas City, Missouri • **John Russo,** City Attorney, Oakland, California • **Ron Schmitt,** Council Member, Sparks, Nevada • **Doug Scott,** Mayor, Rockford, Illinois • **Liberato Silva,** Vice Mayor, Flagstaff, Arizona • **Shep Stahel,** Mayor Pro Tem, Plano, Texas • **Charleta Tavares,** Council Member, Columbus, Ohio • **Ted Tedesco,** Mayor, Ames, Iowa • **Dick Traini,** Assembly Chairman, Anchorage, Alaska • **Jacques Wigginton,** Councilmember, Lexington, Kentucky • **Evelyn Woodson,** Councilor, Columbus, Georgia

Recycled Paper

NATIONAL LEAGUE OF CITIES · CREDENTIALS FORM
2005 CONGRESS OF CITIES · CHARLOTTE, NORTH CAROLINA

Each direct member city of NLC is entitled to cast from one to 20 votes, based upon the city's population per the 2000 census, through its designated voting delegate at the Annual Business Meeting. Please indicate below your city and state, voting delegate and/or alternate(s), *and sign and date the credentials form.* Mail the form to NLC in the enclosed pre-addressed return envelope.

The official voting delegate and/or alternate(s) for the city/town of _____ **are:**
(please type or print the name of your city/town and state)

VOTING DELEGATE:

1. _____
NAME

_____
TITLE

FOR OFFICE USE ONLY
(DO NOT WRITE IN THIS SPACE)
Voting card issued to:

_____
(Signature)

1. _____ 2. _____ 3. _____

ALTERNATE VOTING DELEGATE(S):

2. _____ _____
NAME TITLE

3. _____ _____
NAME TITLE

Signature (city representative) _____

Title:_____ Date:_____

For Office Use Only *(Do Not Write in this Space)*

City Code: _____

Vote(s): _____

Return to: Chair, Credentials Committee
National League of Cities
1301 Pennsylvania Ave., N.W., Suite 550
Washington, D.C. 20004

DATE: September 6, 2005

TO: John Szerlag, City Manager

FROM: William S. Nelson, Fire Chief
Jeanette Bennett, Purchasing Director

SUBJECT: Recommendation to Negotiate Purchase of Replacement Ladder Truck

Recommendation

The Fire and Purchasing Departments recommend that City staff negotiate a contract with Sutphen Corporation of Amlin, Ohio for the purchase of one aerial platform ladder truck.

Background

The fire department operates three aerial platform ladder trucks. These trucks were purchased from the Sutphen Corporation of Amlin, Ohio over the past twenty years. While the newer Sutphen units have updated systems, all of the units are similar in operation and capability. Staff has reviewed the various types of platform aerial apparatus available from the manufacturers and recommend that the replacement unit be purchased from the Sutphen Corporation for the following reasons:

1. Firefighter training is simplified by using the same basic unit. The complexity of setting up these units under emergency conditions requires a standardized approach to training.

2. Maintenance is simplified by having platform units that have similar ladder, hydraulic, and stabilizing systems.

The Sutphen Corporation has a number of municipalities that routinely negotiate the purchase of these units. The process that other municipalities follow is:

1. Sutphen develops a detailed proposal based on the municipality requirements.

2. Sutphen provides comparable pricing for units recently sold to other municipalities.

3. A price is negotiated based on the recent bids and specifications.

Purchasing has recommended this process as opposed to sealed bidding with a specification that only one manufacturer can meet. If you have any questions or comments, please contact me.

DATE: August 31, 2005

TO: John Szerlag, City Manager

FROM: Brian Murphy, Assistant City Manager/Services
Douglas J. Smith, Real Estate and Development Director
Steve Vandette, City Engineer
Mark F. Miller, Planning Director

SUBJECT: AGENDA ITEM – FINAL SITE CONDOMINIUM REVIEW – Hidden Creek Site Condominium, east side of Ellenboro, South side of Vanderpool, Section 22 – R-1E

RECOMMENDATION

On July 7, 2003 City Council granted preliminary approval of the proposed 15-unit site condominium. The petitioner reduced the number of units to 13, making them slightly larger and more marketable.

The Engineering Department granted approval of the engineering plans based upon the City's Development Standards; therefore, the development will not cause or exacerbate drainage problems on contiguous properties, due to surface run-off from the proposed development. In addition, the petitioner executed a contract for installation of municipal improvements and provided the required escrow deposits and cash fees. The proposed site condominium complies with all applicable ordinance requirements. City Management recommends approval of the Final Plan for Hidden Creek Site Condominium.

GENERAL INFORMATION

Name of Owner / Applicant:
Gary Abitheira.

Location of subject property:
The property is located on the south side of Vanderpool and the east side of Ellenboro, between Hartland and Trombley, in Section 22.

Size of subject parcel:
The parcel is approximately 7.97 acres in area.

Description of proposed development, including number and density of units:
The applicant is proposing a 13-unit site condominium on 7.97 acres, which represents a density of 1.63 units per acre.

Current use of subject property:
A single family residential structure currently sits on the property, just south of Vanderpool.

Current use of adjacent parcels:
North: Single family residential.
South: Single family residential.
East: Single family residential.
West: Single family residential.

Current zoning classification:
The property is currently zoned R-1E One Family Residential.

Zoning classification of adjacent parcels:
North: R-1E One Family Residential.
South: R-1E One Family Residential.
East: R-1E One Family Residential.
West: R-1E One Family Residential.

Future Land Use Designation:
The property is designated on the Future Land Use Plan as Low Density Residential.

ANALYSIS

Compliance with area and bulk requirements:
Lot Area: 7,500 square feet.

Lot Width: 60 feet.

Height: 2 stories or 25 feet.

Setbacks: Front: 25 feet.
Side (least one): 5 feet.
Side (total two): 15 feet.
Rear: 35 feet.

Minimum Floor Area: 1,000 square feet.

Maximum Lot Coverage: 30 %.

The applicant meets the area and bulk requirements.

Off-street parking and loading requirements:
The applicant will be required to provide 2 off-street parking spaces per unit.

Environmental provisions, including Tree Preservation Plan:
A Tree Preservation Plan was submitted as part of the application.

Stormwater detention
The applicant is proposing to provide on-site detention in the northwest corner of the development. The detention pond will have a 1 on 6 slope and will be unfenced, and dedicated to the City.

Natural features and floodplains:
The Natural Features Map indicates that there are wetlands, woodlands and two drains located on the property. A Wetland Evaluation was conducted on the parcel by HRC at the request of the City of Troy. The report indicates there are no wetlands on the parcel. In addition there is floodway confined within the banks of the two drains and 100-year floodplain located on the subject property.

Subdivision Control Ordinance, Article IV Design Standards

Blocks: Access to the site condominium will be provided by Vanderpool and Ellenboro, both paved public streets.

Lots: All units meet the minimum area and bulk requirements of the Zoning Ordinance.

Easements: The applicant proposes a 12-foot wide easement for public utilities and a 20 foot wide easement for sanitary sewer.

Topographic Conditions: The applicant provided a Topographic Survey of the property.

Streets: Access to units 1 through 11 will be provided by Mirage Drive, a 28 foot wide paved road located within a 60-foot wide right of way. Access to units 12 and 13 will be from Ellenboro.

Sidewalks: The applicant is proposing to install 5-foot wide sidewalks along both sides of Mirage Drive.

Utilities: The parcel is served by public water and sewer.

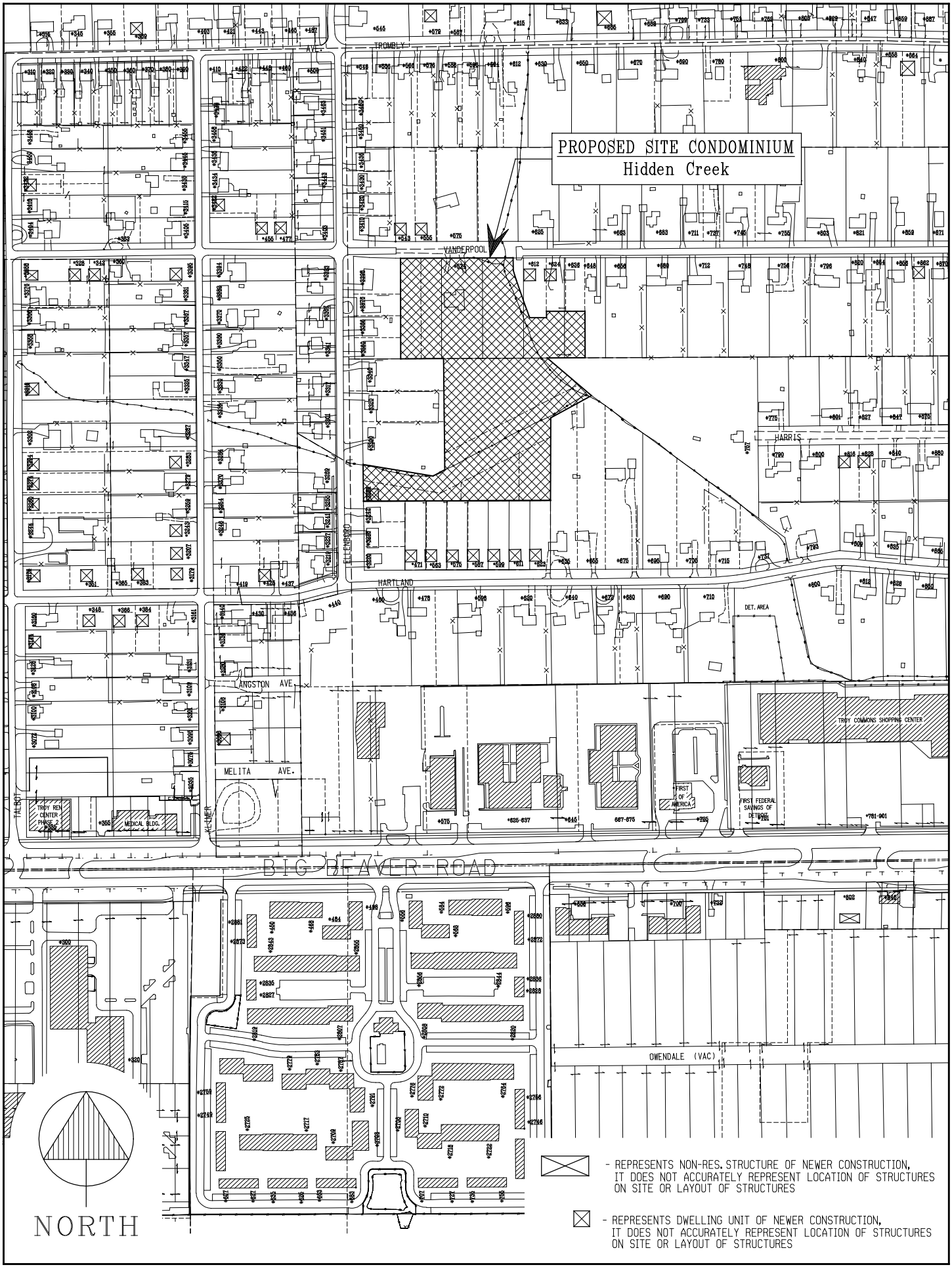
Attachments:
1. Maps
2. Unplatted Residential Development Levels of Approval
3. Comparison Between Site Condominiums and Plats
4. City Council Minutes from July 7, 2003
5. Contract for Installation of Municipal Services

PREPARED BY RBS/MFM
cc: Applicant
File/Hidden Creek Site Condominium

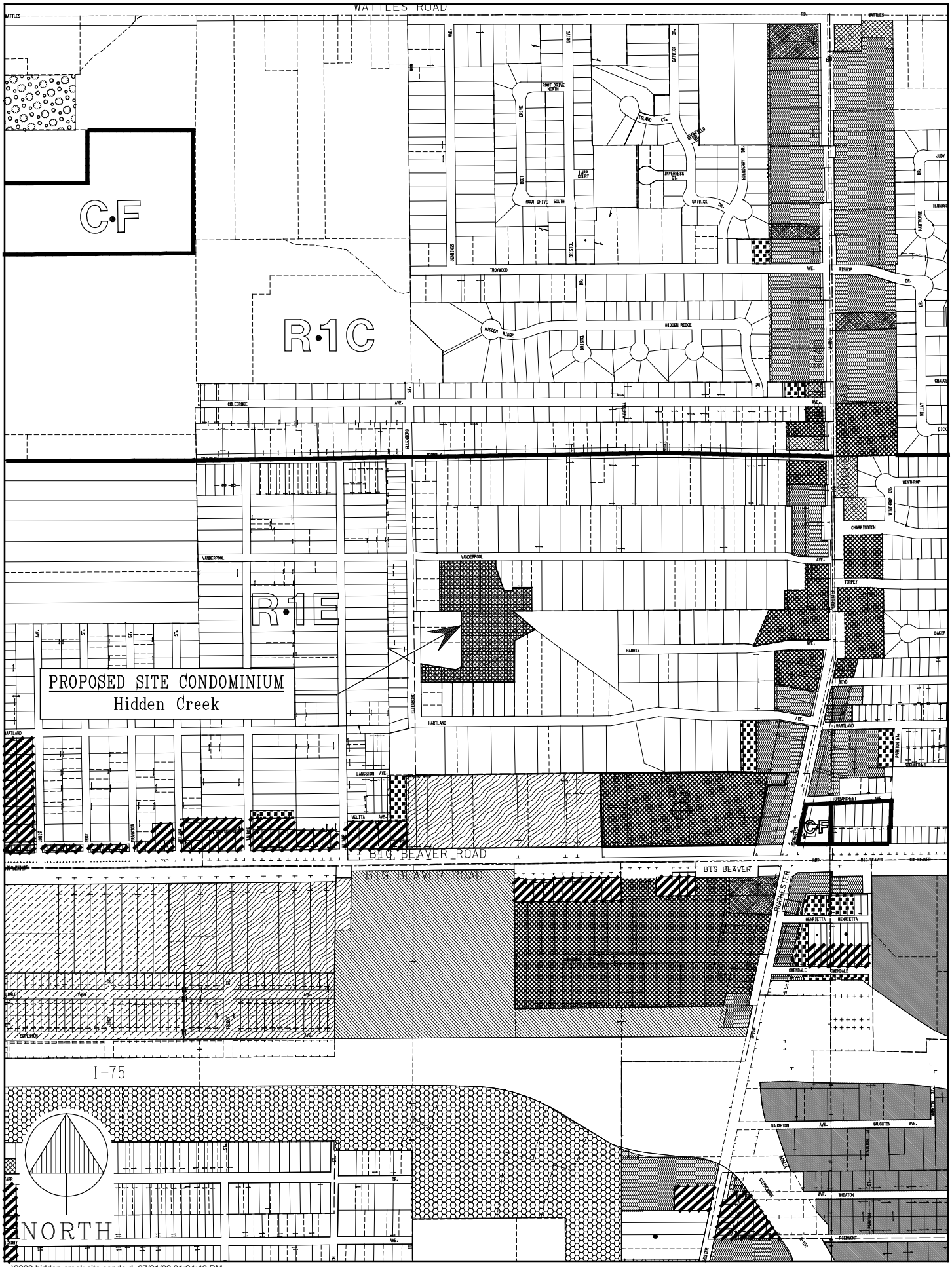
G:\SUBDIVISIONS & SITE CONDOS\Hidden Creek Site Condo Sec. 22\Final CC Approval Hidden Creek Site Condo 9 12 05.doc

CITY OF TROY

PREPARED BY CITY OF TROY PLANNING DEPT.



HIDDEN CREEK SITE CONDO. / Sec. 22 / 02-19-03



...\2003 hidden creek site condo.d 07/01/03 01:24:43 PM

SITE PLAN REVIEW
HIDDEN CREEK SITE CONDOMINIUM
E SIDE ELLENBORO, S SIDE VANDERPOOL
SEC. 22 (R-1E, 14 LOTS)
TROMBLEY
VANDERPOOL
VANDERPOOL
ELLENBORO
TALBOT
SITE PLAN REVIEW
HIDDEN CREEK SITE CONDO.
HARRIS
HARTLAND
KILMER
N
0 50 100 200 300 400 Feet

UNPLATTED RESIDENTIAL DEVELOPMENT LEVELS OF APPROVAL

Preliminary Plan Approval

A sign is placed on the property informing the public of the proposed development.
Adjacent property owners are notified by mail
Public meeting held by **Planning Commission** for review and recommendation to City Council
City Council reviews and approvals plan

The following items are addressed at Preliminary Plan Approval:

- Street Pattern, including potential stub streets for future development
- Potential development pattern for adjacent properties
- Fully dimensioned residential parcel layout, including proposed building configurations
    - Number of lots
    - Building setbacks
    - Lot dimensions
    - Locations of easements
- Preliminary sanitary sewer, storm sewer, and water main layout
- Environmental Impact Statement (if required)
- Location(s) of wetlands on the property

Final Plan Approval

Notice sign is posted on site
City Council review and approval of:

- Final Plan
- Contract for Installation of Municipal Improvements (Private Agreement)

The following items are addressed at Final Plan Approval:

- Fully dimensioned plans of the total property proposed for development, prepared by registered Civil Engineer or Land Surveyor
- Corners of all proposed residential parcels and other points as necessary to determine that the potential parcels and building configurations will conform with ordinance requirements
- Warranty Deeds and Easement documents, in recordable form for all ROW. and easements which are to be conveyed to the public
- Construction plans for all utilities and street improvements, prepared in accordance with City Engineering Design Standards:
    - Sanitary and Storm sewer
    - Water mains
    - Detention / Retention basins
    - Grading and rear yard drainage
    - Paving and widening lanes
    - Sidewalk and driveway approaches
- Approval from other government agencies involved with the development
- Verification of wetlands and M.D.E.Q. permit if necessary
- Financial guarantees to insure the construction of required improvements and the placement of proper property and parcel monuments and markers shall be furnished by the petitioner prior to submittal of the Final Plan to the City Council for review and approval
- Floor Plans and Elevations of the proposed residential units

COMPARISON BETWEEN SITE CONDOMINIUMS AND PLATS

The site condominium is a form of development that closely resembles the more traditional form of land subdivision known as a "subdivision" or a "plat". Although both types of development have the same basic characteristics, site condominiums are a newer form of development and are not, therefore, as familiar to homebuyers and neighbors as the more customary plats. An important concept related to any type of condominium development is that condominiums are a form of OWNERSHIP, not a type of physical development.

The following summary is intended to compare and contrast the two types of development.

1. **Comparisons between site condominiums and plats.**

   a. **Statutory Basis** – Site condominium subdivisions first became possible under the Michigan Condominium Act, which was adopted by the Michigan Legislature in 1978. Plats are created under the Michigan Land Division Act, formerly the Michigan Subdivision Control Act of 1967.

   b. **Nature and Extent of Property Ownership** – An individual homesite building in a platted subdivision is called a "lot". In a site condominium, each separate building site or homesite is referred to by the Condominium Act as a "unit". Each unit is surrounded by "limited common area", which is defined as common elements reserved in the master deed for the exclusive use of less than all of the co-owners". The remaining area in the site condominium is "general common area", defined as the common elements reserved in the master deed for the use of all of the co-owners. The nature and extent of ownership of a platted lot and a condominium unit, with the associated limited common area, are essentially equivalent from both a practical and legal standpoint.

   c. **Compliance with Zoning Ordinance** – Both site condominiums and subdivisions are required to comply with the minimum requirements of the City of Troy Zoning Ordinance for area and bulk, including minimum lot size, lot width, setbacks and building height. Essentially, site condominiums and subdivisions in Troy must "look" similar.

   d. **Creation/Legal Document** – A site condominium is established by recording in the records of the county in which the land is located a master deed, bylaws and condominium subdivision plan ("plan"). A platted subdivision is created by the recording of a subdivision plat ("plat"), usually coupled with a declaration of easements, covenants, conditions and restrictions The plan depicts the condominium units and limited and general common areas, while the plat defines the lots. Both have

substantially the same geometrical appearance and characteristics. The master deed and bylaws on the one hand and the declaration on the other have essentially the same functions with respect to the site condominium or platted subdivision, namely, establishment of: (i) building and use restrictions; (ii) rights of homeowners to use common areas; (iii) financial obligations of owners; and, (iv) procedures for operation of the subdivision.

e. **Home Maintenance and Real Estate Taxes** – Each unit and lot, as respectively depicted on a condominium plan or subdivision plat, together with any home located thereon, are required to be individually maintained by the owner. Likewise, separate real estate taxes are assessed on each condominium unit or platted lot and paid individually by each homeowner.

f. **Roads and Utilities** – In most plats, roads are dedicated to the public and maintained by the county road commission or the municipality in which the subdivision is located. Site condominium roads can be either public or private. Sanitary sewer and water supply are public in both. Storm water detention can vary between public and private dedication in both platted and condominium subdivisions.

g. **Common Areas** – In a site condominium, general common areas, such as open space, entrance areas and storm drainage system, are owned by condominium unit owners in common as an incident of ownership of each unit. In a platted subdivision, legal title to common areas is owned by a homeowners association. In both forms of development, a homeowners association administers the common areas for the benefit of all homeowners equally.

h. **Homeowners Association** – It is important in both types of development to incorporate a homeowners association comprised of all lot owners or unit owners, as the case may be, to maintain common areas, enforce restrictions and regulations, collect assessments and otherwise administer the common affairs of the development. Because the Condominium Act confers special enforcement powers upon homeowner associations, which are not characteristic of platted subdivision associations, it is generally thought that the condominium form is superior from the standpoint of enforcing rules and regulations of the private community.

i. **Financial Obligations of Homeowners** – In both types of development, the homeowners association is given the power to assess property owners to pay for maintenance of all common areas and other expenses of administration. Failure to pay give rise to a lien on the defaulting owner's homesite thus providing financial security that the common areas will be properly maintained for the benefit of all homeowners.

j. **Public Relations** – The same types of public health, safety and welfare regulations apply to both forms of development. Procedurally, the methods of applying for and obtaining plat or condominium plan approval are similar at the municipal level.

k. **Unique Characteristics of Condominium Unit Purchase** – The Condominium Act provides special benefits for site condominium unit purchasers: (i) a 9-day period after signing a purchase agreement within which a purchaser may withdraw without penalty; and (ii) a requirement that all condominium documents, supplemented by an explanatory disclosure statement, be furnished to all purchasers at the time of entry into a purchase agreement. There are no similar benefits to purchasers provided under the Land Division Act.

l. **Local and State Review** – Both development types require City Council approval, following a recommendation by the Planning Commission. Unlike subdivisions, site condominiums do not require the review and approval of the Michigan Department of Consumer and Industry Services. For this reason it can sometimes take a substantially shorter period of time to obtain necessary public approvals of site condominiums than platted subdivisions.

2. Reason for choosing one form versus another.

Developers and municipalities often prefer the site condominium approach because of better control of market timing. It should be emphasized that the site condominium choice never sacrifices any public protections that would otherwise be present in the case of a platted subdivision under similar circumstances.

3. Conclusion.

The platted subdivision approach and the newer site condominium technique are two different statutory methods of reaching essentially the same practical and legal result of dividing real estate into separate residential building sites. Both methods are required to meet substantially the same public health, safety and welfare requirements. The site condominium is sometimes chosen over the platted subdivisions because of perceived benefits to purchasers, homeowners, and developers.

Yes: All-6
No: None
Absent: Stine

F-8 Preliminary Site Condominium Review – Hidden Creek Site Condominium, East Side of Ellenboro, South Side of Vanderpool, Section 22 – 1E

Resolution #2003-07-350
Moved by Beltramini
Seconded by Eisenbacher

RESOLVED, that the Preliminary Plan as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium known as Hidden Creek Site Condominium and as recommended for approval by City Management and the Planning Commission, located east of Ellenboro, south of Vanderpool, including 15 home sites, within the R-1E zoning district, being 7.97 acres in size, is hereby **APPROVED**.

Yes: All-6
No: None
Absent: Stine

RECESS 9:09 PM – 9:31 PM

G-9 Memorandum – Re: Skatepark Opening

Noted and Filed

COUNCIL COMMENTS

B. Civic Center Property Task Force Establishment to Identify and Prioritize Public Site Plan Elements - Proposed by Council Member Robin Beltramini

Resolution #2003-07-
Moved by Beltramini
Seconded by Pryor

BE IT RESOLVED, That a Civic Center Priority Task Force is hereby **ESTABLISHED** whose membership consists of one member from each of the following committees: Board of Zoning Appeals, Downtown Development Authority, Parks and Recreation Advisory Board, Planning Commission, Traffic Committee, Historical Commission, Advisory Committee for Persons with Disabilities, Advisory Committee for Senior Citizens, and the Troy Youth Council; and

BE IT FURTHER RESOLVED, That the main objective of this task force is to **IDENTIFY AND PRIORITIZE** public site plan elements minus the following areas:

1. Existing usage.
2. Acreage set aside for voters to determine the City has the authority to sell.

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:

_____

Please Print or Type

_____

Please Print or Type

CITY OF TROY

By:

_____

Louise E. Schilling, Mayor

_____

Tonni Bartholomew, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

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

_____

NOTARY PUBLIC, Oakland County, Michigan

My commission expires: _____

Detailed Summary of Required 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**

September 7, 2005

TO: John Szerlag, City Manager

From: Brian P. Murphy, Assistant City Manager/Services
Jeanette Bennett, Purchasing Director
Timothy L. Richnak, Public Works Director

Subject: **Agenda Item** – Amendment #1 - SLC Meter Service Inc.
Automatic Meter Reading System

RECOMMENDATION

On February 7, 2005, the City of Troy Council approved a contract SLC Meter Service Inc., to provide automatic meter reading (AMR) system software, equipment, and services for a period of five (5) years to the highest rated bidder as a result of a best value process, , at an estimated net total cost of $78,350.00 (Resolution #2005-02-057). This initial program included the conversion of ***1,000 industrial meters*** to an automatic meter reading system over a two-year period. The program did extremely well and about 994 meters have already been converted with the remaining 6 meters to be completed shortly.

City management recommends that City Council approve a negotiation process to amend the contract to expand the scope of the original program to include the conversion of an ***estimated 26,000 residential meters*** over a four (4) year period at an estimated cost of $347,035.00 per year. Due to the number of residential meters, staff believes that volume discounts may be available and accessed through negotiations with SLC Meter Service, Inc. The RFP process selected the best value "system", and the inclusion of residential meters would further expand its use.

REASONS TO EXPAND THE AMR PROGRAM TO RESIDENTIAL METERS

1. The software, digital encoder, and collection units are already purchased. Since DPW staff does the installation, the cost to extend the program is limited to the Meter Interface Units (MIU) which were substantially lower in cost than the other participant in the AMR Request for Proposal process ($53.39 each Vs. $87.00 each)
2. The installation of the MIU devices by City staff for industrial meters has gone better than estimated. It was anticipated that 500 units would be installed in the first year of the program and a second 500 units would be installed in the second year of the roll-out. Since the award date of February 7, 2005, 994 units have been installed. The program was instituted to solve the industrial meter reading issues, but also to provide a real-life feasibility study for MIU use to streamline the residential reading process.
3. During the demonstration phase of the RFP process, the committee noted the following problems with the other equipment demonstrated by Datamatic (the other bidder): 1) battery failures resulted in complete replacement of the MIU device resulting in greater maintenance costs over time; 2) grease and epoxy pods to waterproof connections were necessary; 3) wires were left exposed after the installation; final installation was aesthetically problematic since wires, grease pods, and a larger MIU unit was unsightly, and due to size, the installation location could be limited; 4) mounting hardware costs were not included in their proposal; 5) the system could not handle a mixed environment of manual and automatic reads easily. The manual and automatic reads were tracked in two different software applications and then required entry into Datamatic handhelds; the meter serial number and MIU number were both programmed into the system requiring MIU reprogramming of the meter serial number if the meter required swapping out.

BACKGROUND

Under the specifications of the approved contract, the City purchased the AMR system, which included the purchase of 1000 MIU units installed by City staff for the conversion of commercial and industrial water meters that are the most difficult to access. The method used to read these meters required an appointment and costs the City approximately $25 per meter read. The Automatic Meter Read (AMR)

system eliminates the need for appointments and reduces the meter read cost per meter to under $1.00 (one dollar).

Because of the simplistic and expedient manner in which the MIU's were converted, and the time and cost savings gained, staff believes that it is in City's best interest to move forward with a total system implementation. Attachment 1 details the cost analysis between the City's current read system, Consumer Power's 3rd Party Meter Reading Proposal (Attachment 2), and the AMR Radio Read System.

By expanding the AMR system to include residential meters, City staff can be redirected to other necessary maintenance areas and offset additional labor hours incurred due to staff shortages. In addition, manpower can be redirected to other areas requiring water service improvements and maintenance, such as, large volume water meter testing, televising of sanitary sewers, and repairs to pump stations and pressure valves, therefore, improving the City's infrastructure.

BUDGET

Funds are available from the Operating Budget of the Water department for Meter Maintenance, account #543.7740.010.

City of Troy

Department of Public Works

Memo

To: Brian Murphy, Assistant City Manager / Services

John M. Lamerato, Assistant City Manager / Finance and Administration

From: Timothy Richnak, Public Works Director

Emily Frontera, Public Works / Administrative Aide

CC: Jeanette Bennett, Purchasing Director

Date: 9/7/2005

Re: Meter Reading - 20 Year Cost Projection and Analysis of Various Methods

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CONSTANTS AND ASSUMPTIONS:

- 20 Year Projection
- 3% Inflation Factor based on the Consumer Price Index Calculator for the last few years
- Based on 27,000 meter reads – the CMS proposal has been normalized to 27,000 reads

CURRENT ARB METER SYSTEM

TYPE	# of READERS	ANNUAL HOURS / COST	COST/ READ	20 YEAR READ COST 3% Inflation	20 YEAR TOTAL READ COST	REPAIRS @ ANNUAL COST
Manual plug touch system	4	3,300* / $110,550	$1.02	$1.79	$2,970,519.90	600 repairs @ $14,400*

*Current Labor Cost: $110,550 (3,300 x $33.50); Repairs: [600 x ($11 labor + $13 parts)]

CMS PROPOSAL:

TYPE	# of READERS	ANNUAL HOURS	COST/ READ	20 YEAR READ COST 6% Inflation	20 YEAR TOTAL READ COST	REPAIRS @ ANNUAL COST
			$.75**	$2.27	$2,994,632.89	600 repairs @ $14,400*

$10,000 to $15,000 Start-up Costs – **6% Annual escalation factor included in the CMS proposal

CONVERSION TO AMR RADIO READ SYSTEM

TYPE	# of READERS	ANNUAL HOURS	COST/ READ	20 YEAR READ COST 3% Inflation	20 YEAR TOTAL READ COST	REPAIRS @ ANNUAL COST
	1	500*** / $16,750	$.16	$.27	$2,178,078.77	

***Annual Labor: $16,750 (500 x $33.50); 20 Year Labor Cost = $450,078.77; Conversion cost = $1,728,000 (labor + material)

SUMMARY

Net Benefit of Radio Read System

Total net benefit of Radio Read system vs. ARB system is $792,441.13.

Total net benefit of Radio Read system vs. CMS Proposal is $816,554.12.

Resulting Redirection of Staff

By implementing the Radio Read system, staff and labor savings shall:

1. Be directed to other necessary maintenance areas.
2. Offset additional labor hours incurred due to staff shortages
3. Will allow the water department to redirect manpower to other areas requiring water service improvements and maintenance.
    a. Increased testing of large volume water meters to effectively control water loss due to inaccurate meters
    b. Increased televising of sanitary sewer preventing long-term expensive repairs and litigation do to failures.
    c. Increased maintenance and repairs to sewer pump stations preventing sewer backups.
    d. Increased maintenance and repairs to pressure reducing valves maintaining a constant steady level of water pressure.

City of Troy
Projected Proposal for
Consumers Energy Meter Reading Services
June 28, 2005

Price per read-Scheduled Monthly or Quarterly-
3-year Contract, Generic File Lay-out
$.75/read in year one with 6% annual escalation (based on the assumption that less than 2% are inside meters and NOT remoted to outside)
We can read submit reads quarterly if we can read 1/3 of your reads on each of our routes each month. Then we can levelize our work load.
$10-15,000 start-up fee in year one to cover cost of probes and additional programming, to be determined. Addition cost expected for Custom File Lay-out.

A 6-month lead time for start-up would be necessary from the time a contract is signed.

These costs are for internal analysis. This is not a contract and is not binding. For a bid sheet, more discussion would be necessary to determine the needs of the City of Troy. A contract between the parties, including all terms and conditions, will be required before proceeding.

Special Surveys & Reports
▪No charge for reporting of site conditions such as roof drain connections, remote missing, and wire cut, etc. Consumers Energy would create a condition code to be relayed via reporting after each read cycle.

▪No charge for monthly condition code reports that are automatically generated after each read cycle. Conditions reported when a read has or has not been obtained.

▪No charge for reports providing a list of no-read codes and associated accounts that have not been read for three consecutive read periods, (i.e. premise or meter inaccessible, broken remote, etc.)

A contract between the parties, including mutually agreeable terms and conditions will be requires before processing.

Purchasing Department

DATE: December 14, 2004

TO: RFP Committee
Information Technology

FROM: Purchasing Department

RE: Demonstration Notes – Datamatic conducted on Friday, December 10, 2004

Note: Due to consolidation of certain information, discussion notes may be out of sequence.

COMPANY HISTORY

- Company provided EMR to utilities during the 70's and then moved to AMR
- They can capture 74 days of reads which can be used at the discretion of the user on an hourly, daily, weekly or monthly basis

ADVANTAGES OF SYSTEM

- System is totally sealed and waterproof (waterproofing has not been an issue in past); Wagonwheel eliminates wick effect (freezing within unit causing misreads)
- Meter Independent: Each register requires a different wire (Datamatic can read any meter although actual wire configuration is messy). 3 types of MIUs available: Wire-End, Optical Sensor for registers that are not encoded and Logical Switch for "high glass" or Master Meter brand meters.
- Programmable: Can reuse meter box (may not be advisable per GP/IT Director)
- MIU reads the register hourly and sends a signal out every 3 seconds. Unit can be programmed to read meter and send signal differently if needed.
- Memory can be boosted in handhelds; standard is 2 megabytes but can be boosted by 2 mb up to a total of 16 megabytes with 2,000 reads per each 2 mb. Handheld can display warnings, messages and specific account information
- Backflow on meter reads: Engineered to record a read every 10 seconds; if needle sweeps more in a 10 second timeframe, doesn't count the read
- Sensors can be easily installed on top of the Rockwell meters, or any type of meter that does not currently have electronics built in. Datamatic owns this equipment. Optic Sensor was not included in bid and costs approximately 10.00 each. Must be verified at least once a year by reading the meter at the register.

DISADVANTAGES OF SYSTEM

- If battery fails, the MIU has to be replaced; 15 year battery is guaranteed for 5 full years with 5 years pro-rated; cost consideration for replacement upon battery failure

- Wire(s) are left after installation with no place to tuck wires; Vendor mentioned that their staff will work with City staff to find an acceptable final installation configuration

- Aesthetic problems with units (large); mounting hardware not included but a bracket to allow wire tucking needed; drilling a hole required; grease or epoxy pods (for waterproofing) are cumbersome to hide. Only comes in black.

- Grease and epoxy pods, and gel caps are required to waterproof connections, but are not part of the equipment or mounting hardware and come at an additional cost. Rep did not know what the price for each item was when asked at the demo.

- Final installation with wires, grease pods, large MIU was unattractive and could be restrictive depending on location available to install.

- Appointments will need to be made to install Optical Sensor equipment on all Rockwell meters and for annual maintenance due to glass structural changes.

- Does not accommodate a mixed environment of manual and automatic reads very well (until complete system is switched – must use both a gun and handheld device). Manual and automatic reads must be either tracked in two different software applications or read manually and then entered into the Datamatic handhelds.

- Programmable MIU includes both the meter serial number and the MIU number. When meters are swapped out the MIU will need to be reprogrammed with new meter serial number.

Other Considerations – Datamatic

- Disputes: A Consumption Record can be provided which graphs usage of an account down to an hourly basis which can be used to assist with discussing leak problems and encourages leak prevention – pull profile not meter.

- Usage can be shown graphically and insure right size metering. ("Right sized" metering is an Engineering function not a meter/water department function.)

- Sensors: Sensors can be used to do direct reads and adjusts to any meter.

- Seven (7) sweeps enables meters to be programmed; System knocks out 3 reads (first / high/ low) and saves remaining 4 reads. A black cover is placed and must remain on top of the register to blacken out the head to prevent light interference and allow the eye sensor to read the swings. This will make homeowner/business owner readings more difficult.

- Types of sensors: logical end; sensor end; wire end

- Firmware 211: every hour for 74 days – history is electronically saved (additional cost)

Other Considerations – continued

- Sensors on Rockwell meters should be checked for accuracy at least one time per year. The sensors ability to read the Rockwell meter accurately depends upon the condition of the meter glass. Any scratches or dirt may prevent the read.

- Company will develop an installation manual with pictures that is mutually agreeable to both parties

- Gunners is the local Dealer; Corporate will definitely deal with and solve any problems that Troy may have; issues are resolved on a 24 hour support line; 20 minute response time; normal hours are 8am to 7pm; phone help first then escalates up the chain; Gunners will be called in if immediate on-site support is required.

- Website available to download software (fixes)

- Datamatic has installations with Hanson but we must pay for a bridge [(costly and not to be completed until after approval (if we go forward)]

- The system pings every three (3) seconds; reads can be obtained every hour; downloads lost reads but can look at the report to get a reading

- Handheld has a 5-year batter life.

- Meter reads were taken from inside the DPW facility and parking lot area, but could not pick a read signal from Rochester Rd.

- Meter reads were captured from 2 out of the 3 areas at Oakland Mall, inside the mall and just outside the mall. Could not pick up a read signal from surrounding streets.

MISC.

Equipment Setup Thursday 12-9-04

- After installing the first MIU, Datamatic had difficulty retrieving data to the hand held. It was then realized that the meter register was Schlumberger and not Neptune. The handheld software is “register” sensitive and must be programmed accordingly. Troy has a mixture of Neptune and Schlumberger registers installed throughout the city, which are not identified, but may become an issue during setup and programming.

APPROVED for the installation of paving, storm sewer and sidewalk on the site and in the adjacent right-of-way, and the Mayor and City Clerk are **AUTHORIZED** to execute the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-13 Traffic Committee Recommendations – January 19, 2005

a) **Removal of the YIELD Sign and Installation of a STOP Sign – Buckingham Place at Brentwood**

Resolution #2005-02-056-E-13a

RESOLVED, that Traffic Control Order 05-01-SS be **ISSUED** for removal of the YIELD sign and installation of a STOP sign on Buckingham Place at Brentwood.

b) **Removal of the YIELD Sign and Installation of a STOP Sign – Breeze Hill at Brentwood**

Resolution #2005-02-056-E-13b

RESOLVED, that Traffic Control Order 05-02-SS be **ISSUED** for removal of the YIELD sign and installation of a STOP sign on Breeze Hill Place at Brentwood.

E-14 Standard Purchasing Resolution 4: MITN Cooperative - Copiers

Resolution #2005-02-056-E-14

RESOLVED, That a contract to provide copiers from Albin Business Centers on an ongoing basis is hereby **APPROVED** through the MITN Cooperative Contract #00-01-922 established by the City of Farmington Hills bid process under the same pricing structure, terms, and conditions, which expires August 13, 2006, with any copier agreement executed by then extending for a period of sixty- (60) months.

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

E-9 Load Restrictions – Removed by City Management

E-12 Standard Purchasing Resolution 8: Best Value Process Award – Automatic Meter Reading System

Resolution #2005-02-057
Moved by Stine
Seconded by Broomfield

NOTE

RESOLVED, That a contract to provide an Automatic Meter Reading System for the Department of Public Works Water Division is hereby **AWARDED** to SLC Meter Service, Inc. of Davisburg, MI, the lowest, most qualified bidder as a result of a Best Value process, which the Troy City Council determines to be in the public interest for an estimated net total cost of

$78,350.00, which includes Psion system trade-ins, as outlined in the bid tabulation opened October 15, 2004, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

Yes: All-6
No: None
Absent: Howrylak

PUBLIC COMMENT: Limited to Items Not on the Agenda

REGULAR BUSINESS:

F-1 Appointments to Boards and Committees: a) Mayoral Appointments:None; b) City Council Appointments: Election Commission; Historic District Commission; Troy Youth Council

(b) City Council Appointments

Resolution #2005-02-058
Moved by Schilling
Seconded by Eisenbacher

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

Election Commission
Appointed by Council (3) – 1 year

Timothy Dewan — Term expires 01-31-2006

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

Robert Hudson — Unexpired term expires 05-15-2006

Troy Youth Council
Appointed by Council – 1 years

Karen Wullaert — Unexpired term expires 08-31-05

Yes: All-6
No: None
Absent: Howrylak

January 20, 2005

TO: John Szerlag, City Manager

FROM: Brian Murphy, Assistant City Manager/Services
Jeanette Bennett, Purchasing Director
Timothy L. Richnak, Public Works Director

SUBJECT: **Agenda Item** - Standard Purchasing Resolution 8: Best Value Process Award – Automatic Meter Reading System

RECOMMENDATION

On October 15, 2004, Request for Proposals were received to provide automatic meter reading system software, equipment, and services for the Department of Public Works Water Division for a period of five (5) years. City management recommends a contract be awarded to SLC Meter Service Inc. of Davisburg, MI, the lowest, most qualified bidder as a result of a best value process, for an estimated net total cost of $78,350.00, as outlined in the attached bid tabulation. The award is contingent upon vendor submission of proper contract and proposal documents, including insurance certificates and all other specified requirements.

BACKGROUND AND FINDINGS

Meter reading technology has advanced to a level that can provide added value, savings in manpower and reduced operational costs. A radio frequency system sends out signals and captures meter reads with a hand-held computer. Using this technology, the Water Department can easily read commercial and industrial water meters by driving past their locations. Currently, these reads are done by appointment. The cost to perform a read for a commercial/industrial meter is $25 per read. The new system can reduce this cost to under a dollar.

The first objective is to replace all commercial and industrial water meters and then eventually move on to residential meters.

Cost analysis and discussions for a 3rd Party Meter Reading contract were conducted with other municipalities. At this time, the utility companies are reluctant to establish new partnerships with communities who do not have existing contracts.

SELECTION PROCESS

The award recommendation is based upon the vendor offering the best combination of a variety of factors, which included pass / fail criteria, a successful demonstration and system pricing.

To be considered, the bidders were required to meet the following minimum requirements:

SELECTION PROCESS – Continued -

- Five (5) years in business
- System software in place at least five (5) years
- Acceptable service and support
- Recovery of backup data
- Review of other charges
- Warranty claim procedures
- Routine maintenance / Repair procedures
- Positive references
- Skilled trainers
- Software revision levels and dates
- List of problems / complaints with overall system
- Compliance with insurance requirements

The City committee required a demonstration of the software and equipment to ensure that the proposed system could work in the City's environment.

SUMMARY

Even though both systems met the minimum requirements and passed the demonstration phase, the transition to a radio frequency system will be seamless with the Neptune Route Management Software and the most economical to implement. However, in order to read approximately hundred (100) existing compound meters with the new system, they will need to be outfitted with digital encoders. The encoders will be purchased as needed, following standard purchasing procedures. But, if a meter has exceeded its useful service life, it will be exchanged instead with a new meter.

BUDGET

Funds are available from the Operating Budget of the Water department for Meter Maintenance, account # 543.7740.010.

40 Notices mailed to prospective vendors
73 Vendors notified via the MITN system
4 Request for proposals rec'd
2 Proposals did not meet minimum criteria
1 Late bid
5 No Bids: (4) Companies unable to quote product as specified or provide an approved alternate.
(1) Company indicated they could not be competitive, as their partner bid direct.

Prepared by: Susan Leirstein, Purchasing Systems Administrator

S:/Murphy's Review/Agenda 02.07.05 Std Rsl 8 Award AMR

EXECUTIVE SUMMARY
AUTOMATIC METER READING SYSTEM

STATISTICS:

- **Forty (40) Proposal notices were sent to prospective bidders**
- **Seventy- three (73) Vendors notified on the MITN System**
- **Four (4) firms responded to the proposal**
- **Two (2) firms met the pass / fail criteria**
- **SLC Meter Service, Inc is the recommended vendor as a result of a best value process**

Selection Process:

1. **Firms were evaluated on Pass / Fail Criteria**
2. **Firms demonstrated ability of system to work in the City environment (Pass / Fail)**
3. **Lowest bidder who passes Phase 1 and 2 will be recommended for award**

APPENDIX 1

AUTOMATIC METER READING SYSTEM **RFP-COT 04-35**
BIDDERS FAILING MINIMUM REQUIREMENTS

List of Bidders Not Meeting Evaluation Criteria

COMPANY NAME:	REASON FOR DISQUALIFICATION
Floyd S. Salser, Jr & Associates Inc	New system, Troy would be a beta test site.
Arkion Systems	Company and system need to be established for five (5) years. Company has been in business four (4) years and the system only one (1) year. It was impossible to determine if there is adequate support or service, and what problems may arise after the warranty has expired.

The Request for Proposal will provide Automatic Meter Reading System Software, Equipment, and Services for the Department of Public Works Water Division for a Period of Five (5) Years.

