AGENDA

Regular Meeting of the

CITY COUNCIL
OF THE CITY OF TROY

FEBRUARY 20, 2006

CONVENING AT 7:30 P.M.

Submitted By
The City Manager

NOTICE: People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk at (248) 524-3316 or via e-mail at clerk@ci.troy.mi.us at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.

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

February 20, 2006 – 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: Ms. Jan Staton – The Bahá'í Faith 1

ROLL CALL: 1

CERTIFICATES OF RECOGNITION: 1

A-1 Presentations: 1

a) Law Day 2005 - Outstanding Activity Award and Philo T. Farnsworth Award for Excellence in Community Programming..... 1
b) Certificate of Appreciation to Retiring City Employee Jackie Sherwin-Wright..... 1

CARRYOVER ITEMS: 1

B-1 No Carryover Items 1

PUBLIC HEARINGS: 1

C-1 Rezoning Application – North Side of Fourteen Mile Road, East of John R, Section 36 – B-2 to M-1 (Z 372-B) 1

C-2 Rezoning Application – Proposed Medical Office, East Side of Stephenson Highway, South Side of Maple, West of I-75, Section 35 – R-C to O-M (Z 286-B) 2

NOTICE: People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk at (248) 524-3316 or via e-mail at clerk@ci.troy.mi.us at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.

C-3 Michigan NextEnergy Exemption of Alternative Energy Personal Property – United Solar Ovonic Corporation – 1100 W Maple Road 2

C-4 Michigan NextEnergy Exemption of Alternative Energy Personal Property – Ovonic Battery Company – 1414 Combermere 3

C-5 Michigan NextEnergy Exemption of Alternative Energy Personal Property – Compact Power, Inc. – 1857 Technology 3

POSTPONED ITEMS: 4

D-1 Approval of Transfer of Class C-SDM License for Corradi's – 1090 Rochester Road 4

City Administration Requests that this Agenda Item be Postponed to the Regular City Council Meeting Scheduled for Monday, March 6, 2006 4

CONSENT AGENDA: 5

E-1a Approval of "E" Items NOT Removed for Discussion 5

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

E-2 Approval of City Council Minutes 5

E-3 Proposed City of Troy Proclamations: None Proposed 5

E-4 Standard Purchasing Resolutions 5

a) Standard Purchasing Resolution 2: Bid Award – Lowest Bidder Meeting Specifications – Contract 06-3 – Ferry Drain Restoration..... 6
b) Standard Purchasing Resolution 4: Oakland County Cooperative Purchasing Agreement – Fleet Vehicles..... 6
c) Standard Purchasing Resolution 4: Macomb County Cooperative Purchasing Agreement – Fleet Vehicles..... 6

E-5 Vacate Abandoned Industrial Development District and Rescind Industrial Facilities Exemption Certificate 6

E-6 State of Michigan QVF Digitized Signature Project Grant Application Authorization 7

E-7 Request for Acceptance of Permanent Easement for Sidewalk – Sidwell #88-20-15-252-044 7

PUBLIC COMMENT: Limited to Items Not on the Agenda 7

REGULAR BUSINESS: 8

F-1 Appointments to Boards and Committees: a) Mayoral Appointments: Brownfield Redevelopment Authority b) City Council Appointments: Advisory Committee for Persons with Disabilities; Advisory Committee for Senior Citizens; Cable Advisory Committee; Historic District Commission; Liquor Advisory Committee; Municipal Building Authority; and Traffic Committee 8

F-2 Council Rules of Procedure Proposed Amendment 10

F-3 Board and Committee Term Limits 10

F-4 Human Resources Renovation 12

F-5 Request for Annual Evaluation – City Attorney 12

F-6 Standard Purchasing Resolution 1: Award to Low Bidder – Parking Lot Maintenance 12

F-7 Compensation for Interim City Manager 13

F-8 Troy v. Premium Construction, L.L.C. – Section 36 Park 13

F-9 2005-2006 Budget Amendment No. 2 13

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS: 14

G-1 Announcement of Public Hearings: 14

a) Zoning Ordinance Text Amendment (ZOTA 218) – Article 10.30.03, Permit Child Care Centers by Special Use Approval in the R-1A through R-1E Zoning Districts – March 6, 2006 14
b) Zoning Ordinance Text Amendment (ZOTA 214) – Article IV and X, Group Child Care Homes in the R-1A through R-1E Districts – March 6, 2006 14

G-2 Green Memorandums: 14

a) Tentative Agreements with the Following Collective Bargaining Units: 14
1) Troy Command Officers Association (TCOA) 14
2) Troy Fire Staff Officers Association (TFSOA) 14
3) AFSCME (Public Works/Parks and Recreation/Engineering Employees) 14

COUNCIL REFERRALS: Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda 14

H-1 No Council Referrals Advanced 14

COUNCIL COMMENTS: 14

I-1 No Council Comments Advanced 14

REPORTS: 15

J-1 Minutes – Boards and Committees: 15

a) Civil Service Commission (Act 78)/Final – August 10, 2004 15
b) Local Development Finance Authority/Final – May 9, 2005..... 15
c) Civil Service Commission (Act 78)/Final – October 17, 2005 15
d) Cable Advisory Committee/Final – October 20, 2005..... 15
e) Historic Commission/Final – October 25, 2005..... 15
f) Historic District Commission/Final – November 15, 2005..... 15
g) Building Code Board of Appeals/Final – December 7, 2005..... 15
h) Ethnic Issues Advisory Board/Final – January 3, 2006..... 15
i) Advisory Committee for Persons with Disabilities/Draft – January 4, 2006 15
j) Advisory Committee for Persons with Disabilities/Final – January 4, 2006 15
k) Building Code Board of Appeals/Final – January 4, 2006..... 15
l) Advisory Committee for Senior Citizens/Final – January 5, 2006..... 15
m) Planning Commission/Draft – January 10, 2006..... 15
n) Planning Commission/Final – January 10, 2006..... 15
o) Employees' Retirement System Board of Trustees/Final – January 11, 2006.... 15
p) Cable Advisory Committee/Draft – January 19, 2006..... 15
q) Planning Commission Special/Study/Draft – January 24, 2006..... 15
r) Planning Commission Special/Study/Final – January 24, 2006..... 15
s) Building Code Board of Appeals/Draft – February 1, 2006..... 15
t) Advisory Committee for Senior Citizens/Draft – February 2, 2006 15
u) Planning Commission Special/Study/Draft – February 7, 2006 15
v) Civil Service Commission (Act 78)/Draft – February 13, 2006..... 15

J-2 Department Reports: 15

a) Building Department – Permits Issued During the Month of January 2006 15
b) Parks and Recreation Department – Aquatic Center Fee Recommendations for 2006 15
c) Engineering Department – Federal Aid Funding for Major Roads – FY 2009..... 15
d) Real Estate and Development Department – Monarch Project 15
e) City of Troy Monthly Financial Report – January 31, 2006 15
f) Information Technology – Automated Visitor Information System (AVIS) Methodology 15

J-3 Letters of Appreciation: 15

a) Letter of Appreciation to the Department of Public Works from Lloyd Lewis Regarding the Excellent Service and Response Time 15
b) Letter of Thanks to Captain Murphy from Barbara Cenko, TVS Communication Solutions, for the Opportunity to Ride Along with Officer Clark. 15
c) Letter of Appreciation to Troy City Council from Bloomfield Hills Board of Education 15

J-4 Proposed Proclamations/Resolutions from Other Organizations: 15

a) State of Michigan Notice of Hearing for Gas Customers of Consumers Energy Company – Case No. U-14716 15

J-5 Calendar 15

J-6 State of Michigan Department of Transportation Report Regarding the Environmental Assessment for Improvements to the I-75 Interchange 16

J-7 Memo from City Attorney Regarding Recently Adopted Macomb County Code of Ethics 16

STUDY ITEMS: 16

K-1 No Study Items Submitted 16

PUBLIC COMMENT: Address of "K" Items 16

CLOSED SESSION: 16

L-1 Closed Session 16

RECESSED 16

RECONVENED 16

ADJOURNMENT 16

SCHEDULED CITY COUNCIL MEETINGS: 17

Wednesday, February 22, 2006 (Liquor Violation Hearing) Regular City Council. 17
Monday, February 27, 2006 Regular City Council 17
Monday, March 6, 2006 Regular City Council 17
Monday, March 20, 2006 Regular City Council 17
Monday, March 27, 2006 Regular City Council 17
Monday, April 3, 2006 Regular City Council 17

Monday, April 17, 2006 Regular City Council 17
Monday, April 24, 2006 (Budget Study Session) Regular City Council 17
Monday, May 8, 2006 Regular City Council 17
Monday, May 15, 2006 Regular City Council 17
Monday, May 22, 2006 Regular City Council 17

CALL TO ORDER:

INVOCATION & PLEDGE OF ALLEGIANCE: Ms. Jan Staton – The Bahá'í Faith

ROLL CALL:

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

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

a) Law Day 2005 - Outstanding Activity Award and Philo T. Farnsworth Award for Excellence in Community Programming

b) Certificate of Appreciation to Retiring City Employee Jackie Sherwin-Wright

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 Rezoning Application – North Side of Fourteen Mile Road, East of John R, Section 36 – B-2 to M-1 (Z 372-B)

Suggested Resolution
Resolution #2006-02-
Moved by
Seconded by

RESOLVED, That the B-2 to M-1 rezoning request, located on the north side of Fourteen Mile Road, east of John R, Section 36, part of parcel 88-20-36-376-049, being 4.25 acres in size, is described in the following legal description and illustrated on the attached Certificate of Survey drawing:

T2N, R11E, SW ¼ of Section 36

Beginning at a point distant N 89°13'40" W, 996.99 ft. as measured (recorded as 996.00 ft.) along the south line of said Section 36 from the South ¼ corner of said Section 36, thence, N 00°45'30" E 60.00 ft. to the Point of Beginning; thence N 89°13'40" W, 673.86 ft. (measured and recorded) along the south line of said Section 36; thence N 00°57'55" E, 275.00 ft.; thence S 89°13'40" E, 672.65 ft. (measured and recorded) to a point on

the west line of lot 70 of Robbins Executive Park East No. 5 Subdivision (Liber 146, Pages 11-12, of Oakland County Records); thence S 00°45'30" W, 275.00 ft to the Point of Beginning.

Containing 4.25 ac., more or less, and subject to easements and restrictions of record.

BE IT FINALLY RESOLVED, That the proposed rezoning is hereby **GRANTED**, as recommended by City Management and the Planning Commission.

Yes:
No:

C-2 Rezoning Application – Proposed Medical Office, East Side of Stephenson Highway, South Side of Maple, West of I-75, Section 35 – R-C to O-M (Z 286-B)

Suggested Resolution
Resolution #2006-02-
Moved by
Seconded by

RESOLVED, That the R-C to O-M rezoning request, located on the east side of Stephenson Highway, south of Maple, west of I-75 (1420-1450 Stephenson Hwy.), Section 35, part of parcel 88-20-35-126-026, being 11.355 acres in size, is described in the following legal description and illustrated on the attached Certificate of Survey drawing:

T2N, R11E, N 1/2 of Section 35

Lots 12 and 13 of Robbins Executive Park West No. 4 Subdivision (Liber 177, Pages 14-16, of Oakland County Records) more particularly described as: Beginning at the Northwest corner of Lot 12; thence S 89°14'30" E, 1027.24 ft. along the southerly right-of-way line of Maple Rd. (120 ft. wide); thence S 00°38'29" W, 496.09 ft. along the westerly right-of-way of I-75 (300 ft. wide); thence N 89°14'30" W, 378.53 ft.; thence S 01°13'00" W, 58.92 ft.; thence N 89°14'30" W, 476.26 ft.; thence along the Easterly right-of-way line of Stephenson Hwy. (204 ft. wide) northerly 582.26 ft. along the arc of curve to the left (radius 2985.49 ft., central angle of 11°16'36", chord bears N 16°33'12" W, 581.33 ft.) to the Point of Beginning.

Containing 11.355 ac., more or less, and subject to easements and restrictions of record.

BE IT FINALLY RESOLVED, That the proposed rezoning is hereby **GRANTED**, as recommended by City Management and the Planning Commission.

Yes:
No:

C-3 Michigan NextEnergy Exemption of Alternative Energy Personal Property – United Solar Ovonic Corporation – 1100 W Maple Road

Suggested Resolution

Resolution #2006-02-
Moved by
Seconded by

RESOLVED, That the City Council of the City of Troy **AFFIRMS** the Michigan NextEnergy Exemption of alternative energy Personal Property located at 1100 W. Maple, Troy MI., as certified by the City Assessor, in an amount not to exceed $78,960.17; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That the City Clerk of the City of Troy shall **FORWARD** a copy of this Resolution, and attachments to the Michigan NextEnergy Authority at 300 N. Washington Square, Lansing, MI 48913.

Yes:
No:

C-4 Michigan NextEnergy Exemption of Alternative Energy Personal Property – Ovonic Battery Company – 1414 Combermere

Suggested Resolution
Resolution #2006-02-
Moved by
Seconded by

RESOLVED, That the City Council of the City of Troy **AFFIRMS** the Michigan NextEnergy Exemption of alternative energy Personal Property located at 1414 Combermere, Troy MI., as certified by the City Assessor; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That the City Clerk of the City of Troy shall **FORWARD** a copy of this Resolution, and attachments to the Michigan NextEnergy Authority at 300 N. Washington Square, Lansing, MI 48913.

Yes:
No:

C-5 Michigan NextEnergy Exemption of Alternative Energy Personal Property – Compact Power, Inc. – 1857 Technology

Suggested Resolution
Resolution #2006-02-
Moved by
Seconded by

RESOLVED, That the City Council of the City of Troy **AFFIRMS** the Michigan NextEnergy Exemption of alternative energy Personal Property located at 1857 Technology, Troy MI., as certified by the City Assessor; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That the City Clerk of the City of Troy shall **FORWARD** a copy of this Resolution, and attachments to the Michigan NextEnergy Authority at 300 N. Washington Square, Lansing, MI 48913.

Yes:
No:

POSTPONED ITEMS:

D-1 Approval of Transfer of Class C-SDM License for Corradi's – 1090 Rochester Road City Administration Requests that this Agenda Item be Postponed to the Regular City Council Meeting Scheduled for Monday, March 6, 2006

(a) New License

Resolution
Moved by Stine
Seconded by Broomfield

RESOLVED, That the request from White Star Entertainment, Inc. to transfer ownership of a 2005 Class C-SDM licensed business with Entertainment Permit and Official Permit (food) at 1090 Rochester, Troy, MI 48083, Oakland County, from MKC, Inc.; be **CONSIDERED FOR APPROVAL**.

(b) Agreement

Resolution
Moved by Stine
Seconded by Broomfield

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 White Star Entertainment, Inc. to transfer ownership of a 2005 Class C-SDM licensed business with Entertainment Permit and Official Permit (food) at 1090 Rochester, Troy, MI 48083, Oakland County, from MKC, Inc.; 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.