A City committee comprised of three (3) members reviewed the proposals. The City of Troy reserves the right to award this proposal to the company considered the most qualified based upon a combination of factors including but not limited to the following:

A) Compliance with qualifications criteria
B) Completeness of the proposal
C) Correlation of the proposal submitted to the needs of the City of Troy
D) Any other factors which may be deemed to be in the City's best interest
E) Evaluation process and demonstration phase

Opening Date: 10/15/04
Date Prepared: 1/10/05

CITY OF TROY
TABULATION OF PROPOSALS
METER READING SYSTEM

VENDOR NAME:		SLC Meter Service, Inc	Datamatic Ltd	
REQUEST FOR PROPOSAL: *TO PROVIDE AUTOMATIC METER READING SYSTEM SOFTWARE, EQUIPMENT, AND SERVICES FOR THE DPW WATER DIVISION FOR A PERIOD OF FIVE (5) YEARS, IN ACCORDANCE WITH SPECIFICATIONS.*				
SOFTWARE:		NEPTUNE	ROUTESTAR	
Item #1 **AMR System Software**			$ 4,000.00	
Training (On Site)				
Complete for the Sum of:		**$ 1,000.00**	$ 12,750.00	
1/2 Day Session		$ 500.00	$ -	
Estimated # of Add. Hrs:		(8hrs) $125.00/man-hr	$ -	
HARDWARE:				
Item #2 **Meter Interface Units (MIU's)**				
Year 1 500 units	each	**$ 53.39**	$ 87.00	
Year 2 500 units	each	**$ 53.39**	$ 87.00	
Discount - or + Price List		10/12/04	10/12/04	
Discount %		66.5%	In Appendix A Section 9	
Item #3 **Mobile Collection System**				
Handhelds 6 ea	each	**$ 915.00**	$ 4,200.00	
Item #4 **Additional Hardware**				
MIU Conversision Device		n/a	$ -	
Radio Frequency Receiver	each	$ 300.00	$ -	
Handheld Meter Units	each	$ 615.00	$ -	
Other: FIELD PROGRAMMER	each	**$ 2,000.00**	$ 3,066.00	In Appendix A Section 9
Discount - or + Price List		10/12/04	10/12/04	
Discount %		Attached to Bid	In Appendix A Section 9	
MAINTENANCE/SUPPORT				
Item #5 **Ongoing Maintenance/Support - 4 Yrs**				
Handhelds Units 6 each	per year	**$ 5,490.00**	$ 6,156.54	
Trade-In Psion System		**$ (5,490.00)**		
System Discount			$ (33,000.00)	
ESTIMATED NET TOTAL AWARD:		**$78,350.00**		
Digital Encoder (For analysis purposes only)		$ 17,600.00		
ESTIMATED GRAND TOTAL:		$95,950.00	$ 123,642.16	
OPTIONAL:				
Item #6 **Mobile Collection Vehicle**				
One Vehicle Based System		$ 5,000.49	$ 22,995.00	
Discount - or + Price List		10/12/04	10/12/04	
Discount %		26.84%	In Appendix A Section 9	
Item #7 **Mobile Collection Vehicle**				
Annually Warranty Period		$ 1,367.00	$ 3,749.28	
COST BREAKDOWN - MOBILE COLLECTION RADIO MARKED AS:		"MCR"	Appendix A	
TECHNICAL DATA & DESCRIPTIVE MATERIALS MARKED AS:		"CB" "TD"	Appendix A	
VENDOR QUESTIONNAIRE: Y or N		Yes	Yes	
CONTACT INFORMATION: NAME		William Traynor	Fred Quintero	
PHONE #		(248)625-0667	(972)234-5000	
INSURANCE: Can Meet		XX	XX	
Cannot Meet				
TERMS		Net 30 Days	Blank	
WARRANTY		Standard	Blank	

Opening Date: 10/15/04
Date Prepared: 1/10/05

CITY OF TROY
TABULATION OF PROPOSALS
METER READING SYSTEM

VENDOR NAME:		**SLC Meter Service, Inc**	Datamatic Ltd	
DELIVERY:		Blank	Blank	
EXCEPTIONS		Trade-In Value on Psion Based 6 Unit System Compkete w/Logicon Probe $5,490.00	Warranty Work or Equipment covered by a Maintenance Agreement	
ACKNOWLEDGEMENT: Y or N		Yes	Yes	

DMS:
Floyd S. Salser, Jr & Associates Inc - Reason: New System, Troy would be a beta test site -
Arkion Systems - Reason: Company and system need to be established for five (5) years. Company has been in business four (4) years and the system only one (1) year -

NO BIDS:
AMCO
National Water Works
Etna Supply Co
Badger Meter Co
Gunners Meters & Parts

BOLDFACE TYPE DENOTES BEST VALUE PROPOSAL

ATTEST:
MaryAnn Hays
Emily Frontera
Michael Karloff
Linda Bockstanz

Jeanette Bennett
Purchasing Director

Downloading History for RFP-COT 04-35MeterSystem

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 **1/11/2005.**

Document Title:	Automatic Meter Reading System Software, Equipment, & Services
Date Issued:	9/10/2004
Close Date:	10/15/2004
Date Amendment #1 was Issued:	9/22/2004

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
12399	Alert Emergency Equipment Group, Inc	E-mail	9/12/2004	
14521	AMCO Water Metering Systems Inc	Free	9/23/2004	#1 9/23/2004
14279	Amerinational Community Services	E-mail		
18702	AMR International, Inc	Free	9/16/2004	
12040	Argus Supply Company	E-mail		
18768	ArKion Systems	Free	10/13/2004	#1 11/18/2004
18952	AT RAMAR, LLC	Free	10/11/2004	#1 10/11/2004
10738	Badger Meter, Inc.	E-mail	9/10/2004	#1 9/22/2004
12695	BOILERS, CONTROLS & EQUIPMENT, INC.	E-mail	9/14/2004	
17734	Brown Drilling Co., Inc.	Fax		#1 9/22/2004
14787	Cambridge Brass	E-mail		
11355	Cartegraph	E-mail		
10915	CITYWORKS, INC.	E-mail		
10592	COCHRANE SUPPLY	E-mail		
11376	Commercial Business Services Inc.	E-mail	9/16/2004	
15975	Communications Professionals, Inc.	Free	9/27/2004	
18023	Computer Builders Warehouse	E-mail	10/6/2004	
18662	Compuware Corporation	E-mail	9/13/2004	
17663	CULLIGAN OF ADRIAN	E-mail		

18261	DASCAN Industrial Controls	E-mail	9/10/2004	
18671	Datamatic LTD.	E-mail	9/29/2004	#1 10/13/2004
13466	DE-CAL, Inc.	E-mail		
11455	e-Business Partners Inc.	E-mail	9/23/2004	#1 10/4/2004
12428	East Jordan Iron Works, Inc.	E-mail		
15795	Epoch Technologies, Inc	Free	9/22/2004	
12990	Etna Supply Company	E-mail	9/22/2004	#1 9/22/2004
13503	Facilities Management, Inc.	E-mail	9/20/2004	#1 9/22/2004
16017	Fleis & Vandebrink Engineering, Inc	E-mail		
13651	Flow Control Systems, LLC	E-mail		
18748	Floyd S. Saler, Jr. & Associates (DBA MARS Company	Free	9/22/2004	
14878	Frank Solutions - a division of govONE	E-mail	9/27/2004	#1 9/27/2004
17661	Fusion Tek, Inc.	Free	9/27/2004	#1 9/27/2004
17417	Great Lakes Process Controls, Inc.	Free	9/23/2004	
14165	Gunners Meters & Parts	Free	9/25/2004	
18828	Hexagram Inc	Free	9/30/2004	#1 9/30/2004
18929	Hometown Connections Intl.	Free	10/7/2004	
14232	Hydro-Zone, Inc.	Fax		#1 9/22/2004
11320	IKON Office Solutions	E-mail	9/22/2004	
12824	Johnson Controls	E-mail	9/24/2004	#1 9/24/2004
17872	Johnson Controls Incorporated	E-mail		
15601	Kundinger Controls	Free	9/14/2004	
11815	Libra Industries	Free	9/27/2004	
14749	MacGyver Supply	E-mail		
14205	METROL CO.	E-mail	9/21/2004	
12899	Motorola, Inc.	E-mail	9/16/2004	
13776	MPS Group, Inc.	E-mail		
18793	National Metering Services, Incorporated	Free	9/27/2004	#1 9/27/2004
10155	National Waterworks Inc.	E-mail	9/28/2004	#1 9/28/2004
18672	Neptune	E-mail	9/23/2004	#1 9/23/2004
15139	Northrop Grumman Commercial Information Systems In	E-mail	9/23/2004	#1 9/23/2004
18380	OccuMed3	E-mail		
15672	Perfect Irrigation & Landscape	E-mail		
17790	Pete Wood Plumbing & Heating Co.	E-mail		
10504	Precision Data Products Inc.	Free	10/4/2004	
17343	Professional Pump, Inc,	E-mail		
18681	Rudder Limited	E-mail	10/13/2004	#1 10/14/2004
12978	S.L.C. Meter Service, Inc	E-mail	10/12/2004	#1 9/23/2004
13684	soil and materials engineers, inc	E-mail		
10984	Sunset Excavating, Inc.	E-mail		
18251	SW Controls	E-mail		

18415	Technology Integration Group	Free	9/13/2004	
17441	Techs4Biz Corporation	Free	9/22/2004	
18280	Tetra Tech MMPS	E-mail	9/22/2004	
17928	The Mesco OliverGroup	E-mail		
11367	Trillium Teamologies, Inc.	Free	9/13/2004	#1 10/4/2004
13648	Tucker, Young, Jackson, Tull, Inc.	Free	9/28/2004	
15169	U.S. Computer Exchange	Free	9/23/2004	#1 9/23/2004
13532	Underground Lines, Inc.	E-mail		
15622	Underground Pipe & Valve, INC.	E-mail	9/23/2004	#1 9/23/2004
10983	USA Bluebook	E-mail		
15073	W.T. Stevens Construction, Inc.	Free	9/27/2004	#1 9/27/2004
13490	Walker-Miller Energy Services LLC	E-mail	9/24/2004	#1 9/24/2004
11671	Westin Engineering, Inc.	Free	9/13/2004	

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September 8, 2005

TO: John Szerlag, City Manager

FROM: Brian Murphy, Assistant City Manager/Services
John Lamerato, Assistant city Manager/Finance
Doug Smith, Real Estate & Development Director
Gert Paraskevin, Information Technology Director

SUBJECT: Agenda Item – Resolution Opposing Senate Bill 528

Attached please find a proposed resolution asking our state legislature to oppose Senate Bill 528. Senate Bill 528, sponsored by Senator Johnson (R-Royal Oak), and House Bill 4600, sponsored by Representative Drolet, combined create the "Communication Act." The bills were developed to replace the existing "Telecommunications Act," which sunsets on December 31st.

In summary, the bills do the following:

- Prohibit the Public Service Commission (PSC) from regulating the rates, charges, terms, or conditions for, or entry into or exit from, the provision of any communications service.
- A governmental entity shall not provide a communications service except for the use of the entity itself.
- Require a person to register with the PSC, and pay an annual $100 registration fee, to provide a communications service in Michigan.
- Specify that, in administering the proposed Act, the PSC would be limited to the express powers and duties prescribed by the Act.
- Authorize the PSC to administer all Federal telecommunications laws, rules, orders, and regulations delegated to the State.
- Authorize the PSC to promulgate rules to administer the proposed Act.
- Require the PSC, upon receiving an application or complaint, to conduct an investigation, hold hearings, and issue its findings and orders in accordance with the Administrative Procedures Act (APA).
- Allow a complainant to request an emergency relief order, and allow the PSC to grant the order if it found that certain conditions existed.

While some of the outcomes have merit, there is concern that the bill, in its current form, impinges on local government control and prohibits municipalities from providing, or partnering in providing, any telecommunication services to our citizens. The partnership between the City of Troy and Oakland County and the private sector currently underway to develop a multi-tiered wireless broadband service are compromised with the passage of Senate Bill 528.

SENATE BILL No. 528

May 24, 2005, Introduced by Senator JOHNSON and referred to the Committee on Technology and Energy.

A bill to promote deployment of and investment in communications services in this state; and to prescribe the powers and duties of certain state agencies and officials.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 1. This act shall be known and may be cited as the "communication act".

Sec. 2. As used in this act:

(a) "Commission" means the Michigan public service commission.

(b) "Communications provider" or "provider" means a person who provides a communications service for compensation. A communications provider is not a public utility.

(c) "Communications service" means a telecommunications service as that term is defined in 47 USC 153 and the implementing orders and regulations of the federal communications commission.

SENATE BILL No. 528

1 (d) "End user" means the retail subscriber of a communications
2 service.
3 (e) "Person" means an individual, corporation, partnership,
4 association, or any other legal entity. Person does not include a
5 governmental entity.
6 (f) "Regulated services" means a wholesale service over which
7 the commission has authority under this act.
8 (g) "Telecommunications act of 1996" means 110 Stat. 56.
9 (h) "Wholesale service" means the provision of communications
10 service under the requirements of 47 USC 251 and 252.
11 Sec. 3. (1) The commission may not regulate the rates,
12 charges, terms, or conditions for, or entry into or exit from, the
13 provision of any communications service. This act does not prevent
14 any person from providing communications services in competition
15 with another person.
16 (2) A governmental entity shall not provide a communications
17 service except for the use of the entity itself.
18 (3) A person shall not provide a communications service in
19 this state without first registering with the commission. The
20 registration shall include all of the following information:
21 (a) The name of the provider.
22 (b) The address and telephone number of the provider's
23 principal office.
24 (c) If the provider is not located in this state, the address
25 and telephone number of the registered office and the name and
26 telephone number of the registered agent authorized to receive
27 service of process in this state.

1 (4) The registration shall be accompanied by a registration
2 fee of $100.00.
3 (5) The registration is effective immediately upon filing with
4 the commission and the payment of the registration fee and shall
5 remain in effect for 1 year from its effective date.
6 (6) A registration may be renewed for 1 year by filing with
7 the commission a renewal registration on a form provided by the
8 commission and the payment of a renewal fee of $100.00.
9 Sec. 4. (1) In administering this act, the commission is
10 limited to the express powers and duties prescribed by this act.
11 (2) Except as otherwise provided by this act, the commission
12 has the jurisdiction and authority to administer all federal
13 telecommunications laws, rules, orders, and regulations that are
14 delegated to the state. The commission shall exercise its
15 jurisdiction and authority consistent with this act and all federal
16 telecommunications laws, rules, orders, and regulations.
17 (3) The commission may promulgate rules under the
18 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
19 24.328, that are necessary to administer this act.
20 Sec. 5. (1) Upon receipt of an application or complaint filed
21 regarding a provision of this act, the commission shall conduct an
22 investigation, hold hearings, and issue its findings and orders in
23 accordance with the contested hearings provisions of the
24 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
25 24.328. An application or complaint filed under this section shall
26 contain all information, testimony, exhibits, or other documents
27 and information within the person's possession on which the person

1 intends to rely to support the application or complaint.
2 Applications or complaints that do not meet the requirements of
3 this subsection shall be dismissed or suspended pending the filing
4 with the commission of the required information. If the complainant
5 or applicant requires information in the possession of the
6 respondent, not within the complainant's or applicant's possession,
7 the commission may allow a reasonable opportunity for discovery to
8 allow the complainant or applicant to provide all relevant
9 information, testimony, exhibits, or other documents on which the
10 complainant or applicant intends to rely to support its application
11 or compliant. The burden of proving a case filed under this act is
12 with the party filing the application or complaint.
13 (2) The commission may administer oaths, certify to all
14 official acts, and compel the attendance of witnesses and the
15 production of papers, books, accounts, documents, and testimony.
16 (3) The commission shall issue a final order in a case filed
17 under this act within 90 days from the initiation date of the case.
18 In a contested case, the commission shall issue a final order
19 within 180 days from its initiation date.
20 (4) An order of the commission shall be subject to review by
21 the filing of a claim of appeal with the court of appeals within 30
22 days of the date the order is issued.
23 (5) If a complaint filed under this section alleges facts that
24 warrant emergency relief, the complainant may request an emergency
25 relief order. On the date of filing, the complaint and request for
26 emergency relief shall be hand-delivered to the respondent at its
27 principal place of business in this state. The commission shall

1 allow 5 business days for a filing in response to the request for
2 emergency relief. The commission shall review the complaint, the
3 request for emergency relief, the response, and all supporting
4 materials and determine whether to deny the request for emergency
5 relief or to conduct an initial evidentiary hearing. The initial
6 evidentiary hearing shall be conducted within 5 business days from
7 the date of the notice of hearing, and the commission shall issue
8 an order granting or denying the request for emergency relief. An
9 order for emergency relief may require a party to act or refrain
10 from action to protect competition. Any action required by an order
11 for emergency relief shall be technically feasible and economically
12 reasonable, and the respondent shall be given a reasonable period
13 of time to comply with the order. At the hearing for emergency
14 relief, the respondent has the burden of showing that the order is
15 not technically feasible and not economically reasonable. If the
16 commission finds that extraordinary circumstances exist that
17 warrant expedited review before the commission's issuance of a
18 final order, it shall set a schedule providing for the issuance of
19 a partial final order as to all or part of the issues for which
20 emergency relief was granted within 90 days of the issuance of the
21 emergency relief order.
22 (6) An order for emergency relief may be granted under
23 subsection (1) if the commission finds all of the following:
24 (a) That the party has demonstrated exigent circumstances that
25 warrant emergency relief.
26 (b) That the party seeking relief will likely succeed on the
27 merits.

1 (c) That the party will suffer irreparable harm in its ability
2 to serve customers if emergency relief is not granted.
3 (d) That the order is not adverse to the public interest.
4 (7) The commission may require the complainant to post a bond
5 in an amount sufficient to make whole the respondent in the event
6 that the order for emergency relief is later found to have been
7 erroneously granted.
8 (8) An order for emergency relief shall expire upon the sooner
9 of any of the following:
10 (a) Ninety days after its issuance.
11 (b) Issuance of the commission's partial final order.
12 (c) An earlier date set by the commission. Notwithstanding
13 this subsection, the commission may extend the emergency relief
14 order to a date no later than the date on which the final order in
15 the proceeding is issued.
16 (9) An order granting or denying emergency relief under
17 subsection (1) shall be subject to immediate review in the court of
18 appeals as a matter of right by the party aggrieved. The court may
19 stay an order granting emergency relief upon the posting of a bond
20 or other security in an amount and on terms set by the court.
21 Regardless of whether an appeal is made under this subsection, the
22 commission shall proceed with the case and issue a final order as
23 otherwise required under this section.
24 (10) If a complaint is filed under this section by a provider
25 against another provider, the provider of service shall not
26 discontinue service during the period of the contested case if the
27 provider receiving the service has posted a surety bond, provided

1 an irrevocable letter of credit, or provided other adequate
2 security in an amount and on a form as determined by the
3 commission.
4 (11) The parties to a contested case may agree to use any
5 alternative means that will result in a settlement of the case,
6 including, but not limited to, settlement conferences, mediation,
7 and other informal dispute resolution methods.
8 (12) The commission shall provide for the electronic filing of
9 pleadings and other documents. The electronic filing of materials
10 shall be effective upon submission of the materials to the
11 commission.
12 (13) In addition to any other relief provided by this act, the
13 commission or a party may seek to compel compliance with a
14 commission order by proceedings in mandamus, injunction, or by
15 other appropriate civil remedies in the circuit court or other
16 court of proper jurisdiction.
17 Sec. 6. (1) If the commission finds that a party's position in
18 a proceeding under this act was frivolous, the commission shall
19 award to the prevailing party the costs, including reasonable
20 attorney fees, against the nonprevailing party.
21 (2) As used in this section:
22 (a) "Frivolous" means that at least 1 of the following
23 conditions is met:
24 (*i*) The party's primary purpose in initiating the proceeding or
25 asserting the defense was to harass, embarrass, or injure the
26 prevailing party.
27 (*ii*) The party had no reasonable basis to believe that the

1 facts underlying that party's legal position were true.
2 (*iii*) The party's legal position was devoid of arguable legal
3 merit.
4 (b) "Prevailing party" means a party who wins in the
5 proceeding.
6 Sec. 7. (1) Except under the terms of a mandatory protective
7 order, trade secrets and commercial or financial information
8 submitted under this act are exempt from the freedom of information
9 act, 1976 PA 442, MCL 15.231 to 15.246.
10 (2) If information is disclosed under a mandatory protective
11 order, then the information may be included in the commission's
12 evidentiary record if admissible but it shall remain confidential.
13 (3) There is a rebuttable presumption that cost studies,
14 customer usage data, marketing studies, and contracts between
15 providers are trade secrets or commercial or financial information
16 protected under subsection (1). The burden of removing the
17 presumption under this subsection is with the party seeking to have
18 the information disclosed.
19 Sec. 8. Providers of a regulated service in this state shall
20 pay assessments in an amount equal to the expenses of the
21 commission under 1972 PA 299, MCL 460.111 to 460.120.
22 Sec. 9. (1) The commission shall issue orders that assign the
23 telephone digits 2-1-1 to community resource information and
24 referral answering points established under subsection (3) and
25 prescribe appropriate interconnection orders to carry out the
26 intent of this section.
27 (2) Each provider of basic local exchange service in this

1 state shall assign the telephone number 2-1-1 only to a community
2 resource information and referral answering point established under
3 subsection (3).
4 (3) The commission shall designate a community resource
5 information and referral entity to be the 2-1-1 answering point for
6 various geographical areas within this state. In making its
7 determination, the commission shall consider all of the following:
8 (a) The recommendations of the Michigan alliance for
9 information and referral systems.
10 (b) Whether the relevant state-endorsed multipurpose
11 collaborative bodies are in agreement.
12 (c) Whether the entity has established a framework to assure
13 the provision of coverage of the 2-1-1 telephone number 24 hours
14 per day, 7 days per week.
15 (d) Whether the entity meets 2-1-1 standards adopted by the
16 Michigan alliance for information and referral systems.
17 (4) Each community resource information and referral entity
18 designated by the commission to be the 2-1-1 answering point for a
19 particular geographical area within the state shall establish the
20 framework to provide sufficient resources to operate the 2-1-1
21 telephone number 24 hours per day, 7 days per week.
22 Sec. 10. (1) The commission shall require each provider to
23 make available a text telephone communications device for the deaf
24 at costs to each individual who is certified as deaf or severely
25 hearing or speech impaired by a licensed physician, audiologist, or
26 qualified state agency, and to each primary public safety answering
27 point or secondary public safety answering point as those terms are

1 defined in section 102 of the emergency telephone service enabling
2 act, 1986 PA 32, MCL 484.1102.
3 (2) The commission shall require each provider to make
4 available a communication relay service whereby persons using a
5 text telephone communications device for the deaf can communicate
6 with persons using a voice telephone through the use of third party
7 intervention or automated translation. Each provider shall
8 determine whether to provide a communication relay service on its
9 own, jointly with other providers, or by contract with other
10 providers. The commission shall determine the technical standards
11 and essential features of text telephone and communication relay
12 service to ensure their compatibility and reliability.
13 (3) The commission shall appoint a 3-person advisory board
14 consisting of a representative of deaf individuals, the commission
15 staff, and providers to assist in administering this section. The
16 advisory board shall hold meetings, open to the public, at least
17 once each 3 months, shall periodically seek input on the
18 administration of this section from individuals who are deaf or are
19 hearing or speech impaired, and shall report to the commission at
20 least annually. The advisory board shall investigate and make
21 recommendations on the feasibility of hiring a reasonable number of
22 individuals who are deaf or are hearing or speech impaired to work
23 in the provision of telecommunication relay service.
24 (4) Rates and charges for calls placed through a communication
25 relay service shall not exceed the rates and charges for calls
26 placed directly from the same originating location to the same
27 terminating location. Unless ordered by the commission, a provider

1 of a communication relay service is not required to handle calls
2 from public telephones except for calls charged collect, cash, to a
3 credit card, or third-party number.
4 Sec. 11. (1) As used in this section:
5 (a) "Attachment" means any wire, cable, facility, or other
6 apparatus installed upon any pole or in any duct or conduit, owned
7 or controlled, in whole or in part, by a provider.
8 (b) "Usable space" means the total distance between the top of
9 a utility pole and the lowest possible attachment point that
10 provides the minimum allowable grade clearance and includes the
11 space which separates communication and power lines.
12 (2) A provider shall allow and establish the rates, terms, and
13 conditions for attachments by another provider, a cable service, or
14 an educational institution. The rates, terms, and conditions shall
15 be just and reasonable. A rate is just and reasonable if it assures
16 the provider recovery of not less than the additional costs of
17 providing the attachments, or more than an amount determined by
18 multiplying the percentage of the total usable space, or the
19 percentage of the total duct or conduit capacity, which is occupied
20 by the attachment, by the sum of the operating expenses and actual
21 capital costs of the provider attributable to the entire pole,
22 duct, or right-of-way.
23 (3) An attaching provider or cable service shall obtain any
24 necessary authorization before occupying public ways or private
25 rights-of-way with its attachment.
26 (4) This section does not limit the commission's authority to
27 regulate the rates, terms, and conditions of attachments upon poles

1 or in ducts or conduits owned or controlled by utilities engaged in
2 the transmission of electricity for light, heat, or power.
3 Sec. 12. (1) An end user of a provider shall not be switched
4 to another provider without the end user's oral authorization,
5 written confirmation, confirmation through an independent third
6 party, or other verification procedures subject to commission
7 approval, confirming the end user's intent to make a switch and
8 that the end user has approved the details of the switch.
9 (2) A provider shall not include or add optional services in
10 an end user's telecommunications service package without the end
11 user's oral authorization, written confirmation, confirmation
12 through an independent third party, or other verification
13 procedures subject to commission approval.
14 (3) The commission shall adopt rules to enforce this section.
15 The rules shall require that all providers comply with the
16 regulations established by the federal communications commission on
17 verification procedures for the switching of an end user's
18 communications provider.
19 Sec. 13. A provider that receives federal universal service
20 support for telecommunications services provided to eligible
21 elementary and secondary schools or libraries under the
22 telecommunications act of 1996 shall provide those intrastate
23 services at discounts equal to the discounts applicable for
24 eligible interstate services.
25 Sec. 14. (1) A provider shall not do any of the following:
26 (a) Make a statement or representation, including the omission
27 of material information, regarding the rates, terms, or conditions

1 of providing a telecommunication service that is false, misleading,
2 or deceptive.
3 (b) Charge an end user for a subscribed service that the end
4 user did not make an initial affirmative order for. Failure to
5 refuse an offered or proposed subscribed service is not an
6 affirmative order for the service.
7 (c) If an end user has cancelled a service, charge the end
8 user for service provided after the effective date the service was
9 canceled.
10 (d) If a residential end user has orally ordered a service,
11 fail to confirm the order in writing within 15 days after the
12 service is ordered.
13 (e) Disparage the services, business, or reputation of another
14 by false or misleading representation of fact.
15 (f) Represent to a party to whom services are supplied that
16 the services are being supplied in response to a request made by or
17 on behalf of the party when they are not.
18 (g) Cause a probability of confusion or a misunderstanding as
19 to the legal rights, obligations, or remedies of a party to a
20 transaction.
21 (h) Represent or imply that the subject of a transaction will
22 be provided promptly, or at a specified time, or within a
23 reasonable time, if the provider knows or has reason to know it
24 will not be so provided.
25 (i) Cause coercion and duress as a result of the time and
26 nature of a sales presentation.
27 (2) The commission may accept an assurance of discontinuance

1 of a method, act, or practice which is alleged to be unlawful under
2 this section from the person who is alleged to have engaged, be
3 engaging, or be about to engage in the method, act, or practice.
4 The assurance shall not be an admission of a violation of this act
5 or be introduced in any other proceeding. Unless rescinded by the
6 parties or voided by the court for good cause, the assurance may be
7 enforced in the circuit court by the parties to the assurance. The
8 assurance may include a stipulation for any of the following:
9 (a) The voluntary payment by the person for the cost of
10 investigation.
11 (b) An amount to be held in escrow pending the outcome of an
12 action.
13 (c) An amount for restitution to an aggrieved person.
14 Sec. 15. A provider shall not refuse, charge, delay, or impair
15 the speed of connection of a person to a communications emergency
16 service.
17 Sec. 16. (1) If after notice and hearing under section 5 the
18 commission finds that a person has violated this act or rules
19 promulgated under this act, the commission shall order remedies and
20 penalties where applicable as follows:
21 (a) Except as provided in subdivision (b), order the person to
22 pay a fine for the first violation of not less than $1,000.00 or
23 more than $20,000.00, and for each subsequent offense, a fine of
24 not less than $2,000.00 or more than $40,000.00.
25 (b) If the provider has less than 250,000 access lines, order
26 the provider to pay a fine for the first violation of not less than
27 $200.00 or more than $500.00, and for each subsequent violation, a

1 fine of not less than $500.00 or more than $1,000.00.
2 (c) Order the revocation of the person's registration.
3 (d) Order the person to cease and desist.
4 (2) Except as provided in subsection (3), the commission shall
5 not have authority to award compensatory damages for any violation
6 of this act.
7 (3) If after notice and hearing the commission finds that a
8 person has violated sections 12 through 15 or rules promulgated
9 under those sections, the commission shall order remedies and
10 penalties to protect and make whole end users and other persons who
11 have suffered damages as a result of the violation, including, but
12 not limited to, 1 or more of the following:
13 (a) Order the person to pay a fine for the first violation of
14 not less than $20,000.00 or more than $30,000.00. For a second and
15 any subsequent violation, the commission shall order the person to
16 pay a fine of not less than $30,000.00 or more than $50,000.00. If
17 the commission finds that the second or any of the subsequent
18 violations were knowingly made in violation of section 13, 14, or
19 15, the commission shall order the person to pay a fine of not more
20 than $70,000.00. Each switch made or service added in violation of
21 section 12 or 14 shall be a separate violation under this
22 subdivision.
23 (b) Order an unauthorized provider to refund to the end user
24 any amount greater than the end user would have paid to an
25 authorized provider.
26 (c) Order that a portion between 10% and 50% of the fine
27 assessed under subdivision (a) be paid directly to the customer who

1 suffered the violation of section 12 or 14.

2 (d) Order an unauthorized provider to reimburse an authorized
3 provider an amount equal to the amount paid by the end user that
4 should have been paid to the authorized provider.

5 (e) Revoke the registration if the commission finds a pattern
6 of violations of section 12 or 14.

7 (f) Issue cease and desist orders.

8 (3) Notwithstanding subsection (2), a fine shall not be
9 imposed for a violation of section 12 if the provider has otherwise
10 fully complied with section 12 and shows that the violation was an
11 unintentional and bona fide error notwithstanding the maintenance
12 of procedures reasonably adopted to avoid the error. Examples of a
13 bona fide error include clerical, calculation, computer
14 malfunction, programming, or printing errors. An error in legal
15 judgment with respect to a person's obligations under section 12 is
16 not a bona fide error. The burden of proving that a violation was
17 an unintentional and bona fide error is on the provider.

18 Sec. 17. This act takes effect January 1, 2006.

September 2, 2005

TO: John Szerlag, City Manager

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

SUBJECT: Section 23 Pavement Replacement Project
Change Order No. 2, Contract 05-02

RECOMMENDATION:

It is recommended that City Council approve Change Order No. 2 with Florence Pavement Providers in the amount of $413,223.15 for the Section 23 Pavement Replacement project in Raintree Village No. 1.

In addition, we are requesting authorization to approve additional work, if needed, not to exceed 10% of Change Order No. 2. The total amount requested for authorization is $454,545.47.

BACKGROUND:

In early July we experienced a problem with the asphalt paving operation in the Raintree subdivision due to heavy rains immediately following removal of the existing concrete pavement. The clay roadbed became saturated and ultimately unstable in some areas following the asphalt paving. We also suspected that there was a problem with the asphalt mix itself (not meeting specifications) that was used for the second layer. There were sections of pavement that were rutting and cracking. While it is normal to have some failed sections, due to heavy construction traffic, that must be cut out and replaced before the final (third) asphalt layer is put down, this was not normal to have the high number of failed areas that were experienced.

Our testing consultant, TEC, took core samples of the asphalt and initial test results showed the mix was within specifications. There are indications of lack of bond between the first and second asphalt layers (tack coat problem) and of course the problems with unstable roadbed conditions due to moisture content. Additional testing is being done and the results and final report from our consultants is not yet available. Based on these findings we will determine if any actions could be taken against the contractor relative to repair costs. Staff is also reviewing our consultants design to see if there is any culpability.

Paving operations were suspended while we considered utilizing a new technique, called Lime stabilization, for stabilizing the existing roadbed after the concrete was removed. We experienced some excessive rainfalls in June that caused the roadbed to become saturated and take a long while to dry out and firm up (just in time for another "scattered" shower). Lime stabilization would dry out and stabilize the roadbed quickly and allow the asphalt work to proceed the next day. Our goal was to stabilize the roadbeds on Harmony, Crimson and Lakewood that did not have any asphalt on one side and get them paved as soon as possible. The existing failed asphalt sections on the other side would then be cut out and replaced before placing the third and final layer of asphalt.

Ultimately there was a problem with the Lime Stabilization technique that could not be overcome. After extensive discussions with suppliers, consultants and the contractor we determined that the proper equipment for mixing the lime with the existing soil was not available. This specialized piece of equipment for mixing was being used on a state highway project and was not available for loan to our road project. There were also issues related to the work area and maintaining access to residents which would not allow Lime stabilization to be an effective solution to the problem.

As it appeared that the cycle of hot dry days followed by wet weather was not changing anytime soon, waiting out the weather did not appear to be a viable option. Consequently, we designed a modified roadway cross section that included excavation of the wet roadbed material, laying down a geogrid material separator and placing two different layers of stone material on top of that. This engineered roadbed stabilizes the base, even when wet, and allows the paving work to continue on a firm foundation and at a constant rate. We determined that this modified section was a viable option after hand digging the gas services and finding them to be deeper than what was found on other streets. We priced out the work with the contractor and found this new method to be a cost effective alternative to the pavement cross section provided in the contract.

We anticipated that some asphalt areas on North Lake may need to be cut out and replaced but after additional testing, it was found that significant roadbed areas were still unstable. We ultimately decided to remove and replace North Lake Street with the new road cross section.

The Contractor has placed new asphalt pavement on Harmony, Lakewood, Crimson and North Lake with good results. The original asphalt on Northlake Court was not removed. The asphalt was finished on North Lake on September 1, 2005. The final surface layer of asphalt will be done later once the rest of the streets in the subdivision are ready.

Due to the problems encountered with rain saturating the roadbed, the possibility of significant conflicts with gas services on the streets remaining to be done and less than half the construction season remaining a road conditioning and overlay process was investigated for the remaining streets. This process would allow some of the concrete pavement to remain in place and be utilized as the base for the asphalt. This process would result in much less traffic disruption and a shorter construction time for the remainder of the project, while providing a strong, solid base for the asphalt and a final pavement cross section equal to the areas that have been totally removed and replaced.

Concrete milling on Crestline, Lakewood, Woodgate, Sherwood, Crimson and Floyd started on Wednesday, August 23rd and finished on Friday the 26th. This process milled away up to 3 inches of the existing concrete in order to reveal sound concrete that will be used as a base for the new asphalt and reveal unsound concrete areas that will require conditioning that includes removal and replacement with concrete and joint repairs with asphalt.

After the concrete conditioning is complete, a layer of asphalt will be placed to level out the road surface. Traffic will be able to get back on the streets after the asphalt cools in 3-4 hours depending on weather conditions. An engineered paving mat called TruPave, a pavement interlayer fabric designed to create a moisture-resistant barrier and retard asphalt cracking, will be placed between this first asphalt layer and the second and final layer of asphalt. School bus traffic will not be disrupted, as the contractor will work around the bus schedule.

After completion of the milling operation, all remaining streets in Raintree Village No. 1 were evaluated to determine the appropriate rehabilitation option. The primary factor in determining the most cost effective solution was the amount of concrete pavement conditioning (joint and base repairs) required. The two options considered, as discussed previously are:

1. Overlay of the milled concrete with two (2) layers of asphalt including a geotextile paving fabric.
2. Complete removal of the existing concrete pavement and replacement with the modified asphalt pavement cross section.

Based on analyzing the costs for each option for all remaining streets, the following streets are scheduled to be rehabilitated using Option 1:

1. Crestline
2. Woodgate
3. Sherwood
4. Floyd

While the following streets will be rehabilitated using Option 2:

1. Crimson
2. Lakewood

CHANGE ORDER DETAILS

Change Order No. 2 provides for an increase of $976,223.20 in new or additional contract items and a corresponding reduction of $563,000.05 in deleted or decreased contract items. The net increase is $413,223.15 to the original contract amount of $839,557.35. The revised contract amount upon approval of Change Order No. 2 would be $1,252,780.50.

BUDGET:

Funds are available in the 2005-06 Local Road budget, account number 401499.7989.021025, for the completion of this project, due to carry forward from the previous fiscal year and the timing of the Section 6 seal coat SAD project.

September 8, 2005

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, City Manager

SUBJECT: Supplement to Staff Memo Regarding Section 23 Pavement Replacement Project Change Order No. 2, Contract 05-02

At this point I'm not convinced that the City of Troy is responsible for the entire change order. As such, I'll be reviewing this matter with staff, the contractor and consultant for this project. Having said that, it's important for us to proceed with the project so that we may draw closure thereon.

Of course, I'll keep you advised of this matter as more information becomes available.

DATE: August 23, 2005

TO: John Szerlag, City Manager

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

SUBJECT: Agenda Item - Announcement of Public Hearing
Commercial Vehicle Appeal
2256 Garry

On August 10, 2005, contact was made with Rosita Bosco identifying restrictions related to a commercial vehicle located on residential property. As part of that information, she was advised that the Ford dump truck parked on the property did not comply with the exceptions found in Chapter 39, Section 40.66.00. She was given the option to remove the vehicle or appeal to City Council for relief of the Ordinance.

In response to our letters, Ms. Bosco has filed an appeal. 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 19, 2005.

Should you have any questions or require additional information, kindly advise.

Attachments

Prepared by: Mark Stimac, Director of Building and Zoning

RECEIVED
AUG 19 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: ROSITA BOSCO

ADDRESS: 2256 GARRY DRIVE

CITY: Troy MI. ZIP: 48083 PHONE: 248-494-0422

ADDRESS OF SITE: Same as above

NUMBER OF VEHICLES: 1

VEHICLE IDENTIFICATION NUMBER(S)
2FDLF47MXLCA29509

LICENSE PLATE NUMBER(S) 9639 AH

DESCRIPTION OF VEHICLE(S) 3 YARD Dump Truck 1990 FORD

REASON FOR APPEAL (see A - D below) C-D Truck is my primary mode of transportation, and is away from property at least 8 hrs a day.

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..

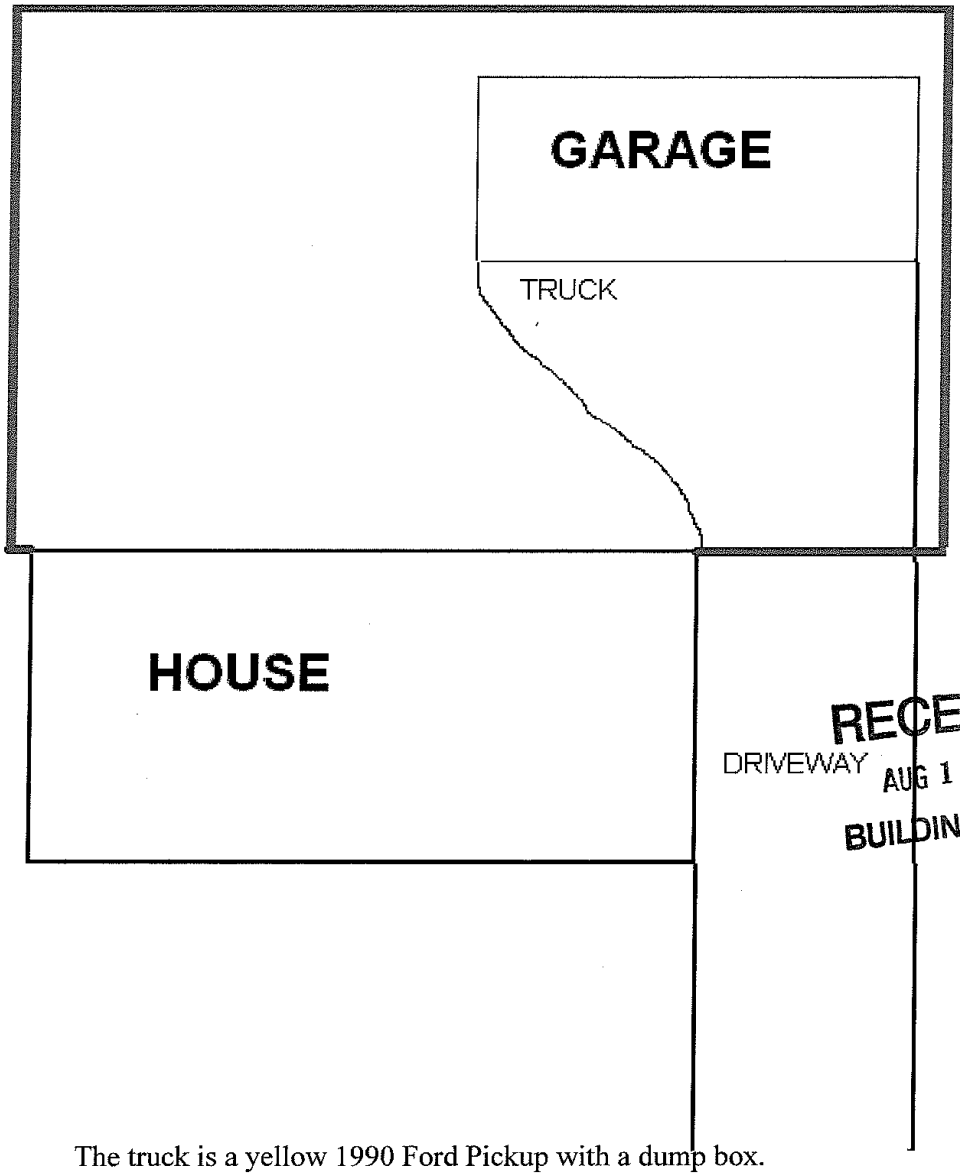
Robert J Bruce
(signature of applicant)

STATE OF MICHIGAN
COUNTY OF Oakland

On this 19th day of August, 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.

Pamela R Bosterwick Macomb
Notary Public, County, Michigan acting in Oakland

My Commission Expires: 09-01-07



RECEIVED
AUG 19 2005
BUILDING DEPT.

The truck is a yellow 1990 Ford Pickup with a dump box. VIN# 2FDLF47MXLCA29509. It is currently located in front of the property garage on the left hand side from street view and is half hidden behind the house. A permit was recently obtained (08/18/05) to construct a 6 ft. high privacy fence around the surrounding property extending from the rear of the house, across the driveway to the back property line.

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AUG 19 2005

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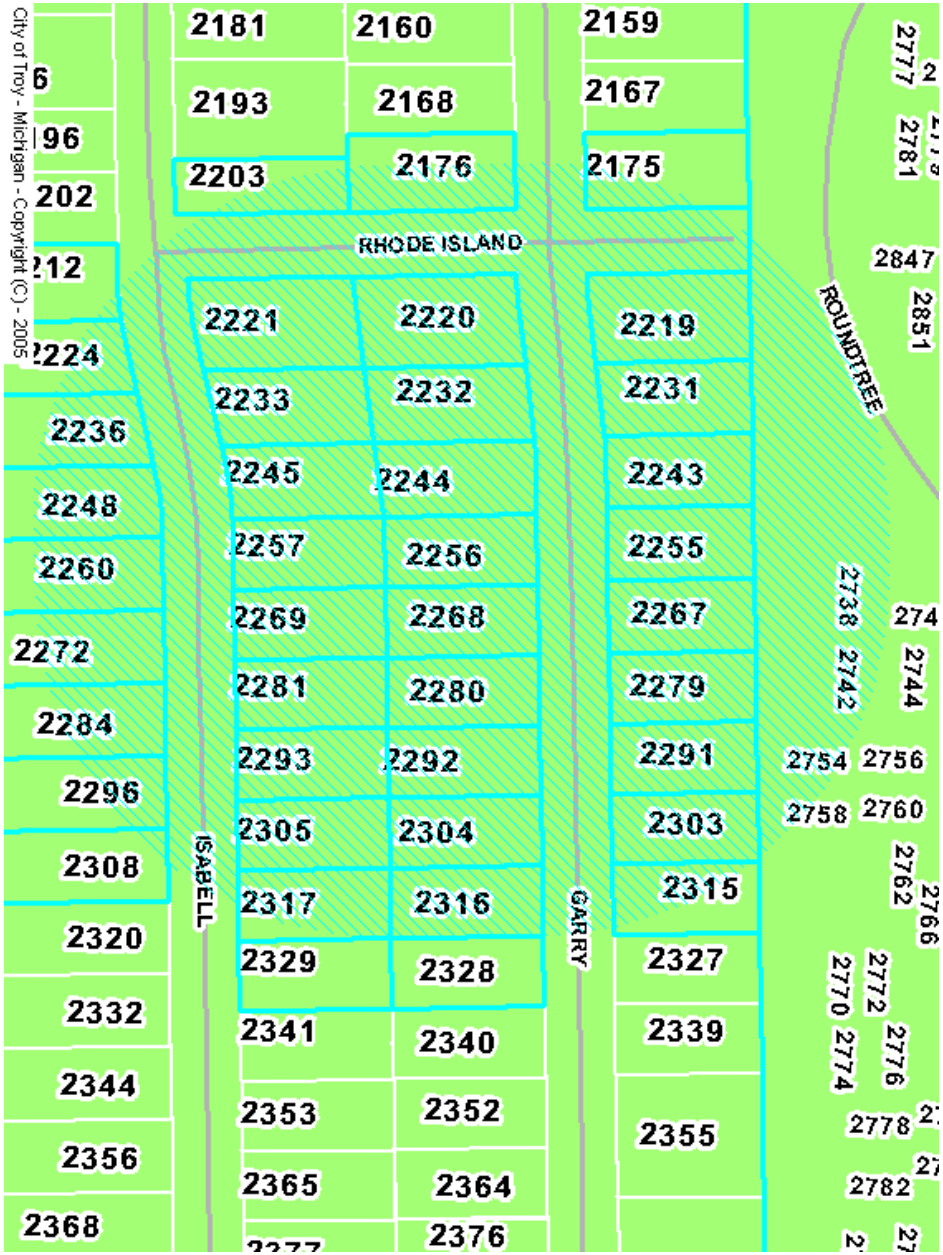
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DATE: August 23, 2005

TO: John Szerlag, City Manager

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

SUBJECT: Agenda Item - Announcement of Public Hearing
Commercial Vehicle Appeal
2002 Atlas

On July 26, 2005, information was sent to John Scislowicz that identified restrictions related to a commercial vehicle located on residential property. As part of that information, he was advised that the GMC truck parked on the property did not comply with the exceptions found in Chapter 39, Section 40.66.00. He was given the option to remove the vehicle or appeal to City Council for relief of the Ordinance.