Proposed Resolution to Amend

Resolution
Moved by Stine
Seconded by Broomfield

RESOLVED, That the Resolution to approve the of Transfer of Class C-SDM License for Corradi's – 1090 Rochester Road be **AMENDED** by **INSERTING** "with dance permit" **AFTER** "Official Permit (food)" in resolutions (a) and (b).

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 #2006-02-
Moved by
Seconded by

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

Yes:
No:

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

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E-2 Approval of City Council Minutes

Suggested Resolution
Resolution #2006-02-

RESOLVED, That the Minutes of the 5:30 PM Special City Council Meeting, the 7:30 PM Regular City Council Meeting of February 6, 2006 and the Regular City Council Meeting of February 15, 2006 be **APPROVED** as submitted.

E-3 Proposed City of Troy Proclamations: None Proposed

E-4 Standard Purchasing Resolutions

a) Standard Purchasing Resolution 2: Bid Award – Lowest Bidder Meeting Specifications – Contract 06-3 – Ferry Drain Restoration

Suggested Resolution
Resolution #2006-02-

RESOLVED, That a contract to complete the Ferry Drain Restoration is hereby **AWARDED** to the lowest bidder meeting specifications, D & J Lawn & Snow, Inc. of Clinton Twp. at an estimated total cost of $76,882.25, for completion in the Spring of 2006; 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 $7,688.23.

b) Standard Purchasing Resolution 4: Oakland County Cooperative Purchasing Agreement – Fleet Vehicles

Suggested Resolution
Resolution #2006-02-

RESOLVED, That contracts to provide fleet vehicles from Golling Chrysler Jeep, Inc. and Buff Whelan Chevrolet are hereby **APPROVED** through Oakland County Cooperative Purchasing Agreements at an estimated total cost of $100,956.00.

c) Standard Purchasing Resolution 4: Macomb County Cooperative Purchasing Agreement – Fleet Vehicles

Suggested Resolution
Resolution #2006-02-

RESOLVED, That a contract to purchase fleet vehicles from Signature Ford L-M Jeep Eagle is hereby **APPROVED** through a Macomb County Cooperative Purchasing Agreement at an estimated total cost of $42,353.00.

E-5 Vacate Abandoned Industrial Development District and Rescind Industrial Facilities Exemption Certificate

Suggested Resolution
Resolution #2006-02-

WHEREAS, The City Council of the City of Troy had formerly established an Industrial Development District (IDD), and granted an Industrial Facilities Exemption Certificate (IFEC) for Certificate # 98-209-01, and

WHEREAS, The project and building have been abandoned and vacated;

BE IT RESOLVED, That the City Council of the City of Troy hereby **VACATES** the Industrial Development District established at 1300 Coolidge (IFEC #98-209-01), located in the City of Troy, County of Oakland, State of Michigan; and

BE IT FURTHER RESOLVED, That the City Council of the City of Troy also **RESCINDS AND REVOKES** the following abandoned and vacated Industrial Facilities Exemption Certificate (IFEC) being Certificate # 98-209-01; and

BE IT FINALLY RESOLVED, That a copy of this resolution shall be **FORWARDED** to the Michigan State Tax Commission by certified mail.

E-6 State of Michigan QVF Digitized Signature Project Grant Application Authorization

Suggested Resolution
Resolution #2006-02-

WHEREAS, The Troy City Council wishes to apply to the Secretary of State for a grant to receive federal financial assistance, provided to the State under the provisions of Title II, Section 251, of the Help America Vote Act (HAVA), CFDA 90.401, with the project known as the HAVA Digitized Signature Qualified Voter File (QVF) Refresh Project;

WHEREAS, The HAVA Digitized Signature Qualified Voter File (QVF) Refresh Project upgrade will provide the City Clerk's Office with digitized signatures of all Registered Voters within the City of Troy, as well as QVF system upgrades to be utilized in the Voter Registration and Election Administration functions of the City Clerk's Office;

WHEREAS, The acquisition of the equipment and upgrade of the software is at no cost to the City of Troy.

NOW THEREFORE, BE IT RESOLVED, That the Troy City Clerk is hereby **AUTHORIZED TO SUBMIT** this grant application on behalf of the City of Troy, Oakland County, Michigan, on this 20th day of February, 2006.

E-7 Request for Acceptance of Permanent Easement for Sidewalk – Sidwell #88-20-15-252-044

Suggested Resolution
Resolution #2006-02-

RESOLVED, That the permanent easement for sidewalk from the property owner, Velampudi A. Rdii and Jyothirmai Velampudi, having Sidwell #88-20-15-252-044 is hereby **ACCEPTED**; and

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

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: Brownfield Redevelopment Authority b) City Council Appointments: Advisory Committee for Persons with Disabilities; Advisory Committee for Senior Citizens; Cable Advisory Committee; Historic District Commission; Liquor Advisory Committee; Municipal Building Authority; 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 #2006-02-
Moved by
Seconded by

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

Brownfield Redevelopment Authority
Appointed by Mayor, Council Approval (7) – 3 Year Terms

Unexpired Term Expires 04/30/08

Yes:
No:

(b) City Council Appointments

Suggested Resolution
Resolution #2006-02-
Moved by
Seconded by

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

Advisory Committee for Persons with Disabilities
Appointed by Council (9 Regular Members; 3 Alternates) – 3 Year Terms

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

_____ **(Alternate)** Unexpired Term Expires 11/01/06

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

_____ Term Expires 04/30/08

_____ Unexpired Term 04/30/06

Cable Advisory Committee
Appointed by Council (7) – 3 Year Terms

_____ Term Expires 02/28/09

Historic District Commission
Appointed by Council (7) – 3 Year Terms

One member, an architect if available
Two members, chosen from a list submitted by a duly organized history group or groups

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

Liquor Advisory Committee
Appointed by Council (7) – 3-Year Terms

_____ Term Expires 01/31/09

_____ Term Expires 01/31/09

Municipal Building Authority
Appointed by Council (5) – 3 Year Terms

John M. Lamerato **(Asst City Manager/Finance & Admin.)** Term Expires 01/31/09

Term Expires 01/31/09

Term Expires 01/31/09

Traffic Committee
Appointed by Council (7) – 3 Year Terms

Term Expires 01/31/09

Term Expires 01/31/09

Term Expires 01/31/09

Yes:
No:

F-2 Council Rules of Procedure Proposed Amendment

Suggested Resolution
Resolution #2006-02-
Moved by
Seconded by

RESOLVED, That Troy City Council hereby **AMENDS** Council Rules as recommended by City Administration by amending Rule Number 15.A, Appointments.

Yes:
No:

F-3 Board and Committee Term Limits

(a) Suggested Reconsidered Resolution

Resolution #2006-02-
Moved by
Seconded by

RESOLVED, That Resolution #1998-540, Moved by Pallotta and Seconded by Pryor, as it appears below be **RECONSIDERED** by City Council:

> *RESOLVED, that each member of the following boards, commissions, and committees shall not serve more than three consecutive terms; any portion of a term served shall constitute one full term and this resolution shall apply only to terms starting after January 1, 1999:*

Advisory Committee for Persons with Disabilities; Advisory Committee for Senior Citizens; Animal Control Board; Board of Zoning Appeals; CATV Advisory Committee; Charter Revision Committee; Historical Commission; Historic District Commission; Library Board; Liquor Committee; Parks and Recreation Board; Personnel Board; Planning Commission; Retirement System Board of Trustees and Traffic Committee.

Yes: All-6
No: None
Absent: Schilling

MOTION CARRIED

Yes:
No:

(b) Suggested Amendment

Resolution 2006-02-
Moved by
Seconded by

RESOLVED, That Resolution 1998-540 be **AMENDED** by **REPLACING** the words "portion of a term served" with the words "service greater than one-half (½) of a term plus one (1) month" after the word "any" in the first (1st) paragraph.

Yes:
No:

(c) Suggested Amended Main Motion

Resolution 2006-02-
Moved by
Seconded by

RESOLVED, That each member of the following boards, commissions, and committees shall not serve more than three consecutive terms; any service greater than one-half (½) of a term plus one (1) month shall constitute one full term and this resolution shall apply only to terms starting after January 1, 1999:

Advisory Committee for Persons with Disabilities; Advisory Committee for Senior Citizens; Animal Control Board; Board of Zoning Appeals; CATV Advisory Committee; Charter Revision Committee; Historical Commission; Historic District Commission; Library Board; Liquor Committee; Parks and Recreation Board; Personnel Board; Planning Commission; Retirement System Board of Trustees and Traffic Committee.

Yes:
No:

F-4 Human Resources Renovation

Suggested Resolution
Resolution #2006-02-
Moved by
Seconded by

RESOLVED, That Troy City Council hereby **AUTHORIZES** City staff to renovate office space for the Human Resources Department, as outlined in Detailed Cost Estimates listed in Appendix C, for an estimated total project cost of $79,511.00 using in-house personnel, approved contracts, and standard purchasing procedures.

Yes:
No:

F-5 Request for Annual Evaluation – City Attorney

Suggested Resolution
Resolution #2006-02-
Moved by
Seconded by

RESOLVED, That a Closed Session is **SCHEDULED** for _____, 2006 at _____PM in the City Council Board Room of Troy City Hall, 500 W. Big Beaver, Troy, Michigan, for the purpose of evaluation of the City Attorney.

Yes:
No:

F-6 Standard Purchasing Resolution 1: Award to Low Bidder – Parking Lot Maintenance

Suggested Resolution
Resolution #2006-02-
Moved by
Seconded by

RESOLVED, That a contract to complete the Parking Lot Maintenance Program for the City of Troy is hereby **AWARDED** to the low total bidder, Asphalt Specialists, Inc. of Pontiac, MI, for an estimated total cost of $154,960.00 for Fire Station #2 and $110,999.00 for Flynn Park, at unit prices contained in the bid tabulation opened January 25, 2006, 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.

Yes:
No:

F-7 Compensation for Interim City Manager

Suggested Resolution
Resolution #2006-02-
Moved by
Seconded by

RESOLVED, That Mr. John Lamerato, Assistant City Manager/Finance and Administration, is to be **COMPENSATED** an additional _____ dollars per week during the time frame he acts in the capacity of Interim City Manager.

Yes:
No:

F-8 Troy v. Premium Construction, L.L.C. – Section 36 Park

Suggested Resolution
Resolution #2006-02-
Moved by
Seconded by

RESOLVED, That the Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268(e) (*Troy v. Premium Construction*) and MCL 15.268(h) (*MCL 15.243*).

Yes:
No:

F-9 2005-2006 Budget Amendment No. 2

Suggested Resolution
Resolution #2006-02-
Moved by
Seconded by

RESOLVED, That 2005-06 Budget Amendment No. 2 be **APPROVED** as submitted, a copy of which is to be **ATTACHED** to the original Minutes of this meeting.

Yes:
No:

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

a) Zoning Ordinance Text Amendment (ZOTA 218) – Article 10.30.03, Permit Child Care Centers by Special Use Approval in the R-1A through R-1E Zoning Districts – March 6, 2006

b) Zoning Ordinance Text Amendment (ZOTA 214) – Article IV and X, Group Child Care Homes in the R-1A through R-1E Districts – March 6, 2006

G-2 Green Memorandums:

a) Tentative Agreements with the Following Collective Bargaining Units:
   1) Troy Command Officers Association (TCOA)
   2) Troy Fire Staff Officers Association (TFSOA)
   3) AFSCME (Public Works/Parks and Recreation/Engineering Employees)

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

H-1 No Council Referrals Advanced

COUNCIL COMMENTS:

I-1 No Council Comments Advanced

REPORTS:

J-1 Minutes – Boards and Committees:

a) Civil Service Commission (Act 78)/Final – August 10, 2004
b) Local Development Finance Authority/Final – May 9, 2005
c) Civil Service Commission (Act 78)/Final – October 17, 2005
d) Cable Advisory Committee/Final – October 20, 2005
e) Historic Commission/Final – October 25, 2005
f) Historic District Commission/Final – November 15, 2005
g) Building Code Board of Appeals/Final – December 7, 2005
h) Ethnic Issues Advisory Board/Final – January 3, 2006
i) Advisory Committee for Persons with Disabilities/Draft – January 4, 2006
j) Advisory Committee for Persons with Disabilities/Final – January 4, 2006
k) Building Code Board of Appeals/Final – January 4, 2006
l) Advisory Committee for Senior Citizens/Final – January 5, 2006
m) Planning Commission/Draft – January 10, 2006
n) Planning Commission/Final – January 10, 2006
o) Employees' Retirement System Board of Trustees/Final – January 11, 2006
p) Cable Advisory Committee/Draft – January 19, 2006
q) Planning Commission Special/Study/Draft – January 24, 2006
r) Planning Commission Special/Study/Final – January 24, 2006
s) Building Code Board of Appeals/Draft – February 1, 2006
t) Advisory Committee for Senior Citizens/Draft – February 2, 2006
u) Planning Commission Special/Study/Draft – February 7, 2006
v) Civil Service Commission (Act 78)/Draft – February 13, 2006

J-2 Department Reports:

a) Building Department – Permits Issued During the Month of January 2006
b) Parks and Recreation Department – Aquatic Center Fee Recommendations for 2006
c) Engineering Department – Federal Aid Funding for Major Roads – FY 2009
d) Real Estate and Development Department – Monarch Project
e) City of Troy Monthly Financial Report – January 31, 2006
f) Information Technology – Automated Visitor Information System (AVIS) Methodology

J-3 Letters of Appreciation:

a) Letter of Appreciation to the Department of Public Works from Lloyd Lewis Regarding the Excellent Service and Response Time
b) Letter of Thanks to Captain Murphy from Barbara Cenko, TVS Communication Solutions, for the Opportunity to Ride Along with Officer Clark
c) Letter of Appreciation to Troy City Council from Bloomfield Hills Board of Education

J-4 Proposed Proclamations/Resolutions from Other Organizations:

a) State of Michigan Notice of Hearing for Gas Customers of Consumers Energy Company – Case No. U-14716

J-5 Calendar

J-6 **State of Michigan Department of Transportation Report Regarding the Environmental Assessment for Improvements to the I-75 Interchange**

J-7 **Memo from City Attorney Regarding Recently Adopted Macomb County Code of Ethics**

STUDY ITEMS:

K-1 **No Study Items Submitted**

PUBLIC COMMENT: Address of "K" Items

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

CLOSED SESSION:

L-1 **Closed Session**

Suggested Resolution
Resolution #2006-02-
Moved by
Seconded by

BE IT RESOLVED, That the City of Troy City Council **SHALL MEET** in Closed Session, as permitted by State Statute MCL 15.268 (e) and MCL 15.268 (h): Troy v. Premium Construction, L.L.C. (Section 36 Park) [Refer to Regular Business Item F-8]; Cobasys v. City of Troy; and Gerback v. Troy – Settlement Proposal.

RECESSED

RECONVENED

ADJOURNMENT

Respectfully submitted,

John Szerlag, City Manager

SCHEDULED CITY COUNCIL MEETINGS:

Wednesday, February 22, 2006 (Liquor Violation Hearing)..... Regular City Council
Monday, February 27, 2006 ..... Regular City Council
Monday, March 6, 2006..... Regular City Council
Monday, March 20, 2006..... Regular City Council
Monday, March 27, 2006..... Regular City Council
Monday, April 3, 2006 ..... Regular City Council
Monday, April 17, 2006 ..... Regular City Council
Monday, April 24, 2006 (Budget Study Session)..... Regular City Council
Monday, May 8, 2006..... Regular City Council
Monday, May 15, 2006..... Regular City Council
Monday, May 22, 2006..... Regular City Council

LAW DAY 2005 AWARDS

A-01a

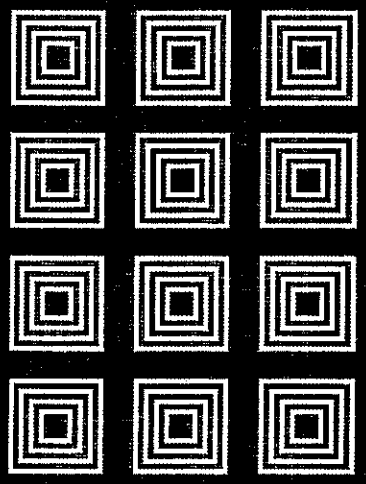
MAY 1

LAW DAY 2005

The American Jury

WE THE PEOPLE

IN ACTION



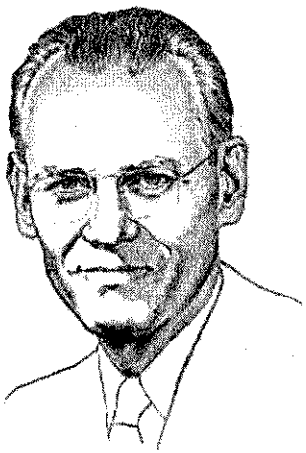
Hyatt Regency Chicago
Grand Ballroom, C-D, East Tower, Gold Level
Friday, February 10, 2006
12:20 P.M.

ABA
Defending Liberty
Pursuing Justice

The Alliance for Community Media - Central States Region

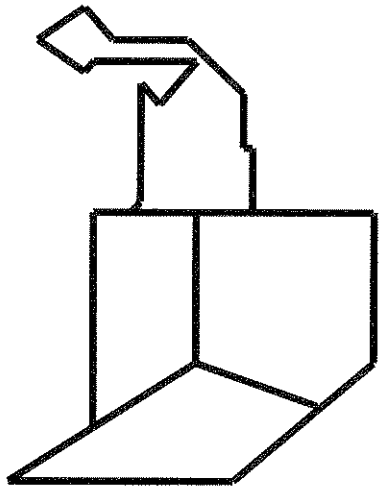
Philo T. Farnsworth Award

for excellence in community programming



2005

Finalist



Educational - Professional

"Law Day 2005: The American Jury"

City or Troy Community Affairs Dept. & City Attorney's Office

WTRY-City of Troy Gov Access TV

The American Jury

WE THE PEOPLE IN ACTION

2005 Law Day OUTSTANDING ACTIVITY AWARD

Presented to

City Attorney's Office

Troy, MI

February 10, 2006
Chicago, Illinois

Robert J. Grey
President, American Bar Association

LAW DAY: MAY 1, 2005

ABA
Defending Liberty
Pursuing Justice

It is a pleasure to introduce the winners of the 2005 Law Day awards. Once again, five outstanding programs won Law Day Activity Awards, and three individuals were selected to receive Finch Speech Awards.

The theme of Law Day 2005 was "The American Jury: We the People in Action." The jury is the embodiment of democracy. We entrust juries—small bodies of ordinary men and women—with decisions that involve our liberty and property. In doing so, we confirm our faith in the ability of people to make just and wise decisions. We also see the jury system as an opportunity to educate Americans about law, legal processes, and decision making in a democracy. The winning 2005 Law Day activities and speeches helped people understand the jury system and its role in developing and sustaining both our democracy and the rule of law. And they helped us all appreciate our role in making the jury system effective.

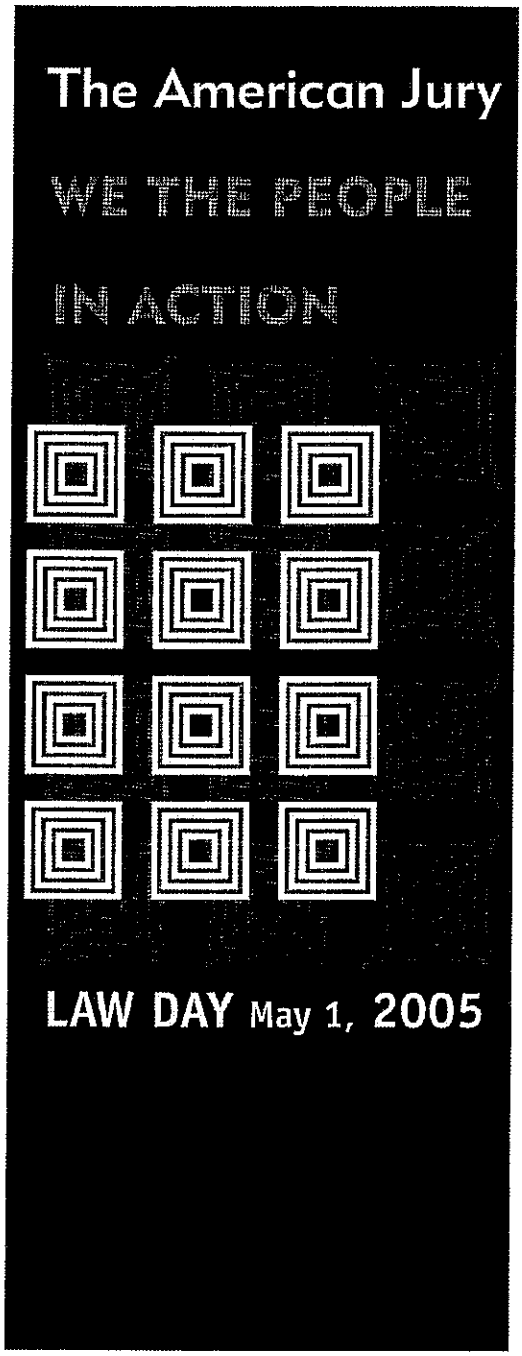
Law Day presents an excellent opportunity for the legal profession to reach out to a wide range of audiences, everyone from kindergartners to senior citizens. Through Law Day, we can share our collective belief in our heritage of liberty under law and, in the words of the founder of Law Day, Charles Rhyne, "our creed and birthright [of] equal justice under law."

The ABA presents many creative ideas for programs in the Law Day Planning Guide and on our website (www.lawday.org). You'll find plenty of help there as you develop your programs for Law Day 2006, with its theme of "Liberty Under Law: Separate Branches, Balanced Powers." Both the guide and the site tell you how to apply for the 2006 awards.

While we are presenting awards to eight individuals and organizations today, we salute all who present speeches, organize activities, and motivate others to participate in Law Day celebrations each year.

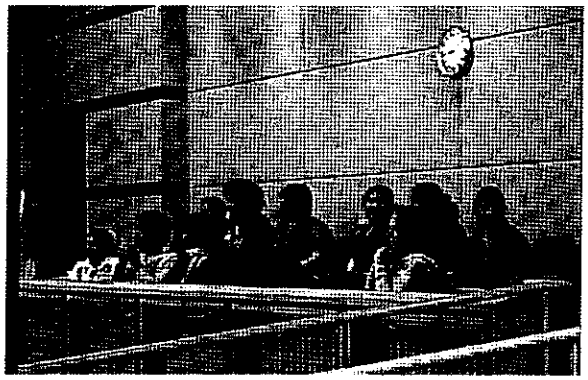
We anticipate receiving another array of top-flight entries for our 2006 competitions and hope that yours will be among them.

Peter J. Kalis
National Law Day Chair



Outstanding Activity Awards

Throughout the United States, Law Day programs are designed to expand the public's understanding of the rule of law and appreciation for the positive role law plays in our society. The Activity Awards program showcases particularly effective Law Day activities and allows us to share them as models with others. Entries are judged on several criteria, including the extent and effectiveness of partnerships formed among community groups, schools, and legal organizations.



Bar Association of Northern San Diego County

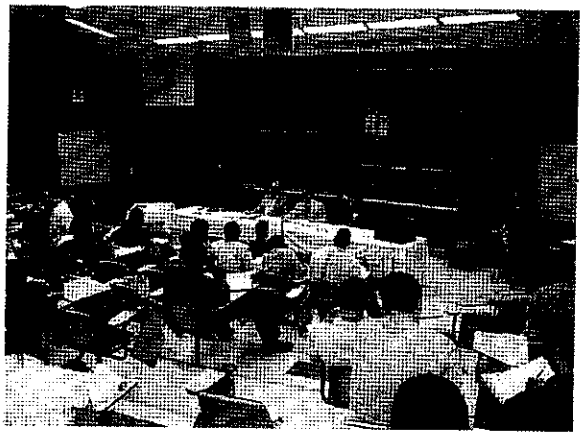
A day-long event was held on March 11, 2005, which involved courthouse tours and participation in an award-winning On My Honor mock trial by 500 grade school and middle-school children. These children participated in trying a mock case before actual judges, with the assistance of the local bar membership. An afternoon program directed toward high school students provided a Job Fair and a variety of break-out session presentations. Participating in the programs were more than a dozen judges, nearly 50 volunteer lawyers from the bar, seven grade schools and middle schools, and numerous high schools from all over San Diego County, California.

City of Troy, City Attorney's Office

The highlight of the Troy City Attorney's Office Law Day program was an educational video that provides information on all aspects of a jury trial. This video was broadcast three times a week on the City of Troy, Michigan, cable station and copies were provided to members of the public upon request. In addition, the office held a Law Day reception, set up displays in the Troy Public Library and the Troy Museum & Historical Village, and provided information on the Law Day theme on the City of Troy's website. The film was prepared with the assistance of the City of Troy Community Affairs Department and the judges and staff of the district court that is operated by Oakland County.

Oklahoma Bar Association

The Oklahoma Bar Association celebrated Law Day by hosting several statewide activities highlighting this year's theme. Students throughout Oklahoma were given the opportunity to participate in various art and writing contests. Local and state government organizations encouraged citizens to recognize Law Day through various community events. For the twenty-seventh year, attorneys offered free legal advice over the phone on April 28 from 9 A.M. to 9 P.M. The bar association also produced an hour-long TV show, which aired on public television. One segment on the show featured the first group interview with five jurors from the Terry Nichols state trial.



Orange County Bar Association

Among numerous activities, the Orange County Bar Association partnered with the Florida Law Related Education Association and recruited 150 volunteers for the 2005 High School State Mock Trial Competition. It held countywide poster and essay contests regarding the jury system, and it organized the Law Day Awards luncheon. The Bar Association arranged for the *Orlando Sentinel* to publish the results of its Poster and Essay contests and arranged for the mayor of Orlando to read a proclamation of Juror Appreciation Month at the Law Day Awards luncheon.

Shreveport Bar Association

The Shreveport (Louisiana) Bar Association celebrated Law Week at its Law Day luncheon, at which U.S. District Judge William Young delivered a speech on the American jury system. The bar also held or sponsored a number of other Law Week events, including a Law Career Forum for area college students. Bar association attorneys volunteered to answer legal questions posed by callers to KTBS Channel 3 and organized a high school essay contest focused on the American jury theme. In addition, the bar launched a Law Week community project to help the spouses and children of local National Guardsmen who are serving overseas.

Judge Edward R. Finch

The Judge Edward R. Finch Law Day Speech Awards were established in 1968 by Edward R. Finch, Jr., in memory of his father, a member of the American Bar Association Adjunct Committee on Law Day and a Justice of the Supreme Court of New York for many years. The awards recognize speeches that help the public understand the rule of law and the positive role law plays in our society.

First Place

Laurin A. Wollan, Jr.
Professor (Retired),
Florida State University
"Law, Love, and the American Jury"

Professor Wollan's speech makes the case for giving the American trial jury the critical attention it deserves, "not only to celebrate and to constructively criticize it, but also to deepen our appreciation of it, to heighten our expectations of it, and to broaden our applications of it." In this regard, he posits that the jury is the one American institution by which "the lovelessness of law and the lawlessness of love" can be reconciled. In its generality, Prof. Wollan explains, law "often cannot cope with the particularities of the case at hand and do justice, or fairness, or equity. Love, which can do that—and more, because it embraces the particular—has its own peculiar excesses of injustice, or arbitrariness, or irrationality, against which the law stands in opposition. So there is at least a tension, if not a conflict, between what love does and what law does, and the jury comes in as a way of resolving it."

Law Day Speech Awards

Second Place

Wallace R. Hoggatt
Associate Presiding Judge,
Cochise County (Arizona)
Superior Court
"The Republic of Jurors"

The title of Judge Hoggatt's speech was inspired by Tom Paine, who said, "the Jury, which is here, supreme, is a Republic, a body of Judges chosen from among the people." Judge Hoggatt points out the gaps between that principle and historical practice, but also observes that today, "[w]here our jurors assemble we are likely to see a gathering of the poor and the well-off, women and men, the descendents of slaves and slaveholders, first-generation citizens and those who can trace their lineage to the colonial days, the well-educated and those who attended rough schools of personal experience. All are full citizens of the Republic." Jury service, he believes, "is the great leveler, and the great educator. One of its chief educational functions is to show that each juror has an equal voice in deciding the outcome. Rich and poor, powerful and humble, all benefit from such a lesson." By doing their part when entrusted to decide matters of life, liberty and property, jurors also "one case at a time, do their part to make sure that the Republic they help preserve is worthy of being preserved."

Third Place

Jim Neal
Founding member, Neal & Harwell, PLC (Tennessee)
"Law Day Speech"

Mr. Neal's speech debunks myths about juries as he sets the record straight and urges his audience to support the American jury, first by talking about it "in our homes, with our friends, in the community," and then by supporting reforms to make jury service less onerous. He notes that the jury is a dynamic, evolving institution that has changed enormously over the years since its ancient beginnings which are properly traced, not just to the year 1215 and the Magna Carta as many think, but actually to "medieval England and the Roman-Saxon Kings who ruled the land from the Sixth to the Eleventh centuries." He believes that the battle to defend the American jury today is "not a liberal versus conservative or a Republican versus Democrat issue," but one that transcends politics. The jury, he states, "is part of the fabric of America, it is part of what it means to be an American."

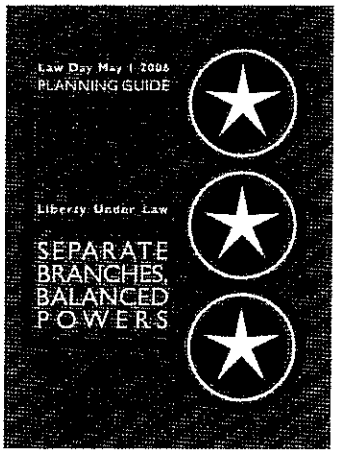
For the full text of each of these speeches, access www.lawday.org/finch/2005win.html.