In response to our letters, Mr. Scislowicz has filed an appeal. 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 19, 2005.

Should you have any questions or require additional information, kindly advise.

Attachments

Prepared by: Mark Stimac, Director of Building and Zoning

COMMERCIAL VEHICLE APPEAL APPLICATION

RECEIVED
AUG 05 2005
BUILDING DEPT.

Request is hereby made for permission to keep a commercial vehicle(s) as described below on the following residential zoned site:

NAME: John Scislowicz

ADDRESS: 2002 ATLAS Dr.

CITY: TROY MI. ZIP: 48083 PHONE: 248-680-9903

ADDRESS OF SITE: SAME AS ABOVE

NUMBER OF VEHICLES: 1

VEHICLE IDENTIFICATION NUMBER(S)
1GDC4E1173F504354

LICENSE PLATE NUMBER(S) 4795AT

DESCRIPTION OF VEHICLE(S) white GMC 4500 UTILITY

REASON FOR APPEAL (see A - D below) B, C, D

THE APPLICANT IS AWARE OF THE REQUIRED FINDINGS WHICH ARE STATED IN THE FOLLOWING:

44.02.01 ACTIONS TO GRANT APPEALS ... SHALL BE BASED UPON AT LEAST ONE OF THE FOLLOWING FINDINGS BY THE CITY COUNCIL:

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

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

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

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

COMMERCIAL VEHICLE APPEAL APPLICATION

40.02.2. The City Council may grant appeals in relation to the type, character or number of commercial vehicles to be parked outdoors in Residential Districts for an initial period not to exceed two (2) years, and may thereafter extend such actions for a similar period.

Supporting data, attached to the application, shall include: a plot plan, drawn to scale, a description and location of the vehicle)s) and a photo of the vehicle on-site..

(signature of applicant)

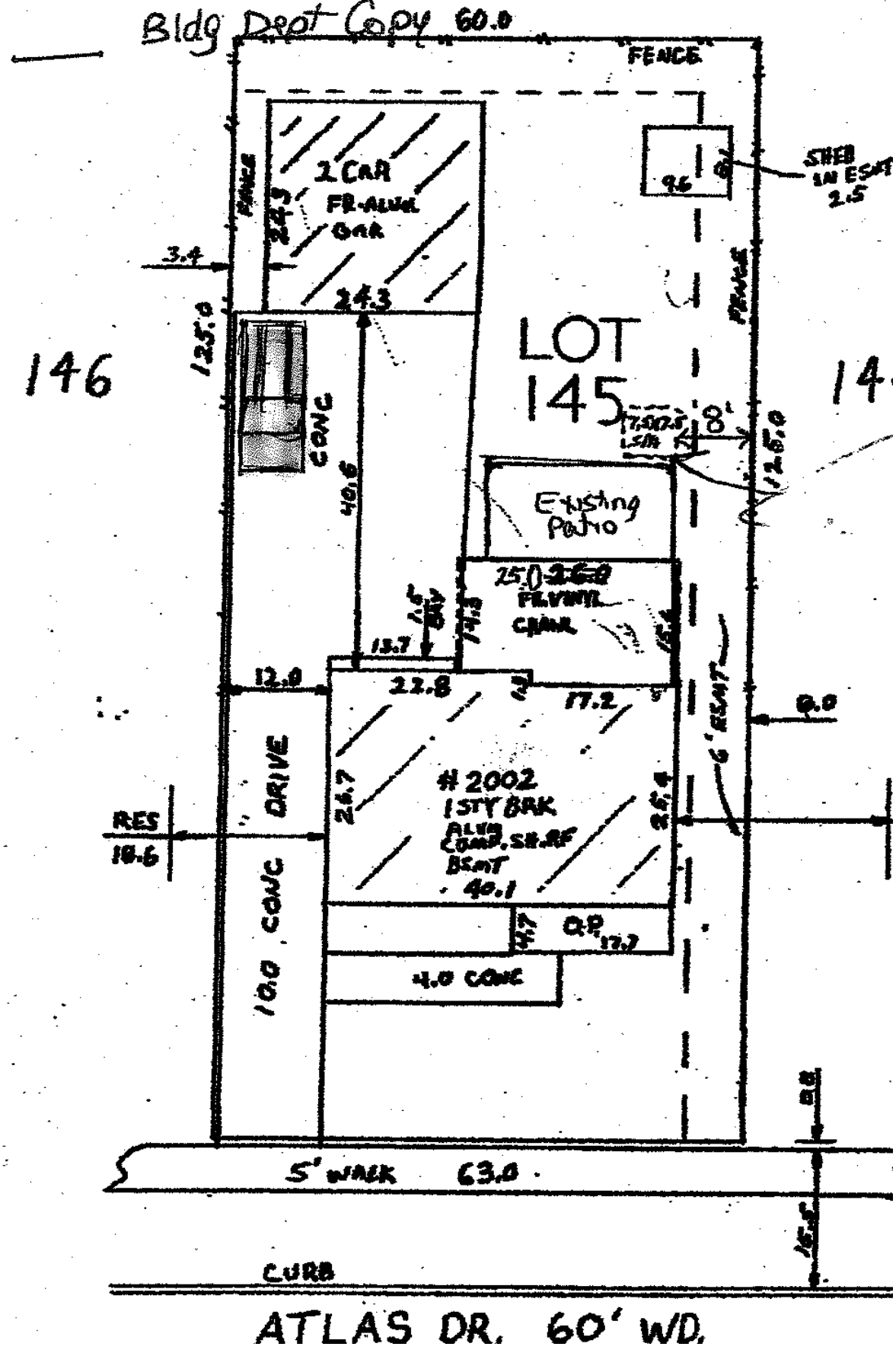
STATE OF MICHIGAN
COUNTY OF Oakland

On this 5 day of August, 2005 before me personally appeared the above named person who depose and sayeth that he/she signed this application with full knowledge of its contents and that all matters stated therein are true.

Mary Laraine McDennis Oakland
Notary Public, County, Michigan

My Commission Expires: May 30, 2007

2002 ATLAS
Bldg Dept Copy



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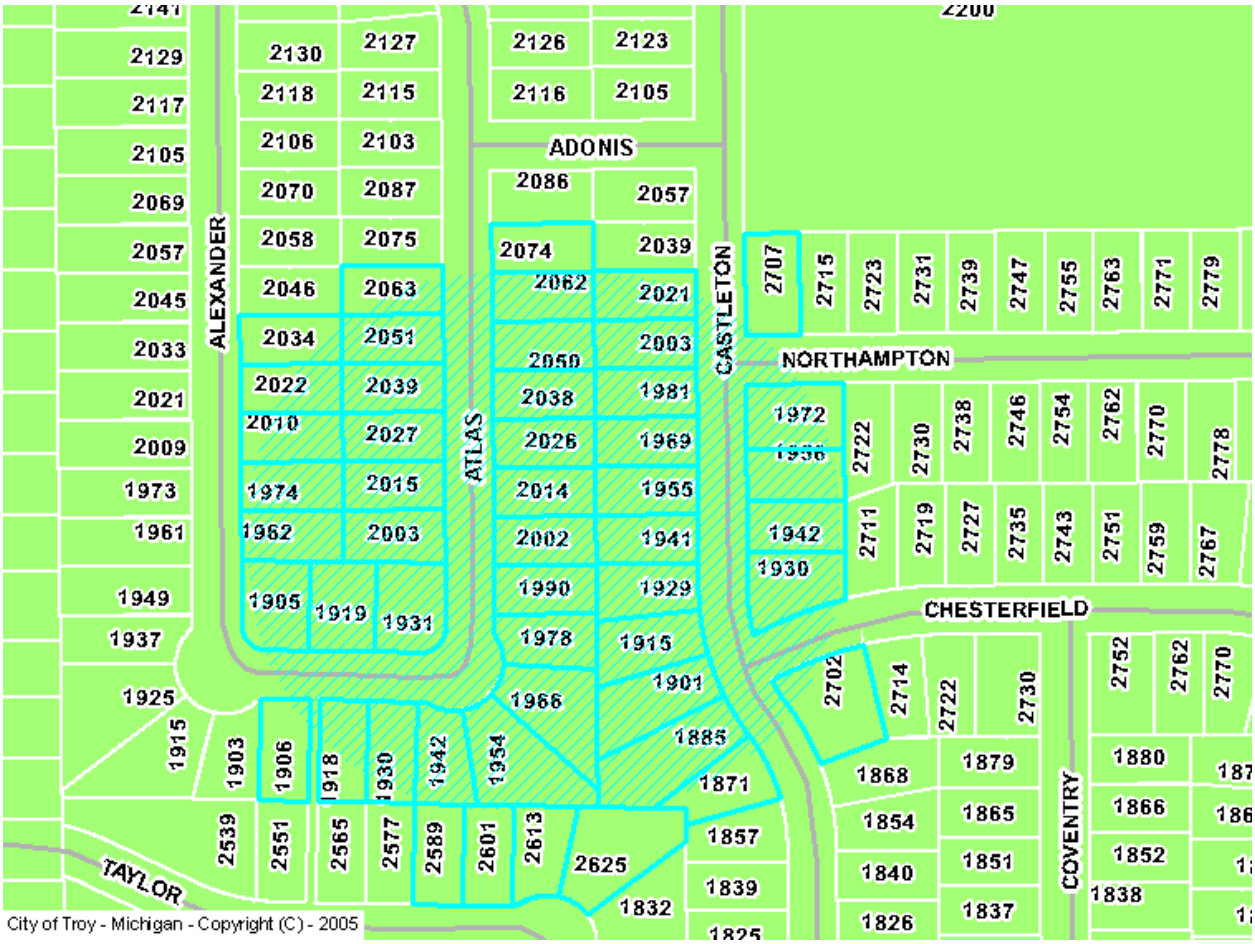
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COVENTRY
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DATE: September 2, 2005

TO: John Szerlag, City Manager

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

SUBJECT: Agenda Item - Announcement of Public Hearing
Request for Parking Variance
UnaSource Health, LLC
4550 Investment Drive

We have received a building permit application from Debra Axelrood of the architectural firm of Harley Ellis to alter the medical office building at 4550 Investment Drive. The alteration includes the conversion of approximately 9,000 square feet of the current basement storage area to usable floor space for clinic space. The current facilities that are on the site have a parking requirement if 1,134 parking spaces. If constructed, this additional building area would result in a revised total parking of 1,224 parking spaces for the development. The existing parking lot has only 706 parking spaces and an additional 100 parking spaces can be provided in the area of the existing detention pond if the pond were to be reconstructed as an underground structure. This results in a total potential of 806 parking spaces available on the site. In February of 2001, City Council approved a variance to reduce the required parking by 336 spaces. This still leaves a deficiency of 82 spaces for the current scope of work. Because of the deficiency of the additional 82 spaces the building permit application has been denied. The petitioner has filed an application for variance for the additional 82 spaces.

A public Hearing has been scheduled for September 19, 2005, regarding this matter. If you would like any additional information regarding this appeal, kindly advise.

Prepared by: Mark Stimac, Director of Building and Zoning

PARKING VARIANCE APPLICATION
FOR PUBLIC HEARING BEFORE CITY COUNCIL
CITY OF TROY

RECEIVED
SEP 06 2005
BUILDING DEPT.

TO TROY CITY COUNCIL DATE: 9/6/05

Request is hereby made for a variance to modify the parking provisions of the Zoning Ordinance enacted by the City Council or contrary to a decision rendered by the Building Official in denying an application for a permit.

Applicant: Debra Axelrood, HarleyEllis Phone: 248-262-1543

Address: 26913 Northwestern Hwy., Suite 200 Southfield, MI 48034

Address of Property: 4550 Investment Drive

Lot # - Subdivision: -

Zoning District: O-1 Sidwell # 20-17-226-009

Owner of Property: Unasource Health, Inc. c/o Dr. James Henderson Phone: 248-267-5000

Address: 4600 Investment Drive, Troy, Michigan

This appeal is made on a determination by the Director of Building & Zoning, in the enforcement of the Zoning Ordinance, in a letter dated: 9/2/05

Has there been a previous appeal involving this property? Yes If Yes, state date 2/19/01

and particulars Parking variance granted for 336 spaces with 100 landbanked spaces

REASON FOR VARIANCE:

Dimension of Stall? No Parking Spaces Required: 888*

Number of Stalls? Yes Parking Spaces Provided: 806**

Other Dimensions? No Variance Requested: 82

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)

(See attachments)

* 1224 spaces - 336 spaces (previous variance) = 888 spaces

** 706 spaces + 100 landbanked spaces = 806 spaces

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: 9-6-05 Debra J. Akehood
(Signature of Applicant)

Signed and Sworn to before me this 6 day of September 20 05

Mary E. Usakowski
Notary Public

My Commission Expires: May 10, 2008

Filing Fee $200.00	Date Paid

REV:2/2002

HARLEYELLIS

September 6, 2005

26913 Northwestern Hwy.
Suite 200
Southfield, Michigan
48034-3476 | USA

248.262.1500 (telephone)
248.262.1515 (facsimile)
www.harleyellis.com

ISO 9001 | Q1

Partner Companies

Spectrum Strategies
HarleyEllis Build

Building Department
City of Troy
500 W. Big Beaver Rd.
Troy, MI 48084

RECEIVED
SEP 06 2005
BUILDING DEPT.

Subject: Parking Variance for the UnaSource 2 Health Building
Project No. 68988.00

Dear Mr. Stimac:

On behalf of UnaSource Health, LLC, HarleyEllis is seeking relief from the parking requirement outlined under Section 40.21.73 of the Zoning Ordinance. This Section states that a Medical Office use requires one (1) parking space for each one hundred (100) square feet of usable floor space, as provided in Section 04.20.63. We have calculated the amount of parking required to comply with this ordinance versus the maximum amount of parking that would be needed on the site, and have found the requirements to be greatly in excess of what is actually needed. The following summarizes the Parking Study for the Proposed Expansion of UnaSource Health Site, completed by Parsons Transportation Group, Inc., and projected parking calculations:

Total Phases 1 & 2 Existing Maximum Parking Needed:	514 Spaces
Total Phase 3 Proposed Maximum Parking Needed:	35 Spaces
Total Phases 1, 2 & 3 Proposed Maximum Parking Needed:	549 Spaces
Existing Total Parking:	706 Spaces
Proposed Total Parking (includes approximate 22% Parking Lot Vacancy Throughout Lot):	706 Spaces

This parking proposed is considered conservative for two reasons. The first is that a 15% vacancy rate is the recommended industry standard (typical to avoid excess driving through the lot looking for vacant spaces). At this rate, the existing 706 spaces are adequate to handle the proposed new basement fit-out. The second reason is that we are still proposing 100 landbanked parking spaces, in the extremely unlikely event that additional parking may be required in the future.

Detroit

Chicago
Cincinnati
Los Angeles

This requirement is a hardship to the UnaSource Health, LLC, because there will be higher construction costs associated with building the extra parking which is not needed. In addition, UnaSource Health LLC has already built 192 spaces, as required by the City of Troy, which are not needed. Lastly, land which could be enjoyed as green space and provide additional permeable surface to absorb runoff water will be taken up with pavement.

We appreciate your consideration in this matter.

Sincerely,

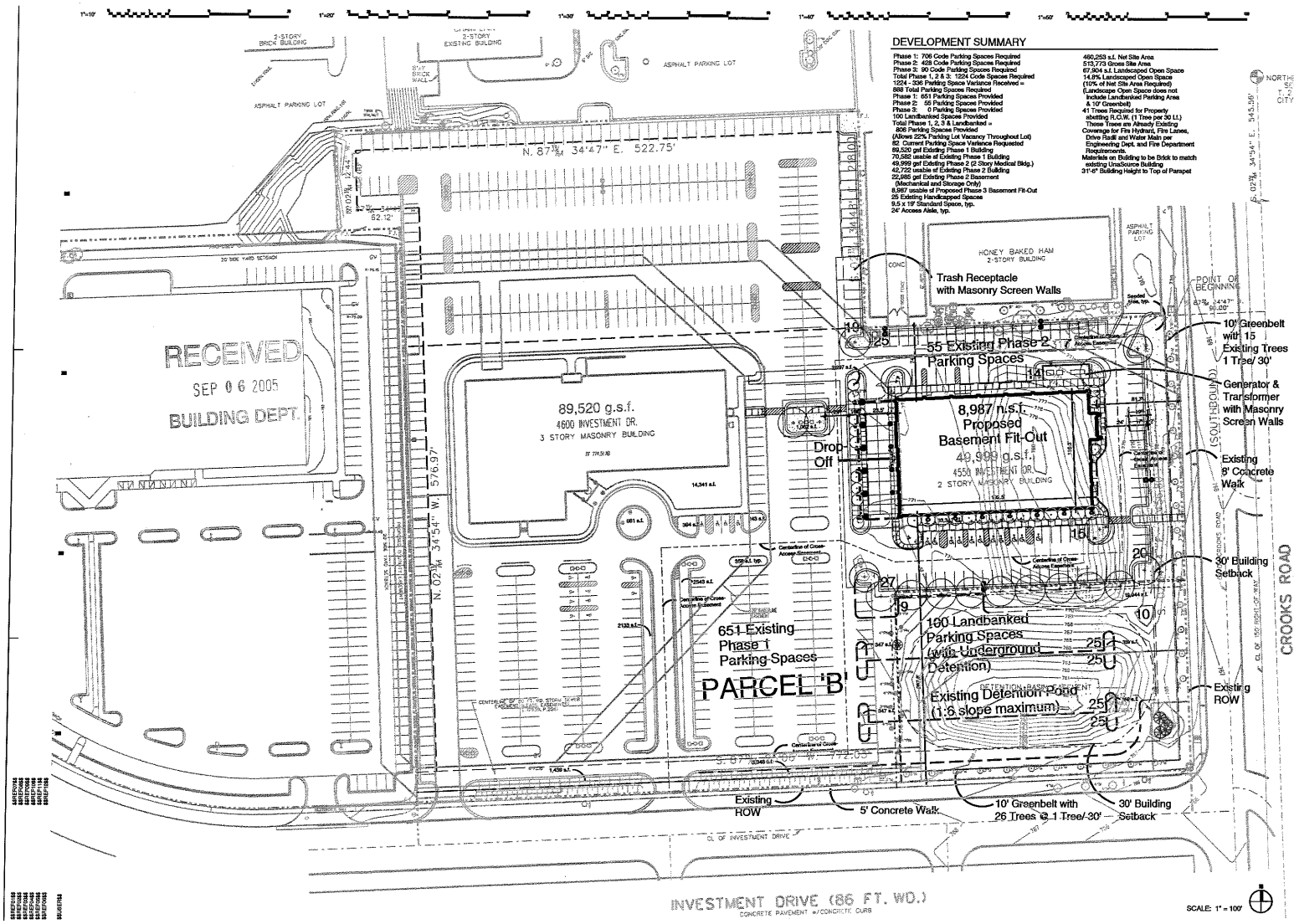
Debra J. Axelrood

Debra J. Axelrood, ASLA
Associate
Site Planning

DJA/bu

Enclosure

RECEIVED
SEP 06 2005
BUILDING DEPT.



UnaSource/
Beacon Health
Medical Center

Troy, Michigan

Date	Issued For
05-23-02	Site Plan Review
06-07-02	Site Plan Review
08-20-02	Site Plan Review
09-06-05	Variance Request

HARLEY ELLIS

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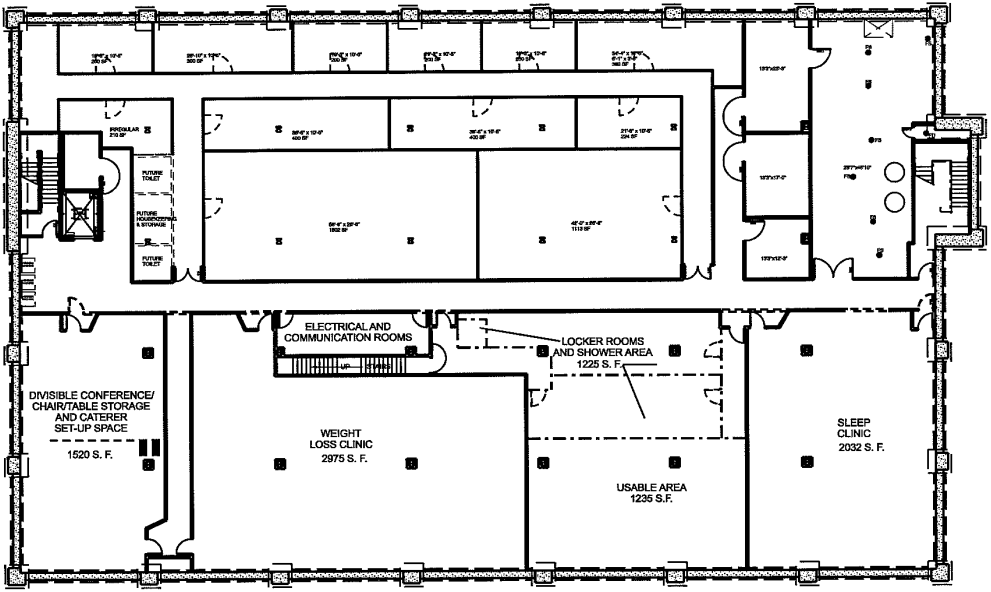
25925 Northwestern Hwy.
Suite 200
Southfield, Michigan
48034-5476 | USA

248.355.1300 (telephone)
248.355.1399 (facsimile)
www.harleyellis.com

Project Number:	68390
Drawn By:	ASE
Checked By:	EPT
Approved By:	FCS
Sheet Title:	Site Plan
Sheet Number:	SP-1



RECE
SEP 0 6
BUILDING

UnaSource II Basement Fit-out
HarleyEllis 68990
September 6, 2005

DEVELOPMENT SUMMARY

Phase 1: 706 Code Parking Spaces Required
Phase 2: 428 Code Parking Spaces Required
Phase 3: 90 Code Parking Spaces Required
Total Phase 1, 2 & 3: 1224 Code Spaces Required
1224 - 336 Parking Space Variance Received =
888 Total Parking Spaces Required
Phase 1: 651 Parking Spaces Provided
Phase 2: 55 Parking Spaces Provided
Phase 3: 0 Parking Spaces Provided
100 Landbanked Spaces Provided
Total Phase 1, 2, 3 & Landbanked =
806 Parking Spaces Provided
(Allows 22% Parking Lot Vacancy Throughout Lot)
82 Current Parking Space Variance Requested
89,520 gsf Existing Phase 1 Building
70,582 usable sf Existing Phase 1 Building
49,999 gsf Existing Phase 2 (2 Story Medical Bldg.)
42,722 usable sf Existing Phase 2 Building
22,985 gsf Existing Phase 2 Basement
(Mechanical and Storage Only)
8,987 usable sf Proposed Phase 3 Basement Fit-Out
25 Existing Handicapped Spaces
9.5 x 19' Standard Space, typ.
24' Access Aisle, typ.

460,253 s.f. Net Site Area
513,773 Gross Site Area
67,904 s.f. Landscaped Open Space
14.8% Landscaped Open Space
(10% of Net Site Area Required)
(Landscape Open Space does not include Landbanked Parking Area & 10' Greenbelt)
41 Trees Required for Property abutting R.O.W. (1 Tree per 30 l.f.) These Trees are Already Existing
Coverage for Fire Hydrant, Fire Lanes, Drive Radii and Water Main per Engineering Dept. and Fire Department Requirements.
Materials on Building to be Brick to match existing UnaSource Building
31'-6" Building Height to Top of Parapet

RECEIVED
SEP 06 2005
BUILDING DEPT.

DATE: September 6, 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 19, 2005) – REZONING APPLICATION – From R-1C to O-1 and E-P, Cambridge Square Office Buildings, West side of Dequindre, North of Long Lake, Section 12 (Z 707)

RECOMMENDATION

The application is compatible with surrounding land uses and zoning districts. Further, the request is consistent with the Future Land Use Plan which was amended in 1982. The proposed 40-foot wide E-P zone is an appropriate transition between the O-1 district and the R-1C district to the north. This E-P zone will define the upper limit of the Community Service Area. The Planning Commission recommended approval of this item at the July 12, 2005 Regular Meeting.

City Management agrees with the Planning Commission and recommends approval of the rezoning request.

GENERAL INFORMATION

Name of Owner / Applicant:
The owner and applicant is Frank D'Anna, PDI Enterprise, L.L.C.

Location of Subject Property:
The property is located on the west side of Dequindre Rd., north of Long Lake Rd., in section 12.

Size of Subject Parcel:
The applicant's entire parcel is approximately 1.12 acres in size.

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

Current Zoning Classification:
The property is zoned R-1C One Family Residential.

Proposed Zoning of Subject Parcel:
The applicant is proposing to rezone the northern 40 ft. of the property to the E-P (Environmental Protection) zoning district and the southern 40 ft. of the property to the O-1 (Low Rise Office) zoning district

Proposed Uses and Buildings on Subject Parcel:
The application indicates that the applicant is proposing to combine this parcel with the parcel to the south creating a 3.46 acre parcel. The applicant intends to develop a new bank building on the east end of the property, a 1-story office building on the west end and provide a 40 ft. landscape buffer along the northern property line.

Current Use of Adjacent Parcels:
North: Single family residential.
South: Office.
East: Retail Center (Sterling Heights).
West: Single family residential neighborhood.

Zoning Classification of Adjacent Parcels:
North: R-1C One Family Residential.
South: O-1 Low Rise Office.
East: C-2 Planned Comparison Business (Sterling Heights).
West: R-1C One Family Residential.

ANALYSIS

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

PRINCIPAL USES PERMITTED:

Office Buildings for any of the following occupations: executive, administrative; professional; accounting; writing; clerical stenographic; drafting; and sales.

Medical office, including clinics.

Banks, credit unions, savings and loan associations, and similar uses. Such uses may include drive-in facilities only as an accessory use.

Publicly owned buildings, exchanges, and public utility offices.

Other uses similar to the above uses.

USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

Uses customarily supporting or serving the Principal Uses permitted in this District, such as pharmacies or drug stores, optical services, copy services, office supplies, book stores, art galleries, or restaurants; provided that these uses are within the building housing the Principal Uses which they support, and provided that there is no direct outside entrance for these uses separate from the entrance serving the Principal Uses.

Data processing and computer centers, including sales support, service and maintenance of electronic data processing equipment. The sales support, service and maintenance functions, shall be accessory or secondary to the Principal Uses permitted in this District, and thus shall not be operated as independent businesses.

Technical training uses, when such are accessory or secondary to the Principal Uses permitted in this District, and thus not operated as independent businesses.

USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL:

Mortuary establishments.

Private service clubs fraternal organizations and lodge halls, including accessory structures and uses customarily incidental to such uses, racquet and athletic clubs.

Private ambulance facilities.

Utility sub-stations, transformer stations or gas regulator stations (without storage yards).

Mechanical or laboratory research involving testing and evaluation of products, or prototype or experimental product or process development.

Child care centers, nursery schools, or day nurseries (not including dormitories).

Vehicular and Non-motorized Access:
Access to the parcel will be provided from Dequindre Road, a major thoroughfare.

Potential Storm Water and Utility Issues:
The proposed method of storm water detention is not shown on the site plan. The applicant will be required to adequately dispose of storm water on the property.

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 located in the area of transition between Community Service Area and Low Density Residential on the Future Land Use Plan. This was amended to include Community Service Area in 1982. The Community Service Area designation correlates with B-2 (primary correlation) and B-3, B-1 and O-1 (secondary correlation) in the Future Land Use Plan. The proposed rezoning will extend the northern limits of O-1 approximately 40 feet to the north, however the E-P zone will define the upper limit of the Community Service Area. The 40-foot wide E-P zone is an appropriate transition between the O-1 district and the R-1C district to the north.

The application is in compliance with the Future Land Use Plan.

cc: Applicant
File/ Z 707

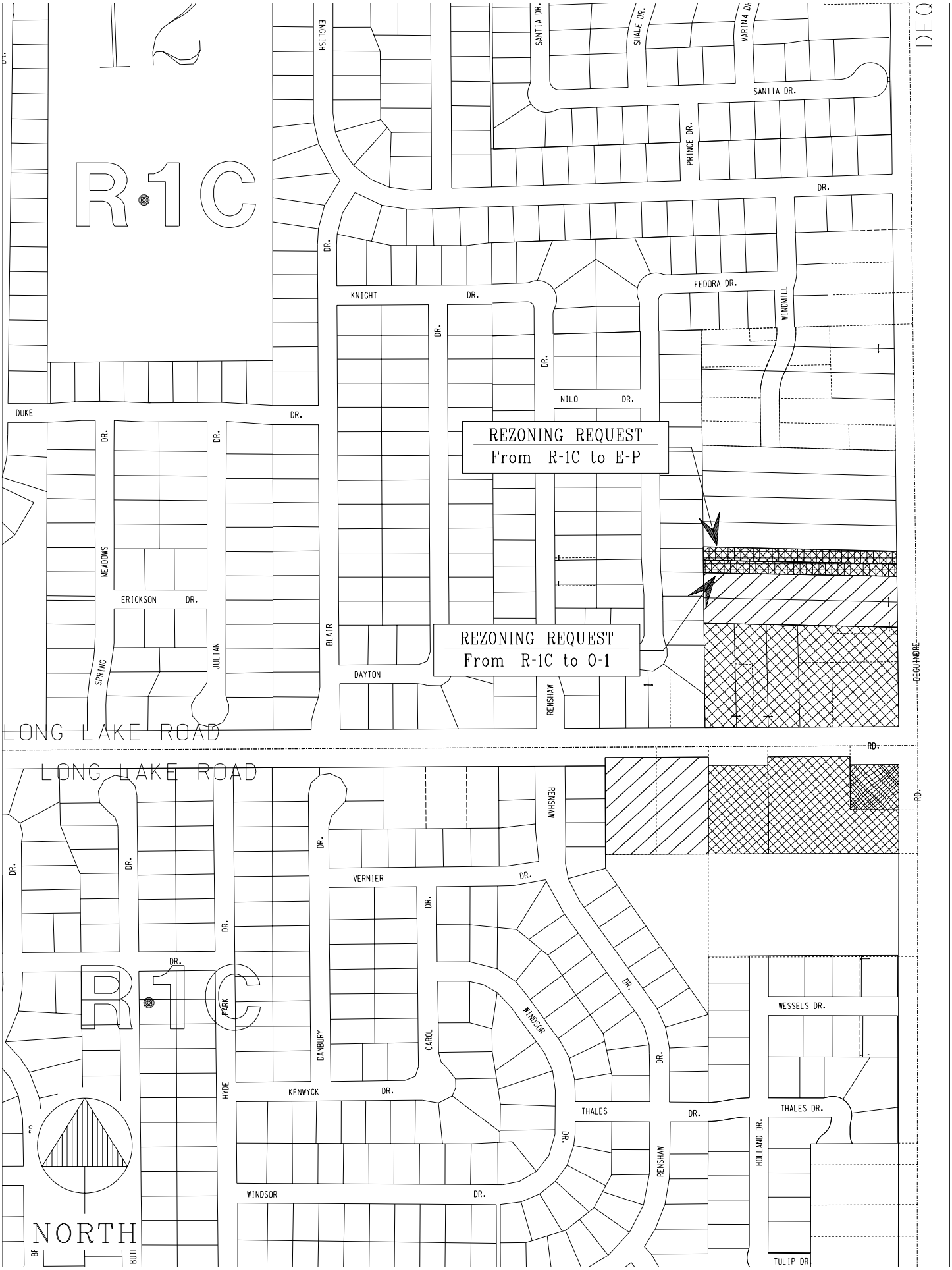
PREPARED BY RBS/MFM

G:\REZONING REQUESTS\Z-707 Cambridge Square Sec 25\Announcement of CC Public Hearing Z-707 09 19 05.doc

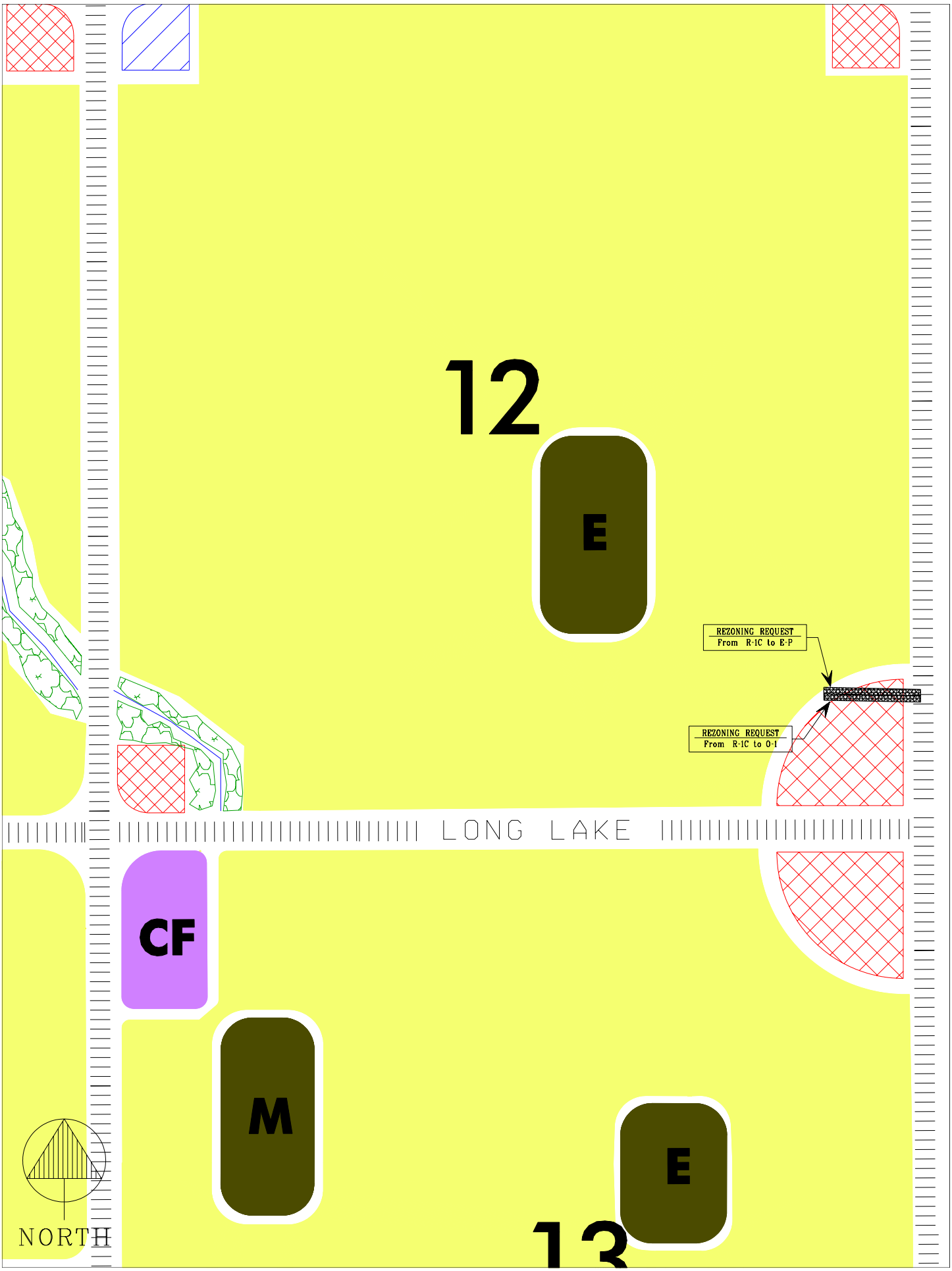
CITY OF TROY

PREPARED BY CITY OF TROY PLANNING DEPT.

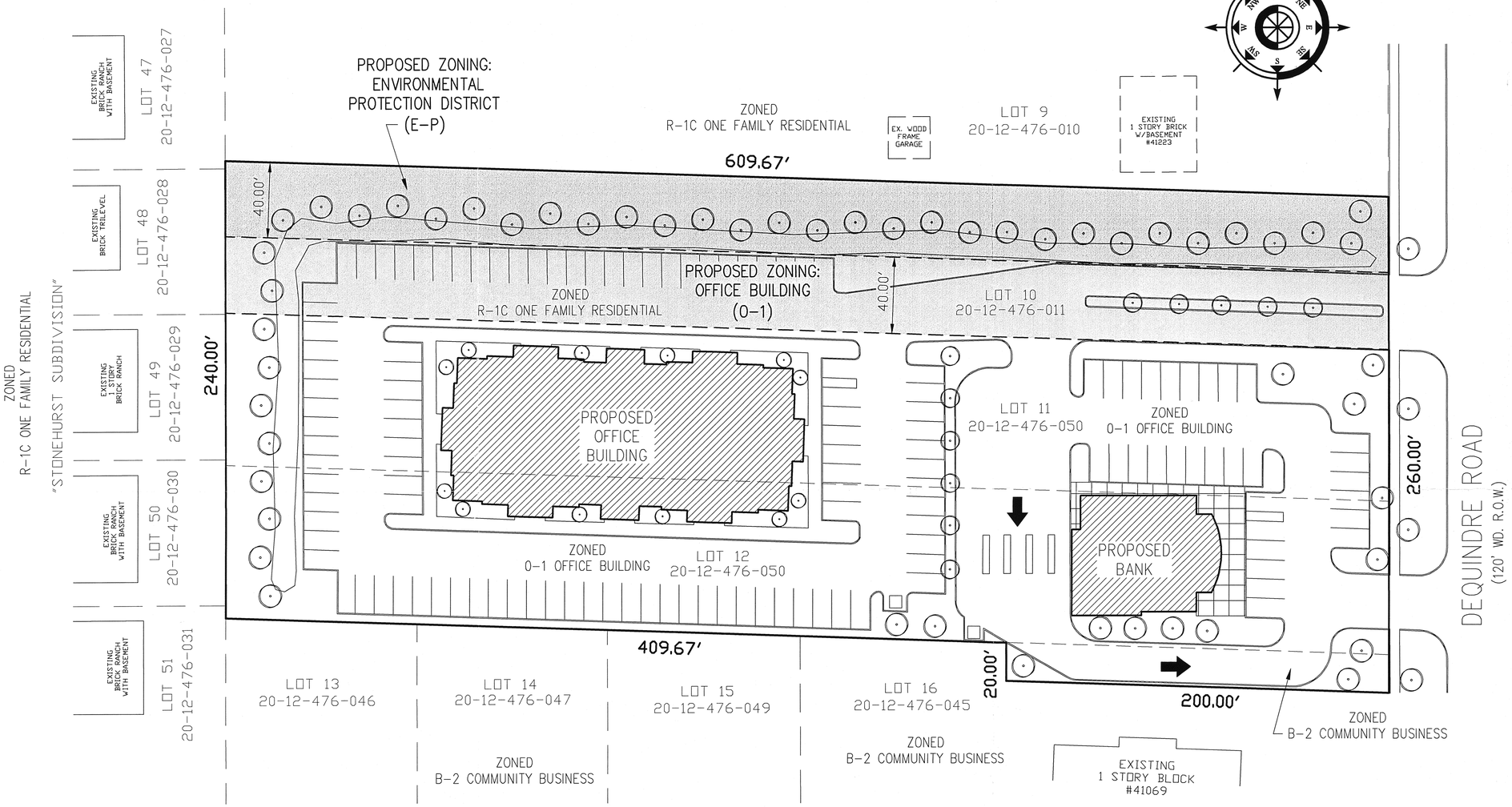
REZONING REQUEST
PROP. CAMBRIDGE SQUARE OFFICE BLDGS.
FROM R-1C TO O-1 & E-P
NORTH OF LONG LAKE, WEST SIDE OF DEQUINDRE
SEC. 12 (Z-707)
KNIGHT
DAYTON
NILO
FEDORA
DEQUINDRE
DUKE
BLAIR
SPRING MEADOWS
JULIAN
ERIKSON
RENSHAW
E LONG LAKE
HYDE PARK
BUTLER
REZONING REQUEST
FROM R-1C TO E-P
REZONING REQUEST
FROM R-1C TO O-1
Feet
0 50 100 200 300 400

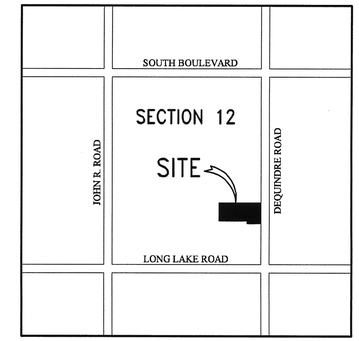

R-1C
ENGLISH
SANTIA DR.
SHALE DR.
MARINA DR.
SANTIA DR.
PRINCE DR.
DR.
KNIGHT
DR.
FEDORA DR.
WINKWILL
NILO
DR.
DUKE
DR.
REZONING REQUEST
From R-1C to E-P
MEADOWS
ERICKSON
DR.
SPRING
JULIAN
BLAIR
DAYTON
REZONING REQUEST
From R-1C to O-1
RENSHAW
DEQUINDRE
LONG LAKE ROAD
LONG LAKE ROAD
RD.
VERNIER
DR.
PARK
DANBURY
CAROL
WINDSOR
HYDE
KENWYCK
THALES
WESSELS DR.
THALES DR.
HOLLAND DR.
TULIP DR.
NORTH

Z-707 / SEC. 12 / 06-20-05


12
E
REZONING REQUEST
From R-1C to E-P
REZONING REQUEST
From R-1C to O-1
LONG LAKE
CF
M
E
13
NORTH

REZONING REQUEST





LOCATION MAP

NO SCALE

REZONING REQUEST:

EXISTING ZONNING	PROPOSED ZONNING
ONE FAMILY RESIDENTIAL (R-1C)	ENVIRONMENTAL PROTECTION DISTRICT (E-P)
ONE FAMILY RESIDENTIAL (R-1C)	OFFICE BUILDING (O-1)

PROPERTY DESCRIPTION

LAND SITUATED IN THE CITY OF TROY, COUNTY OF OAKLAND, STATE OF MICHIGAN, DESCRIBED AS FOLLOWS:

LOT 10, ALL OF LOTS 11 AND 12, PLUS THE EAST 200 FEET OF THE NORTH 20 FEET OF LOT 16, BEING A PART OF THE SOUTHWEST 1/4 OF SECTION 12, TOWN 2 NORTH, RANGE 11 EAST, BUT EXCEPTING THEREFROM THE WESTERN PORTION OF LOTS 11 AND 12:
COMMENCING AT THE SOUTHEAST CORNER OF LOT 12; THENCE ALONG THE SOUTH LOT LINE NORTH 88 DEGREES 08 MINUTES 05 SECONDS WEST 404.89 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 88 DEGREES 08 MINUTES 05 SECONDS WEST 204.89 FEET; THENCE NORTH 00 DEGREES 06 MINUTES 00 SECONDS WEST 160.00 FEET; THENCE SOUTH 88 DEGREES 08 MINUTES 05 SECONDS EAST 204.87 FEET; THENCE SOUTH 00 DEGREES 06 MINUTES 33 SECONDS EAST 160.00 FEET TO THE POINT OF BEGINNING OF JENNINGS SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 59 OF PLATS, PAGE 8, OAKLAND COUNTY RECORDS.

PARCEL I.D. No. 20-12-476-011 AND
PART OF TAX ITEM No. 20-12-476-050

NOTE: LEGAL INFORMATION & PROPERTY DESCRIPTION HAS BEEN PROVIDED FROM A BOUNDARY SURVEY PERFORMED BY LANDWEHR & ASSOCIATES, INC. DATED 05-23-96, JOB # L 332-96

STATE OF MICHIGAN FRANCESCO D'ANNA ARCHITECT No. 25111 LICENSED

D'Anna ASSOCIATES
42500 HAYES RD. - SUITE 100
CLINTON TOWNSHIP, MI 48038
(586)263-4030 - (FAX)263-3135

CLIENT: PDI ENTERPRISES 42500 HAYES, CLINTON TWP.		SCALE: 1" = 30'
		DRAWN BY: S.D.
DATE: 06/01/05	JOB No. 05051	CHECKED BY: F.D.

CAMBRIDGE SQUARE

CITY OF TROY, OAKLAND COUNTY, MICHIGAN

REZONING REQUEST #6

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D'Anna & ASSOCIATES retains the ownership of this document as instruments of service, and is entitled to its return upon request and additional compensation

APPLICANT'S STATEMENT

OPINION STATEMENT

The request for the change in zoning will provide a transition between the single family residential and the office use. The north half of the property would be zoned to Environmental Protection District, establishing a landscaped area with staggered evergreens serving as buffer between the two dissimilar land use.

The requested change would assure the neighboring property owners an established landscaped buffer, which will preserve and maintain their property value.