Why We Celebrate Law Day

Established by President Dwight D. Eisenhower in 1958, Law Day celebrates and strengthens the American heritage of liberty, justice, and equality under the law. It provides an opportunity to help students and the public understand how the law protects our freedoms. More than just a single day to reflect on our legal heritage, Law Day is a call to action that often encompasses weeks of programs and activities conducted by schools, bar associations, courts, and civic groups.

The theme of Law Day 2006 is "Liberty Under Law: Separate Branches, Balanced Powers." It is important that all Americans understand what the Founders intended and accomplished in creating a government of separate powers. The Founders were very concerned that the government they had established not have all its powers concentrated in the hands of a few officials. They agreed with Montesquieu that if "the right of making and of enforcing the laws is vested in one and the same man, or the same body of men ... there can be no liberty." The Founders were also concerned that the powers granted to one branch would be balanced by powers granted to others. Congress's power to legislate, for example, is balanced by the executive's power to veto legislation and by the judiciary's power to declare legislation unconstitutional. This system of checks and balances ensures that each branch serves as a constraint on, and is constrained by, the powers of the other branches.

This theme enables Law Day 2006 planners to show that although the branches have their separate spheres and separate powers, they work together for the common good. The theme also is central to building understanding of the rule of law, which has always been a primary purpose of Law Day.



Law Day
Division for Public Education/20.2
American Bar Association
321 N. Clark Street
Chicago, IL 60610-4714
Phone: 312/988-5735
Fax: 312/988-5494
E-mail: publiced@staff.abanet.org
Hundreds of program ideas can be found on our website
www.lawday.org

Service Commendation
JACKIE SHERWIN-WRIGHT

WHEREAS, **Jackie Sherwin-Wright** began her employment with the City of Troy as a part-time Crossing Guard at Morse Elementary in 1976; and

WHEREAS, In October 1979 **Jackie** was hired as a Police Service Aide to work in the newly opened Lock-up Facility in the Troy Police Department, representing the first time the department staffed a fully operational 24-hour-a-day Lock-up facility; and

WHEREAS, The Troy community has been privileged to have had **Jackie** dedicate the majority of her career to the Lock-up facility on the afternoon shift, assuming responsibility for booking prisoners, running breathalyzer tests, conducting prisoner searches and other assignments associated with the care and operation of the facility; and

WHEREAS, **Jackie** received three Letters of Commendation from the Chief of Police during the course of her career. Along the way, she also received training in the Communications Section, devoting some time to working in dispatch operations; and

WHEREAS, **Jackie's** most memorable career moments are from those busy nights in the Lock-up during the 1980s and 1990s when police officers would bring in all different types of interesting people from OUIL Enforcement nights or other directed enforcement patrol activities; and

WHEREAS, With time to now relax in her retirement years **Jackie** can spend more time with her husband, Steve, and daughter Anna, and her two teacup Chihuahuas. She looks forward to having more time to shop at estate sales, relax at home and cheer on the Detroit Red Wings; and

WHEREAS, **Jackie** retired from the City of Troy on January 27, 2006 after 27 years of service - the first Police Service Aide to retire from that position. During the course of her employment, **Jackie** has contributed many tireless hours of dedicated service.

NOW, THEREFORE, BE IT KNOWN, That the City Council of the City of Troy takes this opportunity to express its appreciation to **Jackie Sherwin-Wright** for her many contributions to the betterment of the City; and

BE IT FURTHER KNOWN That the City Council of the City of Troy, on behalf of themselves, City management, and the citizens of the City of Troy, extends wishes of prosperity, good health and happiness to **Jackie** during her retirement years.

Presented the 20th day of February 2006.

DATE: February 7, 2006

TO: John Szerlag, City Manager

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

SUBJECT: AGENDA ITEM – PUBLIC HEARING – REZONING APPLICATION – North side of Fourteen Mile Road, East of John R, Section 36 – B-2 to M-1 (Z 372-B)

RECOMMENDATION

The application is consistent with the Future Land Use Plan and compatible with the existing zoning districts and land uses. The Planning Commission recommended approval of the rezoning request at the January 10, 2006 Regular meeting. City Management concurs with the Planning Commission and recommends approval of the rezoning request.

GENERAL INFORMATION

Name of Owner / Applicant:
The applicant is 977-14 Mile Associates, LLC.

Location of Subject Property:
The property is located on the north side of Fourteen Mile, east of John R, in Section 36.

Size of Subject Parcel:
The parcel proposed to be rezoned is approximately 4.25 acres in area.

Current Use of Subject Property:
The subject 4.25-acre parcel is part of a larger 8.4-acre parcel. The subject parcel fronts on Fourteen Mile Road and is zoned B-2, the remainder of the parcel fronts on Robbins and is zoned M-1. A vacant 173,000 square foot building sits on the property, with approximately 40,000 square feet of the building presently zoned B-2.

Current Zoning Classification:
B-2 Community Business.

Proposed Zoning of Subject Parcel:
M-1 Light Industrial.

Proposed Uses and Buildings on Subject Parcel:
The applicant is proposing to rezone the subject property so that the entire 8.4-acre parcel is zoned M-1 Light Industrial.

Current Use of Adjacent Parcels:
North: Industrial.
South: Commercial (City of Madison Heights).
East: Commercial retail.
West: Industrial.

Zoning Classification of Adjacent Parcels:
North: M-1 Light Industrial.
South: B-3 General Business and M-1 Light Industrial (City of Madison Heights).
East: M-1 Light Industrial.
West: B-2 Community Business.

ANALYSIS

Range of Uses Permitted in the Proposed M-1 Light Industrial Zoning District and Potential Build-out Scenario:

Principal Uses Permitted:

The manufacture, compounding, processing, packaging or treatment of such products as: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, tool, die, gauge and machine shops.

The manufacture, compounding, assembling, or treatment of articles or merchandise from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metal or stones, sheet metal (excluding large stampings such as automobile fenders or bodies), shell, textiles, tobacco, wax, wire, wood (excluding saw and planing mills), and yarns.

The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.

Manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other small moulded rubber products.

Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs.

Laboratories - experimental, film or testing, and industrial photograph facilities.

Manufacture and repair of electric and neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.

Warehouse and wholesale establishments and truck terminal facilities.

Distribution, service, and processing centers for commercial and service uses whose basic operations or business functions occur in other non-residential Districts.

Industrial research, engineering, design, and pilot or experimental product development or manufacturing process development.

Central dry cleaning plants or laundries provided that such plants shall not deal directly with consumer at retail.

Public utility facilities, buildings, storage yards, and other related uses.

Trade or industrial schools.

Accessory structures and uses customarily incident to the above permitted uses.

Other uses similar to the above permitted uses.

Conditional Uses Permitted:

Accessory or related uses which, by themselves, would not be permitted in the M-1 District.

Outside storage facilities for materials or equipment necessary for the manufacturing, compounding, or processing.

Temporary permission for retail sales as an accessory to a wholesale or service facility within an M-1 District.

Metal plating, buffing and polishing.

Machinery assembly plants, painting and varnishing shops, lumber and planing mills.

Uses Permitted Subject to Special Use Approval:

Mini-warehouse or self-storage developments, wherein indoor storage areas are made available to the general public.

Canning factories (but not including slaughtering or rendering).

Storage facilities for building materials, sand, gravel, stone, lumber, construction contractor's equipment and supplies, vehicles, and recreational vehicles and equipment.

New car sales agencies when such agencies are developed as a planned center or complex specializing in new car sales and consisting of more than two individual franchised new car agencies.

Greenhouse facilities for the growth and production of plant materials.

Automobile repair and service facilities.

Commercial kennels.

Other uses of a similar character to those permitted above.

Vehicular and Non-motorized Access:
The parcel fronts on John R Road.

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

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

Compliance with Future Land Use Plan:
The parcel is classified on the Future Land Use Plan as Light Industrial. The Light Industrial designation has a Primary Correlation with the M-1 Light Industrial Zoning District. The rezoning application is therefore consistent with the City of Troy Future Land Use Plan. This general area was designated Light Industrial in 1965.

Compliance with Location Standards
There are no location standards for the M-1 Light Industrial District.

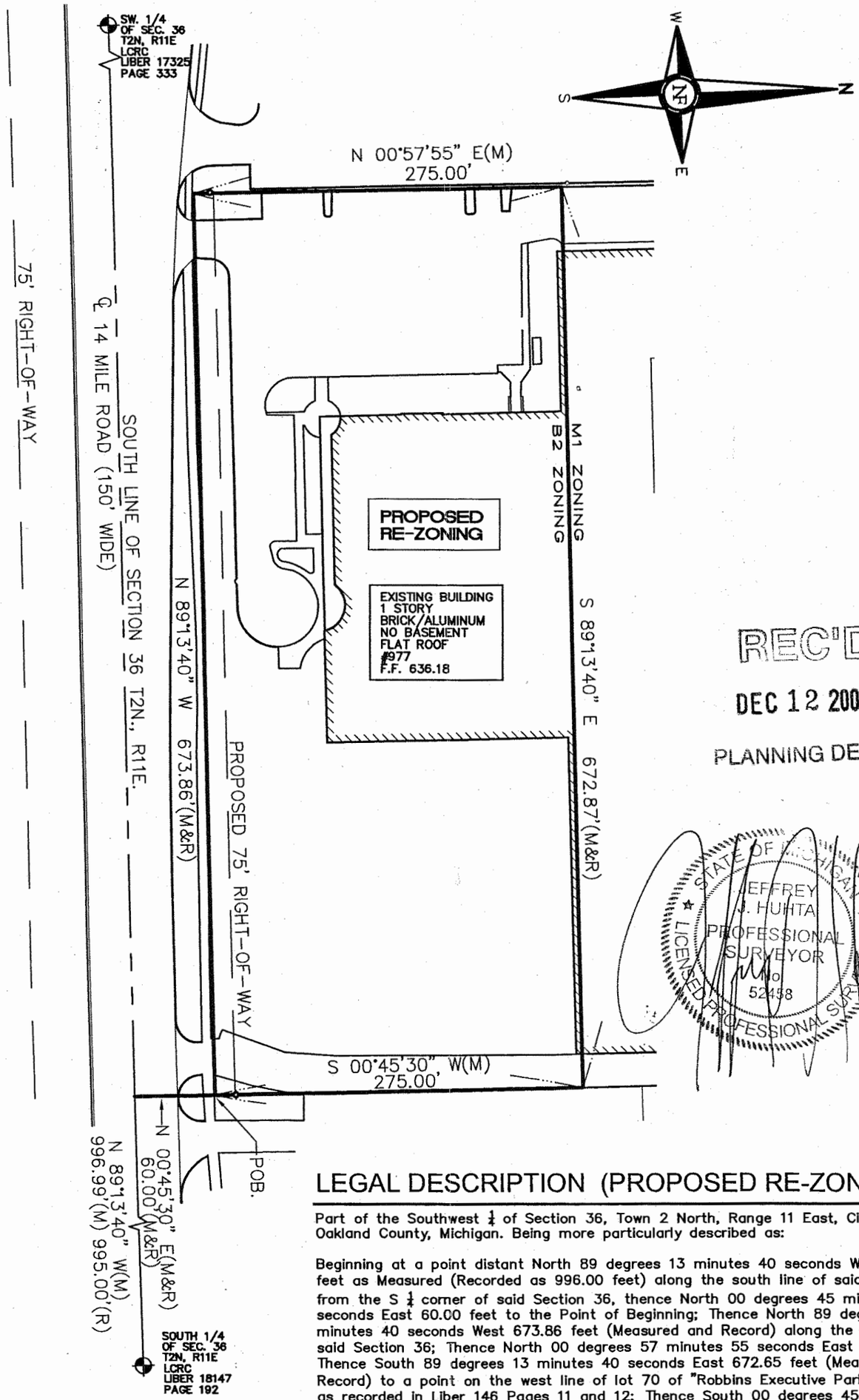
Attachments:
1. Maps.
2. Minutes from January 10, 2006 Planning Commission Regular meeting.
3. Letter from applicant, received by Planning Department December 7, 2005.

Prepared by RBS/MFM

cc: Applicant
File (Z 372-B)

G:\REZONING REQUESTS\Z-372 B 977-14 Mile Road Sec 36\CC Public Hearing 2 20 06.doc

Exhibit B
PROPOSED PARCEL RE-ZONING



REC'D
DEC 12 2005
PLANNING DEPT.

STATE OF MICHIGAN
JEFFREY J. HUHTA
PROFESSIONAL SURVEYOR
No. 52458
LICENSED PROFESSIONAL SURVEYOR

LEGAL DESCRIPTION (PROPOSED RE-ZONING)

Part of the Southwest ¼ of Section 36, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. Being more particularly described as:

Beginning at a point distant North 89 degrees 13 minutes 40 seconds West 996.99 feet as Measured (Recorded as 996.00 feet) along the south line of said Section 36 from the S ¼ corner of said Section 36, thence North 00 degrees 45 minutes 30 seconds East 60.00 feet to the Point of Beginning; Thence North 89 degrees 13 minutes 40 seconds West 673.86 feet (Measured and Record) along the south line of said Section 36; Thence North 00 degrees 57 minutes 55 seconds East 275.00 feet; Thence South 89 degrees 13 minutes 40 seconds East 672.65 feet (Measured and Record) to a point on the west line of lot 70 of "Robbins Executive Park East No. 5" as recorded in Liber 146 Pages 11 and 12; Thence South 00 degrees 45 minutes 30 seconds West 275.00 feet to the Point of Beginning.

Containing 184,978.75 S.F. or 4.25 Acres and subject to easements and restrictions of record.

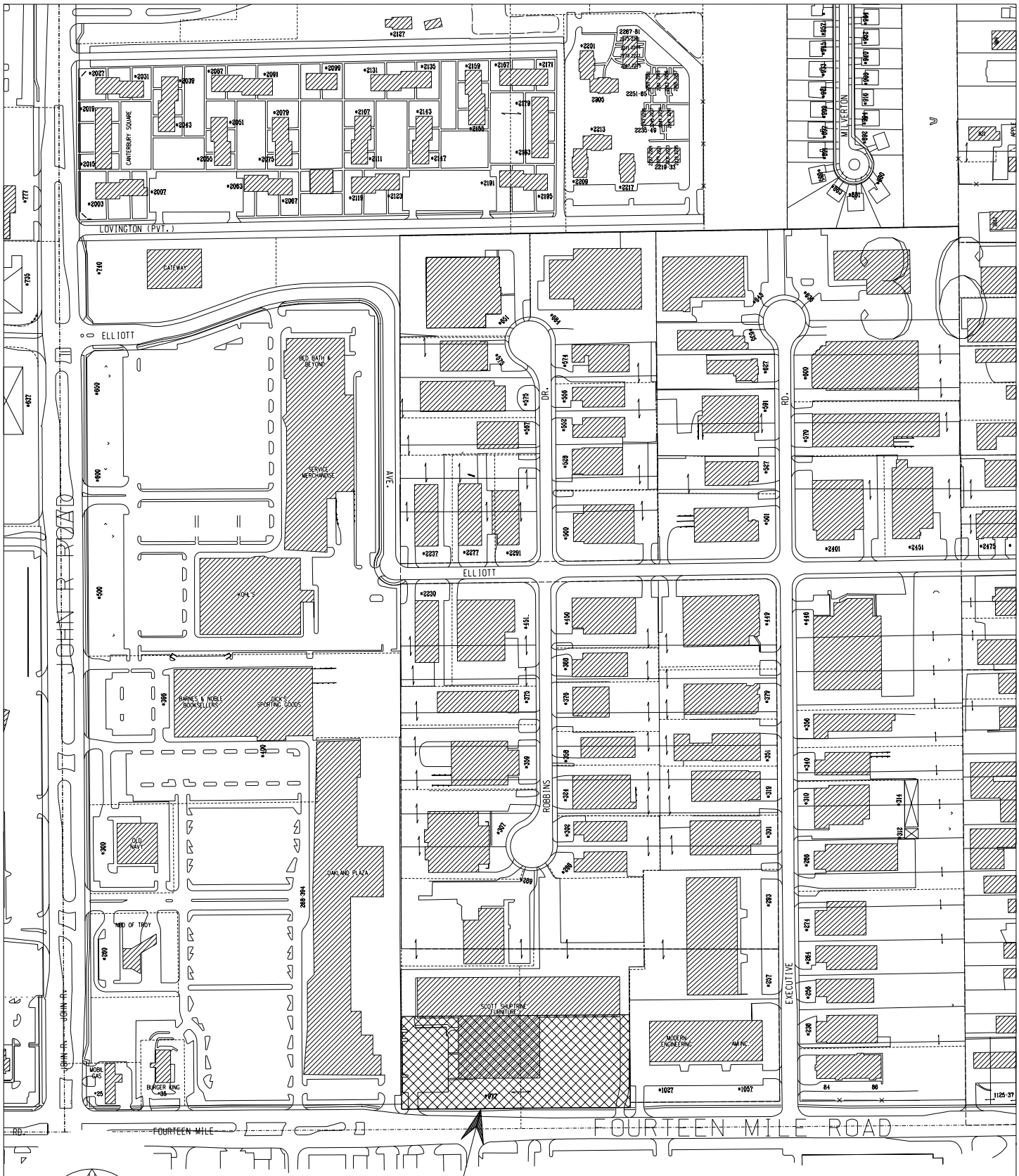
NOWAK & FRAUS
Consulting Engineers • Land Surveyors • Land Planners
46777 Woodward Avenue
Pontiac, Michigan 48342
Tel. (248) 332-7931
Fax. (248) 332-8257

SCALE	DATE	DRAWN	JOB No.	SHEET
1" = 100'	11/30/05	AC	E243	1 OF 1

CITY OF TROY

PREPARED BY CITY OF TROY PLANNING DEPT.

REZONING REQUEST
FROM B-2 TO M-1
N SIDE OF FOURTEEN MILE RD, E OF JOHN R
SEC. 36 (Z-372 B)
ROBBINS
EXECUTIVE
JOHN R
E FOURTEEN MILE
REZONING REQUEST
FROM B-2 TO M-1



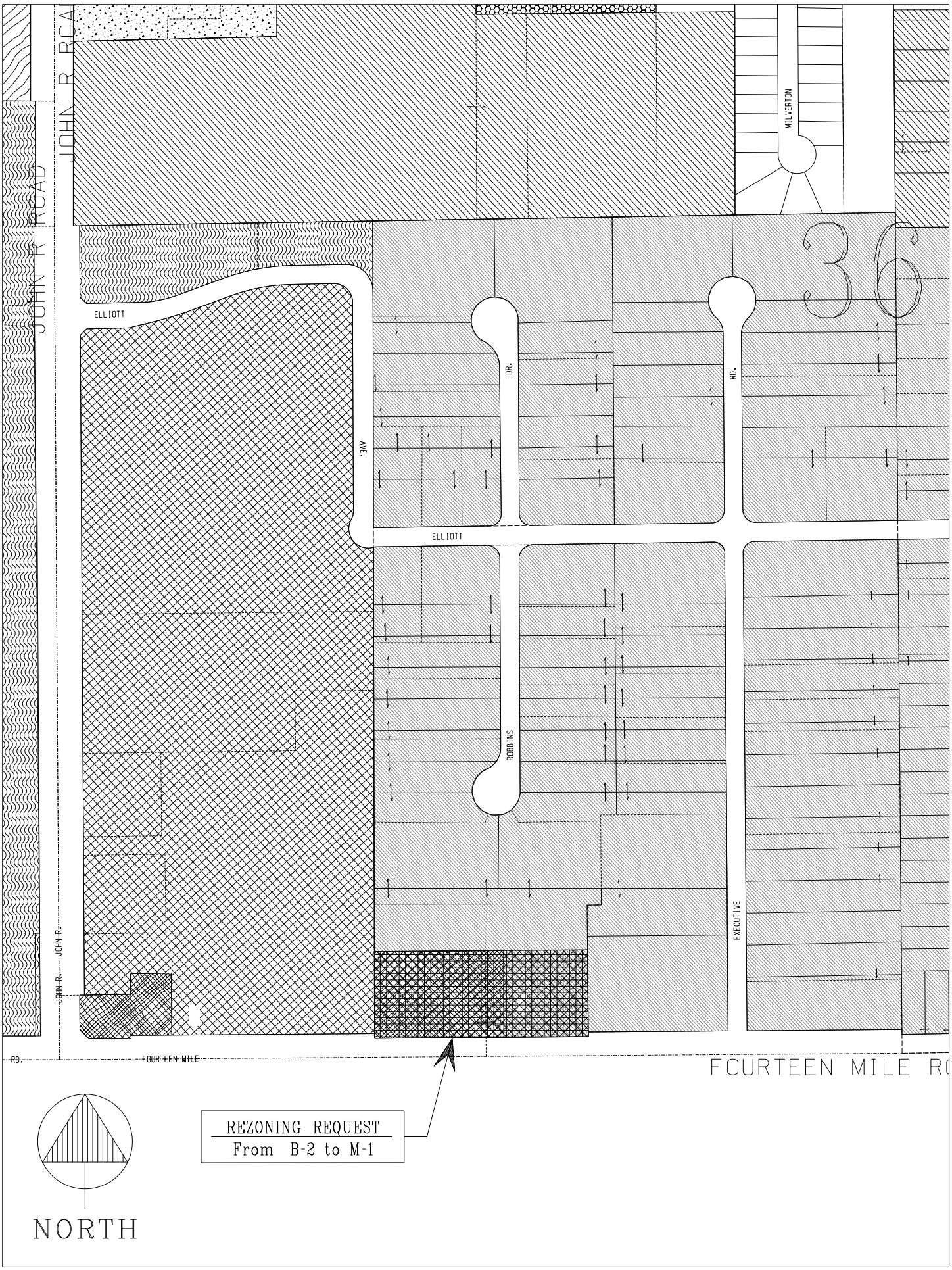
REZONING REQUEST
From B-2 to M-1

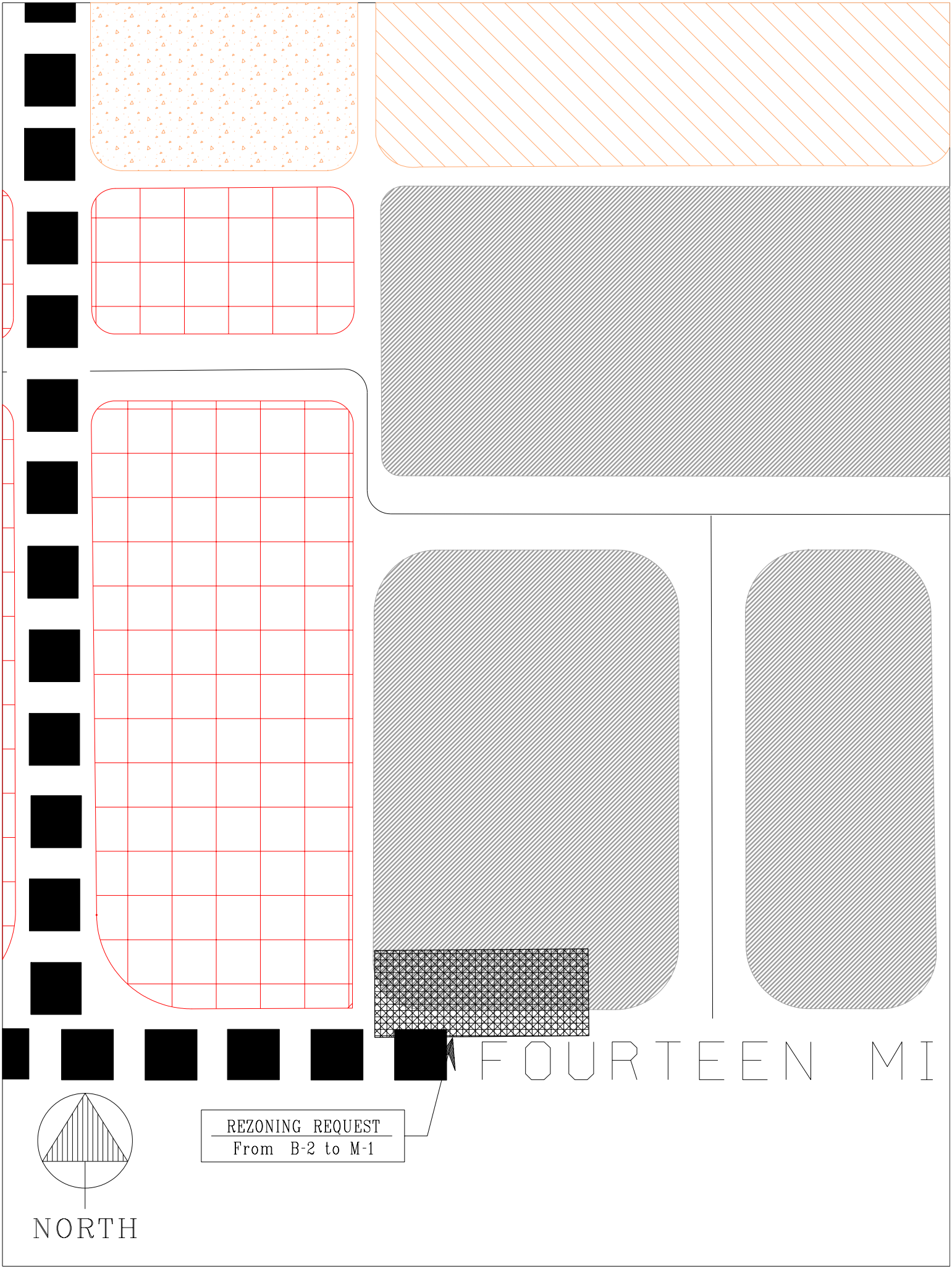
NORTH

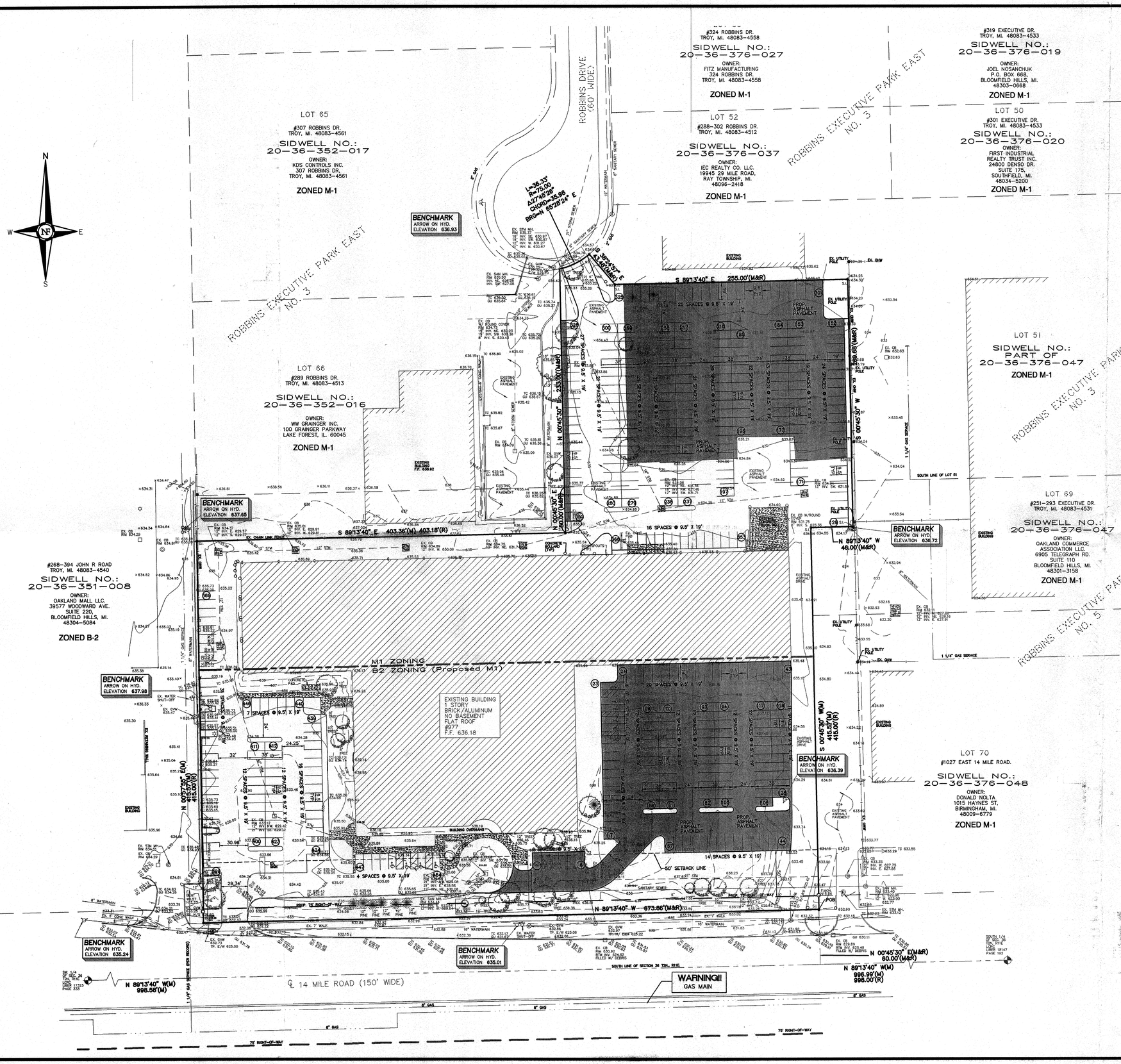
- REPRESENTS NON-RES. STRUCTURE OF NEWER CONSTRUCTION, IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES ON SITE OR LAYOUT OF STRUCTURES