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

September 7, 2005

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager

SUBJECT: Child Daycare Group Homes Having Seven to Twelve Children in Single Family Residential Zoning

Background

We currently have twenty child daycare group homes licensed by the State of Michigan to operate in Troy. However, our current ordinance does not allow for daycare group homes in the R-1A through R-1E districts, and the State of Michigan has failed to notify the City of Troy prior to the issuance of these licenses. On July 6, 2005 I advised City Council that the City will not take enforcement action against licensed daycare group homes because the Planning Commission is considering making a recommendation to Council which may make these facilities allowable in residential districts. Subsequently, the Planning Commission recommended that this matter be deferred until such time as the State of Michigan takes action on this issue.

On August 24, 2005 I was advised by Mr. Arnold Weinfeld, State and Federal Affairs Director for the Michigan Municipal League, that House Bill 4398, Zoning Consolidation, is going to the Senate Committee having no change to the current daycare group home legislation in terms of local regulation. This means that local units will continue to control approval/non-approval of such uses as they see fit.

Current Status

Staff has scheduled a Planning Commission public hearing on this matter for September 27, 2005. As such, no addition enforcement action will be taken at this time. However, I cannot take a non-enforcement stance indefinitely, and therefore it is important for the Planning Commission to make a recommendation to the governing body on the daycare group home issue.

Councilwoman Broomfield spoke to me and stated that since the Michigan Legislature is going to leave approval/non-approval of daycare group homes under local jurisdiction, it is time for the Planning Commission to make a recommendation so that City Council can determine policy on this matter. As such, Ms. Broomfield has requested a resolution advising the Planning Commission to make a recommendation to City Council relative to daycare group homes after conclusion of their public hearing on September 27, 2005.

As a point of information, attached is a listing of Planning Commission activities on ZOTA 214, daycare group homes in the R-1 residential zoning districts.

JS/bt\my documents\agenda items\2005\09.12.05 – Child Daycare Group Homes

c: Lori G. Bluhm, City Attorney
Mark Miller, Planning Director
Doug Smith, Real Estate & Development Director
Planning Commission

Planning Commission Actions on ZOTA 214 Group Daycare Homes in the R-1 Residential Zoning Districts

MEETING DATE	TYPE OF MEETING	ACTION
April 27, 2004	Study Meeting	Potential Ordinance Revision Discussion and Presentation by Ms. Schafer
May 4, 2004	Study Meeting	Potential Ordinance Revision Discussion followed by Resolution #PC-2004-05-052 - Request for written confirmation that the Building Dept. violation at 5593 Mandale be held in abeyance while PC attempts to move forward with ZOTA, MOTION APPROVED
July 27, 2004	Study Meeting	Potential Ordinance Revision Discussion
Sept. 28, 2004	Study Meeting	Potential Ordinance Revision Discussion
March 1, 2005	Study Meeting	Brief Discussion after Planning & Zoning Report
June 7, 2005	Study Meeting	Zoning Ordinance Text Amendment Discussion followed by Resolution #PC-2005-06-094, directing the Planning Dept. not to extend any more effort on ZOTA 214, and to look into applicability of the State Building Code for family daycare homes to see if anything should be done in the City Ordinances to clear up potential legalities, MOTION FAILED
June 28, 2005	Study Meeting	Zoning Ordinance Text Amendment Discussion followed by Resolution #PC-2005-06-108, that a Public Hearing on ZOTA 214 be scheduled for August 9, 2005 and notices be sent to residents within 300 ft. of the existing 19 group daycare homes and that City Management provide a memo outlining pros and cons on the matter and that additional Special Use criteria be developed, MOTION APPROVED
July 12, 2005	Regular Meeting	During Good of the Order comments, Mr. Motzney provided an explanation to his memo addressing the Public Hearing for ZOTA 214
August 2, 2005	Study Meeting	Discussion of House Bill 4398 including Sec. 206 (4) the requirement to permit conditionally group day care homes in residential districts
August 9, 2005	Regular Meeting	Public Hearing, followed by Resolution #PC-2005-08-131, Planning Commission shall take no further action related to group day care homes until State Legislature and Governor have taken final action on House Bill 4398, MOTION APPROVED
August 23, 2005	Study Meeting	During Good of the Order comments, Chair Strat notified members that the State legislature is not going forward with modifications regarding group day care homes in House Bill 4398 and that City Management requested they resume action on ZOTA 214

TO: Mayor and Members of Troy City Council
FROM: John Szerlag, City Manager
John Lamerato, Assistant City Manager/Finance and Administration
Doug Smith, Director of Real Estate and Development
Nino Licari, City Assessor
Lori Grigg Bluhm, City Attorney
DATE: September 8, 2005
SUBJECT: Statutory Requirements for Amending a DDA District

Councilmember Howrylak has requested a resolution setting a public hearing for amendment to the DDA District for the September 12, 2005 City Council meeting. City Administration has not had an opportunity to fully research the potential impacts of amending the DDA district, which will require the hiring of financial and legal experts. However, the following statutory time frames may be helpful to City Council.

According to MCL 125.1653 (5), "The governing body may alter or amend the boundaries of the downtown district to include or exclude lands from the downtown district pursuant to the same requirements for adopting the ordinance creating the authority." The statutory procedure for creating an authority is found in MCL 125.1653. It initially requires the governing body to make a determination that an amendment to the district is in the best interest of the public. In order to acquire the objective information required for this complex determination, input is required from both legal and financial experts. This is especially true, since the impact of any change to the DDA boundaries may impact the outstanding DDA bonds. Input from the DDA may also be advisable prior to the public interest determination. The public hearing cannot be set prior to the City Council determination of public interest.

If and when the City Council determines that an amendment of the DDA boundaries is in the best interest of the community, then this resolution can be accompanied by a resolution setting the public hearing date for a proposed amendment to the boundaries of the DDA. This public hearing would be at least 20 days after publication in the newspapers and mailing to all property owners in the district. Even if Council were able to make the initial resolution at the September 12, 2005 meeting, the earliest possible date for the public hearing would be October 24, 2005. Council would then need to wait at least 60 days after the public hearing to pass an ordinance amendment that amends the boundaries of the DDA district. Assuming that October 24, 2005 is a viable public hearing date, then any action taken towards amending the DDA district would not occur until early 2006.

We are available to answer any questions concerning this matter.

CC: Downtown Development Authority

Mary F Redden

From: mfhowryl@umich.edu
Sent: Wednesday, September 07, 2005 11:47 PM
To: John Szerlag; Lori G Bluhm
Subject: an item for Monday's agenda

Good evening!

Please add the following item to Monday's agenda:

"Modifications to Downtown Development Authority area".

This relates to the Monarch development. Please include a draft resolution necessary to set the requisite public hearing date, as well as pertinent background information. Please include sections of the State statute related to modification of DDA area, as well as information regarding how this would be accomplished in this instance.

Please feel free to call me if you have any comments or questions. Thank you.

Martin F. Howrylak
Councilman, City of Troy
248.643.6653 home
248.649.5814 fax
248.882.4599 cell

A meeting of the **Troy Youth Council (TYC)** was held on May 18, 2005 at 7:30 PM at City Hall in the Council Board Room, 500 West Big Beaver Road. Nicole Vitale and Jessica Kraft called the meeting to order at 7:30 p.m.

MEMBERS PRESENT: Alexandra (Sasha) Bozimowski
Juliana D'Amico
Catherine Herzog
Maniesh Joshi
Rishi Joshi
Jessica Kraft (co-chair)
Andrew Kalinowski
Manessa Shaw
Nicole Vitale (co-chair)
YuJing Wang

MEMBERS ABSENT: Min Chong
Monika Raj
Karen Wullaert (excused)

ALSO PRESENT: Laura Fitzpatrick, Assistant to the City Manager

1. **Roll Call**

2. **Approval of Minutes**

Resolution # TY-2005-05-15
Moved by D'Amico
Seconded by Herzog
RESOLVED, That the minutes of 4/27/05 be approved.
Yes: All - 10
No: None
Absent: 3 – Chong, Raj, Wullaert
MOTION CARRIED

3. **Attendance Report:** To note and file
4. **Re-cap of National League of Cities Audio Conference:** Catherine Herzog
5. **Messages from TYC Alumni:**
   - Visitor: Fred Wong, Former TYC Member and Former Student Member on the Troy Downtown Development Authority
   - Email Message from Lusi Fang, Harvard Student and Founder of the TYC
6. **Troy Daze Festival Update**
   - Awaiting direction from event co-chairs; TYC members are interested in helping out and Fitzpatrick has conveyed that to the co-chairs

7. Motion to Excuse Absent Members Who Have Provided Advance Notification

Resolution # TY-2005-05-16
Moved by Shaw
Seconded by Wang
RESOLVED that Karen Wullaert is excused.
Yes: All - 10
No: None
Absent: 3 – Chong, Raj, Wullaert
MOTION CARRIED

8. Youth Council Comments
9. PUBLIC COMMENT

The meeting adjourned at 7:47 P.M.

_____
Nicole Vitale, Co-chair

_____
Laura A. Fitzpatrick, Assistant to the City Manager

Following adjournment - distributed certificates and took photos.

Reminder Next Meeting: AUG 24th at 7:00 P.M. @ ***CITY HALL***

ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES – DRAFT – JUNE 1, 2005

A Regular Meeting of the Troy Advisory Committee for Persons with Disabilities was held Wednesday, June 1, 2005, at the lower level conference room at City Hall. Leonard Bertin called the Meeting to order at 7:13 P.M.

Present:	L Bertin, member	C. Buchanan, member
	A. Done, member	A. Fuhrman, alternate
	T. House, member	P. Manetta, member
	D. Pietron, member	M. Pritzlaff, alternate
	S. Werpetinski, member	

Present:	M. Grusnick, staff	
	K. Jearls, staff	

Absent:	S. Burt, member, EA	K Gauri, member, EA
	N. Johnson, alternate, UA	A. Wiqar, student, UA

ITEM B – APPROVAL OF MINUTES OF MEETING OF May 4, 2005
Werpetinski made a motion that the minutes of May 4, 2005 be approved as amended. Supported by Pietron. All voted in favor.

ITEM C – VISITORS, DELEGATIONS AND GENERAL PUBLIC
Jean Richart and her son Dan and Jo Rexin attended the meeting to inquire about Steve Vinson's termination from the Parks & Rec Dept. They expressed their disappointment with the City's decision. Steve did an outstanding job working with kids with special needs. They feel it is extremely important that the City fill this position with someone who has shown their abilities in working with children, especially those with special needs. The Committee suggested their concerns should be presented to the Human Resource and Parks & Recreation Departments.

ITEM D – NEW BUSINESS
The appointment of a new Chair for the Committee was tabled until the August meeting.

Our current student representative has never shown an interest and no longer attends meetings. We will ask Cindy Stewart for her help on getting a new student appointed to our committee.

Several members of the Committee will try to contact and determine whether or not Nancy Johnson will be returning as a member of this Committee.

ITEM E – REGULAR BUSINESS
Buchanan will attend the City Council meeting on 6/6/05 and Pritzlaff on 6/20/05. Done and Manetta will attend on 7/11/05 and House and Werpetinski will attend on 7/18/05. Fuhrman will attend on 8/1/05.

ITEM F – OLD BUSINESS

Our Committee offered assistance in planning for future Senior Expo events. Carla Vaughn said our attendance is not necessary since all planning is done by Parks & Rec City Staff. We will offer a possible list of vendors available from Troy Daze for their consideration at future Senior Expo events.

ITEM G - INFORMATIONAL ITEMS

Werpetinski will discuss with Cindy Stewart accessibility concerns at the City of Troy's 50th birthday party which will be held 6/19/05 in Boulan Park.

We want to thank Susan Werpetinski for her follow through on the raised garden bed project. This Committee gratefully acknowledges the extraordinary effort put forth by the Parks & Rec Dept. personnel responsible for producing the accessible elements of raised planted beds at Troy Farms Senior Citizen Garden.

ITEM H – ADJOURN

Done made a motion to adjourn at 8:20 which was seconded by House.

_____
Leonard Bertin, Chairperson

_____
Kathy Jearls, Recording Secretary

ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES – FINAL – JUNE 1, 2005

A Regular Meeting of the Troy Advisory Committee for Persons with Disabilities was held Wednesday, June 1, 2005, at the lower level conference room at City Hall. Leonard Bertin called the Meeting to order at 7:13 P.M.

Present:	L Bertin, member	C. Buchanan, member
	A. Done, member	A. Fuhrman, alternate
	T. House, member	P. Manetta, member
	D. Pietron, member	M. Pritzlaff, alternate
	S. Werpetinski, member	
Present:	M. Grusnick, staff	
	K. Jearls, staff	
Absent:	S. Burt, member, EA	K Gauri, member, EA
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ITEM H – ADJOURN
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_____
Leonard Bertin, Chairperson

_____
Kathy Jearls, Recording Secretary

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:30 p.m. on 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.

Thomas Houghton

Thomas Houghton, Chairman

John M. Lamerato, Secretary

JML/bt\Retirement Board\2005\7-13-05 Minutes_Final.doc

Matthew Kovacs, Vice-Chairman, called the meeting of the Board of Zoning Appeals to order at 7:33 P.M., in Council Chambers of the Troy City Hall on Tuesday, July 19, 2005.

PRESENT: Kenneth Courtney
Marcia Gies
Michael Hutson
Matthew Kovacs
Mark Maxwell
Wayne Wright

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Susan Lancaster, Assistant City Attorney
Pamela Pasternak, Recording Secretary

ABSENT: Christopher Fejes

Motion by Gies
Supported by Wright

MOVED, to excuse Mr. Fejes from this meeting as he is out of town.

Yeas: All – 6

MOTION TO EXCUSE MR. FEJES CARRIED

ITEM #1 – APPROVAL OF MINUTES – MEETING OF JUNE 21, 2005

Motion by Courtney
Supported by Gies

MOVED, to approve the minutes of the meeting of June 21, 2005 as written.

Yeas: 5 – Gies, Hutson, Maxwell, Wright, Courtney
Abstain: 1 – Kovacs
Absent: 1 – Fejes

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – APPROVAL OF ITEMS #3 THROUGH ITEM #5

Motion by Courtney
Supported by Gies

MOVED, to approve renewal of Item #3 for a period of three (3) years as suggested in the Agenda Explanation and to schedule a Public Hearing for Item #4 and Item #5 in order to consider permanent variances for these items.

Yeas: All – 6

ITEM #2 – con't.

MOTION TO APPROVE ITEM #3 FOR A THREE (3) YEAR RENEWAL AND TO POSTPONE ITEM #4 AND ITEM #5 UNTIL THE MEETING OF AUGUST 16, 2005 TO ALLOW FOR A NEW PUBLIC HEARING ON THESE ITEMS CARRIED.

ITEM #3 – RENEWAL REQUESTED. MR. & MRS. AL KING, ATLAS VENEER FIREPLACE, 2212 LIVERNOIS, for relief of the Ordinance to maintain a metal fence in lieu of the 6' high masonry screening wall required along the east property line where this commercial property abuts residentially zoned property.

Mr. Stimac explained that the petitioner is requesting renewal of relief to maintain a metal fence in lieu of the 6' high masonry-screening wall required along the east property line where this commercial property abuts residentially zoned property. This Board originally this relief in 1983, primarily due to the fact that the petitioner owns the property to the east, which is undeveloped. This item last appeared before this Board at the meeting of July 2002 and was granted a three (3) year renewal. Conditions remain the same and we have no complaints or objections on file.

MOVED, to grant Mr. & Mrs. Al King, Atlas Veneer Fireplace, 2212 Livernois a three (3) year renewal of relief to maintain a metal fence in lieu of the 6' high masonry screening wall required along the east property line where this commercial property abuts residentially zoned property.

- Conditions remain the same.
- We have no complaints or objections on file.

ITEM #4 – RENEWAL REQUESTED. INDEPENDENT BANK, 5950 ROCHESTER ROAD, for relief of the 6' high masonry screening wall required along the south and east property lines.

Mr. Stimac explained that the petitioner is requesting renewal of relief of the 6' high masonry-screening wall required along the south and east property lines where it abuts residentially zoned property. These property lines abut multiple-family residential zoning and relief was originally granted in 1977 based on the fact that a drain surrounded the area and there was a substantial brush growth that adequately screens the abutting residential land. This item last appeared before this Board in July 2002 and was granted a three (3) year renewal at that time. Conditions remain the same and we have no complaints or objections on file.

Mr. Stimac explained that the petitioner is requesting renewal of relief of the 6' high masonry-screening wall required along the south and east property lines where it abuts residentially zoned property. These property lines abut multiple-family residential zoning and relief was originally granted in 1977 based on the fact that a drain surrounded the area and there was a substantial brush growth that adequately screens the abutting residential land. This item last appeared before this Board in July 2002 and was granted a three (3) year renewal at that time. Conditions remain the same and we have no complaints or objections on file.

ITEM #4 – con't.

MOVED, to postpone the request of Independent Bank, 5950 Rochester, for relief of the 6' high masonry screening wall required along the south and east property lines where it abuts residentially zoned property until the meeting of August 16, 2005.

- To allow the Building Department the time necessary to publish a Public Hearing in order to consider a permanent variance.

ITEM #5 – RENEWAL REQUESTED. OSPREY, LTD, 2701 TROY CENTER, for relief of the 6' high masonry wall required along the north property line.

Mr. Stimac explained that the petitioner is requesting renewal of relief of the 6' high masonry-screening wall required along the north property line where it abuts residentially zoned property. This variance was originally granted based on the fact that the petitioner would install 280' of decorative metal fencing and landscaping along this north property line that abuts a residential apartment complex. This item last appeared before this Board in July 2002 and was granted a three (3) year renewal. Conditions remain the same and we have no objections or complaints on file.

MOVED, to postpone the request of Osprey, LTD, 2701 Troy Center for relief of the 6' high masonry wall required along the north property line where it abuts residentially zoned property until the meeting of August 16, 2005.

- To allow the Building Department the time necessary to publish a Public Hearing in order to consider a permanent variance.

ITEM #6 – VARIANCE REQUESTED. DAVID DONNELLON, OF THE CHOICE GROUP, 4254 BEACH ROAD, for relief of the Ordinance to split an existing parcel of land from its Beach Road frontage. This split would result in a street frontage for this property of only 55 feet where Section 30.10.02 of the Ordinance requires that properties in the R-1B Zoning District have a minimum of 100' of frontage on a public street.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to split an existing parcel from its Beach Road frontage. The site plan submitted indicates a split of this property from its Beach Road frontage and creating access to the property from the western end of the stub street Prestwick. This would result in the only street frontage for this property being the 55 feet at the end of Prestwick Drive. Section 30.10.02 requires that properties in the R-1B Zoning District have a minimum of 100' of frontage on a public street.

The petitioner was not present. Mr. Kovacs moved this Item to the end of the agenda, Item #11 to allow the petitioner the opportunity to be present.

ITEM #7 – VARIANCE REQUESTED. TIMOTHY BUNKER, 2861 DASHWOOD, for relief of the Ordinance to construction a family room addition. This proposed addition would move the rear line 24' to the south resulting in approximately 10' of the existing pool in a

ITEM #7 – con't.

side yard location. Section 40.57.03 prohibits the placement of accessory buildings or structures in any yard except a rear yard.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct a family room addition. This property has an above ground swimming pool located in the rear yard. The construction of the family room addition on the rear of the home would shift the rear yard line 24' to the south resulting in approximately 10' of the existing pool being located in a side yard location. Section 40.57.03 prohibits the placement of accessory buildings or structures in any yard except a rear yard.

Mr. Bunker was present and stated that his family needs the room this family room addition would provide and when this pool is taken down and another pool put up, it will be moved to the back of his property. This property is also in a flood plain and Mr. Bunker does not believe he could put another pool in this area.

Mr. Kovacs asked approximately what the distance would be between the pool and the proposed addition. Mr. Bunker stated that it is about 16 to18 feet.

Mr. Kovacs opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are eight (8) written approvals on file. There are no written objections on file.

Mr. Hutson asked if a variance could be granted for a term of years. Ms. Lancaster said that she did not believe a stipulation could be placed on this request with a time limit, however, she did state that it would be possible to place the condition that if and when the pool was replaced it would need to be moved to a location that is conforming to the Ordinance.

Mr. Kovacs advised the petitioner that if he changed his mind in 10 or 12 years and decided he would like to replace the pool and leave the pool in the same location, he could come back to this Board and request a variance. Mr. Bunker stated that he had a very large lot and would not have a problem with complying with the Ordinance.

Motion by Maxwell
Supported by Courtney

MOVED, to grant Timothy Bunker, 2861 Dashwood, relief of the Ordinance to construct a family room addition, which would move the rear line 24' to the south resulting in approximately 10' of the existing pool in a side yard location.

- Variance is not contrary to public interest.
- If pool is replaced it would be moved to a conforming location.
- Variance request applies only to the existing pool.
- Variance applies only to the property in this application.

ITEM #7 – con't.

Yeas: All – 6

MOTION TO GRANT VARIANCE CARRIED

Mr. Courtney told Mr. Bunker that he thought the present location of the pool was fine, and in the future if the pool was replaced, the petitioner would have the option to ask for a variance from this Board.

ITEM #8 – VARIANCE REQUESTED. H. W. CARTER, 1751 EASTPORT, for relief of the Ordinance to construct a covered front porch that would result in a 21' front yard setback. Section 30.10.06 requires a 25' minimum front yard setback in R-1E Zoning Districts.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct a covered front porch. The site plan submitted indicates constructing a roof over an existing uncovered front porch resulting in a proposed 21' front yard setback. Section 30.10.06 requires a 25' minimum front yard setback in R-1E Zoning Districts.

John Swanson from Oakland Building Company was present and stated that there is a disabled person residing at this address and the covered porch would help to protect him from the elements and allow access to the front of the house.

Mr. Kovacs opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are six (6) written approvals on file. There is one (1) written objection on file.

Motion by Hutson
Supported by Wright

MOVED, to grant H.W. Carter, 1751 Eastport, relief of the Ordinance to construct a covered front porch that would result in a 21' front yard setback, where Section 30.10.06 requires a 25' minimum front yard setback in R-1E Zoning Districts.

- Variance will not cause an adverse effect to the surrounding property.
- Variance would not be contrary to public interest.
- Variance does not establish a prohibited use in a Zoning District.
- Without a variance, public health, safety and welfare could be negatively affected.

Yeas: All – 6

MOTION TO GRANT VARIANCE CARRIED

ITEM #9 – VARIANCE REQUESTED. WESLEY MUELLER, 41 BILTMORE, for relief of the Ordinance to construct a second floor addition on his home. This home was constructed with a covered front porch, which has an 11'-3" front yard setback and is considered a legal non-conforming structure. The proposed second floor addition would continue this 11'-3" setback. Section 40.50.04 of the Ordinance prohibits expansions on non-conforming structures in a way that increases the non-conformity.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a second floor addition on his home. Section 30.10.06 requires a 25' minimum front yard setback for a single family home constructed in the R-2 (Duplex) Zoning District. The plot plan submitted indicates the existing house has a covered front porch with an 11'-3" front yard setback and is a legal non-conforming structure. The site plan submitted indicates expanding the second floor over this porch continuing the 11'-3" front setback. Section 40.50.04 prohibits expansions of non-conforming structures in any way that increases the non-conformity.

Mr. Wesley Mueller was present and stated that the wished to add this addition in order to make the second floor into habitable space. They wish to put in three bedrooms and two baths upstairs.

Mr. Kovacs asked if the front porch would remain a porch and Mr. Mueller stated at this time they plan to leave this space as a front porch.

Mr. Maxwell asked what the square footage of this home was and Mr. Mueller stated it is approximately 871 square feet and with the addition the square footage would be increased to just about 2000 square feet.

Mr. Kovacs asked what the second floor is used for now and Mr. Mueller stated that basically it is an attic and they use it for storage.

Mr. Kovacs opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written objections or approvals on file.

Motion by Maxwell
Supported by Wright

MOVED, to grant Wesley Mueller, 41 Biltmore, relief of the Ordinance to construct a second floor addition on his home that will result in a 11'-3" front yard setback.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Variance would increase the area of the non-conformity of this home, but the setback would not be changed.

Yeas: All – 6

ITEM #9 – con't.

MOTION TO GRANT VARIANCE CARRIED

ITEM #10 – VARIANCE REQUESTED. LISA HIGH OF CDPA ARCHITECTS, 1639 E. BIG BEAVER (PROPOSED ADDRESS), for relief of the Ordinance to construct a new building for the Suma Medical Center. The site plan submitted indicates that 9,176 square feet of landscaping is provided. Section 39.70.02 and Section 39.70.04 requires that 14,738 square feet of landscaping be provided for a building of this size.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct a new building for the Suma Medical Center. Section 39.70.04 requires that ten (10) percent of the net site area be developed as landscaped open space. This landscaping must be located in the front or side yard and must be in addition to the 10' green belt required by Section 39.70.02. The required landscaping for a site this size is 14,738 square feet. The site plan submitted indicates that only 9,176 square feet of landscaping is provided, making the site deficient 5, 562 square feet. Mr. Stimac also explained that this piece of property is zoned as O-1, P-1, E-P and R-1E.

Mr. Kovacs asked for an explanation of the E-P (Environmentally Protected) Zoning Classification. Mr. Stimac stated that basically the E-P Zoning District is in place for two reasons: one is to preserve environmentally sensitive areas such as wetlands, nature preserves and the second reason is to use it as a buffer between different zoning classifications where an area of a certain width and size is provided between an office development and a residential area. Mr. Kovacs asked if this area was allowed in the calculation regarding the landscape requirement and Mr. Stimac said that the only landscaping that can be counted is in the front and side of the proposed building.

Mr. Wright stated that one of the reasons for the E-P Zoning is to increase the line between the different properties because there is either an oil or gas line on this section of the property and therefore could not be developed. This item had appeared before the Planning Commission and they recommended this Zoning Classification to City Council because of this condition.

Lisa High was present and stated that because this property is long and narrow it is very difficult to make use of this site and create parking at the same time. In order to achieve the landscaping requirement they would have to move the building back 56', which would eliminate eighteen (18) parking spaces and would also place the front of this building 64' behind the building next door. This would reduce visibility from the west and also compromise the existing streetscape. They have provided several trees and a landscaped walk at the rear of the building.

Mr. Courtney asked if it wouldn't make more sense to move the building farther back and place landscaping up front. Ms. High stated that they were trying to maintain the building in line with the building next door and if they have to move it farther back it would decrease visibility. They are trying to maintain the building with the edge of the building next door.

ITEM #10 – con't.

Mr. Maxwell asked how large this lot was. Ms. High said that it is 1,305.8 ft. in length and they are proposing to develop an area of 883'-9" . Mr. Maxwell asked how wide the property was and Ms. High stated that the width of the property is 166.92'.

Mr. Kovacs asked if there was a possibility of either adding a structure for parking or creating underground parking for this building. Ms. High said that they had not considered it because it was cost prohibitive and they were planning to use the basement for storage.

Mr. Kovacs asked what the square footage of the E-P zoning was. Ms. High said that she did not break it out individually however the square footage was indicated on the drawing they submitted. Ms. High said that is was roughly about 30,000 square feet. Mr. Stimac said that he calculated the E-P zoning to be 28,713 square feet.

Mr. Hutson said that if the size of the building was reduced, it could be moved farther back and they would not have a parking deficit of eighteen (18) spaces. Ms. High indicated that was probably correct. Mr. Hutson said that he thought this was a very narrow lot and they were attempting to overbuild this lot. Mr. Hutson went on to say that he was very concerned and did not want to see Troy turned into a miniature Southfield, where all you see along the road are office buildings and the 10% landscaping requirement would help to soften this look. Ms. High said that they are providing landscaping in the front of the building and the look would be softened. They have provided parking in the front of this building.

Mr. Courtney stated that if they moved the building further back they would have a lot of parking and also plenty of landscaping. Ms. High said that if the building were placed farther back the visibility would be decreased. Mr. Courtney stated that this would not be the only building that was set back farther from the road.

Mr. Kovacs asked if the E-P Zoning could be counted toward the landscape requirement and Mr. Stimac explained that if it was at the front yard or side yard of the property it would be countable. Mr. Stimac also stated that the total landscaping on this site significantly exceeds 10% of this area, but in addition to a requirement of the percentage required there is also a stipulation that the landscaping must be in the front and side yards of the property.

Mr. Kovacs opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are three (3) written objections on file. There are no written approvals on file.

Mr. Maxwell stated that he would like more information as to why the petitioner wants this building in this location as he has not heard a strong enough case as to why they want it this close to Big Beaver. Ms. High stated that they wished to maintain visibility and would like people to be able to find it easily. Mr. Maxwell asked if there were any other reasons and Ms. High said that they just wish to make it easier for people to find this building. Mr. Maxwell also stated that this is a very narrow property.

Motion by Courtney
Supported by Gies

ITEM #10 – con't.

MOVED, to deny the request of Lisa High of CDPA Architects, 1639 E. Big Beaver (proposed address), for relief of the Ordinance to construct a new building for the Suma Medical Center that will result in 9,176 square feet of landscaping where Section 39.70.02 and Section 39.70.04 requires that 14,738 square feet of landscaping be provided for a building of this size.

- Petitioner did not demonstrate a hardship that runs with the land.
- Petitioner is attempting to over-build this site.

Mr. Kovacs said that he does not agree that this property would be over-built and asked if Mr. Courtney just wanted to see this building placed farther back on the property. Mr. Courtney stated that they could move the building farther back and therefore meet the landscaping requirement and he did not feel that the petitioner had met the hardship requirement regarding a variance. Mr. Kovacs asked if Mr. Courtney felt that the width of the lot created a hardship and Mr. Courtney said that he feels the placement of the building is the only hardship because they want drive by traffic.

Ms. High stated that they are concerned because if they move the building back it would not meet the setback line established by the building next door. This lot is narrow compared to the lot next door, which enabled them to meet the landscaping requirement. Also, this building is a medical office building, has very strict parking requirements, and requires one parking spot for each 100 square feet. They are hoping to be able to land bank parking spaces when this project is completed. They have done everything they can to screen and soften the front of this building.

Mr. Kovacs asked how far back this building would have to be moved to meet the landscaping requirements. Ms. High stated that it would have to be moved back 56' and that would put the front of the building 64' behind the building next door, which would limit visibility. Mr. Courtney also said that the could eliminate some of the parking in the front of the building by making the building smaller. If they eliminate the parking now, it would not meet the parking requirement because of the size of the building, however, if the building was made smaller they could eliminate some of the parking and meet the requirements by putting landscaping in front.

Mr. Kovacs said that he thought there was a lot of parking provided. Mr. Stimac said that the parking requirements for medical office uses compared to other office uses are in fact more than double. Mr. Kovacs said that this is a very thin lot and he sees a lot of parking and he does not feel that they should have to move the building back. Mr. Courtney said that if they took the parking out of the front, they would have to eliminate a couple of hundred feet of the building, but they could meet the landscape requirement and in his opinion the proposed plan is over-building.

Mr. Wright stated that he agrees somewhat with Mr. Courtney, but if part of this parcel was not zoned E-P, there is enough room on that site to build an even larger building. This is a difficult site because of the pipeline running through it and the petitioner has tried to

ITEM #10 – con't.

mitigate the impact this development would have to the residentially zoned property to the north with the E-P zoning.

Mr. Courtney said that this parcel is also zoned R-1E and he does not think this should be added in the total area of the site any more than the E-P zoning area should be included. Mr. Courtney also said this is a multi-zoned property and they could back later and develop the R-1E Zoning District.

Mr. Kovacs said that he did not understand because he is seeing 20,713 square feet of undeveloped E-P, and really does not think this building seems too large for the site. Mr. Kovacs said that there are a lot of issues with this site.

Mr. Hutson said this is not the only use that this land can be put to use for. They could use it for something else and would not require a landscaping variance. Mr. Kovacs said that if they used it for an office building that is something that would not be needed.

Mr. Hutson said this was beside the point as this site could be used for something else and a variance would not be required.

Mr. Stimac said that officially the E-P zoned property is considered to be part of their development and goes into their landscape required. The site area that the landscape calculations are done from does include the E-P zoned property and therefore another 2,800 square feet of landscaping is required.

Mr. Maxwell said that he would like to see this building as far away from future residential development as possible. This is a unique property in that there is a chunk of land that could not be developed, and he agrees with the petitioner in the location of this building. Mr. Maxwell does not think this property is being over-built at all.

Mr. Kovacs called for a vote on the motion made by Mr. Courtney to deny this request.

Yeas: 3 – Courtney, Gies, Hutson
Nays: 3 – Kovacs, Maxwell, Wright

MOTION TO DENY FAILS

Motion by Maxwell
Supported by Wright

Moved to postpone the request of Lisa High of CDPA Architects, 1639 E. Big Beaver (proposed address), for relief of the Ordinance to construct a new building for the Suma Medical Center that will result in 9,176 square feet of landscaping where Section 39.70.02 and Section 39.70.04 requires that 14,738 square feet of landscaping be provided for a building of this size until the next scheduled meeting of August 16, 2005.

- To allow the petitioner the opportunity of a full Board.

ITEM #10 – con't.

Yeas: All – 6

MOTION TO POSTPONE REQUEST UNTIL AUGUST 16, 2005 CARRIED

ITEM #11 (ITEM #6) – VARIANCE REQUESTED. DAVID DONNELLON, OF THE CHOICE GROUP, 4254 BEACH ROAD, for relief of the Ordinance to split an existing parcel of land from its Beach Road frontage. This split would result in a street frontage for this property of only 55 feet where Section 30.10.02 of the Ordinance requires that properties in the R-1B Zoning District have a minimum of 100' of frontage on a public street.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to split an existing parcel from its Beach Road frontage. The site plan submitted indicates a split of this property from its Beach Road frontage and creating access to the property from the western end of the stub street Prestwick. This would result in the only street frontage for this property being the 55 feet at the end of Prestwick Drive. Section 30.10.02 requires that properties in the R-1B Zoning District have a minimum of 100' of frontage on a public street.

Mr. Kovacs asked if other subdivisions in the R-1B Zoning Districts that are on cul-de-sacs that have 100' of frontage. Mr. Stimac explained that the required width has to be measured as a straight line between the side lot lines at the front yard setback. Mr. Stimac explained how this process works with a map of the area on the overhead screen. In doing a subdivision, there is also something called "lot averaging" and you can do a reduction of lot width of up to 10%, therefore in the development of a new subdivision under the Subdivision Control Ordinance, that 100' wide minimum parcel can be reduced to 90'. This is not a subdivision and these provisions are not applicable in this case. Mr. Kovacs asked if they could put a round stub at the end of this street. Mr. Stimac said that the petitioner would have to dedicate right of way for the extension of Prestwick and in Mr. Stimac's opinion, he would no longer meet the setback requirements. Mr. Kovacs then asked what the average width of a driveway was and Mr. Stimac said that depending on whether it is one or two cars, it would be between 12' and 16'.

Mr. Hutson asked if a variance would be required if the owner owns both parcels and wishes to split it. Mr. Stimac said that each parcel used for single-family residential, one and two-family development have frontage on a public street meeting the minimum width requirement. If the petitioner wished to split the lot, he could request a piece with 50' of frontage to Beach Road.

Mr. Wright stated that right now, these two parcels are recorded as one parcel. Mr. Stimac said that there are two different legal descriptions however, are owned by the same person. Contiguous parcels owned by the same entity are considered to be an undivided parcel. Even though it is made of two different descriptions and has two separate tax bills, it is still considered to be one parcel.

Mr. Courtney asked for clarification regarding the statement that the petitioner could request 50' of frontage to Beach Road. Mr. Stimac said that the petitioner could have requested a variance to have 50' on Beach Road for parcel in the back and then the parcel described as

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parcel #1 would be conforming. Because of the configuration of the lot in the back it would be larger than the front parcel.

Mr. Kovacs asked if they would need a variance to have 50' of frontage on Beach and Mr. Stimac said that they would.

Mr. Courtney asked if the other properties along Beach Road would be inclined to split their property if the Board was inclined to grant this variance. Mr. Stimac stated that it was a possibility, however a hardship running with the land would have to found in order to split these other properties.

Mr. Kovacs asked what the purpose of the stub street Prestwick was. Mr. Stimac explained that this stub street is the same as other stub streets in Troy, and that they are put in place so that the subdivision could be developed farther. These streets act as an interconnection of properties to other streets in the subdivision.

Mr. Donnellon, representing Choice Development was present. Mr. Donnellon stated that he wished to clarify an issue in that he believes the Ordinance deals with two adjacent parcels owned by the same person that do not comply with the Ordinance are considered to be one parcel, however, these properties do comply and each one can be built on separately. The smaller lot has not built on as of this date. When this property was purchased they were in the form of a flag lot and the other lot facing Beach and he believes that this has been that way for the past thirty-(30) years. In reality, the house and driveway coming in off of Beach, could be considered a double front corner lot. Mr. Donnellon also said that the front yard is 55' off of Prestwick and he believes this variance will allow them to create a better lot. The house at 4254 Beach would be more secluded and the petitioner plans to do a great deal of remodeling to it. It makes mores sense to create two (2) nice lots, less non-conforming. In this case the property facing Beach would be 150' wide and the property in the back of Beach would be more secluded and would be a higher quality lot.

Mr. Wright asked if the petitioner was planning on leaving that house and Mr. Donnellon said that was their plan. Mr. Wright said this is a wonderful location and would love to have that location as you can barely see the house from Prestwick. Mr. Wright also asked if Mr. Donnellon was planning to leave the existing vegetation. Mr. Donnellon said that they also wish to add additional landscaping as the subdivision under construction now had removed a large number of the trees. If Prestwick went through and connected to Beach the two parcels would be non-compliant. The parcels are too small for a developer to put in a through road. The petitioner does not intend to multiply the parcels or make them bigger, they just wish to rearrange the existing square footage. Mr. Wright asked if they had gotten any input from the people on the north side of Prestwick. Mr. Donnellon stated that they have not talked to them in terms of this application.

Mr. Maxwell asked if the petitioner owned the property to the north of this parcel. Mr. Donnellon indicated that they did not own either 4298 or 4342 Beach Road. Mr. Maxwell then asked if they owned property to the north of that. Mr. Donnellon stated that he wanted

ITEM #11 – con't.

to point out that there was a heavy wetland running through 4298 Beach and also 4392 Beach. The access driveway for 4342 is 20' wide not 55' wide. Mr. Maxwell asked if he had been involved in negotiations regarding the property at 4342 Beach and Mr. Donnellon said that he had not. Mr. Maxwell said that this property has been for sale for quite a long time. Mr. Donnellon said that even if you get 20 more feet, the depth of the parcel on beach would not be large enough to build on. Previous decisions have created a problem and they are attempting to make two nice lots out of this property and build two quality homes. Mr. Maxwell also said that the configuration could change dramatically as they have seen with the development to the south.

Mr. Kovacs stated that there is nothing on parcel 1 and Mr. Donnellon stated that was correct.

Mr. Courtney stated that the petitioner intended to remodel the existing house and have it addressed on Prestwick and asked if the house would then face Prestwick. Mr. Donnellon said that they were planning on putting the numbers there and in the process of remodeling, they were going to re-landscape along the driveway to improve the look of the property. The north side of the property is much nicer and the whole south line of the property needs to have trees added.

Mr. Kovacs opened the Public Hearing.

Terry Farnell, 4298 Beach was present and stated that he has lived in this location since the late 1970's. The property at 4342 Beach runs 150' north of his home. The developer owned the stub street on Prestwick and the City required him to buy it as an access road to Beach Road. Mr. Farnell believes at this time the property owner of 4254 Beach was able to purchase 50' of this stub street, which resulted in a lot size of 150' x 420'. When they moved on Beach Road, there was a sign indicating that this was a scenic road but it was taken down when the developers moved in. They have lost a large number of trees up and down the road, and Mr. Farnell is concerned about a string of birch trees planted about 1900 being removed as this property is developed. The petitioner has the opportunity to take this large lot and build one beautiful home on this property. Mr. Farnell said that when they moved in they talked to the City Assessor and was informed that R-1B Zoning required at least 100' of frontage if there was a sewer available and 150' of frontage if there was a septic field. Mr. Farnell also said that the existing structure could be dressed up and it would be worth at least a million or one and a half million dollars. Mr. Farnell said that the petitioner had not demonstrated a hardship other than financial and he is very opposed to this request.

Kyle Jones, 4280 Wentworth was present and stated that he extremely opposed to this petition. In the preamble read at the beginning of this meeting it states that the petitioner has to demonstrate a hardship to justify breaking the law, and this petitioner does not have a hardship just an accommodation. The petitioner is asking to double the amount of development on this property and in so doing impose their will on the adjacent subdivision. The character of this area is already set. There are a certain number of homes, with basically the same size lots and square footage of the homes and the 100' required frontage is in place for a reason. Mr. Jones said that they want to

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take the axial of the street and call it frontage. His opinion is that it is up to the Board to uphold the Ordinance and he does not feel this would be accomplished by opening up the stub street. Mr. Jones also feels that opening this stub street will have a domino effect in that traffic will begin using Wentworth and Prestwick as a shortcut to Beach. Mr. Jones said that the address in question has a temporary license as a group home and developmentally or injured people. All they are asking is to make this house part of the Greentree Subdivision and impose the negative property value and consequences to this Subdivision. Mr. Jones further stated that he believes all this petitioner wants to do is create two lots out of one and there are a great deal of negatives that would impact this area if this variance is granted and strongly urged the Board to deny this variance. There is no authority under the Ordinance or with the power of this Board to grant this variance as there is no hardship.

Mr. Kovacs stated that someone had stated that this stub street was never intended to go to Beach and asked Mr. Jones what he thought the purpose of this stub street was. Mr. Jones stated that he didn't know. Mr. Kovacs went on to say that if there was never meant for traffic to flow in this direction, they would not have put the stub in. Mr. Kovacs also said that he did not see any purpose to put this street and asked who would use this road to cut through beside the residents of the Greentree Sub. Mr. Jones stated that anyone that did not want to wait for traffic to clear westbound on Wattles could use that street as a shortcut. Mr. Jones said that he does not how this property is going to be developed, and all they see is an intentional detachment from the easterly parcel that was intended to front on Beach. Mr. Kovacs asked if the 55' of frontage on the axial wasn't more than some of the other homes in the sub that front on cul-de-sacs. If there was a slight angle in this road, Mr. Kovacs believes the petitioner would meet the requirements of the Ordinance. Mr. Jones said that his property is on one of these cul-de-sacs and thinks Mr. Kovacs has to look at the area and will see a tremendous number of cul-de-sacs that creates a circle of homes that is very attractive. Mr. Jones stated that he did not believe that it was not up to this Board to make suggestions to the developer as to how he could meet the requirements of the Ordinance. If they are going to remodel this house, all they are going to do is attach the driveway to the stub end of Prestwick and call it frontage. Mr. Kovacs then asked if Mr. Jones thought cul-de-sacs were created for aesthetic purposes. Mr. Kovacs also said that this Board does have the power to make this type of decision. Mr. Jones said that he believes it is up to the Board to make a decision based on a hardship and not as an accommodation. Mr. Kovacs asked if he would rather see this petitioner improve these lots, or would he rather see this property sold to a developer and create a number of homes in this area.

Mr. Wright said that in looking at this area, the best way to make certain that Prestwick was never extended to Beach, would be to allow the petitioner to connect to Prestwick.
Mr. Wright said that he does not see why the petitioner objects to this variance. Mr. Jones stated that he is concerned because this property has a temporary license to be a group home and does not want to see it attached to the Greentree Subdivision.

Ms. Lancaster addressed the Board and stated that the City of Troy does not regulate group homes the State regulates group homes. Furthermore, the City of Troy does not have the authority to deny group homes. Furthermore, if this Board uses the fact that this is a group home as part of their decision regarding this variance, the City will be sued. The City has

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no control over group homes. The State licenses group homes and are considered as residential use.

Mr. Jones said that they do not object to group homes, they object to the fact that it will be connected to their subdivision, and since it is already connected to Beach Road that is where they should leave it. Mr. Kovacs stated that he understands that Mr. Jones is objecting to the traffic generated by the group home, however that cannot be a reason that the Board uses to deny this variance request. Mr. Kovacs said that they have to consider this a R-1B residential property.

Mr. Jones said that the City cannot consider the placement of the home, but asked if they could consider traffic or consequences of its existence. Mr. Stimac said that the City and Village Zoning Act specifically say that a duly licensed residential facility, foster care facility is to be considered a single-family use. If the use of that property is going to have a negative impact regarding traffic that is the statement that has to be made.

Mr. Jones said that he does not want the decision of this Board to be unfairly swayed by any negative or emotional comment that he may have made. In his opinion there is no need to do what the petitioner is asking there is no hardship pertaining to this piece of property other than build two homes.

Leroy Barnes, 2296 Prestwick, was present and stated that he against this variance. Mr. Barnes stated that he did not understand why they would land lock a piece of property and then come in and ask for a variance in order to gain access when there is enough frontage available on Beach Road to make the split. Mr. Kovacs asked if he rather see a double frontage on Beach Road rather than one frontage on Prestwick. Mr. Barnes said it is his understanding that there is 150' of frontage on Beach Road and believes there is more than enough for a driveway. Mr. Barnes stated that he thinks this is a very poor use of this Board's time and attention to come in and ask for this waiver.

Mr. Farnell came back and asked the Board how this property could be split when there was only 150' of frontage on Beach Road. Mr. Stimac explained that the Board did not say this property could be split Mr. Barnes did. Mr. Stimac also said that although there are two separate descriptions, owned by the same person and according to the Zoning Ordinance they are considered to be a single parcel undivided. A second house could not be built on this property.

Oakie Meyers, 4257 Wentworth was present and stated that he objects to this variance request as he believes this will create a problem with snow plowing and garbage pickup. Mr. Meyers stated that he does not see a hardship with this property other than a financial one. Mr. Meyers also said that this is not a cul-de-sac and he believes all that would happen if this was opened up is that it would create an alley.