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

Z-372 B / SEC. 36 / 12-15-05


JOHN R ROAD
JOHN R. RD.
MILVERTON
ELLIOTT
AVE.
DR.
RD.
ELLIOTT
ROBBINS
EXECUTIVE
FOURTEEN MILE
FOURTEEN MILE RO
REZONING REQUEST
From B-2 to M-1
NORTH


FOURTEEN MI
REZONING REQUEST
From B-2 to M-1
NORTH



SITE DATA

1. TOTAL SITE AREA IS 8.40 ACRES.
2. USABLE SITE AREA, EXCLUDING ROAD RIGHTS-OF-WAY, IS 8.17 ACRES.
3. EXISTING SITE ZONING IS II (INDUSTRIAL IMPROVED).
4. EXISTING BUILDING AREA IS 173,000 GROSS SQUARE FEET (GSF).
5. TOTAL PROPOSED PARKING : 454 SPACES.
6. FRONT-AND SIDE YARD GREEN SPACE = 10.54% OF NET SITE AREA

A. 90° ANGLE PARKING SPACES SHALL BE 9.5 FEET X 19 FEET, WITH 24' WIDE MANEUVERING LANES.

NOWAK & FRAUS

Consulting Engineers
Land Surveyors
Land Planners

46777 Woodward Avenue
Pontiac, Michigan 48342

Tel. (248) 332-7931
Fax. (248) 332-8257

PROJECT
997 East 14 Mile Road
Troy, Michigan

CLIENT
Allegra Development

PROJECT LOCATION
Part of the SW. 1/4 of Section 36 T.2 North, R. 11 East City of Troy, Oakland County, Michigan

SEAL
STATE OF MICHIGAN
PATRICK WILLIAMS
ENGINEER NO. 47351
LICENSED PROFESSIONAL ENGINEER

DATE/ REVISION

REC'D
DEC - 7 2005
PLANNING DEPT

SHEET
Preliminary Site Plan

DRAWN BY: AC
DESIGNED BY: PJW
APPROVED BY: PJW
DATE: 11/18/05
SCALE: 1"=50'
N/F JOB NO. E243-P-SITE
SHEET NO. 2

7. PUBLIC HEARING – PROPOSED REZONING (Z 372-B) – Proposed Industrial Use of Existing Building, North side of Fourteen Mile Road, East of John R (977 E. Fourteen Mile Road), Section 36 – From B-2 (Community Business) to M-1 (Light Industrial) District

Chair Strat advised the petitioner that five (5) affirmative votes are required for a recommendation of approval of the rezoning request, and the petitioner has the option to postpone the item prior to the presentation to the Planning Commission.

The petitioner, John Secco of 1040 Devonshire, Grosse Pointe, was present and indicated he would like to go forward with the proceeding.

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

Mr. Secco said the subject property that is zoned commercial and industrial must be zoned completely industrial in order for the prospective user to occupy the space legally.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2006-01-007
Moved by: Schultz
Seconded by: Vleck

RESOLVED, That the Planning Commission hereby recommends to the City Council that the B-2 to M-1 rezoning request, located on the north side of Fourteen Mile, east of John R, within Section 36, being approximately 4.25 acres in size, be granted.

Yes: All present (7)
No: None
Absent: Khan, Waller

MOTION CARRIED

STATEMENT TO ZONING REQUEST

The subject property contains an approximately 173,000 square foot building that was formerly occupied by Scott Shuptrine. The rear portion of the building and property is zoned M-1 and the front portion of the building and property is zoned B-3. The applicant desires to rezone the entire property to M-1, in order to fully utilize the building for M-1 uses.

Given that a significant portion of the property is currently zoned M-1, rezoning the remainder to the property to M-1 will allow the entire property to be utilized on a consistent basis for M-1 uses and such zoning is and will continue to be compatible with existing and surrounding land uses.

REC'D
DEC - 7 2005
PLANNING DEPT.

Z 372-B
C-1

Paula P Bratto

From: Don Nolta [dnolta7849@wowway.com]
Sent: Tuesday, February 14, 2006 8:56 PM
To: Paula P Bratto
Subject: Request of 977 14 Mile Assn LLC to rezone the following described property to M-1.

RE: Rezoing T2N, R11E, SW 1/4 of Section 36 to M-1. (977 E. 14 Mile Rd)

As the owner of the property located at 1027 E. Fourteen Mile Road, I strongly object to the proposal to change the above captioned property zoning to M-1 (light industrial). There is an abundance of property in the area that is already zoned M-1. I feel that the M-1 market in this area of the county is already saturated and that it would not be beneficial to the city or other property owners as the change to M-1 could create more vacancies. Also, the site plan proposed only a 10' green belt from 14 Mile Road whereby the requirement is a 50' setback free of parking or aisles. This change to 10' would deteriorate the aesthetics of the 14 Mile area and should not be granted.

Donald C. Nolta
248-642-5885

DATE: February 7, 2006

TO: John Szerlag, City Manager

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

SUBJECT: AGENDA ITEM – PUBLIC HEARING – REZONING APPLICATION – Proposed Medical Office, East side of Stephenson Highway, South side of Maple, West of I-75, Section 35 – R-C to O-M (Z 286-B)

RECOMMENDATION

The rezoning application is consistent with the intent of the Future Land Use Plan and compatible with abutting zoning districts and uses. The Planning Commission recommended approval of the rezoning request at the January 10, 2006 Regular meeting. City Management concurs with the Planning Commission and recommends approval of the rezoning request.

GENERAL INFORMATION

Name of Owner / Applicant:
The owner and applicant is Michael A. Herbert of the University Physician Group.

Location of Subject Property:
The property is located on the east side of Stephenson Highway, south side of Maple, west of I-75, in Section 35.

Size of Subject Parcel:
The parcel is approximately 11.355 acres in area.

Current Use of Subject Property:
A vacant 4-story office building presently sits on the property.

Current Zoning Classification:
R-C Research Center.

Proposed Zoning of Subject Parcel:
O-M Office Mid-Rise.

Proposed Uses and Buildings on Subject Parcel:
The application indicates that proposed uses include a medical office building, an ambulatory surgery center, a diagnostic center and related permitted uses within the existing building.

Current Use of Adjacent Parcels:
North: Hotel and restaurant.
South: Office.
East: Light industrial and mini warehouse.
West: Office and gas station.

Zoning Classification of Adjacent Parcels:
North: B-3 General Business.
South: R-C Research Center.
East: M-1 Light Industrial.
West: O-M Office Mid Rise and H-S Highway Service.

ANALYSIS

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

PRINCIPAL USES PERMITTED:

Any use permitted as a principal use in the O-1 Office Building.

Data processing and computer centers, including sales, service and maintenance of electronic data processing equipment.

Any use charged with the principal function of office-type research or technical training.

Other uses similar to the above uses.

Accessory structures and uses customarily incident to the above permitted uses.

USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses shall be permitted provided they are included in the office use structure or other principal structures as indicated in Section 25.20.00 "Principal Uses Permitted", or are attached to such structures by means of a fully enclosed structural attachment, and therefore shall not be permitted as freestanding structures. Such secondary structures shall be designed so as to provide a logical extension of the floor plan of the principal structures, and shall utilize exterior materials similar to or harmonious with such principal structures.

A) Personal service establishments which perform services on the premises including, but not limited to: barber shops, beauty parlors, tailor shops, and photographic studios.

B) Retail business establishments which supply commodities on the premises including, but not limited to: millinery shops, clothing shops,

shoe shops, pharmacy or apothecary shops, interior decorating shops, flower shops, office supply and stationery shops, notion and gift shops.

C) Restaurants or other places serving food or beverage, except those having the character of an open front store, drive-in or carry-out establishment so called.

D) Entertainment and recreation facilities including, but not limited to: theaters, auditoriums, sports and health facilities.

E) Clubs, fraternal organizations and service clubs whose activities are not carried on as a business.

Such uses shall, in total, occupy no more than twenty (20) percent of the floor area of the building complex of which they are a part.

Utility sub-stations, transformer stations or gas regulator stations (without storage yards).

USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL:

Hotels or motels may be permitted by the City Council, following a report and recommendation by the Planning Commission.

Outside seating, assembly, and activity areas for restaurants and hotels, may be permitted by the City Council.

Mechanical or laboratory research involving testing or evaluation of products, or prototype or experimental product or process development.

Vehicular and Non-motorized Access:
Access to the property is provided from Stephenson Highway and Maple Road.

Potential Storm Water and Utility Issues:
The applicant proposes no additional construction on the property.

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

Compliance with Future Land Use Plan:
The Future Land Use Plan classifies this parcel as Office/Research. The Research classification has a primary correlation with the R-C District and a secondary correlation with the M-1, O-1, O-M and O-S-C Districts. The application is therefore consistent with the Future Land Use Plan. The area was designated Light Industrial on the Master Land Use Plan in 1965, designated Industrial/Research on the 1971 Plan and then designated Office/Research on the 2002 Future Land Use Plan.

Compliance with Location Standards:
The location standards for the O-M Office Mid-Rise District in Article 25.40.00 may be applied when the application of such a classification is consistent with the intent of the Master Land Use Plan, and therefore involves (1) Areas indicated as mid-rise office (Article 25.40.02) or (2) Areas designated for higher intensity office development, when it is determined that the total community would be more effectively and property served by the application of O-M zoning than by the application of a more intense office district (Article 25.40.03).

While the property is not classified as mid-rise office on the Future Land Use Plan, the property is classified as Office/Research, which correlates with the O-M district. The application is consistent with the intent of the Future Land Use Plan.

Attachments:

1. Maps.
2. Minutes from January 10, 2006 Planning Commission Regular meeting.
3. Letter from applicant dated December 9, 2005.

Prepared by RBS, MFM

cc: Applicant
File (Z 286-B)

G:\REZONING REQUESTS\Z-286 B Proposed Medical Office Sec 35\CC Public Hearing 2 20 06.doc

CERTIFIED SURVEY

PROPERTY DESCRIPTION:
SEE SHEET 2 OF 2

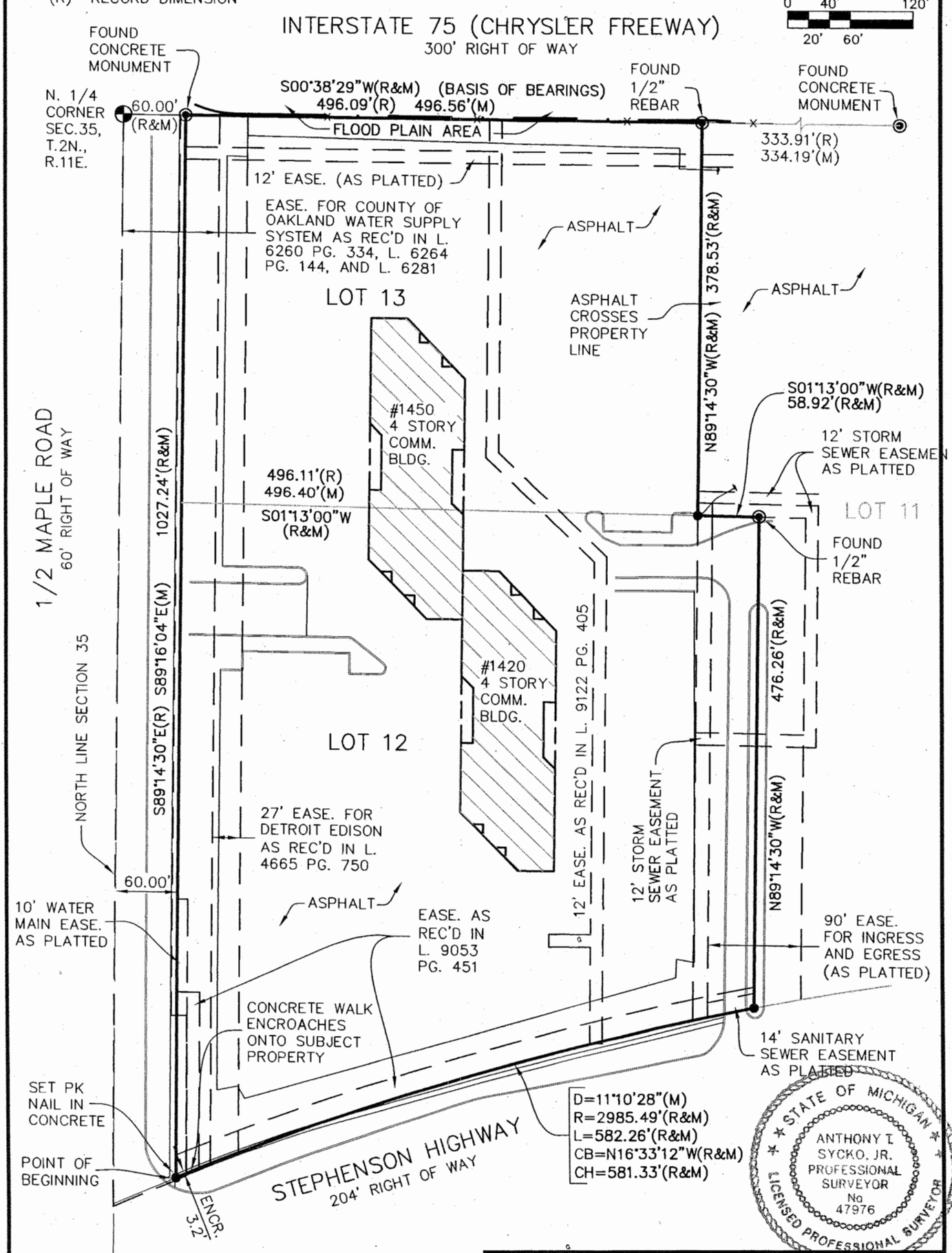
REC'D
DEC 27 2005
PLANNING DEPT.

NORTH

SCALE: 1"=120'
0' 40' 120'
20' 60'

LEGEND

- ● SET 1/2" REBAR WITH CAP, #47976
- ◉ FOUND MONUMENT (AS NOTED)
- (M) MEASURED DIMENSION
- (R) RECORD DIMENSION



STATE OF MICHIGAN
ANTHONY T. SYCKO, JR.
PROFESSIONAL SURVEYOR
No. 47976
LICENSED PROFESSIONAL SURVEYOR

I HEREBY CERTIFY THAT I HAVE SURVEYED THE LAND HEREIN PLATTED AND DESCRIBED AND THAT THE RATIO OF CLOSURE IS NO GREATER THAN 1 IN 5000 AND MEETS THE REQUIREMENTS OF PUBLIC ACT 132 OF 1970.

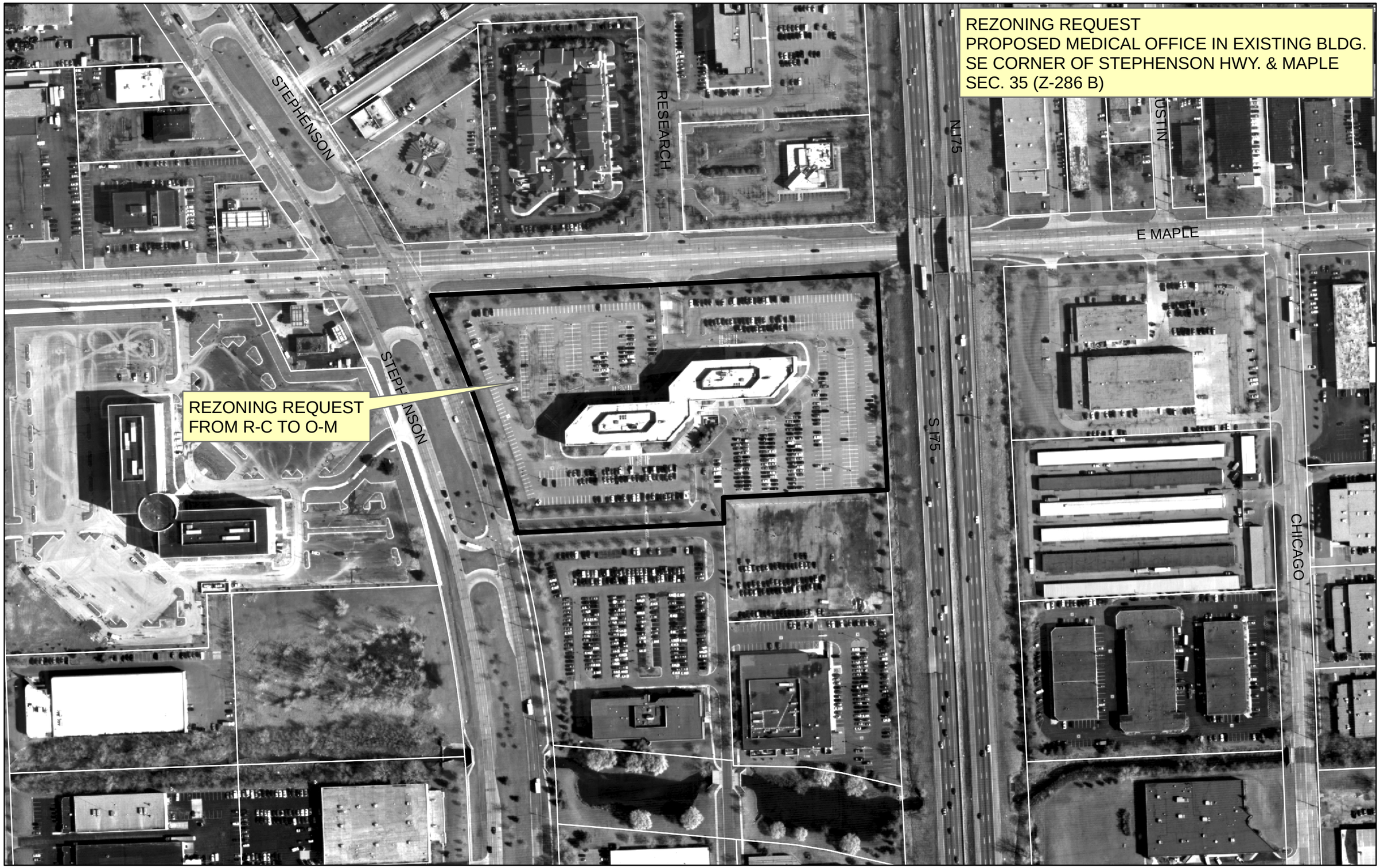
ANTHONY T. SYCKO, JR., P.S. NO. 47976

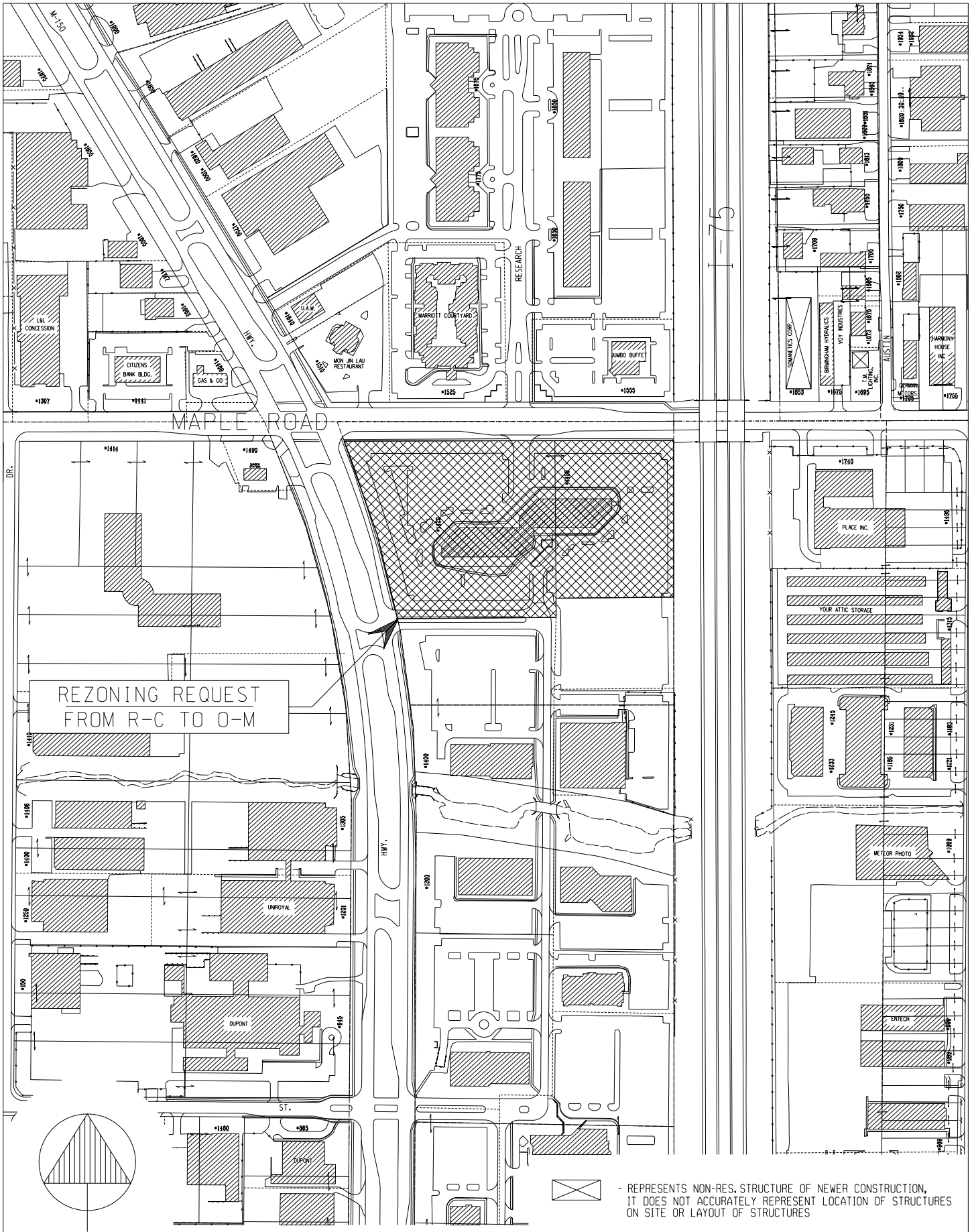
KEM-TEC & ASSOCIATES
22556 GRATIOT AVE. EASTPOINTE, MI 48021
(586)772-2222 * FAX (586)772-4048

CERTIFIED TO: UNIVERSITY PHYSICIAN GROUP	
FIELD SURVEY: KB JO	DATE: DECEMBER 19, 2005
DRAWN BY: JRA	SHEET: 1 OF 2
SCALE: 1" = 120'	JOB NO.: 05-37052

CITY OF TROY

PREPARED BY CITY OF TROY PLANNING DEPT.


REZONING REQUEST
PROPOSED MEDICAL OFFICE IN EXISTING BLDG.
SE CORNER OF STEPHENSON HWY. & MAPLE
SEC. 35 (Z-286 B)
REZONING REQUEST
FROM R-C TO O-M
STEPHENSON
STEPHENSON
RESEARCH
N I75
S I75
E MAPLE
CHICAGO



- 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-286 B / SEC. 35 / 12-20-05

M-50
HWY.
RESEARCH
I-75
AUSTIN
MAPLE ROAD
MAPLE ROAD
DR.
REZONING REQUEST
FROM R-C TO O-M
HWY.
ST.
NORTH
R·1E

REZONING REQUEST
FROM R-C TO O-M
HIGHWAY
I-75 FREEWAY
35
NORTH

MORTGAGE SURVEY

Certified to: LASALLE BANK MIDWEST NATIONAL ASSOCIATION, METROPOLITAN TITLE COMPANY, AND UNIVERSITY PHYSICIAN GROUP

Applicant: UNIVERSITY PHYSICIAN GROUP

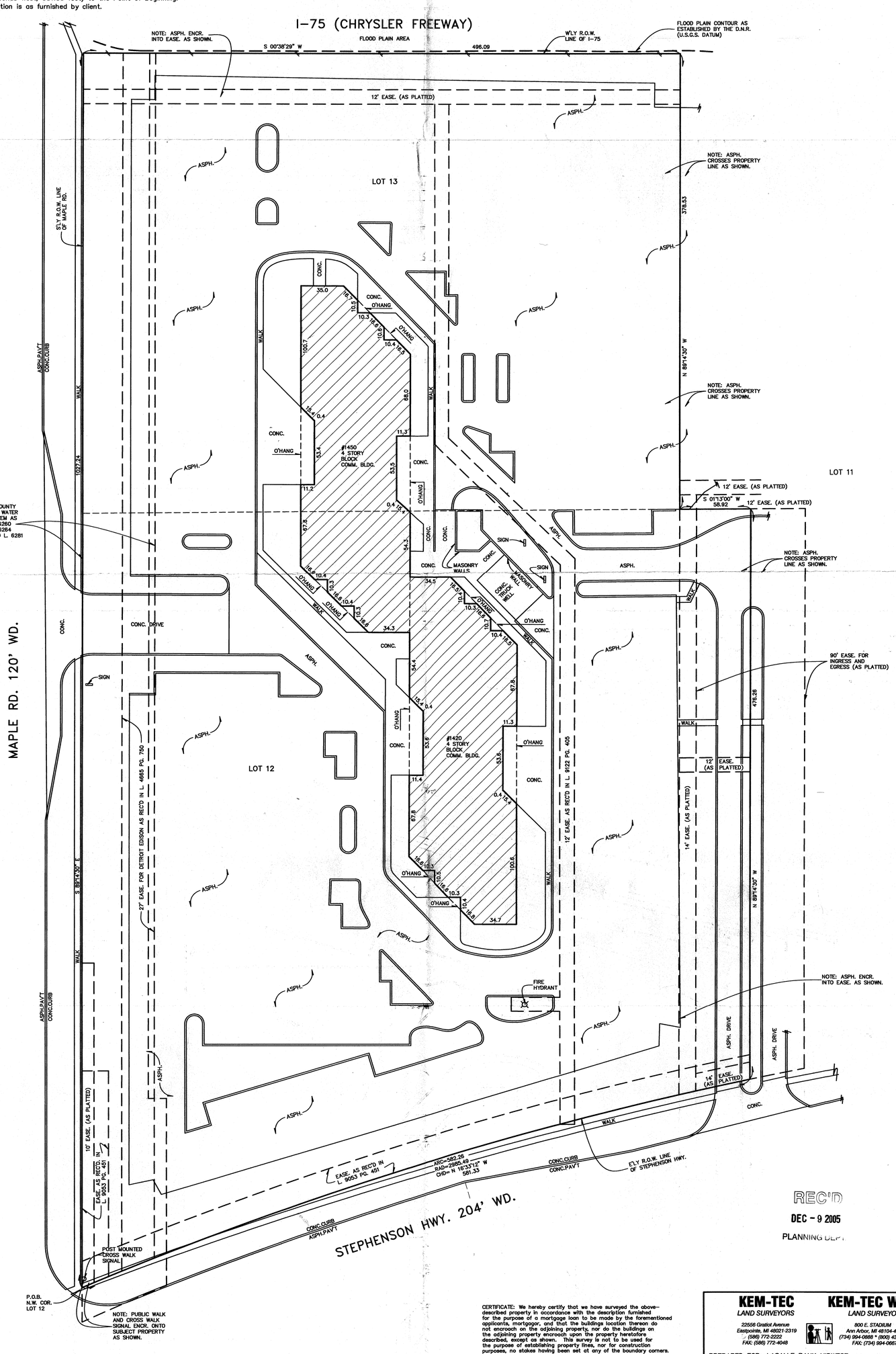
Property Description:

Land situated in the City of Troy, Oakland County, Michigan, described as:
Lots 12 and 13, ROBBINS EXECUTIVE PARK WEST NO. 4, part of the North 1/2 of Section 13, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, according to the plat thereof recorded in Liber 177 of Plats, Pages 14, 15 and 16, Oakland County Records, more particularly described as: Beginning at the Northwest corner of Lot 12; thence South 89 degrees 14 minutes 30 seconds East 1,027.24 feet along the Southerly right-of-way line of Maple Road (120 feet wide); thence South 00 degrees 38 minutes 29 seconds West, 496.09 feet along the Westerly right-of-way of I-75 (300 feet wide); thence North 89 degrees 14 minutes 30 seconds West, 378.53 feet; thence South 01 degrees 13 minutes 00 seconds West, 58.92 feet; thence North 89 degrees 14 minutes 30 seconds West, 476.26 feet; thence along the Easterly right-of-way line of Stephenson Highway (204 feet wide), Northerly 582.26 feet along the arc of a curve to the left (radius 2,985.49 feet, central angle of 11 degrees 16 minutes 36 seconds, chord bears North 16 degrees 33 minutes 12 seconds West, 581.33 feet) to the Point of Beginning.
Note: The property description is as furnished by client.

NOTE: COMMON AREA EASEMENT AS RECORDED IN LIBER 6049 PAGE 328 DOES NOT CROSS SUBJECT PROPERTY, THEREFORE IT IS NOT SHOWN ON THIS SURVEY.

NOTE: A BOUNDARY SURVEY IS NEEDED TO DETERMINE EXACT SIZE AND/OR LOCATION OF PROPERTY LINES, AND TO DETERMINE THE EXACT AMOUNT OF ENCROACHMENT.

NORTH



REC'D
DEC - 9 2005
PLANNING DEPT.

CERTIFICATE: We hereby certify that we have surveyed the above-described property in accordance with the description furnished for the purpose of a mortgage loan to be made by the forementioned applicants, mortgagor, and that the buildings location thereon do not encroach on the adjoining property, nor do the buildings on the adjoining property encroach upon the property heretofore described, except as shown. This survey is not to be used for the purpose of establishing property lines, nor for construction purposes, no stakes having been set at any of the boundary corners.

THIS SURVEY DRAWING IS VOID IF THE PROFESSIONAL SEAL IS NOT IN BLUE INK.