David Boyer, 4301 Wentworth stated that he also objects to this request. Mr. Boyer stated that in his opinion a cul-de-sac is designed for a turning radius for ambulances and school buses. With the stub on Prestwick being opened up he believes this would create a problem not only for emergency vehicles and snowplows as well as for the property owner

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at 4293 Prestwick whose driveway is connected to Prestwick. Currently the petitioner has two lots and would like to get $400,000 for each house. This house would be far less than the million dollar homes that are being built to the south of this property. The petitioner also has the opportunity to purchase the land to the north of this site and develop that . Mr. Boyer feels that we should get away from building very large homes on very small lots. Mr. Boyer said that he is concerned about the traffic, emergency vehicles and does not see any type of hardship other than financial. This is a non-conforming lot now and access to Prestwick will continue the non-conformance.

Mr. Kovacs stated that if this lot was divided the way the petitioner was requesting it would be the best chance to avoid another subdivision going in. Mr. Boyer did not agree with Mr. Kovacs and said that the petitioner could tear down the existing house, purchase the property to the north and put in another subdivision. They have already done that and they could connect right to Beach Road. Mr. Kovacs said that the Board could not stop them from building a subdivision if they acquire the property. Mr. Boyer said he agrees and granting access to Prestwick would encourage this. Mr. Boyer also said that he believes this is exactly what this developer is trying to do.

Larry Walatkiewicz, 4285 Wentworth was present and stated that his home is located four houses north of the stub street. Mr. Walatkiewicz asked the Board if they had read every letter they had received. The Board stated that they had. Mr. Walatkiewicz asked if these conditions existed or if there had been any type of change to this property since the Choice Group had purchased this property. Mr. Stimac said that he did not know when the Choice Group bought the property and was unable to give any information as to what they knew and didn't know. Mr. Walatkiewicz said that in his opinion this property was purchased as an investment and now that investment has diminished, which brings him here to ask for a variance. No one knows what the decision was when the stub road was put in. Mr. Walatkiewicz said that he also wants to check further with the City regarding the policy of the City and rental homes. Mr. Stimac said that the Zoning Ordinance as well as the Building Codes require and regulate the use of a property and the use of this property is designated as a single-family residential dwelling. It does not stipulate whether or not that has to be owner occupied or whether that can be rental. There is neither requirement for the registration or inspection nor certification for a single-family home that is not owner occupied.

Mr. Walatkiewicz said that the City Services will be negative affected by this variance and it would be a terrible situation with the School Bus services. Basically those are Mr. Walatkiewicz's concerns and he personally contacted the Choice Group and asked them to withdraw this request.

Joe Cracchiolo, 4881 Riverchase was present and stated that he is the owner of the property to the south. Mr. Cracchiolo said that he does not feel there is a hardship that runs with the land, but merely a financial hardship for the petitioner. His property is R-1B Zoning and he has to have lots that conform to the requirements of this Zoning District. The trees that were removed were dead and he has just spent $75,000 to landscape the back of his lots and another $75,000 for additional landscaping on Beach Road. Every house that is built there is landscaped. His other concern would be fire. Fire trucks going down

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Prestwick to the existing house could create a problem. Mr. Kovacs asked if he would rather have the house front Beach. Mr. Cracchiolo said that the Ordinance states that a house has to front a public street and this house does not front a public street. In the current condition the house does front on Beach Road, but if accessed to Prestwick the garage would become the front of the house. The homes that are being built south of this property are in the million-dollar range and he is concerned about the type of houses the Choice Group would plan to construct. Mr. Cracchiolo went on to say that he had to do a floodplain study and a wetland study and did not believe this petitioner has done that.

Mr. Kovacs asked if Mr. Cracchiolo had attempted to purchase this property and Mr. Cracchiolo said he did not. Mr. Stimac said that the Ordinance says that the property has to have frontage on a public street the width of which has to meet the minimum requirements of the Ordinance, however, it does not state which way the house has to face.

Mr. Walatkiewicz came forward and said that theoretically you could build a house backwards. Mr. Stimac said there is nothing in the Ordinance that states you have to have a front door, or that the house has to face a certain way. The Ordinance states that it has to comply with the setbacks.

Mr. Cracchiolo came back up and asked who would buy a house that fronts on Beach Road but has a Prestwick address. Mr. Kovacs asked what his concern was and Mr. Cracchiolo said that he thought the property values would drop because of the address change. Mr. Cracchiolo also said that in the last month the Choice Group had removed all the trees on this property. Mr. Kovacs said that this was not something that the Board was concerned with and felt that during the remodeling process the house could be changed to look like it was facing Prestwick.

Oakie Myers said that if a developer came to the Board with a new development showing a street with houses on both sides and asked for a 55' foot variance for an additional house, it would not be approved and he did not think this request should be approved either.

Najib Bahura, 4245 Wentworth was present and stated that when he purchased this property in 1972 he was assured that Prestwick would never be opened or extended. This was the main reason he bought this property. Mr. Bahura said that he believes it is in the records that Prestwick would not be opened either as a street or a driveway. Mr. Kovacs said that the reason a stub street is put in is for a future extension and did not believe that it would be written that the street would never be extended. Mr. Bahura said that the reason the stub street was put in was for a fire hydrant and this was a part of the City record that this street would not be extended. Mr. Kovacs said that he could assure Mr. Bahura that there would not be a record that this street would never be extended as the main purpose of a stub street is for future expansion. Mr. Bahura also said that the reason this home was constructed at the back of this property was because of a high water table. He does not believe the front lot would ever be buildable and asking to put in a road. Mr. Kovacs said they are not putting in another road, they are asking to put a driveway in off of the stub street Prestwick. Mr. Bahura said that he should not be able to do this as he does not own the property. Mr. Stimac said that officially the public owns the property so everyone owns

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the property. Mr. Bahura said that he does not believe he has a right to have a driveway here. Mr. Kovacs explained that all the petitioner is asking for is a driveway to this property.

Mr. Bahura said that he objects because he thinks lots of other developers are going to come in and create more lots. Mr. Kovacs said that was correct in that other developers could come in buy the property to the north and put in a street. Mr. Kovacs explained that this was not the reason this petitioner was there. This petitioner only wanted a variance to be able to put in a driveway off of Prestwick. Mr. Kovacs also said that there is no guarantee that in the future someone does not come in, buy all this property, and put in another subdivision.

Mr. Wright stated that he had served on the Planning Commission for twenty-five years and when stub streets are approved, they are always there for future connectivity to a future subdivision. They do not put in stub streets so that there are dead ends, they are always put in for future expansion.

Mr. Bahura asked about the setback and Mr. Kovacs said that he meets all the setback requirements, he does not meet the 100' of frontage and that is the reason he is asking for a variance. Mr. Bahura said the subdivision is already created and opening this street would be changing the original subdivision. Mr. Bahura asked if he could guarantee that this is the only thing he is going to do and Mr. Kovacs said that he does not have to guarantee anything.

Mr. Maxwell said that this stub was built in 1972 and just because there is a stub there does not automatically guarantee that there will be another subdivision there.

No one else wished to be heard and the Public Hearing was closed.

There are five (5) written objections on file. There are no written approvals on file.

Mr. Courtney said that he thinks this should be a development taking in the lots to the north, and granting a variance at this point would be to place an impediment to the development of the property to the north and because of that he is opposed to this variance. Mr. Kovacs said that he did not understand Mr. Courtney's objection and the variance is based on the frontage of the road. Mr. Courtney said that the more buildings you put up the harder it is to consolidate and if this variance is granted there would be two buildings instead of one and it would be harder to consolidate them with building to the north. Mr. Courtney said that he did not believe this Board should grant a variance that would allow for financial assistance to a developer as it will allow for twice as much property and twice as much development. There is no hardship that runs with the land, the only hardship is financial.

Motion by Courtney
Supported by Hutson

MOVED, to deny the request of David Donnellon, of the Choice Group to split an existing parcel of land,4254 Beach, from its Beach Road frontage, which would result in a street frontage for the property of only 55 feet where Section 30.10.02 of the Ordinance requires

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that properties in the R-1B Zoning District have a minimum of 100' of frontage on a public street.

- Petitioner did not demonstrate a hardship that runs with the land.
- Variance would be contrary to public interest.
- Variance would have an adverse effect to surrounding property.

Mr. Hutson said that he does not believe there is a practical difficulty that would allow for this variance to be granted. Mr. Hutson also said that the petitioner had the ability to put another house on this property without a variance.

Mr. Kovacs said that parcel #1 is not buildable. Mr. Stimac said that this property legally has 150' frontage on Beach Road, it is two different parcels owned by the same person. Section 40.50.02 of the Ordinance says " …. If two or more lots or combination of lots and portions of lots with contiguous frontage in single ownership of record at the time of passage of amendments to this Chapter and if all or part of the lots do not meet the requirements of lot width or area as established by this Chapter, the lands involved shall be considered to be an undivided parcel for the purposes of this Chapter and no portion of said land shall be used or occupied that does not meet the lot width and area requirements established by this Chapter nor shall any division of the parcel be made which leaves remaining any lot with a width or area below the requirements as stated in this Chapter". In effect, this is considered to be one parcel of land with 150' of frontage and can only support one house. Mr. Hutson said that even though they cannot build a second house on this property, he still does see a practical difficulty that runs with the land.

Mr. Wright asked for clarification regarding the sale of Parcel #1. Mr. Stimac said that technically they could sell Parcel #1, however the Building Department would not allow them to build a house on this parcel..

Mr. Maxwell said that he would like to see another alternative as he did not think that opening up this property to Prestwick is the best solution.

Mr. Kovacs called for a vote on Mr. Courtney's motion to deny this request.

Yeas: 3 – Hutson, Maxwell, Courtney
Nays: 3 – Gies, Kovacs, Wright

MOTION TO DENY FAILS

Mr. Donnellon asked that this request be postponed until the next scheduled meeting to allow him to do more research and consult with his client.

Motion by Maxwell
Supported by Gies

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MOVED, to postpone the request of David Donnellon, the Choice Group, 4254 Beach Road, for relief of the Ordinance to split an existing parcel of land from its Beach Road frontage. This split would result in a street frontage for this property of only 55 feet where Section 30.10.02 of the Ordinance requires that properties in the R-1B Zoning District have a minimum of 100' of frontage on a public street until the meeting of August 16, 2005.

- To allow the petitioner the opportunity to develop an alternative plan.

Yeas: All - 6

MOTION TO POSTPONE REQUEST UNTIL THE MEETING OF AUGUST 16, 2005 CARRIED

The Board of Zoning Appeals meeting adjourned at 10:03 P.M.

_____
Matthew Kovacs, Vice Chairman

_____
Pamela Pasternak, Recording Secretary

J-01g

Matthew Kovacs, Vice-Chairman, called the meeting of the Board of Zoning Appeals to order at 7:33 P.M., in Council Chambers of the Troy City Hall on Tuesday, July 19, 2005.

PRESENT: Kenneth Courtney
Marcia Gies
Michael Hutson
Matthew Kovacs
Mark Maxwell
Wayne Wright

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Susan Lancaster, Assistant City Attorney
Pamela Pasternak, Recording Secretary

ABSENT: Christopher Fejes

Motion by Gies
Supported by Wright

MOVED, to excuse Mr. Fejes from this meeting as he is out of town.

Yeas: All – 6

MOTION TO EXCUSE MR. FEJES CARRIED

ITEM #1 – APPROVAL OF MINUTES – MEETING OF JUNE 21, 2005

Motion by Courtney
Supported by Gies

MOVED, to approve the minutes of the meeting of June 21, 2005 as written.

Yeas: 5 – Gies, Hutson, Maxwell, Wright, Courtney
Abstain: 1 – Kovacs
Absent: 1 – Fejes

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – APPROVAL OF ITEMS #3 THROUGH ITEM #5

Motion by Courtney
Supported by Gies

ITEM #2 – con't.

MOVED, to approve renewal of Item #3 for a period of three (3) years as suggested in the Agenda Explanation and to schedule a Public Hearing for Item #4 and Item #5 in order to consider permanent variances for these items.

Yeas: All – 6

MOTION TO APPROVE ITEM #3 FOR A THREE (3) YEAR RENEWAL AND TO POSTPONE ITEM #4 AND ITEM #5 UNTIL THE MEETING OF AUGUST 16, 2005 TO ALLOW FOR A NEW PUBLIC HEARING ON THESE ITEMS CARRIED.

ITEM #3 – RENEWAL REQUESTED. MR. & MRS. AL KING, ATLAS VENEER FIREPLACE, 2212 LIVERNOIS, for relief of the Ordinance to maintain a metal fence in lieu of the 6' high masonry screening wall required along the east property line where this commercial property abuts residentially zoned property.

Mr. Stimac explained that the petitioner is requesting renewal of relief to maintain a metal fence in lieu of the 6' high masonry-screening wall required along the east property line where this commercial property abuts residentially zoned property. This Board originally this relief in 1983, primarily due to the fact that the petitioner owns the property to the east, which is undeveloped. This item last appeared before this Board at the meeting of July 2002 and was granted a three (3) year renewal. Conditions remain the same and we have no complaints or objections on file.

MOVED, to grant Mr. & Mrs. Al King, Atlas Veneer Fireplace, 2212 Livernois a three (3) year renewal of relief to maintain a metal fence in lieu of the 6' high masonry screening wall required along the east property line where this commercial property abuts residentially zoned property.

- Conditions remain the same.
- We have no complaints or objections on file.

ITEM #4 – RENEWAL REQUESTED. INDEPENDENT BANK, 5950 ROCHESTER ROAD, for relief of the 6' high masonry screening wall required along the south and east property lines.

Mr. Stimac explained that the petitioner is requesting renewal of relief of the 6' high masonry-screening wall required along the south and east property lines where it abuts residentially zoned property. These property lines abut multiple-family residential zoning and relief was originally granted in 1977 based on the fact that a drain surrounded the area and there was a substantial brush growth that adequately screens the abutting residential land. This item last appeared before this Board in July 2002 and was granted a three (3) year renewal at that time. Conditions remain the same and we have no complaints or objections on file.

ITEM #4 – con't.

MOVED, to postpone the request of Independent Bank, 5950 Rochester, for relief of the 6' high masonry screening wall required along the south and east property lines where it abuts residentially zoned property until the meeting of August 16, 2005.

- To allow the Building Department the time necessary to publish a Public Hearing in order to consider a permanent variance.

ITEM #5 – RENEWAL REQUESTED. OSPREY, LTD, 2701 TROY CENTER, for relief of the 6' high masonry wall required along the north property line.

Mr. Stimac explained that the petitioner is requesting renewal of relief of the 6' high masonry-screening wall required along the north property line where it abuts residentially zoned property. This variance was originally granted based on the fact that the petitioner would install 280' of decorative metal fencing and landscaping along this north property line that abuts a residential apartment complex. This item last appeared before this Board in July 2002 and was granted a three (3) year renewal. Conditions remain the same and we have no objections or complaints on file.

MOVED, to postpone the request of Osprey, LTD, 2701 Troy Center for relief of the 6' high masonry wall required along the north property line where it abuts residentially zoned property until the meeting of August 16, 2005.

- To allow the Building Department the time necessary to publish a Public Hearing in order to consider a permanent variance.

ITEM #6 – VARIANCE REQUESTED. DAVID DONNELLON, OF THE CHOICE GROUP, 4254 BEACH ROAD, for relief of the Ordinance to split an existing parcel of land from its Beach Road frontage. This split would result in a street frontage for this property of only 55 feet where Section 30.10.02 of the Ordinance requires that properties in the R-1B Zoning District have a minimum of 100' of frontage on a public street.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to split an existing parcel from its Beach Road frontage. The site plan submitted indicates a split of this property from its Beach Road frontage and creating access to the property from the western end of the stub street Prestwick. This would result in the only street frontage for this property being the 55 feet at the end of Prestwick Drive. Section 30.10.02 requires that properties in the R-1B Zoning District have a minimum of 100' of frontage on a public street.

The petitioner was not present. Mr. Kovacs moved this Item to the end of the agenda, Item #11 to allow the petitioner the opportunity to be present.

ITEM #7 – VARIANCE REQUESTED. TIMOTHY BUNKER, 2861 DASHWOOD, for relief of the Ordinance to construction a family room addition. This proposed addition would move the rear line 24' to the south resulting in approximately 10' of the existing pool in a side yard location. Section 40.57.03 prohibits the placement of accessory buildings or structures in any yard except a rear yard.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct a family room addition. This property has an above ground swimming pool located in the rear yard. The construction of the family room addition on the rear of the home would shift the rear yard line 24' to the south resulting in approximately 10' of the existing pool being located in a side yard location. Section 40.57.03 prohibits the placement of accessory buildings or structures in any yard except a rear yard.

Mr. Bunker was present and stated that his family needs the room this family room addition would provide and when this pool is taken down and another pool put up, it will be moved to the back of his property. This property is also in a flood plain and Mr. Bunker does not believe he could put another pool in this area.

Mr. Kovacs asked approximately what the distance would be between the pool and the proposed addition. Mr. Bunker stated that it is about 16 to18 feet.

Mr. Kovacs opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are eight (8) written approvals on file. There are no written objections on file.

Mr. Hutson asked if a variance could be granted for a term of years. Ms. Lancaster said that she did not believe a stipulation could be placed on this request with a time limit, however, she did state that it would be possible to place the condition that if and when the pool was replaced it would need to be moved to a location that is conforming to the Ordinance.

Mr. Kovacs advised the petitioner that if he changed his mind in 10 or 12 years and decided he would like to replace the pool and leave the pool in the same location, he could come back to this Board and request a variance. Mr. Bunker stated that he had a very large lot and would not have a problem with complying with the Ordinance.

Motion by Maxwell
Supported by Courtney

ITEM #7 – con't.

MOVED, to grant Timothy Bunker, 2861 Dashwood, relief of the Ordinance to construct a family room addition, which would move the rear line 24' to the south resulting in approximately 10' of the existing pool in a side yard location.

- Variance is not contrary to public interest.
- If pool is replaced it would be moved to a conforming location.
- Variance request applies only to the existing pool.
- Variance applies only to the property in this application.

Yeas: All – 6

MOTION TO GRANT VARIANCE CARRIED

Mr. Courtney told Mr. Bunker that he thought the present location of the pool was fine, and in the future if the pool was replaced, the petitioner would have the option to ask for a variance from this Board.

ITEM #8 – VARIANCE REQUESTED. H. W. CARTER, 1751 EASTPORT, for relief of the Ordinance to construct a covered front porch that would result in a 21' front yard setback. Section 30.10.06 requires a 25' minimum front yard setback in R-1E Zoning Districts.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct a covered front porch. The site plan submitted indicates constructing a roof over an existing uncovered front porch resulting in a proposed 21' front yard setback. Section 30.10.06 requires a 25' minimum front yard setback in R-1E Zoning Districts.

John Swanson from Oakland Building Company was present and stated that there is a disabled person residing at this address and the covered porch would help to protect him from the elements and allow access to the front of the house.

Mr. Kovacs opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are six (6) written approvals on file. There is one (1) written objection on file.

Motion by Hutson
Supported by Wright

MOVED, to grant H.W. Carter, 1751 Eastport, relief of the Ordinance to construct a covered front porch that would result in a 21' front yard setback, where Section 30.10.06 requires a 25' minimum front yard setback in R-1E Zoning Districts.

- Variance will not cause an adverse effect to the surrounding property.

ITEM #8 – con't.

- Variance would not be contrary to public interest.
- Variance does not establish a prohibited use in a Zoning District.
- Without a variance, public health, safety and welfare could be negatively affected.

Yeas: All – 6

MOTION TO GRANT VARIANCE CARRIED

ITEM #9 – VARIANCE REQUESTED. WESLEY MUELLER, 41 BILTMORE, for relief of the Ordinance to construct a second floor addition on his home. This home was constructed with a covered front porch, which has an 11'-3" front yard setback and is considered a legal non-conforming structure. The proposed second floor addition would continue this 11'-3" setback. Section 40.50.04 of the Ordinance prohibits expansions on non-conforming structures in a way that increases the non-conformity.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a second floor addition on his home. Section 30.10.06 requires a 25' minimum front yard setback for a single family home constructed in the R-2 (Duplex) Zoning District. The plot plan submitted indicates the existing house has a covered front porch with an 11'-3" front yard setback and is a legal non-conforming structure. The site plan submitted indicates expanding the second floor over this porch continuing the 11'-3" front setback. Section 40.50.04 prohibits expansions of non-conforming structures in any way that increases the non-conformity.

Mr. Wesley Mueller was present and stated that the wished to add this addition in order to make the second floor into habitable space. They wish to put in three bedrooms and two baths upstairs.

Mr. Kovacs asked if the front porch would remain a porch and Mr. Mueller stated at this time they plan to leave this space as a front porch.

Mr. Maxwell asked what the square footage of this home was and Mr. Mueller stated it is approximately 871 square feet and with the addition the square footage would be increased to just about 2000 square feet.

Mr. Kovacs asked what the second floor is used for now and Mr. Mueller stated that basically it is an attic and they use it for storage.

Mr. Kovacs 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.

ITEM #9 – con't.

Motion by Maxwell
Supported by Wright

MOVED, to grant Wesley Mueller, 41 Biltmore, relief of the Ordinance to construct a second floor addition on his home that will result in a 11'-3" front yard setback.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Variance would increase the area of the non-conformity of this home, but the setback would not be changed.

Yeas: All – 6

MOTION TO GRANT VARIANCE CARRIED

ITEM #10 – VARIANCE REQUESTED. LISA HIGH OF CDPA ARCHITECTS, 1639 E. BIG BEAVER (PROPOSED ADDRESS), for relief of the Ordinance to construct a new building for the Suma Medical Center. The site plan submitted indicates that 9,176 square feet of landscaping is provided. Section 39.70.02 and Section 39.70.04 requires that 14,738 square feet of landscaping be provided for a building of this size.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct a new building for the Suma Medical Center. Section 39.70.04 requires that ten (10) percent of the net site area be developed as landscaped open space. This landscaping must be located in the front or side yard and must be in addition to the 10' green belt required by Section 39.70.02. The required landscaping for a site this size is 14,738 square feet. The site plan submitted indicates that only 9,176 square feet of landscaping is provided, making the site deficient 5, 562 square feet. Mr. Stimac also explained that this piece of property is zoned as O-1, P-1, E-P and R-1E.

Mr. Kovacs asked for an explanation of the E-P (Environmentally Protected) Zoning Classification. Mr. Stimac stated that basically the E-P Zoning District is in place for two reasons: one is to preserve environmentally sensitive areas such as wetlands, nature preserves and the second reason is to use it as a buffer between different zoning classifications where an area of a certain width and size is provided between an office development and a residential area. Mr. Kovacs asked if this area was allowed in the calculation regarding the landscape requirement and Mr. Stimac said that the only landscaping that can be counted is in the front and side of the proposed building.

Mr. Wright stated that one of the reasons for the E-P Zoning is to increase the line between the different properties because there is either an oil or gas line on this section of the property and therefore could not be developed. This item had appeared before the Planning Commission and they recommended this Zoning Classification to City Council because of this condition.

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Lisa High was present and stated that because this property is long and narrow it is very difficult to make use of this site and create parking at the same time. In order to achieve the landscaping requirement they would have to move the building back 56', which would eliminate eighteen (18) parking spaces and would also place the front of this building 64' behind the building next door. This would reduce visibility from the west and also compromise the existing streetscape. They have provided several trees and a landscaped walk at the rear of the building.

Mr. Courtney asked if it wouldn't make more sense to move the building farther back and place landscaping up front. Ms. High stated that they were trying to maintain the building in line with the building next door and if they have to move it farther back it would decrease visibility. They are trying to maintain the building with the edge of the building next door.

Mr. Maxwell asked how large this lot was. Ms. High said that it is 1,305.8 ft. in length and they are proposing to develop an area of 883'-9" . Mr. Maxwell asked how wide the property was and Ms. High stated that the width of the property is 166.92'.

Mr. Kovacs asked if there was a possibility of either adding a structure for parking or creating underground parking for this building. Ms. High said that they had not considered it because it was cost prohibitive and they were planning to use the basement for storage.

Mr. Kovacs asked what the square footage of the E-P zoning was. Ms. High said that she did not break it out individually however the square footage was indicated on the drawing they submitted. Ms. High said that is was roughly about 30,000 square feet. Mr. Stimac said that he calculated the E-P zoning to be 28,713 square feet.

Mr. Hutson said that if the size of the building was reduced, it could be moved farther back and they would not have a parking deficit of eighteen (18) spaces. Ms. High indicated that was probably correct. Mr. Hutson said that he thought this was a very narrow lot and they were attempting to overbuild this lot. Mr. Hutson went on to say that he was very concerned and did not want to see Troy turned into a miniature Southfield, where all you see along the road are office buildings and the 10% landscaping requirement would help to soften this look. Ms. High said that they are providing landscaping in the front of the building and the look would be softened. They have provided parking in the front of this building.

Mr. Courtney stated that if they moved the building further back they would have a lot of parking and also plenty of landscaping. Ms. High said that if the building were placed farther back the visibility would be decreased. Mr. Courtney stated that this would not be the only building that was set back farther from the road.

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Mr. Kovacs asked if the E-P Zoning could be counted toward the landscape requirement and Mr. Stimac explained that if it was at the front yard or side yard of the property it would be countable. Mr. Stimac also stated that the total landscaping on this site significantly exceeds 10% of this area, but in addition to a requirement of the percentage required there is also a stipulation that the landscaping must be in the front and side yards of the property.

Mr. Kovacs opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are three (3) written objections on file. There are no written approvals on file.

Mr. Maxwell stated that he would like more information as to why the petitioner wants this building in this location as he has not heard a strong enough case as to why they want it this close to Big Beaver. Ms. High stated that they wished to maintain visibility and would like people to be able to find it easily. Mr. Maxwell asked if there were any other reasons and Ms. High said that they just wish to make it easier for people to find this building. Mr. Maxwell also stated that this is a very narrow property.

Motion by Courtney
Supported by Gies

MOVED, to deny the request of Lisa High of CDPA Architects, 1639 E. Big Beaver (proposed address), for relief of the Ordinance to construct a new building for the Suma Medical Center that will result in 9,176 square feet of landscaping where Section 39.70.02 and Section 39.70.04 requires that 14,738 square feet of landscaping be provided for a building of this size.

- Petitioner did not demonstrate a hardship that runs with the land.
- Petitioner is attempting to over-build this site.

Mr. Kovacs said that he does not agree that this property would be over-built and asked if Mr. Courtney just wanted to see this building placed farther back on the property. Mr. Courtney stated that they could move the building farther back and therefore meet the landscaping requirement and he did not feel that the petitioner had met the hardship requirement regarding a variance. Mr. Kovacs asked if Mr. Courtney felt that the width of the lot created a hardship and Mr. Courtney said that he feels the placement of the building is the only hardship because they want drive by traffic.

Ms. High stated that they are concerned because if they move the building back it would not meet the setback line established by the building next door. This lot is narrow compared to the lot next door, which enabled them to meet the landscaping requirement. Also, this building is a medical office building, has very strict parking requirements, and requires one parking spot for each 100 square feet. They are hoping

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to be able to land bank parking spaces when this project is completed. They have done everything they can to screen and soften the front of this building.

Mr. Kovacs asked how far back this building would have to be moved to meet the landscaping requirements. Ms. High stated that it would have to be moved back 56' and that would put the front of the building 64' behind the building next door, which would limit visibility. Mr. Courtney also said that the could eliminate some of the parking in the front of the building by making the building smaller. If they eliminate the parking now, it would not meet the parking requirement because of the size of the building, however, if the building was made smaller they could eliminate some of the parking and meet the requirements by putting landscaping in front.

Mr. Kovacs said that he thought there was a lot of parking provided. Mr. Stimac said that the parking requirements for medical office uses compared to other office uses are in fact more than double. Mr. Kovacs said that this is a very thin lot and he sees a lot of parking and he does not feel that they should have to move the building back. Mr. Courtney said that if they took the parking out of the front, they would have to eliminate a couple of hundred feet of the building, but they could meet the landscape requirement and in his opinion the proposed plan is over-building.

Mr. Wright stated that he agrees somewhat with Mr. Courtney, but if part of this parcel was not zoned E-P, there is enough room on that site to build an even larger building. This is a difficult site because of the pipeline running through it and the petitioner has tried to mitigate the impact this development would have to the residentially zoned property to the north with the E-P zoning.

Mr. Courtney said that this parcel is also zoned R-1E and he does not think this should be added in the total area of the site any more than the E-P zoning area should be included. Mr. Courtney also said this is a multi-zoned property and they could back later and develop the R-1E Zoning District.

Mr. Kovacs said that he did not understand because he is seeing 20,713 square feet of undeveloped E-P, and really does not think this building seems too large for the site. Mr. Kovacs said that there are a lot of issues with this site.

Mr. Hutson said this is not the only use that this land can be put to use for. They could use it for something else and would not require a landscaping variance. Mr. Kovacs said that if they used it for an office building that is something that would not be needed.

Mr. Hutson said this was beside the point as this site could be used for something else and a variance would not be required.

Mr. Stimac said that officially the E-P zoned property is considered to be part of their development and goes into their landscape required. The site area that the landscape

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calculations are done from does include the E-P zoned property and therefore another 2,800 square feet of landscaping is required.

Mr. Maxwell said that he would like to see this building as far away from future residential development as possible. This is a unique property in that there is a chunk of land that could not be developed, and he agrees with the petitioner in the location of this building. Mr. Maxwell does not think this property is being over-built at all.

Mr. Kovacs called for a vote on the motion made by Mr. Courtney to deny this request.

Yeas: 3 – Courtney, Gies, Hutson
Nays: 3 – Kovacs, Maxwell, Wright

MOTION TO DENY FAILS

Motion by Maxwell
Supported by Wright

Moved to postpone the request of Lisa High of CDPA Architects, 1639 E. Big Beaver (proposed address), for relief of the Ordinance to construct a new building for the Suma Medical Center that will result in 9,176 square feet of landscaping where Section 39.70.02 and Section 39.70.04 requires that 14,738 square feet of landscaping be provided for a building of this size until the next scheduled meeting of August 16, 2005.

- To allow the petitioner the opportunity of a full Board.

Yeas: All – 6

MOTION TO POSTPONE REQUEST UNTIL AUGUST 16, 2005 CARRIED

ITEM #11 (ITEM #6) – VARIANCE REQUESTED. DAVID DONNELLON, OF THE CHOICE GROUP, 4254 BEACH ROAD, for relief of the Ordinance to split an existing parcel of land from its Beach Road frontage. This split would result in a street frontage for this property of only 55 feet where Section 30.10.02 of the Ordinance requires that properties in the R-1B Zoning District have a minimum of 100' of frontage on a public street.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to split an existing parcel from its Beach Road frontage. The site plan submitted indicates a split of this property from its Beach Road frontage and creating access to the property from the western end of the stub street Prestwick. This would result in the only street frontage for this property being the 55 feet at the end of Prestwick Drive. Section 30.10.02 requires that properties in the R-1B Zoning District have a minimum of 100' of frontage on a public street.

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Mr. Kovacs asked if other subdivisions in the R-1B Zoning Districts that are on cul-de-sacs that have 100' of frontage. Mr. Stimac explained that the required width has to be measured as a straight line between the side lot lines at the front yard setback. Mr. Stimac explained how this process works with a map of the area on the overhead screen. In doing a subdivision, there is also something called "lot averaging" and you can do a reduction of lot width of up to 10%, therefore in the development of a new subdivision under the Subdivision Control Ordinance, that 100' wide minimum parcel can be reduced to 90'. This is not a subdivision and these provisions are not applicable in this case. Mr. Kovacs asked if they could put a round stub at the end of this street. Mr. Stimac said that the petitioner would have to dedicate right of way for the extension of Prestwick and in Mr. Stimac's opinion, he would no longer meet the setback requirements. Mr. Kovacs then asked what the average width of a driveway was and Mr. Stimac said that depending on whether it is one or two cars, it would be between 12' and 16'.

Mr. Hutson asked if a variance would be required if the owner owns both parcels and wishes to split it. Mr. Stimac said that each parcel used for single-family residential, one and two-family development have frontage on a public street meeting the minimum width requirement. If the petitioner wished to split the lot, he could request a piece with 50' of frontage to Beach Road.

Mr. Wright stated that right now, these two parcels are recorded as one parcel. Mr. Stimac said that there are two different legal descriptions however, are owned by the same person. Contiguous parcels owned by the same entity are considered to be an undivided parcel. Even though it is made of two different descriptions and has two separate tax bills, it is still considered to be one parcel.

Mr. Courtney asked for clarification regarding the statement that the petitioner could request 50' of frontage to Beach Road. Mr. Stimac said that the petitioner could have requested a variance to have 50' on Beach Road for parcel in the back and then the parcel described as parcel #1 would be conforming. Because of the configuration of the lot in the back it would be larger than the front parcel.

Mr. Kovacs asked if they would need a variance to have 50' of frontage on Beach and Mr. Stimac said that they would.

Mr. Courtney asked if the other properties along Beach Road would be inclined to split their property if the Board was inclined to grant this variance. Mr. Stimac stated that it was a possibility, however a hardship running with the land would have to found in order to split these other properties.

Mr. Kovacs asked what the purpose of the stub street Prestwick was. Mr. Stimac explained that this stub street is the same as other stub streets in Troy, and that they

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are put in place so that the subdivision could be developed farther. These streets act as an interconnection of properties to other streets in the subdivision.

Mr. Donnellon, representing Choice Development was present. Mr. Donnellon stated that he wished to clarify an issue in that he believes the Ordinance deals with two adjacent parcels owned by the same person that do not comply with the Ordinance are considered to be one parcel, however, these properties do comply and each one can be built on separately. The smaller lot has not built on as of this date. When this property was purchased they were in the form of a flag lot and the other lot facing Beach and he believes that this has been that way for the past thirty-(30) years. In reality, the house and driveway coming in off of Beach, could be considered a double front corner lot. Mr. Donnellon also said that the front yard is 55' off of Prestwick and he believes this variance will allow them to create a better lot. The house at 4254 Beach would be more secluded and the petitioner plans to do a great deal of remodeling to it. It makes mores sense to create two (2) nice lots, less non-conforming. In this case the property facing Beach would be 150' wide and the property in the back of Beach would be more secluded and would be a higher quality lot.

Mr. Wright asked if the petitioner was planning on leaving that house and Mr. Donnellon said that was their plan. Mr. Wright said this is a wonderful location and would love to have that location as you can barely see the house from Prestwick. Mr. Wright also asked if Mr. Donnellon was planning to leave the existing vegetation. Mr. Donnellon said that they also wish to add additional landscaping as the subdivision under construction now had removed a large number of the trees. If Prestwick went through and connected to Beach the two parcels would be non-compliant. The parcels are too small for a developer to put in a through road. The petitioner does not intend to multiply the parcels or make them bigger, they just wish to rearrange the existing square footage. Mr. Wright asked if they had gotten any input from the people on the north side of Prestwick. Mr. Donnellon stated that they have not talked to them in terms of this application.

Mr. Maxwell asked if the petitioner owned the property to the north of this parcel. Mr. Donnellon indicated that they did not own either 4298 or 4342 Beach Road. Mr. Maxwell then asked if they owned property to the north of that. Mr. Donnellon stated that he wanted to point out that there was a heavy wetland running through 4298 Beach and also 4342 Beach. The access driveway for 4342 is 20' wide not 55' wide. Mr. Maxwell asked if he had been involved in negotiations regarding the property at 4342 Beach and Mr. Donnellon said that he had not. Mr. Maxwell said that this property has been for sale for quite a long time. Mr. Donnellon said that even if you get 20 more feet, the depth of the parcel on beach would not be large enough to build on. Previous decisions have created a problem and they are attempting to make two nice lots out of this property and build two quality homes. Mr. Maxwell also said that the configuration could change dramatically as they have seen with the development to the south.

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Mr. Kovacs stated that there is nothing on parcel 1 and Mr. Donnellon stated that was correct.

Mr. Courtney stated that the petitioner intended to remodel the existing house and have it addressed on Prestwick and asked if the house would then face Prestwick. Mr. Donnellon said that they were planning on putting the numbers there and in the process of remodeling, they were going to re-landscape along the driveway to improve the look of the property. The north side of the property is much nicer and the whole south line of the property needs to have trees added.

Mr. Kovacs opened the Public Hearing.

Terry Farnell, 4298 Beach was present and stated that he has lived in this location since the late 1970's. The property at 4342 Beach runs 150' north of his home. The developer owned the stub street on Prestwick and the City required him to buy it as an access road to Beach Road. Mr. Farnell believes at this time the property owner of 4254 Beach was able to purchase 50' of this stub street, which resulted in a lot size of 150' x 420'. When they moved on Beach Road, there was a sign indicating that this was a scenic road but it was taken down when the developers moved in. They have lost a large number of trees up and down the road, and Mr. Farnell is concerned about a string of birch trees planted about 1900 being removed as this property is developed. The petitioner has the opportunity to take this large lot and build one beautiful home on this property. Mr. Farnell said that when they moved in they talked to the City Assessor and was informed that R-1B Zoning required at least 100' of frontage if there was a sewer available and 150' of frontage if there was a septic field. Mr. Farnell also said that the existing structure could be dressed up and it would be worth at least a million or one and a half million dollars. Mr. Farnell said that the petitioner had not demonstrated a hardship other than financial and he is very opposed to this request.

Kyle Jones, 4280 Wentworth was present and stated that he extremely opposed to this petition. In the preamble read at the beginning of this meeting it states that the petitioner has to demonstrate a hardship to justify breaking the law, and this petitioner does not have a hardship just an accommodation. The petitioner is asking to double the amount of development on this property and in so doing impose their will on the adjacent subdivision. The character of this area is already set. There are a certain number of homes, with basically the same size lots and square footage of the homes and the 100' required frontage is in place for a reason. Mr. Jones said that they want to take the axial of the street and call it frontage. His opinion is that it is up to the Board to uphold the Ordinance and he does not feel this would be accomplished by opening up the stub street. Mr. Jones also feels that opening this stub street will have a domino effect in that traffic will begin using Wentworth and Prestwick as a shortcut to Beach. Mr. Jones said that the address in question has a temporary license as a group home and developmentally or injured people. All they are asking is to make this house part of the Greentree Subdivision and impose the negative property value and consequences

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to this Subdivision. Mr. Jones further stated that he believes all this petitioner wants to do is create two lots out of one and there are a great deal of negatives that would impact this area if this variance is granted and strongly urged the Board to deny this variance. There is no authority under the Ordinance or with the power of this Board to grant this variance as there is no hardship.

Mr. Kovacs stated that someone had stated that this stub street was never intended to go to Beach and asked Mr. Jones what he thought the purpose of this stub street was. Mr. Jones stated that he didn't know. Mr. Kovacs went on to say that if there was never meant for traffic to flow in this direction, they would not have put the stub in. Mr. Kovacs also said that he did not see any purpose to put this street and asked who would use this road to cut through beside the residents of the Greentree Sub. Mr. Jones stated that anyone that did not want to wait for traffic to clear westbound on Wattles could use that street as a shortcut. Mr. Jones said that he does not how this property is going to be developed, and all they see is an intentional detachment from the easterly parcel that was intended to front on Beach. Mr. Kovacs asked if the 55' of frontage on the axial wasn't more than some of the other homes in the sub that front on cul-de-sacs. If there was a slight angle in this road, Mr. Kovacs believes the petitioner would meet the requirements of the Ordinance. Mr. Jones said that his property is on one of these cul-de-sacs and thinks Mr. Kovacs has to look at the area and will see a tremendous number of cul-de-sacs that creates a circle of homes that is very attractive. Mr. Jones stated that he did not believe that it was not up to this Board to make suggestions to the developer as to how he could meet the requirements of the Ordinance. If they are going to remodel this house, all they are going to do is attach the driveway to the stub end of Prestwick and call it frontage. Mr. Kovacs then asked if Mr. Jones thought cul-de-sacs were created for aesthetic purposes. Mr. Kovacs also said that this Board does have the power to make this type of decision. Mr. Jones said that he believes it is up to the Board to make a decision based on a hardship and not as an accommodation. Mr. Kovacs asked if he would rather see this petitioner improve these lots, or would he rather see this property sold to a developer and create a number of homes in this area.

Mr. Wright said that in looking at this area, the best way to make certain that Prestwick was never extended to Beach, would be to allow the petitioner to connect to Prestwick. Mr. Wright said that he does not see why the petitioner objects to this variance. Mr. Jones stated that he is concerned because this property has a temporary license to be a group home and does not want to see it attached to the Greentree Subdivision.

Ms. Lancaster addressed the Board and stated that the City of Troy does not regulate group homes the State regulates group homes. Furthermore, the City of Troy does not have the authority to deny group homes. Furthermore, if this Board uses the fact that this is a group home as part of their decision regarding this variance, the City will be sued. The City has no control over group homes. The State licenses group homes and are considered as residential use.

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Mr. Jones said that they do not object to group homes, they object to the fact that it will be connected to their subdivision, and since it is already connected to Beach Road that is where they should leave it. Mr. Kovacs stated that he understands that Mr. Jones is objecting to the traffic generated by the group home, however that cannot be a reason that the Board uses to deny this variance request. Mr. Kovacs said that they have to consider this a R-1B residential property.

Mr. Jones said that the City cannot consider the placement of the home, but asked if they could consider traffic or consequences of its existence. Mr. Stimac said that the City and Village Zoning Act specifically say that a duly licensed residential facility, foster care facility is to be considered a single-family use. If the use of that property is going to have a negative impact regarding traffic that is the statement that has to be made.

Mr. Jones said that he does not want the decision of this Board to be unfairly swayed by any negative or emotional comment that he may have made. In his opinion there is no need to do what the petitioner is asking there is no hardship pertaining to this piece of property other than build two homes.

Leroy Barnes, 2296 Prestwick, was present and stated that he against this variance. Mr. Barnes stated that he did not understand why they would land lock a piece of property and then come in and ask for a variance in order to gain access when there is enough frontage available on Beach Road to make the split. Mr. Kovacs asked if he rather see a double frontage on Beach Road rather than one frontage on Prestwick. Mr. Barnes said it is his understanding that there is 150' of frontage on Beach Road and believes there is more than enough for a driveway. Mr. Barnes stated that he thinks this is a very poor use of this Board's time and attention to come in and ask for this waiver.

Mr. Farnell came back and asked the Board how this property could be split when there was only 150' of frontage on Beach Road. Mr. Stimac explained that the Board did not say this property could be split Mr. Barnes did. Mr. Stimac also said that although there are two separate descriptions, owned by the same person and according to the Zoning Ordinance they are considered to be a single parcel undivided. A second house could not be built on this property.

Oakie Meyers, 4257 Wentworth was present and stated that he objects to this variance request as he believes this will create a problem with snow plowing and garbage pickup. Mr. Meyers stated that he does not see a hardship with this property other than a financial one. Mr. Meyers also said that this is not a cul-de-sac and he believes all that would happen if this was opened up is that it would create an alley.

David Boyer, 4301 Wentworth stated that he also objects to this request. Mr. Boyer stated that in his opinion a cul-de-sac is designed for a turning radius for ambulances and school buses. With the stub on Prestwick being opened up he believes this would create a problem not only for emergency vehicles and snowplows as well as for the

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property owner at 4293 Prestwick whose driveway is connected to Prestwick. Currently the petitioner has two lots and would like to get $400,000 for each house. This house would be far less than the million dollar homes that are being built to the south of this property. The petitioner also has the opportunity to purchase the land to the north of this site and develop that . Mr. Boyer feels that we should get away from building very large homes on very small lots. Mr. Boyer said that he is concerned about the traffic, emergency vehicles and does not see any type of hardship other than financial. This is a non-conforming lot now and access to Prestwick will continue the non-conformance.

Mr. Kovacs stated that if this lot was divided the way the petitioner was requesting it would be the best chance to avoid another subdivision going in. Mr. Boyer did not agree with Mr. Kovacs and said that the petitioner could tear down the existing house, purchase the property to the north and put in another subdivision. They have already done that and they could connect right to Beach Road. Mr. Kovacs said that the Board could not stop them from building a subdivision if they acquire the property. Mr. Boyer said he agrees and granting access to Prestwick would encourage this. Mr. Boyer also said that he believes this is exactly what this developer is trying to do.

Larry Walatkiewicz, 4285 Wentworth was present and stated that his home is located four houses north of the stub street. Mr. Walatkiewicz asked the Board if they had read every letter they had received. The Board stated that they had. Mr. Walatkiewicz asked if these conditions existed or if there had been any type of change to this property since the Choice Group had purchased this property. Mr. Stimac said that he did not know when the Choice Group bought the property and was unable to give any information as to what they knew and didn't know. Mr. Walatkiewicz said that in his opinion this property was purchased as an investment and now that investment has diminished, which brings him here to ask for a variance. No one knows what the decision was when the stub road was put in. Mr. Walatkiewicz said that he also wants to check further with the City regarding the policy of the City and rental homes. Mr. Stimac said that the Zoning Ordinance as well as the Building Codes require and regulate the use of a property and the use of this property is designated as a single-family residential dwelling. It does not stipulate whether or not that has to be owner occupied or whether that can be rental. There is neither requirement for the registration or inspection nor certification for a single-family home that is not owner occupied.

Mr. Walatkiewicz said that the City Services will be negative affected by this variance and it would be a terrible situation with the School Bus services. Basically those are Mr. Walatkiewicz's concerns and he personally contacted the Choice Group and asked them to withdraw this request.

Joe Cracchiolo, 4881 Riverchase was present and stated that he is the owner of the property to the south. Mr. Cracchiolo said that he does not feel there is a hardship that runs with the land, but merely a financial hardship for the petitioner. His property is R-1B Zoning and he has to have lots that conform to the requirements of this Zoning

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District. The trees that were removed were dead and he has just spent $75,000 to landscape the back of his lots and another $75,000 for additional landscaping on Beach Road. Every house that is built there is landscaped. His other concern would be fire. Fire trucks going down Prestwick to the existing house could create a problem. Mr. Kovacs asked if he would rather have the house front Beach. Mr. Cracchiolo said that the Ordinance states that a house has to front a public street and this house does not front a public street. In the current condition the house does front on Beach Road, but if accessed to Prestwick the garage would become the front of the house. The homes that are being built south of this property are in the million-dollar range and he is concerned about the type of houses the Choice Group would plan to construct. Mr. Cracchiolo went on to say that he had to do a floodplain study and a wetland study and did not believe this petitioner has done that.

Mr. Kovacs asked if Mr. Cracchiolo had attempted to purchase this property and Mr. Cracchiolo said he did not. Mr. Stimac said that the Ordinance says that the property has to have frontage on a public street the width of which has to meet the minimum requirements of the Ordinance, however, it does not state which way the house has to face.

Mr. Walatkiewicz came forward and said that theoretically you could build a house backwards. Mr. Stimac said there is nothing in the Ordinance that states you have to have a front door, or that the house has to face a certain way. The Ordinance states that it has to comply with the setbacks.

Mr. Cracchiolo came back up and asked who would buy a house that fronts on Beach Road but has a Prestwick address. Mr. Kovacs asked what his concern was and Mr. Cracchiolo said that he thought the property values would drop because of the address change. Mr. Cracchiolo also said that in the last month the Choice Group had removed all the trees on this property. Mr. Kovacs said that this was not something that the Board was concerned with and felt that during the remodeling process the house could be changed to look like it was facing Prestwick.

Oakie Myers said that if a developer came to the Board with a new development showing a street with houses on both sides and asked for a 55' foot variance for an additional house, it would not be approved and he did not think this request should be approved either.

Najib Bahura, 4245 Wentworth was present and stated that when he purchased this property in 1972 he was assured that Prestwick would never be opened or extended. This was the main reason he bought this property. Mr. Bahura said that he believes it is in the records that Prestwick would not be opened either as a street or a driveway. Mr. Kovacs said that the reason a stub street is put in is for a future extension and did not believe that it would be written that the street would never be extended. Mr. Bahura said that the reason the stub street was put in was for a fire hydrant and this was a part

ITEM #11 – con't.

of the City record that this street would not be extended. Mr. Kovacs said that he could assure Mr. Bahura that there would not be a record that this street would never be extended as the main purpose of a stub street is for future expansion. Mr. Bahura also said that the reason this home was constructed at the back of this property was because of a high water table. He does not believe the front lot would ever be buildable and asking to put in a road. Mr. Kovacs said they are not putting in another road, they are asking to put a driveway in off of the stub street Prestwick. Mr. Bahura said that he should not be able to do this as he does not own the property. Mr. Stimac said that officially the public owns the property so everyone owns the property. Mr. Bahura said that he does not believe he has a right to have a driveway here. Mr. Kovacs explained that all the petitioner is asking for is a driveway to this property.

Mr. Bahura said that he objects because he thinks lots of other developers are going to come in and create more lots. Mr. Kovacs said that was correct in that other developers could come in buy the property to the north and put in a street. Mr. Kovacs explained that this was not the reason this petitioner was there. This petitioner only wanted a variance to be able to put in a driveway off of Prestwick. Mr. Kovacs also said that there is no guarantee that in the future someone does not come in, buy all this property, and put in another subdivision.

Mr. Wright stated that he had served on the Planning Commission for twenty-five years and when stub streets are approved, they are always there for future connectivity to a future subdivision. They do not put in stub streets so that there are dead ends, they are always put in for future expansion.

Mr. Bahura asked about the setback and Mr. Kovacs said that he meets all the setback requirements, he does not meet the 100' of frontage and that is the reason he is asking for a variance. Mr. Bahura said the subdivision is already created and opening this street would be changing the original subdivision. Mr. Bahura asked if he could guarantee that this is the only thing he is going to do and Mr. Kovacs said that he does not have to guarantee anything.

Mr. Maxwell said that this stub was built in 1972 and just because there is a stub there does not automatically guarantee that there will be another subdivision there.

No one else wished to be heard and the Public Hearing was closed.

There are five (5) written objections on file. There are no written approvals on file.

Mr. Courtney said that he thinks this should be a development taking in the lots to the north, and granting a variance at this point would be to place an impediment to the development of the property to the north and because of that he is opposed to this variance. Mr. Kovacs said that he did not understand Mr. Courtney's objection and the variance is based on the frontage of the road. Mr. Courtney said that the more buildings

ITEM #11 – con't.

you put up the harder it is to consolidate and if this variance is granted there would be two buildings instead of one and it would be harder to consolidate them with building to the north. Mr. Courtney said that he did not believe this Board should grant a variance that would allow for financial assistance to a developer as it will allow for twice as much property and twice as much development. There is no hardship that runs with the land, the only hardship is financial.

Motion by Courtney
Supported by Hutson

MOVED, to deny the request of David Donnellon, of the Choice Group to split an existing parcel of land,4254 Beach, from its Beach Road frontage, which would result in a street frontage for the property of only 55 feet where Section 30.10.02 of the Ordinance requires that properties in the R-1B Zoning District have a minimum of 100' of frontage on a public street.

- Petitioner did not demonstrate a hardship that runs with the land.
- Variance would be contrary to public interest.
- Variance would have an adverse effect to surrounding property.

Mr. Hutson said that he does not believe there is a practical difficulty that would allow for this variance to be granted. Mr. Hutson also said that the petitioner had the ability to put another house on this property without a variance.

Mr. Kovacs said that parcel #1 is not buildable. Mr. Stimac said that this property legally has 150' frontage on Beach Road, it is two different parcels owned by the same person. Section 40.50.02 of the Ordinance says " …. If two or more lots or combination of lots and portions of lots with contiguous frontage in single ownership of record at the time of passage of amendments to this Chapter and if all or part of the lots do not meet the requirements of lot width or area as established by this Chapter, the lands involved shall be considered to be an undivided parcel for the purposes of this Chapter and no portion of said land shall be used or occupied that does not meet the lot width and area requirements established by this Chapter nor shall any division of the parcel be made which leaves remaining any lot with a width or area below the requirements as stated in this Chapter". In effect, this is considered to be one parcel of land with 150' of frontage and can only support one house. Mr. Hutson said that even though they cannot build a second house on this property, he still does see a practical difficulty that runs with the land.

Mr. Wright asked for clarification regarding the sale of Parcel #1. Mr. Stimac said that technically they could sell Parcel #1, however the Building Department would not allow them to build a house on this parcel.

ITEM #11 – con't.

Mr. Maxwell said that he would like to see another alternative as he did not think that opening up this property to Prestwick is the best solution.

Mr. Kovacs called for a vote on Mr. Courtney's motion to deny this request.

Yeas: 3 – Hutson, Maxwell, Courtney
Nays: 3 – Gies, Kovacs, Wright

MOTION TO DENY FAILS

Mr. Donnellon asked that this request be postponed until the next scheduled meeting to allow him to do more research and consult with his client.

Motion by Maxwell
Supported by Gies

MOVED, to postpone the request of David Donnellon, the Choice Group, 4254 Beach Road, for relief of the Ordinance to split an existing parcel of land from its Beach Road frontage. This split would result in a street frontage for this property of only 55 feet where Section 30.10.02 of the Ordinance requires that properties in the R-1B Zoning District have a minimum of 100' of frontage on a public street until the meeting of August 16, 2005.

- To allow the petitioner the opportunity to develop an alternative plan.

Yeas: All - 6

MOTION TO POSTPONE REQUEST UNTIL THE MEETING OF AUGUST 16, 2005 CARRIED

The Board of Zoning Appeals meeting adjourned at 10:03 P.M.

_____
Matthew Kovacs, Vice Chairman

_____
Pamela Pasternak, Recording Secretary

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:30 p.m. on 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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ETHNIC ISSUES ADVISORY BOARD – DRAFT AUGUST 2, 2005

I. CALL TO ORDER

A regular meeting of the Troy Daze Advisory Committee was held **Tuesday, August 2, 2005** at Troy City Hall – Conference Room C. Meeting was called to order at 7:11 p.m.

II. MEMBERS PRESENT

Present:

Hailu Robele
Amin Hashmi
Anju Brodbine
Padma Kuppa
Oniell Shah
Tom Kaszubski
Cindy Stewart, City Liaison

Absent:

Flora Tan
Charles Yuan
Jeff Hyun

Guests:

Malini Sarma- substitute teacher in Troy Schools & dance instructor, and Yogesh Gusani, Troy resident, CPA & neighbor of Oniell. Both are interested in being appointed to the EIA Board when there are openings.

III. APPROVAL OF MINUTES

Moved by Padma Kuppa
Seconded by Amin Hashmi

RESOLVED that the minutes from the June 7, 2005 Ethnic Issues Advisory Board Meeting are approved. Approved unanimously.

IV. ARTICLES

- NY Times-Outsourcing –July 24, 2005
- Detroit Free Press – Race & Ethnicity - July 4, 2005
- Metro Parent NCCJ/LINC article by Padma Kuppa – July 2005
- August in Metro Parent – Padma will have an article on Bilingual Education
- Padma suggests reading-"Ethnicity in Michigan" by Jack Glazier.
- Oakland Press - Major uproar over editorial cartoon –July 28, 2005

V. NEW BUSINESS

A. NCCJ and LINC

- National conference for community and justice: help with diversity, bias, bigotry issues. Leadership in the new century (LINC) group for teens in 50-60 school districts in the area. Ex. Diversity Day at Churchill High School teaching conflict resolution, racial biases. Deb Williamson will be at our September meeting. Padma will attend TYC meeting August 24 to invite their members.

B. EIAB Mission & Goals - Cindy will e-mail goals/mission to members. Board needs to explore our Mission Statement & Goals again. Discuss at a future meeting in October.

C. Business Sponsored - Diversity Program Idea: Local Business would like to give money/grant to a group who would do something related to diversity and kids.

- Plan of Action must be in writing – geared to Elementary /Middle School
- Could be $10,000 each year
  Examples: Exploring different cultures, customs, holidays, traditions; Mini Sights and Sounds program at each school

VI. OLD BUSINESS

A. Resource Guide: Continue to send good resources

- Idea to share our list with other communities, especially ones with EIA type boards (Southfield, Ann Arbor, Farmington Hills, Sterling Heights)
- Contact other cities re: Sharing info

B. Troy Daze - EthniCity

- EIA needs to man booth-Saturday, September 17, 2-4 pm, Sunday, September 18, 2-4
- Giveaways: key chains, quiz re: flags of countries
- Saturday, 2-3 pm Oniell
- Saturday, 3-4 pm Amin
- Sunday, 2-3 pm Anju
- Sunday 3-4 pm Padma/Malini

C. Law Brochures - Check out cost for those to be printed. We could possibly get grant from Community Foundation.

D. Sights & Sounds World Bazaar - need to promote this and get vendors. Padma will take applications to India Craft Show August 7, 2005 at Temple

E. Padma Kuppa Motion to recommend appointing Malini Sarma to replace Hailu Robele. Hailu Robele Seconded. Approved unanimously.

VII. MOTION TO ADJOURN

Moved by Anju Brodbine
Seconded by Oniell Shah

RESOLVED that the Ethnic Issues Advisory Board Meeting be adjourned at 8:29 p.m. Approved unanimously.

_____
Padma Kuppa, EIA Co-Chair

_____
Cindy Stewart, EIA Recording Secretary

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:30 p.m. on August 2, 2005 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:
Gary Chamberlain
Fazal Khan
Lawrence Littman
Robert Schultz
Thomas Strat
Mark J. Vleck (arrived 7:38 p.m.)
David T. Waller

Absent:
Lynn Drake-Batts
Wayne Wright

Also Present:
Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Allan Motzny, Assistant City Attorney
Christopher Kulesza, Student Representative
Kathy L. Czarnecki, Recording Secretary

Resolution # PC-2005-08-126
Moved by: Littman
Seconded by: Khan

RESOLVED, That Members Drake-Batts and Wright are excused from attendance at this meeting for personal reasons.

Yes: Chamberlain, Khan, Littman, Schultz, Strat, Waller
No: None
Absent: Drake-Batts, Vleck (arrived 7:38 p.m.), Wright

MOTION CARRIED

2. PUBLIC COMMENTS

There was no one present who wished to speak.

3. BOARD OF ZONING APPEALS (BZA) REPORT

There was no report available.

4. PLANNING AND DEVELOPMENT REPORT

Mr. Miller reported on Council actions taken at its August 1, 2005 Regular Meeting.

- *Rezoning Application (Z 703)* – 600 Stephenson Highway, east side of Stephenson Highway, north of 14 Mile Road, Section 35, from R-C to O-1 – ***Approved***.

- *Rezoning Application (Z 704)* – Proposed Dunkin Donuts, south side of Vanderpool, west of Rochester Road and east of Ellenboro, Section 22, from R-1E to B-2 – ***Denied***.

- *Rezoning Application (Z 180-B)* – Proposed Binson's Home Health Care Center, northwest corner of Rochester and Marengo, Section 3, from R-1B to B-1 – ***Postponed to March 7, 2006 Regular Meeting*** (Planning Commission and City Management to look into an amendment to the Future Land Use Plan).

[Mr. Vleck arrived 7:38 p.m.]

There was a brief discussion on the authoritative body to make amendments to the Future Land Use Plan.

5. PRESENTATION BY U.S. GREEN BUILDING COUNCIL, DETROIT REGIONAL CHAPTER, ADVOCACY COMMITTEE

Paul H. Goldsmith of Harley Ellis and Detroit Regional Chapter of U.S. Green Building Council (USGBC) presented the final session on green building entitled "Bringing It All Together".

A question and answer session followed.

The members thanked Mr. Goldsmith for his excellent presentation.

Chair Strat requested a recess at 8:50 p.m.

The meeting reconvened at 8:55 p.m.

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6. CONDITIONAL REZONING

Mr. Miller reported that conditional rezoning was recently legalized with an amendment to the City and Village Zoning Act. He briefly reviewed the model zoning ordinances prepared by McKenna Associates and the Michigan Township Association and the draft zoning ordinance language proposed by the City of Rochester Hills. Mr. Miller pointed out five provisions that the Planning Department recommends be inclusive of any zoning ordinance amendment proposed by the City of Troy.

Mr. Motzny said initially the City Attorney recommended that the City of Troy not consider any requests for conditional rezoning, and noted amendments to the legislation might be necessary. Mr. Motzny said he is not aware of any city that has incorporated the new legislation into their ordinance.

Brief comments were solicited from around the table.

Mr. Khan is experiencing firsthand a conditional rezoning for one of his firm's proposed development projects. He said he would keep the members informed of the outcome, and suggested that it might be necessary for the City to address its fee structure with respect to requests for conditional rezonings.

7. HB 4398 – ZONING ENABLING ACT

Mr. Miller reviewed the intent of House Bill 4398. Discussion followed on:

- Sec. 506 (1) (b) – The percentage of land area to remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land.

- Sec. 206 (4) – The requirement to permit conditionally group day care homes in residential districts.

8. PUBLIC COMMENTS

Chris Komasera of 5287 Windmill, Troy, was present. Mr. Komasera commented favorably on the USGBC green build presentation and said green building is the right direction to go.

GOOD OF THE ORDER

Mr. Littman shared a website for aerial mapping -- www.virtualearth.msn.com.

Mr. Miller addressed the following items:

- Planning Department activity/application submissions with respect to economic turnaround.
- Potential lawsuits on proposed rezoning requests.
  (1) Binder request, west side of Rochester Road, south of Trinway, from R-1C to R-1T.
  (2) Binson's Home Health Care, northwest corner of Rochester and Marengo, from R-1B to B-1.

Chair Strat addressed the following:

- Revision to the Future Land Use Plan with respect to the Binson's Home Health Care proposed rezoning.
- Procedure for review and overall revisions to the Future Land Use Plan.
- K-Mart Headquarters Building.
- Big Beaver Road Corridor Study.
- ZOTA 215 Accessory Structures.
- PUD #4 – The Monarch.

It was agreed to discuss revisions to the Future Land Use Plan with respect to both the Binson's proposed rezoning and overall revisions at future study sessions, allowing approximately 45 minutes for discussion at each session.

Mr. Miller said he would provide background information and maps to assist discussion on the Future Land Use Plan.

Mr. Miller reported that Madison Marquette has an option to purchase the K-Mart Headquarters Building. After meeting with Madison Marquette, it appears the development direction is commercial/retail. Mr. Miller noted that the Future Land Use Plan does not designate retail for the area.

Mr. Miller provided a brief review of the Big Beaver Road Corridor Study and its correlation with the Futuring and Strategic Planning process.

Mr. Miller reported he is not aware that ZOTA 215 is coming back to the Planning Commission for further review.

Mr. Miller said he is not aware that City Council would like to revise PUD 4. Mr. Miller indicated he would provide better representation on behalf of the Planning Commission's review process in City Council report presentations.

Mr. Miller said as soon as the Planning Department is in receipt of the application documents for the proposed PUD #5, Casswell Town Center Community (east side of Rochester Road, south of South Boulevard, Section 2), he would forward copies to the members for their review.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 10:12 p.m.

Respectfully submitted,

_____
Thomas Strat, Chair

_____
Kathy L. Czarnecki, Recording Secretary

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The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:30 p.m. on August 2, 2005 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:
Gary Chamberlain
Fazal Khan
Lawrence Littman
Robert Schultz
Thomas Strat
Mark J. Vleck (arrived 7:38 p.m.)
David T. Waller

Absent:
Lynn Drake-Batts
Wayne Wright

Also Present:
Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Allan Motzny, Assistant City Attorney
Christopher Kulesza, Student Representative
Kathy L. Czarnecki, Recording Secretary

Resolution # PC-2005-08-126
Moved by: Littman
Seconded by: Khan

RESOLVED, That Members Drake-Batts and Wright are excused from attendance at this meeting for personal reasons.

Yes: Chamberlain, Khan, Littman, Schultz, Strat, Waller
No: None
Absent: Drake-Batts, Vleck (arrived 7:38 p.m.), Wright

MOTION CARRIED

2. PUBLIC COMMENTS

There was no one present who wished to speak.

3. BOARD OF ZONING APPEALS (BZA) REPORT

There was no Board of Zoning Appeals (BZA) meeting on which to report.

4. PLANNING AND DEVELOPMENT REPORT

Mr. Miller reported on Council actions taken at its August 1, 2005 Regular Meeting.

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GOOD OF THE ORDER

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Mr. Miller said as soon as the Planning Department is in receipt of the application documents for the proposed PUD #5, Casswell Town Center Community (east side of Rochester Road, south of South Boulevard, Section 2), he would forward copies to the members for their review.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 10:12 p.m.

Respectfully submitted,

_____
Thomas Strat, Chair

_____
Kathy L. Czarnecki, Recording Secretary

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The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:30 A.M., on Wednesday, August 3, 2005 in the Lower Level Conference Room of the Troy City Hall.

PRESENT: Ted Dziurman
Rick Kessler
Rick Sinclair
Frank Zuazo

ABSENT: Tim Richnak

ITEM #1 – APPROVAL OF MINUTES - MEETING OF JULY 6, 2005

Motion by Kessler
Supported by Zuazo

MOVED, to approve the minutes of the meeting of July 6, 2005 as written.

Yeas: 4 – Dziurman, Kessler, Sinclair, Zuazo
Absent: 1 – Richnak

MOTION TO APPROVE THE MINUTES AS WRITTEN CARRIED

Mr. Stimac explained that Mr. Richnak was required to attend another meeting this morning.

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 Building Department had received a letter from R.E. Moorhouse & Associates indicating their intent to withdraw this request, as they have submitted a site plan that indicates the location of the proposed sign, which is in compliance with the requirements of the Sign Ordinance.

Withdrawal request noted and filed. No further action required by this Board.

ITEM #3 – VARIANCE REQUEST. HAYSSAM BOUSSI, 36949 DEQUINDRE, for relief of Chapter 78 to expand the existing 40 square foot ground sign to 48 square feet and to have 150 square feet of wall sign where 128 are permitted.

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.

ITEM #3 – con't.

Section 10.02.03 of the Sign Ordinance prohibits the expansion of non-conforming signs.

This item last appeared before this Board at the meeting of July 6, 2005 and was postponed to allow the petitioner the opportunity to meet with his client to determine if conformance is possible and to allow the Building Department the time necessary to publish the petitioner's request for an additional wall sign.

The plans submitted also indicate an additional wall sign with a size of 28 square feet. Section 9.02.04 of the Sign Ordinance states the total combined area of all wall signs cannot exceed 10% of the front of the structure or tenant area. The total square footage of the front of the structure is 1,280 square feet, which would allow for 128 square foot of signage. Currently there is 122.2 square feet of signage, leaving only 5.8 square feet available. The proposed sign would result in 150 square feet of wall signs.

Mr. Boussi was present and stated that his client wished to withdraw his request to enlarge the ground sign, but would still like a variance to allow the new wall sign. Mr. Boussi explained that the Sav-Mor Pharmacy was a new business inside this market and this would be their only means of advertising.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written objections or approvals on file.

Motion by Kessler
Supported by Sinclair

MOVED, to grant Hayssam Boussi, 36949 Dequindre relief of Chapter 78 to install a second wall sign, which will result in 150 square feet of wall signs where Section 9.02.04 of the Sign Ordinance limits the amount of wall signage to 128 square feet.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: 4 – Kessler, Sinclair, Zuazo, Dziurman

MOTION TO GRANT VARIANCE CARRIED

ITEM #4 – 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.

ITEM #4 – con't.

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. This item first appeared before this Board at the meeting of July 6, 2005 and was postponed to allow the petitioner the opportunity to be present.

Mr. Jeff Clements was present and stated that it would be difficult to move the proposed sign because of the existing retention pond. Mr. Clements also said that presently EDS leases this space and they have informed the owner of the building that they will be vacating these premises in the middle of next year. The new sign will aid in the leasing of this space out.

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. Zuazo asked if there were any ground signs at this location presently. Mr. Clements explained that this sign will replace the existing sign, which is smaller, but in the same location.

Motion by Kessler
Supported by Zuazo

MOVED, to grant Jeff Clements, 5505 Corporate, relief of Chapter 78 to install a 192 square foot ground sign located 19' from the City right of way.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: 4 – Kessler, Sinclair, Zuazo, Dziurman

MOTION TO GRANT VARIANCE CARRIED

ITEM #5 – 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. This item first appeared before this Board at the meeting of July 6, 2005 and was postponed to allow the petitioner the opportunity to be present.

ITEM #5 – con't.

Mr. Clements was present and stated that the existing sign is the same size and in the same location as the proposed sign. They wish to update the existing sign. Mr. Clements also said that the existing sign was granted a variance approximately fifteen (15) years ago.

Ms. Struckman confirmed that the existing sign was granted a variance by this Board approximately fifteen (15) years ago.

Mr. Clements also said that they plan to use the same concrete for the new sign.

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.

Motion by Kessler
Supported by Sinclair

MOVED, to grant Jeff Clements, 700 Tower, 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.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Variance applies only to the property listed in this application.

Yeas: 4 – Sinclair, Zuazo, Dziurman, Kessler

MOTION TO GRANT VARIANCE CARRIED

ITEM #6 – VARIANCE REQUEST. LIBERTY PROPERTY TRUST, 2710 BELLINGHAM, for relief of Chapter 78 to install a second ground sign at 2710 Bellingham.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to install a second ground sign at 2710 Bellingham. The site plan submitted indicates a new 48 square foot ground sign. This site already has an existing 70 square foot ground sign. Chapter 78, Section 9.02.05 limits the number of ground signs to one.

Mary McLean from Liberty Property Trust was present and stated that the Ordinance allows for both a wall sign and a ground sign at this location, but they wished to forego the wall sign and put up an additional ground sign. Ms. McLean explained that they have a new tenant moving into this location and this ground sign would be used to identify them. All of the buildings in this area are occupied and this is the last space to

ITEM #6 – con't.

be leased. They have created a new entrance and this ground sign will make their location more visible.

Mr. Dziurman asked if this sign would be in compliance if it were the only ground sign put up and Mr. Stimac said that the specifications do comply with the requirements of the Ordinance. The only reason they need a variance is because there is already an existing ground sign at the location. Mr. Dziurman stated that he would be concerned if someone came back to request a wall sign. Mr. Stimac said that unless stipulations were added to the variance, the Building Department would grant a Sign Permit for a wall sign if one was requested.

Mr. Zuazo asked if there were any other spaces for lease and Ms. McLean stated that the rest of the buildings were already leased.

Mr. Kessler asked how the present tenant spaces were identified and Mr. McLean said that there are numerals above each door, e.g. 100, 400, etc.

Mr. Sinclair asked if they would be allowed to put the names of the tenants on the glass doors. Mr. Stimac said that signs that are on the inside of the glass are not regulated by the Sign Ordinance and therefore would be allowed.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written objections or approvals on file.

Motion by Kessler
Supported by Sinclair

MOVED, to grant Liberty Property Trust, 2710 Bellingham, relief of chapter 78 to install a second ground sign where Section 9.02.05 of the Ordinance limits the number of ground signs to one.

- In lieu of a wall sign, this 48 square foot ground sign will be allowed.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: 4 – Zuazo, Dziurman, Kessler, Sinclair

MOTION TO GRANT VARIANCE CARRIED

ITEM #7 – VARIANCE REQUEST. TAMELA CORBIN, 503 RANDALL, for relief of Chapter 83 to install a 6' high privacy fence in the front yard setback along Tallman.

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 setback requirements along both Randall and Tallman. Chapter 83 limits the height of front yard fences on this property to not more than 30". The site plan submitted indicates a 6' high privacy fence setback 2' from the east property line along Tallman.

Ms. Corbin was present and stated that she is a single mom with a five year old daughter and basically wants the fence to provide a safe environment for her. Ms. Corbin also stated that she has a dog and this fence would allow her the freedom of enjoying the back yard. The previous owner had a fence and removed it when it started to deteriorate. Ms. Corbin wants to put the new fence in the same area as the previous fence. Ms. Corbin explained that there is a row of shrubs that are being ruined by dogs and this fence would also protect those shrubs. She understands that her property has a large utility easement and would also provide a gate to allow access in case anyone had to work on this easement.

Mr. Dziurman clarified that Ms. Corbin wanted a 6' high privacy fence. Ms. Corbin stated that the she is planning to put up a vinyl, lattice type fence and stated that it did not have to be 6' high she would just like to provide boundaries around her property. Presently there is a chain link fence at the back of her property that is between 4' and 6' high and she would like to connect her fence with the section that is 6' high.

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 on file.

Ms. Corbin asked why the neighbors objected and Mr. Dziurman explained that one person complained because of the height, their view being obstructed and the possibility that predators could use part of this area to hide out. Ms. Corbin stated that she is also concerned about predators, especially regarding her daughter.

Mr. Kessler asked if placing the fence 3' from the sidewalk would put it behind the existing shrubs. Ms. Corbin explained that she was hoping to put the fence on the outside of the shrub line in order to protect these shrubs from further damage by dogs.

Mr. Dziurman asked about the fence at the back of the property and Ms. Corbin explained that the height of this cyclone fence goes from 4' high to 6' high. Mr. Dziurman asked if the fence would stop in the corner and Ms. Corbin said that she would like it to meet the 6' high fence.

ITEM #7 – con't.

Mr. Kessler asked if Ms. Corbin wanted a 6' high fence. Ms. Corbin stated that she believes this fence is available in either a 4' or 6' height. Ms. Corbin also indicated that she would be happy with a shorter fence as it would still provide security for her daughter and her dog.

Mr. Zuazo clarified that basically all she is looking for is a boundary, and that it does not have to be 6' high. Ms. Corbin stated that was correct.

Mr. Kessler asked if there were any restrictions regarding a fence in a utility easement. Mr. Stimac stated that as long as it was a standardized fence and not a permanent wall, it would be allowed in the easement. Ms. Corbin said that she understood that her property had this utility easement as well as a gas line easement and did not see a problem with them accessing her property if need be.

Mr. Stimac stated that Ms. Corbin could have a fence that would run from the northeast corner of the garage straight back to the property line. The reason a variance is needed is because she wants to run the fence toward Tallman. Ms. Corbin said that she thought if she placed the fence in this location, she would lose a lot of the use in her yard and just wishes to place the fence in the same location as the previous owner. Mr. Stimac explained that this lot is wider than other lots in the area because it is on the corner and therefore she would not lose that much of her yard.

Mr. Dziurman asked if there was fence on the west side of the house and Ms. Corbin stated that there is a 4' chain link fence.

Mr. Kessler stated that normally a variance is granted for this type of fence with the stipulation that it is placed farther from the property line in order to be able to provide a buffer of landscaping to make the fence line less visible.

Mr. Dziurman asked if Ms. Corbin would be willing to put the fence farther back from the property line in order to provide additional landscaping. Ms. Corbin asked if she could put the fence on the other side of the shrub line.

Mr. Zuazo asked if this was the vegetation that had been damaged. Ms. Corbin said that when she first moved in there was a large number of shrubs along this property line, but as they have died she has removed them. Mr. Dziurman asked if she would be willing to add extra shrubs. Ms. Corbin said that she would, but feels it would be an unnecessary expense because she believes the same thing would happen to any new shrubbery that is added.

Mr. Zuazo said that if everything is moved back, it would not be as readily accessible and would also open up the view for the neighbor that is objecting to the height of the fence. Ms. Corbin indicated that she wants it look nice also and would like to put in a lot of landscaping.

ITEM #7 – con't.

Mr. Stimac suggested postponing this request so that research could be done regarding the location of the original fence, and also to allow the petitioner the opportunity to provide the Board with the exact height and type of fence she would like to install.

Mr. Dziurman asked if Ms. Corbin would like to postpone this request until the next meeting. Ms. Corbin said that she would like to be able to act on this as soon as possible and asked if the height of the fence was a problem for the Board. Mr. Dziurman said that it would be beneficial for Ms. Corbin to get a picture of what she would like to install. Mr. Dziurman also asked if she would be willing to move the fence back.

Mr. Kessler said that he would like to see it moved back about 10' to allow for additional landscaping. Mr. Zuazo also pointed out that one of the objections received stated that a 6' high fence would block their view.

Ms. Corbin stated that she had spoken to the neighbors and explained that the fence would be a lattice type fence and the reason she would like to put it up would be to set boundaries on her property. Ms. Corbin then asked if the Board would be willing to grant the variance if she moved it back 10' and stated that she was more than willing to work with the Board.

Ms. Corbin also indicated that if possible, she would like to be able to put up a 5' high fence if she could find that. Ms. Corbin said that she believed this fence was only sold in 4' or 6' high sections. Mr. Dziurman stated that if Ms. Corbin did not wish to postpone her request the Board would vote on whether or not she could up a 6' high privacy fence. Ms. Corbin said that she would be willing to work with the Board and stay within whatever guidelines they stipulate.

Motion by Zuazo
Supported by Kessler

MOVED, to postpone the request of Tamela Corbin, 503 Randall, for relief of Chapter 83 to install a 6' high privacy fence in the front yard setback along Tallman until the next scheduled meeting of September 7, 2005.

- To allow the petitioner the opportunity to provide a picture of the type of fence she wishes to install.
- To allow the petitioner the opportunity to research the height of the fence she wishes to install.
- To allow a landscaping plan to be presented to this Board.
- To allow the Building Department the opportunity to research the history of the original fence to determine whether or not a variance was granted.

Yeas: 4 – Zuazo, Dziurman, Kessler, Sinclair

ITEM #7 – con't.

MOTION TO POSTPONE REQUEST UNTIL THE MEETING OF SEPTEMBER 7, 2005 CARRIED

The Building Code Board of Appeals meeting adjourned at 9:20 A.M.

Ted Dziurman, Chairman

Pamela Pasternak, Recording Secretary

The Chairman, Christopher Fejes, called the meeting of the Board of Zoning Appeals to order at 7:30 P.M., on Tuesday, August 16, 2005 in Council Chambers of the Troy City Council.

PRESENT: Kenneth Courtney
Christopher Fejes
Marcia Gies
Michael Hutson
Matthew Kovacs
Mark Maxwell
Wayne Wright

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Susan Lancaster, Assistant City Attorney
Pamela Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES – MEETING OF JULY 19, 2005

Motion by Wright
Supported by Gies

MOVED, to approve the minutes of the meeting of July 19, 2005 with the following corrections:

- Page 2 – Duplicate paragraph under Item #4 indicating Mr. Stimac's explanation, to be removed.
- Page 13 – Address listed as 4392 Beach to be changed to 4342 Beach.

Yeas: 6 – Gies, Hutson, Kovacs, Maxwell, Wright, Courtney
Abstain: 1 – Fejes

MOTION TO APPROVE MINUTES WITH CORRECTIONS CARRIED

ITEM #2 – APPROVAL OF ITEMS #3 THROUGH ITEM #8

Motion by Courtney
Supported by Gies

MOVED, to approve a three (3)-year renewal of Items #3 through #5 and Items #7 and #8 as suggested in the Agenda Explanation; and also, MOVED, to postpone Item #6 to allow the Building Department the opportunity to publish a Public Hearing to consider the possibility of granting a permanent variance.

Yeas: All – 7

ITEM #3 – RENEWAL REQUESTED. PSI HOLDINGS, 2525 CROOKS, for relief of the 6' high masonry-screening wall required along the west and south property lines where this property abuts residential zoned property.

Mr. Stimac explained that the petitioner is requesting renewal of relief granted by this Board to have a six-foot high wood fence along the west and south property line where it abuts residential zoned property. This relief was originally granted in 1983, primarily because there already was a six-foot high wood fence along the property line and the petitioner would have to remove a number of established trees in order to install the wall. This item last appeared before this Board in August 2002 and was granted a three (3) year renewal at that time. Conditions remain the same and we have no objections or complaints on file.

MOVED, to grant PSI Holdings, Inc. 2525 Crooks Road, a three (3) year renewal of their variance for relief of the 6' high masonry-screening wall required along the west and south property line where it abuts residential zoned property.

- There is an existing 6' high fence at this location.
- Conditions remain the same.
- There are no complaints or objections on file.

ITEM #4 – RENEWAL REQUESTED. MG ACQUISITIONS, 2555 CROOKS, for relief of the 6' high masonry-screening wall required along the west property line where this property abuts residential zoned property.

Mr. Stimac explained that the petitioner is requesting renewal of a variance granted by this Board for relief of the 6' high masonry screening-wall required along the west property line of their site that abuts residential property. This relief was originally granted in 1984 based on the fact that a wood fence from the Somerset Apartment complex currently screens the property. This item last appeared before this Board in August 2002 and was granted a three (3) year renewal at that time. Conditions remain the same and we have no objections or complaints on file.

MOVED, to grant MG Acquisitions, 2555 Crooks a three (3) year renewal of relief of the 6' high masonry-screening wall required along the west property line where this property abuts residential zoned property.

- There is an existing 6' high fence at this location.
- Conditions remain the same.
- There are no complaints or objections on file.

ITEM #5 – RENEWAL REQUESTED. CROOKS OFFICE LLC, 2585 CROOKS, for relief to maintain a 6' high stockade fence in lieu of the decorative masonry screening-wall required along the west property line of this site where it abuts residential zoned property.

ITEM #5 – con't.

MOVED, to grant the Crooks Office L.L.C., 2585 Crooks Road, a three (3) year renewal of relief granted by this Board to maintain a 6' high stockade fence in lieu of the decorative masonry screening-wall required along the west property line of their site that abuts residential zoned property.

- There is an existing 6' high fence at this location.
- Conditions remain the same.
- There are no complaints or objections on file.

ITEM #6 – RENEWAL REQUESTED. OAK MANOR, INC., 2316 JOHN R., for relief of the required 4'-6" high masonry screening-wall along the east and south areas of your parking lot where it abuts residential zoned property.

Mr. Stimac explained that the petitioner is requesting renewal of relief granted by this Board of the requirement for a 4'-6" high masonry screening-wall along the east and south areas of their parking lot where they are adjacent to residential zoned property. This relief was originally granted in September 1985 based on the fact that the wall would serve no useful purpose in this area. The property to the east is an apartment complex and the property to the south is a church. This item last appeared before this Board in August 2002 and was granted a three (3) year renewal at that time. Conditions remain the same and we have no objections or complaints on file.

MOVED, to postpone the request of Oak Manor, Inc., 2316 John R., for relief of the required 4'-6" high masonry screening-wall along the east and south areas of the parking lot where it abuts residential zoned property until the meeting of September 20, 2005.

- To allow the Building Department to publish a Public Hearing in order to consider a permanent variance.

ITEM #7 – RENEWAL REQUESTED. ANDREW MANNING, OF THE DETROIT EDISON COMPANY, 3080 JOHN R., for renewal of relief of the landscaped berms required along the north, east and west property lines.

Mr. Stimac explained that the petitioner is requesting renewal of a three (3) year variance for relief of the landscaped berms required along the north, west and east property lines. This variance was originally granted in September 1992, based on the fact that a number of mature established trees that currently provide adequate screening would have to be removed in order to install the berm. This item last appeared before this Board in August 2002 and was granted a three (3) year renewal at that time. The southern portion of the property has now been sold, rezoned to the P-1

ITEM #7 – con't.

(Vehicular Parking) zoning classification, and is being developed in conjunction with the adjacent day care facility. Other than that, the conditions remain the same and we have no objections or complaints on file.

MOVED, to grant Andrew Manning, Detroit Edison, 3080 John R., a three (3) year renewal for relief of the landscaped berms required along the north, west and east property lines.

- There are several mature trees providing screening.
- Conditions remain the same.
- There are no complaints or objections on file.

ITEM #8 – RENEWAL REQUESTED. VERSATUBE CORPORATION, 4755 ROCHESTER, for relief of the 6' high masonry-screening wall required along the north and west property lines where the property abuts residentially zoned property.

Mr. Stimac explained that the petitioner is requesting renewal of relief granted by this Board in regard to a 6' high masonry screening wall required along the north and west property lines of their site that abuts residential zoning. The Zoning Ordinance requires that a 6' high masonry-screening wall be provided at the zoning boundary. This Board has granted this relief since 1985. The Board granted relief allowing the petitioner to install an 8' high steel fence in lieu of the wall based on the fact that the fence suits the needs probably as well as, if not better, than the masonry wall. This item last appeared before this Board in July 2002 and was granted a three-year renewal. The property to the north is now zoned R1-T (One Family Attached) but remains vacant. Other than that, conditions remain the same and we have no complaints or objections on file.

MOVED, to grant Versatube Corporation, 4755 Rochester a three (3) year renewal of relief of the 6' high masonry-screening wall required along the north and west property lines where the property abuts residentially zoned property.

- Conditions remain the same.
- There are no complaints or objections on file.

ITEM #9 – VARIANCE REQUESTED. INDEPENDENT BANK, 5950 ROCHESTER, for relief of the required 6' high masonry screening wall required along the south and east property lines where this property abuts residentially zoned property.

Mr. Stimac explained that the petitioner is requesting of relief of the 6' high masonry-screening wall required along the south and east property lines where it abuts residentially zoned property. These property lines abut a multiple-family residential development and relief was originally granted in 1977 based on the fact that a drain surrounded the area and there was a substantial brush growth that adequately screens the abutting residential land. This item last appeared before this Board in July 2005 and

ITEM #9 – con't.

was postponed to allow the Building Department the opportunity to publish a Public Hearing to consider this a permanent variance. That notice has been completed and the Public Hearing scheduled for this meeting.

Mr. Scott Whitford of Independent Bank was present and stated that he had nothing further to add.

The Chairman opened the Public Hearing. No one wished to speak and the Public Hearing was closed.

There are no written approvals or objections on file.

Mr. Kovacs said that he was concerned that if this property was altered in the future, the vegetation may be removed. Mr. Whitford said that they have no future plans for expansion and they would not be able to move the building farther back because of the existing creek.

Motion by Courtney
Supported by Wright

MOVED, to grant Independent Bank, 5950 Rochester, relief of the required 6' high masonry-screening wall required along the eastern property line where this property abuts residentially zoned property.

- Existing vegetation along east property line must remain, even if this property is developed further.
- A wall would be an eyesore to the surrounding property and would be difficult to install because of the creek on the property.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

ITEM #10 – VARIANCE REQUESTED. OSPREY, LTD, 2701 TROY CENTER, for relief of the 6' high masonry screening wall required along the north property line where this property abuts residentially zoned property.

Mr. Stimac explained that the petitioner is requesting relief of the 6' high masonry-screening wall required along the north property line where it abuts residentially zoned property. This variance was originally granted based on the fact that the petitioner would install 280' of decorative metal fencing and landscaping along this north property line that abuts a residential apartment complex. This item last appeared before this Board in July 2005 and was postponed to allow the Building Department the opportunity to publish a Public Hearing to consider this a permanent variance. That notice has

ITEM #10 – con't.

been completed and the Public hearing has been scheduled for this meeting. This entire area was planned for multiple family dwelling, however, did not materialize beyond the first building that was constructed there and the remaining sites around this property were developed in the office classification. The Zoning Ordinance does require that a 6' high masonry screen wall be provided between the Office Zoning classification and the residential property to the north.

Mr. Roger O'Toole was present and stated that the cement wall is currently in place along most of the northern property line. The principal beneficiaries are the inhabitants of the Village Green Apartments. There is a section along the tennis courts on the northern property and the cement wall is not in this area. Mr. O'Toole believes that the intent of the Ordinance has been met and only a small portion of the tennis courts is visible from the office building.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written objections or approvals on file.

Motion by Courtney
Supported by Gies

MOVED, to grant Osprey, LTD, 2701 Troy Center, relief of the 6' high masonry-screening wall required along the north property line where this property abuts residentially zoned property.

- Variance is not contrary to public interest.
- Variance would not have an adverse effect to surrounding property.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

ITEM #11 – VARIANCE REQUESTED. DAVID DONNELLON OF THE CHOICE GROUP, 4254 BEACH, for relief of the Ordinance to split an existing parcel from its Beach Road frontage.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to split an existing parcel from its Beach Road frontage. The site plan submitted indicates a split of this property from its Beach Road frontage and creating access to the property from the western end of the stub street Prestwick. This would result in the only street frontage for this property being the 55 feet at the end of Prestwick Drive. Section 30.10.02 requires that properties in the R-1B Zoning District have a minimum of 100' of frontage on a public street.

ITEM #11 – con't.

This item first appeared before this Board at the meeting of July 19, 2005 and was postponed at the request of the petitioner to allow him the opportunity to discuss other options with his client.

The Building Department has received a request from the petitioner to postpone this item until the meeting of October 18, 2005.

Motion by Wright
Supported by Hutson

MOVED, to postpone the request of David Donnellon of the Choice Group, 4254 Beach, for relief of the Ordinance to split an existing parcel from its Beach Road frontage until the meeting of October 18, 2005.

- Per the request of the petitioner.

Yeas: All – 7

MOTION TO POSTPONE THIS REQUEST UNTIL OCTOBER 18, 2005 CARRIED

ITEM #12 – VARIANCE REQUESTED. LISA HIGH OF CDPA ARCHITECTS, 1639 E. BIG BEAVER (PROPOSED ADDRESS), for relief of the Ordinance to construct a new building for the Suma Medical Center that will result in only 9,176 square feet of landscaping, where Section 39.70.02 and Section 39.70.04 require 14,738 square feet of landscaping.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct a new building for the Suma Medical Center. Section 39.70.04 requires that ten (10) percent of the net site area be developed as landscaped open space. This landscaping must be located in the front or side yard and must be in addition to the 10' green belt required by Section 39.70.02. The required landscaping for a site this size is 14,738 square feet. The site plan submitted indicates that only 9,176 square feet of landscaping is provided, making the site deficient 5, 562 square feet.

This item first appeared before this Board at the meeting of July 19, 2005 and was postponed to allow the petitioner the opportunity of a full Board.

Mr. Stimac also indicated that he had provided an aerial map of this area indicating the setbacks of other buildings along Big Beaver in this area. This was not a formal survey, but was information taken from an aerial photograph.

Mr. Maxwell asked how much of this property was zoned E-P (Environmentally Protected). Mr. Stimac indicated that it is approximately 28,713 square feet.

ITEM #12 – con't.

Mr. Hutson stated that Mr. Stimac had indicated that the parcel to the west of this property had received a variance that is now over one-year old, and asked if it was for a medical office or general office. Mr. Stimac said that he did not recall but thought that it was for general office.

Mr. Kovacs asked if this request was for the two vacant parcels along Big Beaver. Mr. Stimac said that this request was for only the one western parcel.

Mr. Courtney stated that the petitioner had indicated that they needed to build close to Big Beaver because other buildings were constructed close to the Big Beaver property line. From the aerial photograph provided, it is clearly shown that there are other buildings that have been placed farther back along Big Beaver. Mr. Courtney also indicated that he feels the building should be set back farther so that parking could be put in that would be more convenient to the patients requiring medical care.

Ms. High stated that this property has three (3) different zoning districts and the setback requirement for the O-1 Zoning District is only 30' from the property line; however, they are proposing a building setback of 88' from the property line. Ms. High also said that the area for the three zoning districts combined is 147,379 and the requirement for landscaping for that is 10% that is 14,738. We have provided 9,176 square feet at the front and side yards of the building. The other sites along Big Beaver do not have the depth of this parcel, or the narrow area. They are providing 12.9% landscaping of the front and side yards of the parcel. They are also providing 23.5% landscaping in the O-1 Zoning District . The total landscaping provided for this site will be 34.3% and the reason they require this variance is not because there is not enough landscaping on the total site, but there is not enough landscaping at the front of the property. Ms. High also feels that they have met the spirit of the Ordinance and when they went for the Zoning approval some of the residential properties had objections to this request and they provided the E-P Zoning next to the residential property and proposed to put the building at the front of the property in order to isolate the residential area from the commercial property.

Mr. Courtney suggested that if the building was moved back or made smaller this petitioner would not require a variance. Mr. Courtney also said that he felt the building could be moved farther back and more landscaping provided at the front of the property. In his opinion, the only reason they want the building in this location is for advertising. Ms. High stated that the wanted to maintain the street edge established by the other buildings and this medical center would be a small practice and not an emergency center. Mr. Courtney also stated that the building to west is seen after people pass this building. Ms. High indicated that the building to the west is actually 10' – 12' in front of the proposed location of this building. Mr. Courtney also stated that if either the building was built smaller or moved back, a variance would not be required, and he believes this is an unnecessary request. Ms. High said that the size of this building falls well into the

ITEM #12 – con't.

requirements of what the Ordinance allows, and if it was moved back farther it would be closer to the residential property behind this site.

Mr. Fejes stated that he is having a problem understanding what the hardship is regarding this request. Ms. High stated that the site is extremely narrow and hinders their ability to provide side yard landscaping. Mr. Fejes then asked if a variance would be required if this building was moved back. Mr. Stimac said that the countable landscaping is to the south of the proposed location. The area behind the building cannot be considered countable landscaping. If the building is moved back you would pick up more landscaping but it would be possible to lose some of the parking.

Mr. Stimac said that the landscape requirement of this site is being applied to the developed portion of this property, which includes the O-1, the P-1 and the E-P zoned area in the back. There is also a reasonable expectation that the property at the back which is zoned R-1E, will be developed into a single-family area and is not included in the 10% calculation. Technically because of the E-P zoning at the back, they are required to have an additional 2,871 square feet of landscaping at the front of the property. If they were given permission to pave this area, and not have the E-P zoning, they could put the parking area back here and move the landscaping up front.

Mr. Fejes asked if less of a variance would be required and Mr. Stimac said it would be less of a variance if they did not have the E-P zoning to deal with. Mr. Courtney stated that in his opinion the E-P should not be counted in the landscape requirement and a lesser variance request would be given more consideration.

Mr. Fejes stated again that he did not see what the hardship was in moving this building back farther on the property. Ms. High said that they would have to move the building back about 56' in order to meet the landscaping requirement and that would put them about 64' behind the adjacent building. Ms. High believes this will create a zigzag effect along the street edge and they would lose approximately eighteen (18) parking spaces. Because this is a medical building, they have very stringent parking requirements and could not afford to lose this much parking. They are also providing a green belt along the street and Ms. High stated that the will create a nice green edge along Big Beaver. Moving the building back they would probably add more grass in front of the building and does not see the necessity of adding more trees or shrubbery.

Mr. Courtney asked if Ms. High had checked to see how much a variance would be required if the E-P Zoning was not taken into account for the landscape requirement. Ms. High said that she had not.

Ms. High's associate, Najin Saymuah came up and stated that they had tried to buy the property to the east however it did not work out. He has heard all of the arguments and stated that there is no reason this building could not be pushed back. This property was re-zoned by the recommendation of the City Staff. The E-P Zoning was done by choice

ITEM #12 – con't.

as they did have the option of putting up a 6' high wall. According to the Zoning Ordinance and in reviewing them, he does not see any reason for this Board to reject this request other than construction could cause an adverse effect to surrounding property. It is possible that another building could be put on the property adjacent to this parcel and could be placed much closer to Big Beaver. This request does not affect the neighborhood and they could put this building up within 30' of Big Beaver. Mr. Saymuah also said that he appreciated the fact that it would be possible not to consider the E-P Zoning District. The Zoning Ordinance also allows developers to land bank 25% of the land for parking and they would like to do that.

Mr. Courtney asked how the landscaping requirement would be met if this building was placed within 30' of Big Beaver. Mr. Saymuah stated that he could make the building 20' wide and 200' long and would meet the landscape requirement. It is Mr. Saymuah's understanding that he could put the landscaping at the front and side of the building.

Mr. Saymuah stated that they are trying to do what is best for their client. They are professionals and have an obligation to be professional. They are not just planning to provide a parking lot but there will also be a garden area provided with a canopy. Behind the building they will provide benches so that people may relax and settle down after seeing the doctor. Mr. Saymuah stated that he feels this is a very reasonable request.

Mr. Maxwell asked if they would be willing to compromise on the distance to the road by approximately 15'. Mr. Saymuah said that they would be willing to do that and if this site were similar to the property to the west they would not have an objection to putting the building at the back of the property. Mr. Maxwell said that he understood that this lot is very narrow and part of this property is zoned E-P. If he was a resident in back of this property, he would prefer an office building as far away from his home as possible. Mr. Saymuah said that if the E-P area is not considered in the landscape calculations, they could put the building farther back.

Mr. Hutson stated that if the petitioner is thinking of a compromise, he would like to see it in a drawing and not base a decision on general talk and therefore would like to see the petitioner back again. Mr. Courtney agreed with Mr. Hutson and stated that he also would like to see drawings indicating a compromise. Mr. Saymuah said that they do not mind coming back as they would like to see this Board happy.

Mr. Fejes asked if they could put a stipulation on their motion or if a drawing was required. Mr. Stimac stated that if the building was moved back 15' there is nothing to indicate what kind of landscaping total would result from this move. If the petitioner is going to keep the same size building they have four (4) parking spaces to spare, but if the building was moved back 15', they would lose two (2) parking spaces in three (3) bays, which would result in a loss of six (6) parking spaces. The variance before the

ITEM #12 – con't.

Board is for the amount of landscaping required and is not a request for a setback variance.

Mr. Courtney indicated that he would be willing to make one of two resolutions, one of which would be to postpone this request until next month in order to see a new drawing; or to not include the E-P zoned portion of this property in the landscaping requirement. Mr. Stimac said that if the Board was so inclined to not require landscaping for the E-P in the final action, the landscaping requirement for this site would be 11,867 square feet and the petitioner is proposing to put in 9,176 square feet. Mr. Stimac said that the Board could pass a resolution to allow 11,867 square feet of landscaping where 14,738 square feet of landscaping is required, which would have the effect to not count in the E-P zoned property and then have the petitioner draw a plan showing how this would be accomplished; or, the Board could require the petitioner to come back with a revised plan.

Mr. Fejes stated that he would like to see a revised plan. Mr. Saymuah stated that this would not be problem.

Mr. Kovacs said that the reason the petitioner came to the Board was because they did not feel they could make the building thinner. Mr. Kovacs wanted to know why the building could not be made thinner. Mr. Kovacs also asked what the zoning was for the property to the east. Mr. Stimac stated that a portion of it is zoned O-1, and P-1 along the back, but does not know if there is any E-P Zoning on the parcel. Mr. Kovacs then asked if the setback for O-1 zoning was 30' and Mr. Stimac confirmed that it was. Mr. Kovacs stated that his concern is that if this building is pushed further back and an adjacent building constructed within 30' of Big Beaver, this building could become a safety hazard for people trying to locate it. Mr. Courtney stated that they could put up address signs.

Mr. Kovacs then asked how much signage would be allowed for this site. Mr. Stimac explained that they could have one ground sign depending on its setback that could be up to 200 square feet and an additional wall sign that would be limited to 10% of the front area of the building.

Mr. Saymuah said that they are trying to do what is reasonable and it could be made narrower; however, the most efficient dimension is to have a hallway in the center and suites on either side. This would be the most optimum dimension. If the building were made narrower, Mr. Saymuah said that he did not think this would be in the best interests of his client. From a design standpoint a consistent streetscape also contributes to the community rather than buildings with a zigzag line.

ITEM #12 – con't.

Motion by Courtney
Supported by Hutson

MOVED, to postpone the request of Lisa High of CDPA Architects, 1639 E. Big Beaver (proposed address), for relief of the Ordinance to construct a new building for the Suma Medical Center that will result in only 9,176 square feet of landscaping, where Section 39.70.02 and Section 39.70.04 required 14,738 square feet of landscaping.

- To allow the petitioner the opportunity to present a revised plan to this Board.
- Revised plan to show how much landscaping will be provided if the building is moved back 15'; or,
- Revised plan to show 11,867 square feet of landscaping with E-P zoned section of property not taken into landscape requirement.

Yeas: All – 7

MOTION TO POSTPONE REQUEST UNTIL SEPTEMBER 20, 2005 CARRIED

ITEM #13 – VARIANCE REQUESTED. RUSSELL D. LONG, 1071 NORWICH, for relief of the Ordinance to remove a carport and construct an attached garage, which would result in a 5' side yard setback where Section 30.10.04 requires a 10' minimum side yard setback and a 26' front yard setback where 30' is required.

Mr. Stimac explained that the Petitioner is requesting relief of the Ordinance to demolish an existing carport and construct a new attached garage. Section 30.10.04 requires a 10' minimum side yard setback and a 30' minimum front yard setback for homes in the R-1C Zoning District. The site plan submitted indicates the existing carport has a 5' side yard setback and a 31' front setback. The proposed attached garage would continue the 5' non-conforming side yard setback and is proposed to have a 26' front yard setback.

Mr. Long was present and stated that he would like to construct a two-car garage in order to store his vehicles inside and off of the street. The carport is only large enough for one car, he has spoken to his neighbors, and they do not have any objections to this addition. This garage would improve the look of his property and would match other garages in the area. The existing side yard setback will not change. Mr. Long brought in pictures of other homes on his block showing how the garage would look. Mr. Long's garage would have four windows on the front.

Mr. Courtney stated that he felt this garage would look much better than the existing carport.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

ITEM #13 – con't.

There are three (3) written approvals on file. There are no written objections on file.

Mr. Kovacs asked what the dimensions of the proposed garage are. Mr. Long stated that it is 20' x 22'-6", which he feels is the minimum for a two car garage.

Motion by Maxwell
Supported by Courtney

MOVED, to approve the request of Russell D. Long, 1071 Norwich, relief of the Ordinance to remove a carport and construct an attached garage, which would result in a 5' side yard setback where Section 30.10.04 requires a 10' minimum side yard setback and a 26' front yard setback where 30' is required.

- Garage would be a nice improvement to the home.
- Variance is not contrary to public interest.
- Variance would not have an adverse effect to surrounding property.

Mr. Kovacs said that he would be in support of the petitioner getting another two feet for this garage, as he believes that 20' is too small for two cars. Mr. Stimac explained that the Public Hearing was published for a 26' front yard setback and without a new Public Hearing, the Board could not go below that number.

Mr. Courtney stated that the petitioner could have the opportunity to come back and petition for a larger garage. Mr. Long asked if this variance was approved and his builder suggested another two feet, if he could come back before the Board. Mr. Stimac said that the Board had a motion and a second to approve the original request. An additional two feet would require a new Public Hearing.

Vote on the motion to approve this request.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

ITEM #14 – VARIANCE REQUESTED. MICHAEL CAMERON, MICHAEL'S CARPENTRY & BUILDING, REPRESENTING DAMON FRISCH, 2910 LANERGAN, for relief of the Ordinance to construct an addition that will result in a 27.3 front yard setback where 40' is required by Section 30.10.02.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct an addition at 2910 Lanergan. This house is a legal non-conforming structure. It has an existing 22.7' front yard setback where 40' is required per Section 30.10.02. The proposed addition on the east side of the home would have only a 27.3' front yard

ITEM #14 – con't.

setback. Section 40.50.04 prohibits expansions of non-conforming structures in a way that increases the non-conformity.

Michael Cameron and the architect Richard Berilli were present. Mr. Berilli stated that they wished to add an additional 672 square feet to the existing 1500 square foot house. Because of the layout of the land and a glass curtain wall on the east side of the home this would be the best location for this addition. Mr. Berilli stated that they want to be able to provide a safe, dry, play yard adjacent to the living area and that is the reason they wish to push this addition forward. The north side of the property drops off very quickly and often has standing water there. Lanergan is one of the through streets from Adams to Coolidge and they are concerned about the amount of traffic going down this street. They desire to maintain the aesthetic quality of the homes in this area. If they were to push the addition back from the face of the garage, the garage would maintain its presence at the front of the property.

Mr. Courtney asked if the addition could be moved back at all. Mr. Berilli said that if they moved the addition back it would cover up the glass wall. Pushing the entire addition back to the 40' setback would render the glass wall completely gone.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are eight (8) written approvals on file. There are no written objections on file.

Mr. Kovacs asked what the length of the glass wall was. Mr. Berilli stated that it is the entire width of the occupied portion of the house, which is about 23 to 25 feet. Mr. Kovacs asked where the stairs lead to on this plan and Mr. Berilli said they are putting in a basement in order to maintain the aesthetics of a single story home. Mr. Kovacs said that he understands why you want to keep the glass wall, but is concerned about the roofline and wondered if it could be moved back resulting in 13' of the glass. Mr. Kovacs also said that he understands their concerns regarding a safe play area for children. Mr. Berilli stated that they are trying to preserve as much of the glass portion of the house as they can.

Ms. Tortosa, the owner of this home stated that their yard is the lowest land in the neighborhood and when it rains, has a tendency to collect standing water.

Mr. Kovacs asked how close the house to the east would be with the new addition. Mr. Stimac said that although he did not have a survey in front of him, based on the aerial photograph the house to the east appears to be approximately 23' from the common property line, and the new addition would be 16' from the property line.

Ms. Tortosa said that the addition will be back farther than the existing garage and other garages in the area are closer to the street than their garage.

ITEM #14 – con't.

Motion by Kovacs
Supported by Wright

MOVED, to grant Michael Cameron, representing Damon Frisch, 2910 Lanergan, relief of the Ordinance to construct an addition that will result in a 27.3 front yard setback where 40' is required by Section 30.10.02.

- Variance is not contrary to public interest.
- Standing water creates a hardship, which runs with the land.
- Variance will create a safe environment for children.
- Variance will not have an adverse effect to surrounding property.
- Variance is necessary for the preservation, enjoyment, and substantial property rights possessed by the subject property.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

Mr. Stimac informed the Board that Ms. Lori Grigg-Bluhm, City Attorney for the City of Troy would like to make a presentation to the Board regarding ex-parte communication, open meetings act and a number of issues that are useful for Boards and Committees. If the Board agrees, Ms. Bluhm would make the presentation at the September meeting. Mr. Courtney stated that he would like some type of written communication regarding this presentation from Ms. Bluhm. Mr. Stimac said that if possible he would try to arrange for Ms. Bluhm make her presentation before the next meeting.

The Board of Zoning Appeals meeting adjourned at 9:00 P.M.

_____
Christopher Fejes, Chairman

_____
Pamela Pasternak, Recording Secretary

TROY CAC ADVISORY COMMITTEE – DRAFT August 18, 2005

I. **Call to Order**

The regular meeting was called to order at 7:08 p.m. at Troy City Hall.

II. **Roll Call**

Present: Bryan Wehrung
Kent Voigt
Jerry Bixby
Alan Manzon
Cindy Stewart, CAC Liaison

Absent: Penny Marinos, Richard Hughes

Introductions: Robert Lin, Senior at Athens High – interested in being appointed as the Student Rep.

III. **Approval of Minutes**

Moved by: Kent Voigt
Seconded by: Alan Manzon

RESOLVED, that the minutes of the April 21, 2005 regular meeting be approved.
Yeas: All
MOTION CARRIED

IV. **Correspondence**

A. Comcast — Residential Late notice – August 1, 2005. Rates appear to be very reasonable. Unfortunate that items are all ala carte with no group rates. Usually can get special deals if you ask due to fierce competition.
B. Comcast – High Speed Internet Speed Update – July 13, 2005. Again upgrading their speed to 8 mbps/768kbps and 6 mbps/384 kbps, 400% increase in less than two years. Comcast customers will more easily be able to
   - Share photo slideshows with music
   - Send video greetings
   - Stream online music or download songs
   - Download online games

   Comcast serves 21.5 million cable customers, 7.4 million high-speed internet customers and 1.2 million voice customers.
C. Comcast - Price Reduction — June 28, 2005. Converter Box price $2.09 to $.80.
D. Wide Open Wes t— Cable System Equipment Move — May 25, 2005. WOW removed all cable system equipment including PEG channel electronics housed at SBC facility in Troy to an existing WOW owned facility also in Troy from June 7-10, 2005. Customers experienced a loss of the Educational Channel.
   - C.S did call WOW and got them to adjust hours so as not to lose service for a long period of time during peak graduation season for schools.

E. Comcast — Cable Lineup Adjustments - May 2, 2005. Changes effective June 8, 2005. Some customers in our area using an analog converter to receive premium services need to replace current converter to a new converter at no charge in price.
F. Comcast — Lineup Changes - April 28, 2005
-TNT High Definition recently added on digital channel 204
-Through 5/7/05, Comcast Digital Cable customers with ON DEMAND can view profiles of the top 50 draft prospects - produced by NEL Network

V. **Articles**

A. Phone, Cable Firms to Fight for Video: - Free Press 6/4/05:
Next big battle in telecommunications industry will pit phone companies against cable TV firms to provide TV-like video to consumers. Phone companies want the freedom to provide video programming over high-speed phone lines, much as cable TV companies provide phone connections over the Internet.
B. Answers to Your Questions about Digital Cable — Free Press 06/29/05:
Good information sheet related to digital TV service.
C. Cable Companies Must Deliver Better Service — Detroit News 07/01/05:
Michigan television subscribers expect the benefits of competition. Nearly 1/3 of all Michigan residents benefit from having multiple cable providers from which to choose service.
D. Cable Users Haggle for Lower Bills - Detroit News 6/19/05:
Service providers negotiate to keep customers, but customers have to call—companies won't call you. WOW has shown a willingness to bargain with customers, but can't meet every demand.
E. City Shares Cable Money With Schools — Daily Tribune 7/25/05.
F. Rochester Hills asked to reconsider TV cuts – Detroit News - 7/24/05

VI. **Old Business**

A. Cable Complaint Logs – Fairly routine customer concerns and complaints. Nothing negligible. Cable line buries that might have been overlooked from the winter. Brian suggests we remove this topic from future agendas since Troy does not seem to received the large volume of complaints we did in the past.

B. Report on Web Publications – Brian went through all sites listed – more situations on cable personalities. No new technology. What do we want? What's new in technology, what's new for the future? Committee should continue to watch for any articles of interest to the group. Cindy's articles have more information than the websites listed.

VII. **New Business**

A. Cable Franchise Lawsuit Report from City Attorney Lori Bluhm –

The City of Troy was one of 13 defendants served with a lawsuit challenging the cable franchise fees as an illegal tax. Eight of the individual circuit court judges dismissed the lawsuit against Ann Arbor, Canton Twp, Grand Rapids, Livonia, Muskegon, St. Clair Shores and Westland. Troy, Royal Oak and Midland filed motions for dismissal; the circuit court judges stayed these three cases to wait for a decision in the Michigan Court of Appeals. These three cases will now likely be dismissed.

B. CAC Mission Statement & Goals - It's a good idea to revisit these form time to time especially after new members are appointed. CAC does have one vacancy. Cindy will check out waiting list since it appears that Bob Victor cannot make a commitment at this time.

VIII. **Staff Report**

Update on the ICCA – CMN Contract negotiations: 9 of the 11 ICCA communities have brought the proposed contract and bylaws to their Councils/Commissions. Of those, Auburn Hills, Berkley, Clawson, Huntington Woods, Oakland Twp, Rochester, Royal Oak and Troy have approved the contract & bylaws. Pleasant Ridge voted no. Ferndale and Rochester Hills should be bringing it to their Councils soon. Clawson, Huntington Woods, Pleasant Ridge and Rochester Hills have decided not to give any money to CMN. Royal Oak took their ¾ % down to ½%.

A. WTRY Cable Guide – August 2005: We have taped a lot of new Talking History programs – interviews with long-time Troy residents or business owners. Also airing 50th Anniversary Concerts, 50th Anniversary Museum Lectures. Upcoming programs for August/September: Miss Troy Pageant & Contours Concert.

B. CAC Member Listing – one correction

C. ICCA Meeting Minutes – June 20, 2005

D. Bryan suggested we invite a rep form Comcast to the next meeting followed by a rep from WideOpenWest at the following meeting. Ask them to have information on:

- Project where the cable industry is going in the near future;
- New products & services anticipated one year and five years from now;
- With rates so high, how will they plan on accommodating senior citizens and low income families;
- What would Comcast/WOW like the City of Troy to do to help advance the cable industry in our community?

E. Next meeting Thursday, October 20, 2005

IX. Adjournment

X.

Motion to Adjourn – Moved by J. Bixby, Seconded by A. Manzon that the CAC Meeting be adjourned at 8:41 pm.

Yeas: All
MOTION CARRIED

_____
Bryan Wehrung, CAC Chairman

_____
Cindy Stewart, Recording secretary

A meeting of the **Troy Youth Council (TYC)** was held on August 24, 2005 at 7:00 PM at Community Center in room 303, 3179 Livernois Road. Nicole Vitale and Rishi Joshi called the meeting to order at 7:05 p.m.

MEMBERS PRESENT: Andrew Corey
Maxine D'Amico
Rishi Joshi (co-chair)
Jessica Kraft
Jia (Lisa) Luo
Aswin Natarajan
Anupama Prasad
Kristin Randall
Neil Shaw
Katie Thoenes
Nicole Vitale (co-chair)
Karen Wullaert

MEMBERS ABSENT: Alexandra (Sasha) Bozimowski (excused)
VISITORS: Padma Kupa, Ethnic Issues Advisory Board Member
ALSO PRESENT: Scott Mercer, Recreation Supervisor

1. **Roll Call**
2. **Approval of Minutes**

   Resolution # TY-2005-08-17
   Moved by Vitale
   Seconded by Kraft
   RESOLVED, That the minutes of 5/18/05 be approved.
   Yes: All - 12
   No: None
   Absent: 1 – Bozimowski
   MOTION CARRIED
3. **Attendance Report:** To note and file
4. **Membership Update:** New members (8) welcomed by Vitale.
5. **Visitor:**
   - Padma Kuppa, Ethnic Issues Advisory Board Member – Presented information regarding National Conference for Community and Justice/Leadership in the New Century. Invited council members to meeting scheduled for Tuesday, September 6th (7:00pm) at City Hall.
6. **Troy Daze Festival Update**
   - Members submitted availability form for community affairs.
7. **Motion to Excuse Absent Members Who Have Provided Advance Notification**

   Resolution # TY-2005-08-18
   Moved by Joshi
   Seconded by Kraft
   RESOLVED that Alexandra Bozimowski is excused.

Yes: All - 12
No: None
Absent: 1 – Bozimowski
MOTION CARRIED

8. **Youth Council Comments** - None
9. **Public Comments** - None

The meeting adjourned at 7:20 P.M.

_____
Rishi Joshi, Co-chair

_____
Scott E. Mercer, Recreation Supervisor

Following adjournment - took photos.

Reminder Next Meeting: September 28th at 7:00 P.M. @ ***Community Center***

J-02a

The Report of the
Twenty Fifth Annual Actuarial Valuation
December 31, 2004
of the
City of Troy Incentive Plan
For Volunteer Firefighters
Troy, Michigan

Submitted to

The City Manager

GRS

Gabriel, Roeder, Smith & Company
Actuaries • Consultants

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GABRIEL, ROEDER, SMITH & COMPANY
Consultants & Actuaries

One Towne Square • Suite 800 • Southfield, Michigan 48076 • 248-799-9000 • 800-521-0498 • fax 248-799-9020

August 10, 2005

Mr. John M. Lamerato
Assistant City Manager - Finance
City of Troy
500 West Big Beaver Road
Troy, Michigan 48084

Dear John:

Submitted in this report are the results of the Twenty Fifth Annual Actuarial Valuation of the assets, benefit values, reserves and contribution requirements associated with payments provided by the City of Troy Incentive Plan for Volunteer Firefighters. The valuation was based upon data, furnished by your staff, concerning financial operations and individual participants and vested former participants.

The date of the valuation was December 31, 2004.

This report was prepared by actuaries who have substantial experience valuing public employee retirement plans. To the best of our knowledge this report is complete and accurate and the valuation was conducted in accordance with standards of practice prescribed by the Actuarial Standards Board. The actuarial assumptions used for the valuation produce results which, individually and in the aggregate, are reasonable.

Respectfully submitted,

Brad Lee Armstrong
A.S.A., E.A., M.A.A.A.

Randall J. Dziubek
A.S.A., E.A., M.A.A.A.

BLA:dks:bd

SUMMARY OF PLAN PROVISIONS
(DECEMBER 31, 2004)

NORMAL PAYMENT CONDITIONS

Eligibility - Attainment of age 55 with 10 or more years of incentive service or 30 years of service regardless of age, or attainment of age 50 with 25 or more years of service.

Annual Amount - $518 per year of incentive service, retiring on or after January 1, 2005, $539 per year of incentive service, retiring on or after January 1, 2006, $560 per year of incentive service, retiring on or after January 1, 2007.

VESTING

Eligibility - 10 years of incentive service. Payments commence at age 60.

Annual Amount - See above.

PAYMENTS IN EVENT OF PARTICIPANT'S DEATH

Eligibility - Death of an active participant after 10 years of incentive service.

Annual Amount - Widow receives the amount computed as above but reduced to reflect a 100% joint and survivor election.

POST-RETIREMENT PAYMENT INCREASES

An ad-hoc 10% increase in each current payment was granted in 1986 and 1987.

An ad-hoc 7-1/2% increase in each current payment was granted in 1988.

An ad-hoc 7-1/2% increase in each current payment was granted in 1989, along with a prorated increase based on the difference between the actual incentive service and the twenty-five year maximum which was provided for in Ordinance No. 62.

An ad-hoc $10 per month increase in each current payment was granted in 1990-1994, 1997-2004.

An ad-hoc $5 per month increase in each current payment was granted in 1995.

An ad-hoc $15 per month increase in each current payment was granted in 1996.

ACTIVE PARTICIPANTS - DECEMBER 31, 2004
BY NEAR AGE AND YEARS OF SERVICE

Near Age	Years of Accrued Service							Totals No.
	0-4	5-9	10-14	15-19	20-24	25-29	30 Plus	
15-19	1							1
20-24	11							11
25-29	9	10						19
30-34	6	2	5					13
35-39	5	3	2	6				16
40-44	9	5	5	5	3			27
45-49	1	5	9	5	7	4		31
50-54	1	3	4	10	6	8		32
55-59		3	2	1	4	1		11
62					1			1
66	1							1
Totals	**44**	**31**	**27**	**27**	**21**	**13**		**163**

While not used in the financial computations, the following group averages are computed and shown because of their general interest.

Group Averages:

Age: 41.5 years.

Service: 12.0 years.

Note: In addition, there are also 3 members currently on leave of absence.

INACTIVE PARTICIPANTS - BY ATTAINED AGES
DECEMBER 31, 2004

Near Ages	Current Payments		Deferred Payments	
	No.	Annual Payments	No.	Annual Payments
35-39			2	$ 6,492
40-44			8	33,691
45-49			8	22,342
50-54			5	12,837
55-59	3	$ 20,281	3	7,472
60-64	9	49,530		
65-69	21	83,598		
70-74	10	43,135		
75-79	11	34,660		
80+	10	32,563		
Totals	**64**	**$ 263,767**	**26**	**$82,834**

DEVELOPMENT OF FUNDING VALUE OF ASSETS

	Year Ended December 31,	2001	2002	2003	2004	2005	2006	2007
A.	Funding Value Beginning of Year	$ 5,137,078	$ 5,109,422	$ 5,720,336	$ 6,083,672			
B.	Market Value End of Year	4,754,060	6,119,221	6,129,955	6,307,100			
C.	Market Value Beginning of Year	5,066,015	4,754,060	6,119,221	6,129,955			
D.	Non Investment Net Cash Flow#							
	(EE + ER cont.) - (Ret.Ben.+Refunds+Admin.exp.)	(180,410)	244,096	(53,572)	(215,997)			
E.	Investment Income							
E1.	Market Total: B - C - D	(131,545)	1,121,065	64,306	393,142			
E2.	Assumed Rate	6.50%	6.50%	6.50%	6.50%			
E3.	Amount for Immediate Recognition	328,047	340,046	370,081	388,419			
E4.	Amount for Phased-In Recognition	(459,592)	781,019	(305,775)	4,723			
F.	Phased-In Recognition of Investment Income							
F1.	Current Year: 0.25 x E4	(114,898)	195,255	(76,444)	1,181			
F2.	First Prior Year	42,914	(114,898)	195,255	(76,444)	$ 1,181		
F3.	Second Prior Year	(96,499)	42,914	(114,898)	195,255	(76,444)	$ 1,181	
F4.	Third Prior Year	(6,810)	(96,499)	42,914	(114,898)	195,255	(76,444)	$ 1,183
F5.	Total Recognized Investment Gain/(Loss)	(175,293)	26,772	46,827	5,094	119,992	(75,263)	1,183
G.	Funding Value: A + D + E3 + F5	5,109,422	5,720,336	6,083,672	6,261,188			
H.	Difference Between Market & Funding Values	(355,362)	398,885	46,283	45,912			
I.	Recognized Rate of Return	3.0%	7.0%	7.3%	6.6%			

Net of investment expenses.

The Funding Value of Assets recognizes assumed investment income (line E3) fully each year. Differences between actual and assumed investment income (line E4) are phased in over a closed 4-year period. During periods when investment performance exceeds the assumed rate, Funding Value of Assets will tend to be less than market value. During periods when investment performance is less than the assumed rate, Funding Value of Assets will tend to be greater than market value. The Funding Value of Assets is **unbiased** with respect to Market Value. At any time it may be either greater or less than Market Value. If actual and assumed rates of investment income are exactly equal for 3 consecutive years, the Funding Value will become equal to Market Value.

ACTUARIAL ACCRUED LIABILITIES AND ASSETS AS OF DECEMBER 31, 2004

Actuarial Accrued Liabilities For:	
Active Participants	$9,079,078
Inactive Participants	
Current payments	2,466,995
Deferred payments	389,978
Total Actuarial Accrued Liabilities	11,936,051
Funding Value of Assets	6,261,188
Unfunded Actuarial Accrued Liabilities	**$5,674,863**

CITY'S COMPUTED CONTRIBUTION FOR THE FISCAL YEAR BEGINNING JULY 1, 2005

Contribution for:

NORMAL COST	
Age and service payments	$ 303,232
Death-in-service payments	20,825
Total	324,057
UNFUNDED ACCRUED LIABILITIES	
Present recipients	0
Active participants and vested former participants*	450,738
Total	450,738
CITY'S TOTAL CONTRIBUTION	**$ 774,795**

* *Financed over an open period of 25 years.*

Comment A: This plan has a history of benefit increases. The total contribution shown above does not reflect recognition of potential future increases in benefits beyond 2007. The current funding policy of recognizing pension increases as they happen will usually lead to persistent annual increases in the computed contribution requirement and persistent decreases in the funded ratio. If increases are prefunded, this will increase current contributions, but will mitigate the upward pressure on contribution requirements from year to year.

DERIVATION OF ACTUARIAL GAIN (LOSS)
PENSION BENEFITS
YEAR ENDED DECEMBER 31, 2004

1)	UAAL at start of year	$ 5,703,025
2)	Normal cost	342,929
3)	Actual employer contributions	795,904
4)	Interest accrual	355,975
5)	Expected UAAL before changes	5,606,025
6)	Change from benefit increases	65,630
7)	Change from revised actuarial assumptions	0
8)	Expected UAAL after changes	5,671,655
9)	Actual UAAL at end of year	5,674,863
10)	Gain (Loss) (8)- (9)	(3,208)
11)	Gain (Loss) as percent of actuarial accrued liabilities at start of year $11,786,697	(0.0)%

CITY OF TROY INCENTIVE PLAN FOR VOLUNTEER FIREFIGHTERS
COMPARATIVE SCHEDULE

Valuation Date December 31,	Active Participants	Vested Former Participants: Current Payments No.	Current Payments Annual $	Deferred Payments No.	Deferred Payments Annual $	Accrued Liability	Actuarial Value of Assets	Percent Funded	Unfunded Accrued Liability	Computed City Contribution
1991	168	42	$ 99,231	23	$ 33,584	$ 2,497,456	$ 2,299,176	92.1 %	$ 198,280	$ 116,004
1991 *	168	42	99,231	23	33,584	2,734,171	2,299,176	84.1	434,995	148,136
1992	175	43	103,585	21	30,339	2,924,551	2,628,654	89.9	295,897	143,141
1993	175	43	117,580	21	30,339	3,158,344	3,035,303	96.1	123,041	123,409
1993 *	165	48	122,740	21	33,119	3,298,558	3,035,303	92.0	263,255	139,435
1994 *	169	51	136,187	22	39,750	3,749,683	3,236,057	86.3	513,626	171,556
1995	162	54	145,049	21	40,587	4,393,900	3,512,240	79.9	881,660	216,567
1996	166	56	153,241	21	44,897	4,550,356	3,761,590	82.7	788,766	217,131
1996 *	166	56	163,321	21	44,897	4,935,993	3,761,590	76.2	1,174,403	262,950
1997	167	57	171,885	22	47,885	5,223,093	4,211,229	80.6	1,021,885	241,816
1997 *	167	57	178,421	22	47,885	5,635,119	4,211,224	74.7	1,423,895	301,412
1998	163	58	182,869	24	59,570	5,842,019	4,680,224	80.1	1,161,308	279,507
1998 *	163	58	182,869	24	59,570	6,034,103	4,680,711	77.6	1,353,392	304,480
1999	168	58	189,829	24	59,570	6,378,579	5,034,065	78.9	1,344,514	312,346
1999 *#	168	58	189,829	24	59,570	6,789,910	5,051,720	74.4	1,738,190	349,404
2000	159	60	201,427	27	73,879	6,935,229	5,137,078	74.1	1,798,151	353,294
2000 *	159	60	201,427	27	73,879	7,397,365	5,137,078	69.4	2,260,287	413,432
2001	159	62	225,030	28	79,743	7,584,264	5,109,422	67.4	2,474,842	439,616
2001 *	159	62	225,030	28	79,743	8,160,180	5,109,422	62.6	3,050,758	512,973
2002	162	61	232,881	28	86,384	8,717,408	5,720,336	65.6	2,997,072	517,664
2002 *	162	61	232,881	28	86,384	9,598,244	5,720,336	59.6	3,877,908	623,348
2003	171	63	246,090	26	79,680	9,984,801	6,083,672	60.9	3,901,129	650,631
2003 *	171	63	246,090	26	79,680	11,786,697	6,083,672	51.6	5,703,025	795,904
2004	**163**	**64**	**263,767**	**26**	**82,834**	**11,870,421**	**6,261,188**	**52.7**	**5,609,233**	**769,583**
2004 *	**163**	**64**	**263,767**	**26**	**82,834**	**11,936,051**	**6,261,188**	**52.5**	**5,674,863**	**774,795**

* *After changes in benefit provisions.*
\# *After changes in actuarial assumptions.*

COMMENT: It is the actuary's opinion that the required contribution amounts determined by the most recent actuarial valuation are sufficient to meet the System's financial objective, presuming continued receipt of required contributions when due, and no changes in benefit provisions.

VALUATION ASSUMPTIONS

The **entry-age normal cost valuation method** was used in determining payment liabilities and costs.

The **interest rate** used in making the valuation was 6.5 percent per annum, compounded annually. This rate was first used for the December 31, 1999 valuation.

The **mortality table** used was the 1983 Group Annuity Mortality Table. This table was first used for the December 31, 1999 valuation.

	Single Life Values			
	Present Value of $1 Monthly for Life		Future Life Expectancy (Years)	
Sample Ages	Men	Women	Men	Women
50	$151.83	$163.46	$29.18	$34.92
55	141.54	155.23	24.82	30.24
60	129.07	144.87	20.64	25.67
65	114.32	132.18	16.69	21.29
70	98.49	116.95	13.18	17.13
75	82.32	100.05	10.15	13.37
80	66.65	83.11	7.64	10.20

Probabilities of retirement for members eligible for immediate incentive payments were:

Ages	Percent of Eligible Active Participants Separating Within Next Year
48	20%
49	20
50	20
51	20
52	20
53	20
54	20
55	20
56	20
57	20
58	20
59	15
60	15
61	15
62	25
63	100

SAMPLE RATES OF SEPARATION FROM ACTIVE EMPLOYMENT BEFORE AGE 55

Sample Ages	Years of Service	% of Active Participants Seperating Within Next Year
ALL	1	15.00 %
	2	10.00
	3	8.00
	4	7.00
	5	6.00
25	5 & Over	5.00
30		4.50
35		3.55
40		1.45
45		0.75
50		0.75

SUMMARY OF ASSUMPTIONS USED
DECEMBER 31, 2004

Pensions in an Inflationary Environment

VALUE OF $1,000/MONTH RETIREMENT BENEFIT TO AN INDIVIDUAL WHO RETIRES AT AGE 55 IN AN ENVIRONMENT OF 4.00% INFLATION

Age	Value
55	$1,000
56	962
57	925
58	889
59	855
60	822
65	676
70	556
75	457
80	375

The life expectancy of a 55 year old male retiree is age 80. The life expectancy for a 55 year old female retiree is age 85. Half of the people will outlive their life expectancy. The effects of even moderate amounts of inflation can be significant for those who live to an advanced age.

SUMMARY OF ASSUMPTIONS USED
MISCELLANEOUS AND TECHNICAL ASSUMPTIONS
DECEMBER 31, 2004

Marriage Assumption. 100% of males and 100% of females are assumed to be married for purposes of death-in-service benefits.

Pay Increase Timing. Beginning of (Fiscal) year. This is equivalent to assuming that reported pays represent amounts paid to members during the year ended on the valuation date.

Decrement Timing. Decrements of all types are assumed to occur mid-year.

Eligibility Testing. Eligibility for benefits is determined based upon the age nearest birthday and service nearest whole year on the date the decrement is assumed to occur.

Benefit Service. Exact fractional service is used to determine the amount of benefit payable.

Decrement Relativity. Decrement rates are used without adjustment for multiple decrement table effects.

Decrement Operation. Disability and mortality decrements do not operate during the first 5 years of service. Disability and withdrawal do not operate during retirement eligibility.

Normal Form of Benefit. The assumed normal form of benefit is the straight life form.

Incidence of Contributions. Contributions are assumed to be received continuously throughout the year based upon the computed dollar amounts shown in this report. New entrant normal cost contributions are applied to the funding of new entrant benefits.

ACTUARIAL ACCRUED LIABILITY

The actuarial accrued liability is a measure intended to help users assess (i) a pension fund's funded status on a going concern basis, and (ii) progress being made toward accumulating the assets needed to pay benefits as due. Allocation of the actuarial present value of projected benefits between past and future service was based on service using the individual entry-age actuarial cost method. Assumptions, were the same as used to determine the Plan's level dollar annual required contribution between entry-age and assumed exit age. Entry-age was established by subtracting credited service from current age on the valuation date.

The preceding methods comply with the financial reporting standards established by the Governmental Accounting Standards Board.

The entry age actuarial accrued liability was determined as part of an actuarial valuation of the plan as of December 31, 2004. Significant actuarial assumptions used in determining the actuarial accrued liability include (a) a rate of return on the investment of present and future assets of 6.5% per year compounded annually, and (b) the assumption that benefits will not increase after retirement.

Actuarial Accrued Liability	
Active members	$9,079,078
Retired members and beneficiaries currently receiving benefits	2,466,995
Vested terminated members not yet receiving benefits	389,978
Total Actuarial Accrued Liability	11,936,051
Actuarial Value of Assets (market value was $6,307,100)	6,261,188
Unfunded Actuarial Accrued Liability	$5,674,863

During the year ended December 31, 2004, the Plan experienced a net change of $149,354 in the actuarial accrued liability, of which $65,630 was attributable to changes in benefit provisions. There were no changes in actuarial assumptions during the year.

REQUIRED SUPPLEMENTARY INFORMATION
SCHEDULE OF FUNDING PROGRESS
($ amounts in thousands)

Actuarial Valuation Date December 31,	Actuarial Value of Assets# (a)	Actuarial Accrued Liability (AAL) (b)	Unfunded AAL (b)-(a)	Funded Ratio (a)/(b)
1995 *	$3,512	$ 4,394	$ 882	79.9 %
1996 *	3,816	4,936	1,120	77.3
1997 *	4,211	5,635	1,424	74.7
1998	4,681	6,034	1,353	77.6
1999 *&	5,052	6,790	1,738	74.4
2000 *	5,137	7,397	2,260	69.4
2001 *	5,109	8,160	3,051	62.6
2002 *	5,720	9,598	3,878	59.6
2003 *	6,084	11,787	5,703	51.6
2004 *	**6,261**	**11,936**	**5,675**	**52.5**

\# *Prior to 1996, Book Value was used.*
* *After changes in benefit provisions.*
& *After changes in actuarial assumptions.*

Analysis of the dollar amounts of actuarial value of assets, actuarial accrued liability, or actuarial accrued liability in isolation can be misleading. Expressing the actuarial value of assets as a percentage of the actuarial accrued liability provides one indication of the system's funded status on a going-concern basis. Analysis of this percentage over time indicates whether the system is becoming financially stronger or weaker. Generally, the greater this percentage, the stronger the plan. The unfunded actuarial accrued liability and annual covered payroll are both affected by inflation. Expressing the unfunded actuarial accrued liability as a percentage of covered payroll approximately adjusts for the effects of inflation and aids analysis of the progress being made in accumulating sufficient assets to pay benefits when due. Generally, the smaller this percentage, the stronger the plan.

REQUIRED SUPPLEMENTARY INFORMATION
SCHEDULE OF EMPLOYER CONTRIBUTIONS

Fiscal Year Ending June 30,	Actuarial Valuation Date December 31,	(In thousands) Annual Required Contribution	Percent Contributed
1995	1993	$139	100 %
1996	1994	172	100
1997	1995	217	100
1998	1996	263	100
1999	1997	320	100
2000	1998	330	100
2002	2000	413	100
2003	2001	513	100
2004	2002	623	100
2005	**2003**	**796**	**100**

NOTES TO REQUIRED SUPPLEMENTARY INFORMATION
SUMMARY OF ACTUARIAL METHODS AND ASSUMPTIONS

Valuation Date	12/31/2004
Actuarial Cost Method	Individual Entry Age
Amortization Method	Level dollar, open
Remaining Amortization Period	25 years
Asset Valuation Method	4-year smoothed market
Actuarial Assumptions:	
Investment Rate of Return	6.50%
Projected Salary Increases	N/A

August 24, 2005

To: John Szerlag, City Manager

From: Brian Murphy, Assistant City Manager – Services
Brian Stoutenburg, Library Director

Subject: **Agenda Item** – Preliminary Report from the Historic District Study Committee Concerning the Brian and Mary Jean Wattles Property

The lot and single-family residence located at 3864 Livernois, Troy, Michigan is currently an historic district. The owners, Brian Wattles and Mary Jean Wattles requested that the boundaries of the property be redefined as to the historic district status. The Historic District Study Committee researched the property and submits this Preliminary Report in accordance with the City's Historic Preservation ordinance. This report recommends that the boundary of the historic district be revised so that parcel B, which has no significant structures, be eliminated from the historic district.

After sixty days of this report's appearance on the City Council Agenda as an information item, a public hearing will be held by the Historic District Study Committee. After the public hearing, the Historic District Study Committee will write a Final Report. This report will be sent to the Historic District Commission and the Planning Commission for their recommendation. The Final Report and the recommendations along with the corresponding ordinance change will then be advanced to the City Council for their action.

To: Brian Stoutenburg

From: Historic Resources Study Committee, City of Troy

Re: Preliminary Report to Revise District Boundaries

Date: August 15, 2005

Attached for review by the Planning Commission and City Council, please find a preliminary report to revise the boundaries of the local historic district designated 3864 Livernois in Troy Michigan. This lot and single-family residence comprises a single historic district that is not adjacent to any other designated resources.

The Study Committee appointed by the City Council of the City of Troy completed the report following the guidelines stipulated in Chapter 13 of the local ordinance and the Public Act 169.

Questions or comments regarding this report may be directed to:

Mr. Kevin Lindsey, Chairman
Study Committee
6890 Norton
Troy, MI 48098

Email: klindsey@comcast.net

The Troy Historic District Study Committee was established April 2004 pursuant to the Sec. 14.A of Chapter 13 of the City Code as amended February 16, 2004. Owners of historic resources were notified that this committee would review requests for changes in designation of their properties. A request to redefine the boundary of the historic district of the property at 3864 Livernois Road was received. Brian Wattles and Mary Jean Wattles own this property.

The following is the preliminary report by the Troy Historic District Study Committee and their recommendation to de-list a portion of the property.

Composition of Committee:

Kevin Lindsey:	Historical Commission and historic property owner
Linda Rivetto:	Graduate Student, EMU, Historic Preservation
Marjorie Biglin:	Historic District Commission
Kinda Hupman:	Troy Historical Society Board of Directors
Charlene Harris:	Historic Homeowner
Paul Lin:	Architect, Historic District Commission
Bob Miller:	Historic Homeowner

Description of Resource:

3864 Livernois
Referred to as the Wattles House

Legal Description of Parcel A of 3864 Livernois:
(Tax ID: 88-20-22-101-005)
Part of the NW ¼ of Sec 22, T.2N R11E, City of Troy, Oakland County, Michigan beginning at the point which is N 00°20'25" E 1771.60 ft. along the West line of Sec. 22 from the West ¼ corner of Sec. 22, T2N R11E; thence, continuing along the West line of Sec. 22 N 00°20'25" E 330.00 ft.; thence S 89°25'55" E 225.00 ft.; thence s 00°20'25" W 330.00 ft.; thence N 89°25'55" W 225 ft. to the point of beginning. Containing 74,247 square feet – 1.705 acres, and subject to an easement over the North 30 ft. for ingress and egress and public utilities.

Legal Description of Parcel B of 3864 Livernois:
Part of the NW ¼ of Sec 22, T2N R11E, City of Troy, Oakland County, Michigan, being more particularly described as follows: Beginning at a point which is N 00°20'25" E 1771.60 ft. along the West line of Sec 22 and S 89°25'55" E 225.00 ft., from the West corner of Sec. 22, T2N R11E; thence N 00°20'25" 330.00 ft.; thence S 89°25'55" E 435.00 ft.; thence S 00°20'25" W 330.00 ft.; thence N 89°25'55" W 435.00 ft. to the point of beginning. Containing 143,544 square feet – 3.295 acres.

Boundary Justification:
The historic district at 3864 Livernois, referred to as the Wattles House received local historic designation on April 11, 1977. Prior to designation, the previous owner, Morris Wattles, had legally divided the property into these two parcels. The current owners, Mr. Brian Wattles and Ms. Mary Jean Wattles request the boundary be revised to only include parcel A as legally surveyed and divided.

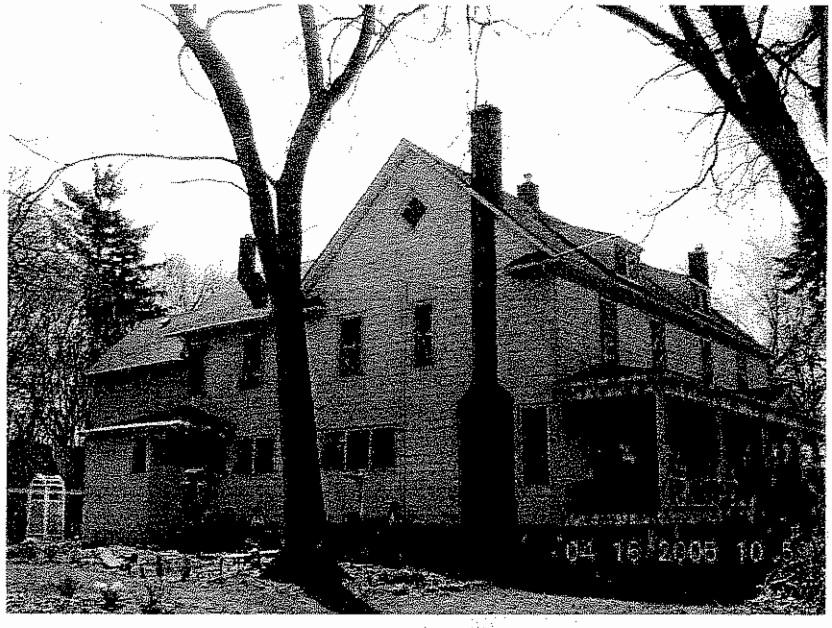
History of District:
The original foundation of the home was built in 1846, most likely by Clark Beardsley. Harry Wattles, a relative of the current owner, purchased it in 1876. The home was extensively remodeled to its present appearance in 1909. It was know as the Sunnycrest Dairy. Morris Wattles, former Troy Township Supervisor, also owned the property prior to the present owner. The house was listed on the State's Historic Register (site p24419) on 04/11/1977.

Statement of Significance:
The historic significance of the house is its association to the Wattles family. Harry B. Wattles was considered an innovator in dairy farming. Morris Wattles was locally significant as a township supervisor, a charter member of the Troy Historical Society, and respected educator. Morris Wattles was also instrumental in founding the Troy Museum & Historic Village.

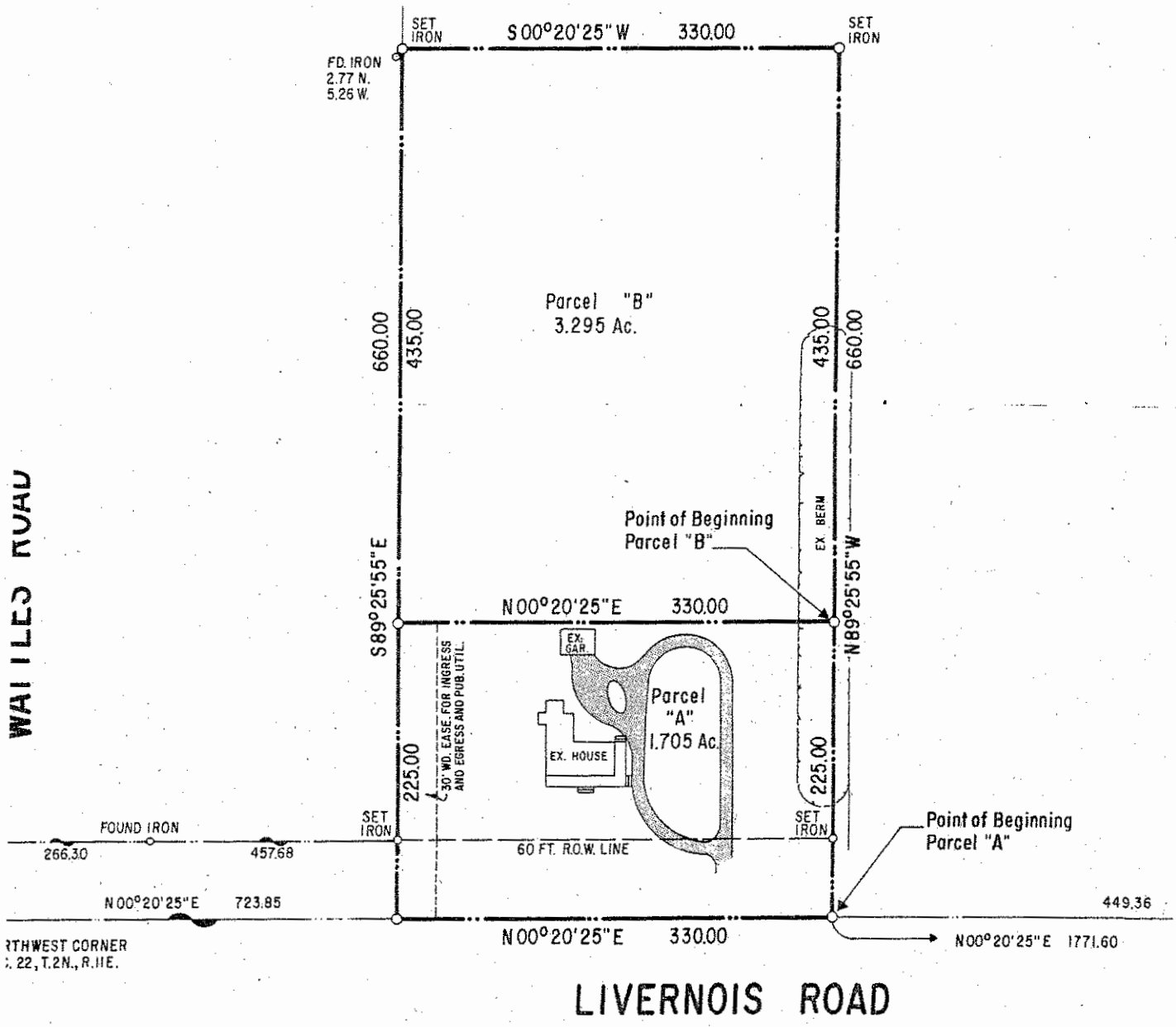
It was Morris Wattles who divided the property into 2 parcels. While both are currently on the district, due to financial hardship Brian Wattles has requested Parcel B be eliminated from the district so it may be sold and developed. All of the historically significant structures and surroundings are located in Parcel A. There are no significant structures in Parcel B, and it does not contribute to the district. It is the conclusion of the Historic District Study Committee that removing Parcel B from the list would not impede the historical significance or the integrity of the resource.

It is therefore the recommendation of the Troy Historic District Study Committee with the consent of the property owner that the boundary be revised so that Parcel B may be eliminated from the Historic District.

Photo Documentation


04 16 2005 10:5

04 16 2005 11:00



LEGAL DESCRIPTION: PARCEL "A"

Part of the Northwest 1/4 of Section 22, T.2N., R.11E., City of Troy, Oakland County, Michigan, being more particularly described as follows: Beginning at a point which is N 00°20'25" E 1771.60 ft. along the West line of Section 22 from the West 1/4 corner of Section 22, T.2N., R.11E.; thence, continuing along the West line of Section 22, N 00°20'25" E 330.00 ft.; thence S 89°25'55" E 225.00 ft.; thence S 00°20'25" W 330.00 ft.; thence N 89°25'55" W 225.00 ft. to the point of beginning. Containing 74,247 square feet - 1.705 acres, and subject to an easement over the North 30 ft. for ingress and egress and public utilities.

G.R. - R.S.

LEGAL DESCRIPTION: PARCEL "B"

Part of the Northwest 1/4 of Section 22, T.2N., R.11E., City of Troy, Oakland County, Michigan, being more particularly described as follows: Beginning at a point which is N 00°20'25" E 1771.60 ft. along the West line of Section 22 and S 89°25'55" E 225.00 ft. from the West 1/4 corner of Section 22, T.2N., R.11E.; thence N 00°20'25"E 330.00 ft.; thence S 89°25'55" E 435.00 ft.; thence S 00°20'25" W 330.00 ft.; thence N 89°25'55" W 435.00 ft. to the point of beginning. Containing 143,544 square feet -

MICHIGAN ABOVE-GROUND SURVERY FIELD FORM

ADDRESS
Number: 3864 Direction: Street: Livernois
City/ Village: Troy Township:

SURVEY INFO
Survey Date: April 2005

NAME
Historic Name: Sunnycrest Dairy
Common Name: Brian Wattles Residence

DATE/ PROPERTY TYPE/ STYLE
Date Built: 1846 Source of Date: Morris Wattles Records
Style: Homestead (Builder style) Property Type: Domestic- House
Agriculture- Farmstead- Dairy

MATERIALS
Foundation: Stone
Walls: Metal/ Aluminum
Roof: Asphalt

DESCRIPTIVE NOTES
2 story, side gabled, ell house; 2 shed dormers, boxed cornice, return eaves, center gabled wrap around veranda, chimneys at gable ends

OTHER BUILDINGS/ FEATURES
Chicken coop
Garage (non-contributing)

HISTORY
Original foundation built 1846, probably by Clark Beardsley (1850 map)
Extensive remodeling in 1909
Site of Sunnycrest Dairy
First Wattles in area was Harry B. Wattles who bought the property in 1876. He was considered an innovator in dairy farming (Historic marker). Morris Wattles (Township Supervisor, charter member of the Troy Historical Society, and educator was also influential in founding the Troy Museum & Historic Village) also owned the property. The current owner, Brian Wattles inherited the property from his Great Uncle Morris Wattles.

COMMENTS

Style determined by extensive survey by Michigan State University student of architecture as a class project. Paul Lin, committee member and licensed architect, verified this information.

SOURCES:
1857 Oakland County Map
Old House Journal Guide to Restoration

PHOTO INFO

File Name:	**3864 Livernois- Wattles House**
Digital Nos.:	**3864livernois1.JPEG**
	3864livernois2.JPEG
	3864livernois4.JPEG
Photographer:	**Paul Lin**

September 7, 2005

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager

SUBJECT: Update on Futures Project, as well as Big Beaver Corridor Study

Mr. Ed Barlow advises now that he is older and smarter, he has found a way to reduce the timeframe involved relative to having the community make a recommendation for a preferred future. This is accomplished by having staff provide research material and trends prior to the formulation of task forces. In accordance with this method, attached you will find the name of project task forces along with a brief description for each task force. Resource staffers are identified as well as the items we are researching. If there is any other research you would like to see performed, please advise and I will be happy to accommodate.

At this point we are in the data gathering stage, and we hope to have Mr. Barlow facilitate a community discussion in October or November. One outstanding issue of salience is selection of the chair and co-chair that would head up the steering committee. Last time was easy. Mr. Dick Doyle was retiring as Mayor after serving the community in a positive leadership role for 17 years. He transitioned very well into a co-chair position. Ms. Barb Palazzolo was the other co-chair who had no political aspirations and represented both the residential and business community as a Troy resident and executive with Kmart Corporation, which at the time employed about 5,000 people.

With reference to the Big Beaver corridor study, we are also in the data gathering stage. This study is going to have an outcome with more specificity than the Futuring project and thus will run semi-autonomously. Having said that, there will be a tie-in between this study and the “Wealth Creation” task force. In addition, we will be utilizing Planning Consultant Dick Carlisle to facilitate public stakeholder and technical expert meetings for the Big Beaver corridor study.

We expect to have the Big Beaver corridor study completed in April/May of 2006 and the Futures study in June/July of 2006.

As always please call should you have any questions.

FUTURING PROJECT TASK FORCES

WEALTH CREATION

Description: Prosperity for individuals, organizations, and the City of Troy

Staff: Doug Smith – Real Estate and Development

Resource Depts: Assessing
Building
Planning

Research: Per capita income trends, how money was earned 10 years ago and future projections, nature and size of businesses, types and benefits, manpower trends (including temp workers), housing trends

LIFESTYLE

Description: Opportunities for citizens to actualize their social, and recreational interests and needs

Staff: Carol Anderson – Parks and Recreation

Resource Depts: Community Affairs
Planning

Research: Housing trends, demographics, entertainment locations, churches, diversity, ageing, inventories of activities, patterns of activity, trends/use of recreation

LIFETIME LEARNING

Description: Access to personal, professional and organizational intellectual growth and stimulus

Staff: Brian Stoutenburg – Library/Museum

Resource Depts: Community Affairs
Human Resources
Information Technology
Parks and Recreation

FUTURING PROJECT TASK FORCES

Research: Suggested resources: Automation Alley business assistance, Oakland County Workforce Board, CEOexpress.com, SEMCOG, local universities	Inventory of traditional learning centers, self-help trends, diversity/ demographics, access and technology trends, teaching trends (for all age groups)

MOBILITY

Description:	Physical and virtual pathways to movement
Staff:	John Abraham – Traffic Engineering Tim Richnak – Department of Public Works Steve Vandette – Engineering
Resource Depts:	Fire Information Technology Parks and Recreation Planning Police
Research:	Documentation of existing systems (master thoroughfare plan), alternative methods, modes of transportation, trends of commuting, trends of types of systems, changing demographics

IMAGE AND PRESENTATION

Description:	The look and feel of the City of Troy
Staff:	Mark Miller – Planning
Resource Depts:	Building Inspection Community Affairs Engineering Parks and Recreation
Research:	Psychographic drivers, design, destination for retirees

FUTURING PROJECT TASK FORCES

CIVIC INFRASTRUCTURE

Description:	Community awareness, governance, citizenship and collaboration
Staff:	Brian Murphy - City Manager's Office
Resource Depts:	Police Boards and Committees Liaisons
Research:	Role of citizens, ownership of issues affecting society, historical governance trends, current governance trends, methodology for boards and committees, level of public input, devolution trends of state and federal governments, individual rights and community responsibility, collaborative projects with citizens

REGIONAL COLLABORATION

Description:	Role and relationships with area units of government and other entities.
Staff:	Jeanette Bennett – Purchasing Tim Richnak – Department of Public Works
Resource Depts:	Fire Police
Research: Suggested resources: SEMCOG, Governor's *Regional Excellence* project	List of regional collaboration projects/groups (including non-profits), list of City of Troy's collaborative projects, optimum economies of scale (use bank example), optimum blend of property types contributing to tax base, optimal size of government

DATE: August 30, 2005

TO: John Szerlag, City Manager

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

RE: AGENDA ITEM – Development of City of Troy Comprehensive Plan/Amendments to City of Troy Future Land Use Plan

At the August 15, 2005 meeting, City Management was asked by City Council to explain how the plan adoption process presently mandated in the City of Troy Zoning Ordinance differs from the process mandated under the Municipal Planning Act.

Article 02.10.02 (1) of the City of Troy Zoning Ordinance describes the powers and duties of the Planning Commission. One of the mandated duties is "The making and adopting of a master plan for the physical development of the municipality". Article 02.10.03 outlines voting requirements for plan adoption.

PA 265 of 2001 (effective January 9, 2002) amended the Municipal Planning Act and provided a city's legislative body with the authority to adopt the master plan. The legislative body must assert the right to adopt or reject the plan by resolution; if they do not, authority for Plan adoption would remain with the Planning Commission.

Attachment

cc: File/ Master Plan
Planning Commission
Planners

G:\CC Memo Comprehensive Plan Memo 09 12 05.doc

AUTHORITY TO ADOPT COMPREHENSIVE PLAN/AMENDMENTS TO CITY OF TROY FUTURE LAND USE PLAN

City Of Troy Zoning Ordinance	Municipal Planning Act, PA 285 of 1931, as amended
02.10.02 **POWERS AND DUTIES:** The City Planning Commissions shall have the powers and duties vested in it by the laws of the State of Michigan and the Ordinance Code of the City of Troy and shall consider and make its recommendations to the City Council on any matters referred to it by the City Council relating to such duties including: (1) The making and adopting of a master plan for the physical development of the municipality. Such plan shall show among other things, the Commission's recommendations for the general location, character and extent of streets, boulevards, parkways, playgrounds, parks, location of public buildings, and utilities, and the change of use, extension, removal, relocation, widening, narrowing, vacating or abandoning of any of the foregoing. (2) **02.10.03** **VOTING REQUIREMENTS:** The concurring vote of five (5) members of the Planning Commission is necessary to decide in favor of the applicant on site plan review and special use requests unless the Planning Commission does not have final jurisdiction on the matter. *The concurring vote of six (6) members of the Planning Commission is necessary for approval of master plan or future land use plan amendments.*	**Sec. 8.** (1) Before approving a proposed municipal plan, the municipal planning commission shall hold not less than 1 public hearing on the proposed plan. The hearing shall be held after the expiration of the deadline for comment under section 7b(5). The planning commission shall give notice of the time and place of the public hearing not less than 15 days before the hearing by 1 publication in a newspaper of general circulation in the municipality and in the official gazette, if any, of the municipality. The planning commission shall also submit notice to each entity described in section 7a(2). (2) The approval of the plan shall be by resolution of the planning commission carried by the affirmative votes of not less than 2/3 of the members of the planning commission. The resolution shall refer expressly to the maps and descriptive and other matter intended by the planning commission to form the whole or part of the plan, and the action taken shall be recorded on the map and plan and descriptive matter and signed by the chairperson or the secretary of the planning commission. Following approval of the proposed plan by the municipal planning commission, the secretary of the planning commission shall submit a copy of the proposed plan to the legislative body of the municipality. (3) Approval of the plan by the planning commission under subsection (2) is the final step for adoption of the plan, *unless the legislative body by resolution has asserted the right to approve or reject the plan. In that case, after approval of the plan by the planning commission, the legislative body shall approve or reject the plan.* *(4) If the legislative body rejects the proposed plan, the legislative body shall submit to the planning commission a statement of its objections to the proposed plan. The planning commission shall consider the legislative body's objections and revise the proposed plan so as to address those objections. The procedures provided in subsections (1) to (3) and this subsection shall be repeated until a proposed plan is approved by the legislative body.*

J-03a

3972 Kings Point Drive
Troy, MI 48083
August 4, 2005

Dear Mrs. Anderson;

I have been a member of the TFAC since it opened. I have enjoyed watching the guards mature over the years and become managers. The managers that you have this year are outstanding. They have grown into the role of leadership and do an outstanding job as managers. They are very patient with the TFAC guests even when they should be yelling at them. They take their job very seriously to make sure all guests are safe. That is very evident in how they relate to the guards. The safety drills that the guards are always participating in are just one example. The time the managers take to explain to the guards how things need to be done to run a very smooth aquatic center is another. This year has been the most staff friendly and that is because the managers take the time to know the guests and call them by either Mr. or Mrs. That is a real sign of respect for the guests. The pool area is much cleaner this year and less food is being smuggled in with the guards checking our bags before entry. What a delightful idea.

You are very fortunate to have such wonder managers as: Jen Harvey, Michelle Harvey, Kevin Losey and Andy Gillett. I look forward to having a membership again next year at TFAC.

Sincerely,

Cathy Killian

Cathy Killian

Jon and Julie Hain J-03b

Charles T. Craft
Chief of Police
500 West Big Beaver Rd
Troy, MI 48084

July 26, 2005

Dear Chief Craft,

As a resident of Troy for the last nine years, I have had very limited interaction with our police department until recently. I feel compelled to write you a note to express my appreciation to you and your team. Last week I served on a jury in the court of Judge Martone. I was proud of the professionalism displayed by Officer Broderick, other police officers and police support staff during the trial. I want to thank them and your entire team for a great job you do for our community.

With respect and thanks,

Julie Zenger Hain

Julie Zenger Hain

CC: City Mgr
Capt. Murphy
Off. Broderick
Files

RECEIVED
Chief of Police
8/1/05 CT

J-03c

July 20, 2005

Dear Troy Police Department,

I wanted to take this opportunity to thank you for the wonderful presentation given by the Troy Police Department at our annual family picnic held on June 25th. Your Police Officers that came to our picnic showed our kids a Troy Police Department Car. The officers showed the kids all the features and they got to sit in the squad car pretending to be an officer.

The visit from the Troy Police Department was definitely a highlight of the picnic! The officers were exceptionally helpful and friendly to all of us. The parents were all very impressed with the professionalism and generosity of the police department in loaning one of its cars and officers 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

CC: City Mgr.
Capt. Murphy
Capt. Mayer
Dept. File

RECEIVED
Chief of Police
8/1/2005 CK

Our ref

Date July 13, 2005

1625 W. Big Beaver, Suite 2
Troy, MI 48084
Tel +44 248 822-5050
Fax +44 248 822-4072
lorri.konieczko@arup.com

www.arup.com

J-03d

Detective Jay Reynolds
Troy Police Department
500 W Big Beaver Rd
Troy, MI 48084

ARUP

Dear Detective Reynolds,

On behalf of Jim Hadden and our small group of engineers, I would like to thank you for taking the time to visit with us.

We very much enjoyed your presentation on Identity Theft. It made each one of us more aware of how vulnerable we are to the schemes of criminals and how we can protect ourselves. Hopefully, as a result we will be careful to safeguard ourselves from becoming their victims.

I also enjoyed learning a little about your background with the Troy Police Department. I can understand why you find your job so satisfying. Continue your fine work.

Yours sincerely

Lorri Konieczko

Lorri Konieczko
Administrative Assistant
Arup - Detroit

RECEIVED
Chief of Police
8/15/05 CC

CC: City Mgr
Capt. Slater
Off. Reynolds File
BB

RECEIVED
7-27-05
gwc

J-03e

Mary F Redden

From: Tom Kafkes [TKafkes@jfreed.com]
Sent: Friday, August 12, 2005 1:56 PM
To: John Szerlag
Cc: Larry Freed; Gary Jonna
Subject: FW: City of Troy Meeting

John-
I am writing to thank you for your effort to "get us on the right track" with your staff and with the Homeowner's. It is not often that we find a City Manager that possesses the desire and the skills to assist with a development project. We are very pleased with the results. It is a pleasure to work with you, John.
Thank you.
Tom Kafkes

------ Forwarded Message
From: Kevin Ashby <KAshby@rossetti.com>
Date: Fri, 12 Aug 2005 10:16:26 -0500
To: Tom Kafkes <TKafkes@jfreed.com>
Cc: Dave Richards <DRichards@rossetti.com>
Subject: City of Troy Meeting

Tom,

Dave and I had good meeting yesterday with Mark Stimac, Rick Kessler, and Brian Murphy. They have agreed to work with us in the upcoming months to address and resolve their concerns regarding code issues and the PUD process on the Monarch. We have scheduled meetings every Thursday at 9:00 AM at City Hall for the next couple of months.

Kevin Ashby
Principal

ROSSETTI Michigan | California

Two Towne Square Suite 200
Southfield, MI 48076
T. 248.262.8300
F. 248.262.8360
M. 248.890.0445
rossetti.com

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(MI)

------ End of Forwarded Message

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J-03f

Dear Cindy,

We both want to thank you for putting on such a wonderful presentation at the Home and Garden Awards.

We were so surprised and honored to be chosen "one of the best".

The City of Troy would not be the same without you. You are a definite asset to the community!

Thanks again,

Paula and Steve Brazel

J-03g

August 23, 2005

Hi Cynthia,

I just wanted to let you know how honored Aldo and Orleta Cairo are to have received the “Most Tranquil Garden” award. They have placed their beautiful plaque on their living room wall for all to see. Please pass this note along to all involved in this worthwhile award program, so that they may know that such recognition instills pride in City of Troy residents.

Best Regards,
Roberta L. Beauchamp

J-03h

MICHIGAN
DESIGN
CENTER
1700 Stutz Drive #25
Troy, Michigan 48084
Phone: 248.649.4772
Fax: 248.649.1224

RECEIVED
SEP 01 2005
CITY OF TROY
CITY MANAGER'S OFFICE

August 31, 2005

Mayor Louise Schilling
Troy City Hall
500 W. Big Beaver Road
Troy, MI 48084

Dear Mayor Schilling,

Please find enclosed a copy of a letter verbalizing our appreciation for the fine job that was done on repaving Maple Road, and of course the City of Troy has been marvelous to us here at the Michigan Design Center on Stutz Drive. I remain…

Sincerely yours,

Marvin I. Danto
CEO, COB

MID/cmh
Enclosure

MICHIGAN
DESIGN
CENTER
1700 Stutz Drive #25
Troy, Michigan 48084
Phone 248.649.4772
Fax: 248.649.1224

August 31, 2005

Mr. Brent Bair, Managing Director
The Road Commission for Oakland County
31001 Lahser Road
Beverly Hills, MI 48025

Dear Mr. Bair,

We would like to take this opportunity to thank you for the beautifully organized repaving of Maple Road.

We own and operate the Michigan Design Center on Stutz Drive, which runs north off of Maple between Coolidge and Crooks.

The job was not only very well organized to keep traffic moving but it was beautifully done and we want to thank you and your people for this fine project. I remain…

Sincerely yours,

Marvin I. Danto
CEO, COB

MID/cmh

cc: Mayor Louise Schilling
Troy City Hall

J-04a

REPORT (MISC. #05148) August 18, 2005

OK

BY: General Government Committee, William R. Patterson, Chairperson

IN RE: MR #05148 – BOARD OF COMMISSIONERS – SUPPORT FOR WIDENING OF INTERSTATE 75 IN OAKLAND COUNTY

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

The General Government Committee, having reviewed Miscellaneous Resolution #05148 on August 10, 2005, reports with a recommendation that the BE IT FURTHER RESOLVED paragraph be amended, as follows:

BE IT FURTHER RESOLVED that the Oakland County Board of Commissioners requests the Oakland County Clerk to forward copies of this adopted resolution to Governor Granholm, the Michigan Department of Transportation, Road Commission for Oakland County, the Oakland County Delegation to the State and Federal Legislatures, the Michigan Association of Counties, the Michigan Municipal League, the municipalities of Troy, Hazel Park, Madison Heights, Royal Oak, Auburn Hills and Bloomfield Township, ***Michigan Townships Association***, and Oakland County's Legislative Lobbyists.

Chairperson, on behalf of the General Government Committee, I move acceptance of the foregoing report.

GENERAL GOVERNMENT COMMITTEE

William R Patterson

General Government Committee Vote:
Motion carried on a roll call vote with Long, Kowall and Coulter absent.

Miscellaneous Resolution # 05148
BY: Commissioner William D. Molnar, District #13
RE: **Board of Commissioners - Support for Widening of Interstate 75 in Oakland County**
TO: Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

WHEREAS in Oakland County, the main corridor is Interstate 75 (I-75) between 8 Mile Road and M-59, which is vital to the transportation system in southeast Michigan and carries some of the heaviest traffic volumes in the State; and

WHEREAS SEMCOG has projected that growth in the region will increase I-75 traffic by more than 20 percent. As a major corridor for Automation Alley and "just-in-time" deliveries for manufacturers and merchandise, congestion and truck delays on I-75 translate into higher prices for consumer goods; and

WHEREAS the Oakland County Board of Commissioners adopted Miscellaneous Resolution #03101 to strongly urge the Michigan Department of Transportation to reinstate funding for the highway and road improvement projects that are important to the continued growth and safety of Oakland County residents and the residents of southeast Michigan; and

WHEREAS the economic health and vitality of Oakland County and the State of Michigan relies heavily upon the ability of businesses in this region to grow and prosper; and

WHEREAS Michigan Department of Transportation (MDOT) officials have acknowledged that I-75, built in the 1960s, needs a major reconstruction; however, due to state and federal budget constraints, the design phase of the project has been indefinitely deferred; and

WHEREAS the estimated construction cost for widening I-75 is $463 million, but the project is stalled until $93 million can be found to design the project; and

WHEREAS federal lawmakers have not passed a federal highway spending bill since 2003 that provides federal dollars for state road projects; therefore, House and Senate conference committees have only acted to extend highway and transit funding to Michigan at 2003 levels; and

WHEREAS according to MDOT, had Congress passed a new bill, Michigan would have received $700 million more in federal funds in September 2003; and

WHEREAS I-75 is the busiest and most congested highway in the state, carrying an estimated quarter of a million people each day. The widening of I-75 is essential if Oakland County is to remain the economic engine for Michigan.

NOW THEREFORE BE IT RESOLVED that the Oakland County Board of Commissioners hereby urges Michigan Governor Jennifer Granholm, the Michigan Department of Transportation and the United States House and Senate to declare the widening of Interstate 75, between 8 Mile Road and M-59, as a priority and appropriate adequate funding so that this critical project can proceed expeditiously.

BE IT FURTHER RESOLVED that the Oakland County Board of Commissioners requests the Oakland County Clerk to forward copies of this adopted resolution to Governor Granholm, the Michigan Department of Transportation, Road Commission for Oakland County, the Oakland County Delegation to the State and Federal Legislatures, the Michigan Association of Counties, the Michigan Municipal League, the municipalities of Troy, Hazel Park, Madison Heights, Royal Oak, Auburn Hills and Bloomfield Township, and Oakland County's Legislative Lobbyists.

Chairperson, we move the adoption of the foregoing Resolution.

William D. Mohan
Commissioner
District # 13

Commissioner
District # 8

William R Patterson
Commissioner
District # 1

Charles Palmer
Commissioner
District # 19

Bill Bullard Jr
Commissioner
District # 2

Calvin J. Kowall
Commissioner
District # 6

George W. Suarez
Commissioner
District # 24

Commissioner
District # 3

Christine A. Long #7
Commissioner
District #

Commissioner
District # 5

Commissioner
District #

Hugh D. Crawford
Commissioner
District #

Thomas F Madden
Commissioner
District #

Steve Douglas
Commissioner
District # 12

Commissioner
District # 8

Jim Nelson
Commissioner
District # 11

Vincent Gregory
Commissioner
District #

Mike Rowe
Commissioner
District # 14

Lucy Damian
Commissioner
District # 16

Commissioner
District #

Commissioner
District #

Commissioner
District #

Resolution #05148

July 28, 2005

The Chairperson referred the resolution to the General Government Committee. There were no objections.

Resolution #05148 July 28, 2005

The Chairperson referred the resolution to the General Government Committee. There were no objections.

Resolution #05148 August 18, 2005

Moved by Molnar supported by Patterson the resolution be adopted.

Moved by Molnar supported by Patterson the General Government Committee Report be accepted.

A sufficient majority having voted in favor, the report was accepted.

Moved by Molnar supported by Patterson the resolution be amended to coincide with the recommendation in the General Government Committee Report.

A sufficient majority having voted in favor, the amendment carried.

Discussion followed.

Moved by Coulter supported by Zack the resolution be amended to add a BE IT FURTHER RESOLVED paragraph, before the last BE IT FURTHER RESOLVED paragraph, as follows:

> **BE IT FURTHER RESOLVED if the widening of I-75 is to occur, the Oakland County Board of Commissioners recommends that the Lincoln Bridge connecting Royal Oak and Madison Heights not be replaced upon completion of the project to maintain the residential character of surrounding communities, alleviate traffic congestion, and protect the commercial environment of businesses along 11 Mile Road.**

Discussion followed.

Commissioner Coulter withdrew the amendment and Commissioner Zack withdrew her support.

Moved by Coulter supported by Moss the resolution be amended to add a BE IT FURTHER RESOLVED paragraph, before the last BE IT FURTHER RESOLVED paragraph, as follows:

> **BE IT FURTHER RESOLVED if the widening of I-75 is to occur, the Oakland County Board of Commissioners recommends MDOT address and mitigate the effect of additional traffic on Lincoln Road in the possible design of the Lincoln Road exit.**

Discussion followed.

Vote on Coulter's amendment:
AYES: Crawford, Douglas, Gershenson, Gregory, Hatchett, Jamian, Kowall, Long, Melton, Middleton, Molnar, Moss, Nash, Patterson, Potter, Scott, Suarez, Wilson, Woodward, Zack, Bullard, Coleman, Coulter. (23)
NAYS: Palmer, Rogers. (2)

A sufficient majority having voted in favor, the amendment carried.

Discussion followed.

Moved by Woodward supported by Nash the resolution be amended to insert the following after the last WHEREAS paragraph:

> **WHEREAS the Metro Detroit Area is the only metropolitan region in the country that lacks a reliable rapid transit system, which as a result has been detrimental to our ability to attract optimal tourism to the region, get employees to places of employment, and secure economic development opportunities tied to having viable rapid transit; and**
> **WHEREAS the computer modeling for MDOT's Final Environmental Impact Study (EIS) released April 2005 found rapid transit to be viable in portions of the Woodward Avenue Corridor and concluded such a system would offer an alternative means of travel and has merit, independent of the I-75 project; and**
> **WHEREAS MDOT supports such transit development along Woodward Avenue; and**
> **WHEREAS the EIS also concluded developing a rapid mass transit system along Woodward Avenue that preceded a lane addition on I-75 would provide an alternative means of travel during construction, and reduce the traffic diversions that will have to occur.**

Also, to insert the following after the first NOW THEREFORE BE IT RESOLVED:

BE IT FURTHER RESOLVED that the Oakland County Board of Commissioners also expresses its strong support for the development of a rapid transit system along Woodward Avenue as an alternative means of travel in Oakland County, and urges the above mentioned to declare such development as equal a priority as widening I-75.

Discussion followed.

Vote on Woodward's amendment:
AYES: Gershenson, Gregory, Hatchett, Melton, Nash, Suarez, Woodward, Zack, Coleman, Coulter. (10)
NAYS: Douglas, Jamian, Kowall, Long, Middleton, Molnar, Moss, Palmer, Patterson, Potter, Rogers, Scott, Wilson, Bullard, Crawford. (15)

A sufficient majority not having voted in favor, the amendment failed.

Discussion followed.

Moved by Melton supported by Hatchett the resolution be amended to add a BE IT FURTHER RESOLVED paragraph, as follows:

BE IT FURTHER RESOLVED that if the widening of I-75 is to take place that the redesign of the interchange at M-59 and I-75 be included in any such plans.

Discussion followed.

Vote on Melton's amendment:
AYES: Gershenson, Gregory, Hatchett, Kowall, Long, Melton, Middleton, Molnar, Moss, Nash, Patterson, Potter, Rogers, Scott, Suarez, Wilson, Woodward, Zack, Bullard, Coleman, Coulter, Crawford. (22)
NAYS: Jamian, Palmer, Douglas. (3)

A sufficient majority having voted in favor, the amendment carried.

Discussion followed.

Vote on resolution, as amended:
AYES: Gregory, Hatchett, Jamian, Kowall, Long, Melton, Middleton, Molnar, Moss, Palmer, Patterson, Potter, Rogers, Scott, Suarez, Wilson, Bullard, Coleman, Crawford, Douglas. (20)
NAYS: Nash, Woodward, Zack, Coulter, Gershenson. (5)

A sufficient majority having voted in favor, the resolution, as amended, was adopted.

STATE OF MICHIGAN)
COUNTY OF OAKLAND)
I, Ruth Johnson, Clerk of the County of Oakland, do hereby certify that the foregoing resolution is a true and accurate copy of a resolution adopted by the Oakland County Board of Commissioners on August 18, 2005 with the original record thereof now remaining in my office.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of the County of Oakland at Pontiac, Michigan this 18th day of August, 2005.

Ruth Johnson

Ruth Johnson, County Clerk

I HEREBY APPROVE THE FOREGOING RESOLUTION

8/30/05

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	2	3
			10:00am Senior Advisory Board meeting (Comm Ctr conf rm)		4
5	6	7	8	9	10
		8:30am BUILDING CODE BOARD OF APPEALS (Conference Room L 7:00pm ADVISORY COMMITTEE FOR	7:30pm Park Board meeting (Comm Ctr conf rm)		11
12	13	14	15	16	17
7:30pm City Council-Regular (Council Chambers)	7:30pm Planning Commission-Regular (Council Chambers)				18
19	20	21	22	23	24
7:30pm City Council-Regular (Council Chambers)	7:30pm BZA (Chambers) 7:30pm Historic District Commission (Conference Room C)	7:30am DDA Meeting (Conference Room Lower Level)			25
26	27	28	29	30	
	7:30pm Planning Commission-Study (Council Boardroom)				

PH 9/19 Comm. Veh. App. 2256 Garry
PH 9/19 Comm. Veh. App. 2002 Atlas
PH 9/19 Park. Var. 4550 Investment Dr.
PH 9/19 Rezon. App. Cambridge Office Bldgs. R-1C to O-1 & E-P (Z707)

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 7:30pm City Council-Regular (Council Chambers)	4 7:30pm Planning Commission-Study (Council Boardroom)	5 8:30am BUILDING CODE BOARD OF APPEALS 7:00pm ADVISORY COMMITTEE FOR	6 10:00am Senior Advisory Board meeting (Comm Ctr conf rm)	7	8
					9
10	11 7:30pm Planning Commission-Regular (Council Chambers)	12	13 7:30pm Park Board meeting (Comm Ctr conf rm)	14	15
					16
17 7:30pm City Council-Regular (Council Chambers)	18 7:30pm BZA (Chambers) 7:30pm Historic District Commission (Conference Room C)	19 7:30am DDA Meeting (Conference Room Lower Level)	20 3:00pm Brownfield Redevelopment Authority Meeting (Conference Room C)	21	22
					23
24	25 7:30pm Planning Commission-Study (Council Boardroom)	26	27	28	29
					30
31					

November 2005

November 2005

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

December 2005

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11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
	November 1 7:30pm Planning Commission-Study (Council Boardroom)	2 8:30am BUILDING CODE BOARD OF APPEALS (Conference Room L 7:00pm ADVISORY COMMITTEE FOR	3 10:00am Senior Advisory Board meeting (Comm Ctr conf rm)	4	5 6
7	8 City General Election	9	10 7:30pm Park Board meeting (Comm Ctr conf rm)	11	12 13
14 7:30pm City Council-Regular (Council Chambers)	15 7:30pm BZA (Chambers) 7:30pm Historic District Commission (Conference Room C)	16 7:30am DDA Meeting (Conference Room Lower Level)	17	18	19 20
21 7:30pm City Council-Regular (Council Chambers)	22	23	24	25	26 27
28	29 7:30pm Updated: Planning Commission-Regular (Council Chambers)	30			

J-06

FitchRatings

One State Street Plaza
New York, NY 10004

T 212 908 0500 / 800 75 FITCH
www.fitchratings.com

August 23, 2005

Mr. John M. Lamerato
Assistant City Manager Finance &
Adminstration
Troy Downtown Development Authority
500 West Big Beaver
Troy, MI 48084

Dear Mr. Lamerato:

Fitch Ratings has assigned one or more ratings and/or otherwise taken rating action(s), as detailed on the attached Notice of Rating Action.

Ratings assigned by Fitch are based on documents and information provided to us by issuers, obligors, and/or their experts and agents, and are subject to receipt of the final closing documents. Fitch does not audit or verify the truth or accuracy of such information.

It is important that Fitch be provided with all information that may be material to its ratings so that they continue to accurately reflect the status of the rated issues. Ratings may be changed, withdrawn, suspended or placed on Rating Watch due to changes in, additions to or the inadequacy of information.

Ratings are not recommendations to buy, sell or hold securities. Ratings do not comment on the adequacy of market price, the suitability of any security for a particular investor, or the tax-exempt nature or taxability of payments made in respect of any security.

The assignment of a rating by Fitch shall not constitute a consent by Fitch to use its name as an expert in connection with any registration statement or other filing under U.S., U.K., or any other relevant securities laws.

We are pleased to have had the opportunity to be of service to you. If we can be of further assistance, please feel free to contact us at any time.

Sincerely,

Pamela K. Clayton

Pamela K. Clayton
Managing Director
U.S. Public Finance

PKC/tv

Enc: Notice of Rating Action
(Doc ID: 14924)

Notice of Rating Action

Bond Description	Rating Type	Action	Rating	Outlook/ Watch	Eff Date	Notes
Troy Downtown Development Authority (MI) community center facils jr lien bonds ser 2003	Long Term	Affirmed	A-	RO:Sta	18-Aug-2005	
Troy Downtown Development Authority (MI) devel & rfdg bonds ser 2001 (insured: MBIA Insurance Corp.)	Long Term	Affirmed	A	RO:Sta	18-Aug-2005	

Key: RO: Rating Outlook, RW: Rating Watch; Pos: Positive, Neg: Negative, Sta: Stable, Evo: Evolving

J-07

FitchRatings

One State Street Plaza
New York, NY 10004

T 212 908 0500 / 800 75 FITCH
www.fitchratings.com

August 23, 2005

Mr. John M. Lamerato
Assistant City Manager Finance &
Adminstration
Troy
500 West Big Beaver
Troy, MI 48084

Dear Mr. Lamerato:

Fitch Ratings has assigned one or more ratings and/or otherwise taken rating action(s), as detailed on the attached Notice of Rating Action.

Ratings assigned by Fitch are based on documents and information provided to us by issuers, obligors, and/or their experts and agents, and are subject to receipt of the final closing documents. Fitch does not audit or verify the truth or accuracy of such information.

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Sincerely,

Pamela K. Clayton

Pamela K. Clayton
Managing Director
U.S. Public Finance

PKC/tv

Enc: Notice of Rating Action
(Doc ID: 14904)

Notice of Rating Action

Bond Description	Rating Type	Action	Rating	Outlook/ Watch	Eff Date	Notes
Troy (MI) (Community Center & Recreational Facilities) unltd tax GO bonds ser 2001	Long Term	Affirmed	AAA	RO:Sta	18-Aug-2005	
Troy (MI) (Public Safety Facilities) unltd tax GO bonds ser 2001	Long Term	Affirmed	AAA	RO:Sta	18-Aug-2005	
Troy (MI) (Street, Road, & Streetscape Improvements) unltd tax GO bonds ser 2001	Long Term	Affirmed	AAA	RO:Sta	18-Aug-2005	
Troy (MI) GO unltd bonds ser 2003	Long Term	Affirmed	AAA	RO:Sta	18-Aug-2005	

Key: RO: Rating Outlook, RW: Rating Watch; Pos: Positive, Neg: Negative, Sta: Stable, Evo: Evolving

J-08

JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

JOHN D. CHERRY, JR.
LT. GOVERNOR

August 30, 2005

Tonni L. Bartholomew, MMC
Troy City Clerk
500 West Big Beaver
Troy, MI 48084

Dear Ms. Bartholomew:

Thank you for contacting Governor Granholm's Office regarding the Resolution adopted by the Troy City Council – "Resolution Supporting the Legislative Correction of the WPW v. Troy Taxable Value Inequity."

I will be sure to share your concerns with the Governor and the Executive Office staff, specific to the additions and losses sections of the General Property Tax Act (MCL 211.34d(1)(b)(vii) and 211.34d(1)(h)(iii). She has a keen interest in knowing how issues affect local governments and citizens across the state and is always appreciative of the time you take to express your opinions.

Again, thank you for contacting the Governor's Office. Please keep us updated on the issues affecting the City of Troy.

Sincerely Yours,

James R. Stokes

James R. Stokes, Deputy Director
Governor's Office for Southeast Michigan

P.O. BOX 30013 • LANSING, MICHIGAN 48909
www.michigan.gov

Printed by members of SEIU

J-10

9-6-05

RECEIVED

SEP 06 2005

CITY OF TROY
CITY MANAGER'S OFFICE

To The City Council,

With the disaster that has occurred in Louisiana I am pleading with you to forgive my nearly $150 penalty.

I was catching up trying to get organized when I came across a tiny book which spoke about property taxes. Never remember having received my notice, I call the Treasurer's office who informed me they had not received my payment.

I have always been on time and can't think what happened. Sept 1st was Thursday then we had 3 days off so I am paying it today which is 7 working days past the penalty deadline.

I am a single homeowner with an 84 year old mother to care for. My sister had a hernia operation the last week in August and I had to take care of her and I had to take care of the two kids. I can not afford the

$150 penalty. Since I am paying 2 days after can you at least prorate it to about $10? That would be fair and I would still be paying a penalty.

Thank you.

Sincerely,
Diane M. White
2561 Tawnhill
248-433-3247

P.S. To show you how overwhelmed I've been I came into work at the wrong time twice last week. (We have different scheduled times). We had an employee leave and we were short. (I'm a Medical Technologist at WBH).

City of Troy

Memorandum

To: John M Lamerato, Assistant City Manager/Finance and Administration
From: Tonni L Bartholomew, City Clerk
Date: September 8, 2005
Subject: OPTECH Eagle IIIP Voting Devices and supplies

The City Clerk's Office staff contacted the Purchasing Department in regards to the sale or disposal of our old voting equipment. The Purchasing Department reported that there have been several attempts by Oakland County communities to dispose of the equipment using such means as MITN and Ebay. They were unsuccessful in their attempts. Rochester Hills indicated that they disposed of their 41 devices at a cost to the city of $628.00 via Complete Compliance Recycling.

The Oakland County Clerks Office has contacted our office and indicated that they have a request for the donation of one device to Boulan Middle School. The device would be used for mock elections.

I have asked the Purchasing Department to attempt to have our contracted auctioneer place the devices in an upcoming auction. Purchasing has indicated that the auctioneer may reject the devices because the market is over saturated with used machines at this time. Additionally, I spoke with an individual from the State of Alabama about the possibility of purchasing our devices and/or supplies as they are continuing to utilize the OPTECH Eagle IIIP equipment for their elections. They indicated they are not interested in acquiring any additional machines

As there is no value to the machines, I would recommend the donation to Boulan School and attempt to auction the remaining 47 devices. If they auction company rejects the devices, I would recommend destruction of the devices.