KEM-TEC
LAND SURVEYORS
22556 Gratiot Avenue
Eastpointe, MI 48021-2319
(586) 772-2222
FAX: (586) 772-4048

KEM-TEC WEST
LAND SURVEYORS
800 E. STADIUM
Ann Arbor, MI 48104-4355
(734) 994-0888 * (800) 433-6133
FAX: (734) 994-0887

PREPARED FOR: LASALLE BANK MIDWEST

DATE: 11/03/05	JOB #: 05-33532
SCALE: 1"=40'	REV.: 11-22-05
DRW. BY: BA	REV.:

8. PUBLIC HEARING – PROPOSED REZONING (Z 286-B) – Proposed Medical Office in Existing Building, Southeast corner of Maple Road and Stephenson Hwy (1420-1450 Stephenson Hwy), Section 35 – From R-C (Research Center) to O-M (Office Mid-rise) District

Chair Strat advised the petitioner that five (5) affirmative votes are required for a recommendation of approval of the rezoning request, and the petitioner has the option to postpone the item prior to the presentation to the Planning Commission.

Mr. Miller provided further clarification on the approval process, at the request of the petitioner.

Mr. Savidant presented a summary of the Planning Department report for the proposed rezoning request and reported that it is the recommendation of City Management to recommend approval of the rezoning request.

Mark Adams, Attorney, 201 W. Big Beaver Road, Troy, was present to represent the petitioner, and indicated the petitioner would continue with the proceeding. Mr. Adams said the University Physician Group plans to invest an additional $47 million in the project that would provide over 150 new jobs at the site. He said it is an incredible opportunity for both the owner and the City, and asked for favorable approval of the request. Mr. Adams offered to share presentational material on the proposed development.

Cynthia Sikina, Chief Financial Officer for University Physician Group, 550 E. Canfield, Detroit, was present also. Ms. Sikina said the investment is an effort to develop an ambulatory care facility that would better serve their patients. She said the University Physician Group currently practices medicine at 135 sites in the tri-county area, and the new development would benefit patients in the area as well as make their presence in the community more logical.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2006-01-008
Moved by: Wright
Seconded by: Schultz

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-C to O-M rezoning request, located on the southeast corner of Maple Road and Stephenson Highway, within Section 35, being approximately 11.5 acres in size, be granted.

Yes: All present (7)
No: None
Absent: Khan, Waller

MOTION CARRIED

HALL,
RENDER, KILLIAN,
HEATH & LYMAN

Attorneys at Law

Professional Limited Liability Company

201 West Big Beaver Road
Columbia Center, Suite 315
Troy, Michigan 48084
(248) 457-7505 Fax: (248) 740-7501

Mark R. Adams, Esq.
madams@HallRender.com
Direct Dial: (248) 457-7868

December 9, 2005

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

RECEIVED
DEC - 9 2005
PLANNING

Re: University Physician Group
1420-1450 Stephenson Hwy. in Troy
Property Tax I.D. No. 20-35-126-026
Rezoning Request
Our File No. 998121-000001

Dear Planning Department Representatives:

We are writing on behalf of University Physician Group ("UPG"), in connection with the City of Troy Rezoning Request (the "Request") filed today by UPG regarding 1420-1450 Stephenson Hwy. in Troy (the "Property"). UPG purchased the Property, currently zoned R-C, from Robbins Investments 1420 L.L.C. on November 30, 2005. UPG intends to utilize the Property for a medical office building, an ambulatory surgery center, a diagnostic center and related uses permitted in the O-M zoning class. To facilitate these uses, a rezoning from R-C to O-M is required. For the reasons very briefly set forth below, in UPG's opinion, the change requested is necessary for the preservation and enjoyment of substantial property rights. Further, such change will not be detrimental to the property rights of other persons located in the vicinity thereof.

1. Although UPG plans to make modifications to the interior of the building located on the Property to fit its intended purposes, UPG does not plan to materially expand the building's footprint or construct any new buildings on the Property. Further, UPG does not plan that the number of employees working at the site will materially exceed the number of General Motors Corporation and Saturn Corporation employees that historically worked at the Property. Any changes to these plans will, of course, be subject to applicable Troy ordinances and other City requirements.

2. The Property was originally zoned O-M before it was rezoned to R-C in the 1990s to accommodate the research facility needs of General Motors and Saturn. In addition, the requested rezoning complies with the City of Troy's current Future Land Use Plan. Therefore, rezoning the Property back to O-M is completely consistent with the City's long-term planning for the Property.

3. Prior to UPG's purchase of the Property on November 30, 2005, the Property was vacant for many months due to the prior owner's repeated inability to either sell or lease the Property. Rezoning of the Property will facilitate UPG's creation of many new jobs at the Property site and will generate significant commerce for the Troy business community.

4. Without the rezoning from R-C to O-M, UPG will be unable to utilize a significant portion of the Property for its intended uses, which would impose severe economic and business burdens on UPG. UPG may be required to lease a portion of the Property to one or more tenants whose uses, although permitted under R-C, would not be so beneficial to the community as UPG's health care related uses. Further, without the requested rezoning, UPG might be required to resell the Property in a very weak real estate market, possibly at a significant loss.

5. The rezoning will not negatively impact the Property, the Robbins Executive Office Park, the neighborhood, the City of Troy or its residence and visitors in any manner. In fact, all these areas and persons will benefit from the rezoning.

Please process UPG's Rezoning Request in the customary manner and approve the request. If you have any questions regarding these matters, please contact me.

Very truly yours,

HALL, RENDER, KILLIAN, HEATH & LYMAN, PLLC

Mark R. Adams

Mark R. Adams

MRA/pps

c: Mr. Michael A. Herbert
Kimberly J. Commins, Esq.

RECEIVED
DEC - 9 2005
PLANNING

Paula P Bratto

From: jim thagard [jimthagard2002@yahoo.com]
Sent: Friday, February 10, 2006 2:52 PM
To: Paula P Bratto
Subject: public hearing

I'm writing to you regarding the rezoning of T2N,R11E,N1/2of section 35. We are property owners of 1555 E. Maple and with the current economy and extensive vacancy in Troy we would like to see development done by the University Physician group. It seems to us that a major development like this can only help the area that really seems to be suffering. Thank you! Wendy M. Thagard

---

Do You Yahoo!?
Tired of spam? Yahoo! Mail has the best spam protection around
http://mail.yahoo.com

January 28, 2006

To: John Szerlag, City Manager

From: John Lamerato, Assistant City Manager – Finance/Administration
Nino Licari, City Assessor

Re: Agenda Item – Public Hearing for Michigan NextEnergy Exemption of alternative energy Personal Property at 1100 W Maple, Troy MI.

Recommendation:

Staff recommends that you present the attached Resolution to City Council affirming a Michigan NextEnergy Exemption for alternative energy Personal Property located at 1100 W. Maple, Troy, MI.

Detail:

The Michigan NextEnergy Authority (MNEA) was created by Public Act 549 of 2002. They are charged with certifying alternative energy businesses, and alternative energy Personal Property.

Under provisions of the Act, alternative energy personal property (as certified by the local Assessor) purchased between 2002 and 2011 (since amended to extend to 2013) may be exempt from taxation through the process of eliminating some, or all, millages from being levied against the property.

The Act provides that local taxing authorities may 'opt out' of the exemption process by passing a resolution to 'opt out' within 60 days of receipt of the MNEA certifying resolution. (Local taxing authorities include city, township, village, county, community college, intermediate schools, local schools, transportation authority, etc.)

United Solar Ovonic Corporation has received certification from MNEA as an alternative energy company, and have applied for an exemption of Personal Property not to exceed $78,960.17 at their location at 1100 W. Maple in Troy.

The not to exceed number is due to the fact that not all of their purchases were complete, and delivered as of the MNEA application deadline in October 2005, for the hearing in December. The City Assessor will verify by the 2006 Personal Property return if any, or all of the purchases were complete as of December 31, 2005.

As shown on the attached chart, the total City exemption over the 8 years of the exemption would be approximately $1,989.73 (including administration fees).

NL/nl

MICHIGAN ECONOMIC DEVELOPMENT CORPORATION

300 N. WASHINGTON SQ.
LANSING, MI 48913

CUSTOMER
CONTACT CENTER
517 373 9808

WWW.MICHIGAN.ORG

EXECUTIVE COMMITTEE
MATTHEW P. CULLEN
Chair
General Motors

PHILIP H. POWER
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HCN, Inc.

JAMES C. EPOLITO
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RICHARD E. BLOUSE JR., CCE
Detroit Regional Chamber
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DR. HAIFA FAKHOURI
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Chaldean Council
STEVEN K. HAMP
The Henry Ford
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DTE Energy Company
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Michigan Department of
Labor & Economic Growth
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MICHAEL J. JANDERNOA
Bridge Street Capital
Partners, LLC.
MAYOR ROBERT B. JONES
City of Kalamazoo
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The Right Place, Inc.
DR. IRVIN D. REID
Wayne State University
RICHARD SHOEMAKER
UAW International
S. MARTIN TAYLOR
Detroit Renaissance
GARY TORGOW
Sterling Group
PETER S. WALTERS
Guardian Industries Corp.

January 9, 2006

RECEIVED
JAN 12 2006
CITY OF TROY
ASSESSING DEPT.

Leger A. Licari
Assessor
City of Troy
500 W. Big Beaver
Troy, Michigan 48084

Dear Mr. Licari:

The Michigan NextEnergy Authority (MNEA) is charged by law (Public Act 593 of 2002) with the certification of alternative energy technology businesses and alternative energy personal property (Public Act 549 of 2002). The MNEA is also charged with notifying the assessors and treasurers of the local tax collecting unit and the secretary of the school district, in which the property is located, of such certification.

The enclosed resolution, certifying the attached list of personal property of United Solar Ovonic Corporation as Alternative Energy Personal Property exempt from certain property taxes, was adopted at a meeting of the MNEA held on December 20, 2005. As indicated in the enclosed resolution, the maximum value of the exempted property located in Troy is $78,960 and is subject to the assessor's concurrence.

The City of Troy has sixty days from receipt of this letter in which to adopt a resolution to opt-out of the exemption of the alternative energy personal property from local personal property taxes.

The Troy Public Schools also have sixty days from receipt of this letter in which to adopt a resolution to opt out of specific school-related taxes levied against the personal property.

Personal property acquired by United Solar Ovonic Corporation prior to January 1, 2013 may be eligible for certification as Alternative Energy Personal Property by the MNEA in future years. The City of Troy and Troy Public Schools will be notified of any future certification and will have sixty days in which to adopt a resolution to opt-out of the exemption on that personal property.

If you have questions, please contact me at 517-335-4418.

Sincerely,

Karen Ammarman

Karen Ammarman
Secretary to the MNEA Board

Enclosures

NOT TO EXCEED
78,960.17

28,960.17

CERTIFIED IN TROY
28-303-036
260T

300 N. WASHINGTON SQ.
LANSING, MI 48913
CUSTOMER
CONTACT CENTER
517 373 9808
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EXECUTIVE COMMITTEE
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Michigan Department of
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PETER S. WALTERS
Guardian Industries Corp.

MICHIGAN ECONOMIC DEVELOPMENT CORPORATION

Michigan NextEnergy Authority (MNEA)

Certificate

Resolution 2005-09

United Solar Ovonic Corporation

I, Karen Ammarman, Secretary to the MNEA Board, do hereby certify that the attached is a true and complete copy of a resolution adopted by the MNEA board at a meeting on December 20, 2005, and that public notice of said meeting was given pursuant to Act No. 24, Public Acts of Michigan, 1995, including the case of a special or rescheduled regular meeting, or a meeting recessed for more than 36 hours, notice by posting at least 18 hours prior to the time set for the meeting.

IN WITNESS WHEREOF, I have hereto affixed my signature this 22nd day of December, A.D. 2005

Karen Ammarman
Secretary to the MNEA Board

Carol Knobloch Johns
Carol Knobloch Johns, Recording Secretary
MNEA Board

Resolution 2005-09
Michigan NextEnergy Authority

United Solar Ovonic Corporation

At the meeting of the Michigan NextEnergy Authority (MNEA) held on December 20, 2005 in Lansing, Michigan.

WHEREAS, United Solar Ovonic Corp. (the "Company"), EIN 38-2940103, is a business entity located at 3800 Lapeer Road, Auburn Hills, Michigan 48326, that also has property located at 1100 W. Maple, Troy, Michigan 48084,

WHEREAS, on December 16, 2003, the Company was certified as an Alternative Energy Technology Business under the Michigan NextEnergy Authority Act, 2002 PA 593,

WHEREAS, an officer of the Company has certified in writing that the Company continues to be engaged solely in the research, development or manufacturing of the alternative energy technology described as the process of generating and putting into usable form the energy generated by an alternative energy system,

WHEREAS, the alternative energy technology is related to the alternative energy system known as a photovoltaic energy system,

WHEREAS, all personal property of an Alternative Energy Technology Business that has not previously been subject to collection of taxes, and has not previously been exempted from taxes, under the general property tax act is eligible for certification,

WHEREAS, the Company has provided lists of such property acquired, or to be acquired, at each of its locations in calendar year 2005, valued at a total of $226,137 that are attached to this resolution,

BE IT RESOLVED that the personal property listed on the attached schedules is certified as Alternative Energy Personal Property and is exempt from taxes levied before January 1, 2013, provided that the local Assessors determine that the property listed:

1) is properly classified as personal rather than real property
2) has not been previously subject to taxation under the general property tax act, and
3) has not previously been exempted from taxes under the general property tax act.

BE IT FURTHER RESOLVED that notices of these certifications will be forwarded to the Company, the secretaries of the local school districts, and the treasurers and assessors of the local tax collecting units in which the Company and the Alternative Energy Personal Property are located.

ADOPTED

AYES: Bo Garcia, David Hollister, Michael Kapp (acting for and on behalf of Gloria Jeff, authorization attached), Sande MacLeod, Faye Nelson (by telephone), Sandy Ring (acting for and on behalf of Jim Epolito, authorization attached), Scott Schrager (acting for and on behalf of Jay Rising, authorization attached).

NAYS: None.

December 20, 2005
Lansing, Michigan

Michigan NextEnergy Authority

2005 Alternative Energy Technology Business Personal Property Listing

Exempt Personal Property Information Attachment

If personal property is located in multiple townships, villages and/or cities, submit an Exempt Personal Property Information Attachment for each township, village or city.

If personal property is located in more than one school district within the same township, village or city, submit an Exempt Personal Property Information Attachment for each school district.

Business Name: United Solar Ovonic Corp.

School District Where Personal Property Listed on This Form Will Be Located on 12/31/2005: Troy

Date Acquired	Street Address Where Property Is Located	Description	Serial No.	New or Used*	Original Cost, Installed, Including Sales Tax and Freight
05/27/05	1100 West Maple Road Troy, MI 48084	Chemcut GSK Etch System	274-006	New	17,743.84
02/01/05	1100 West Maple Road Troy, MI 48084	HE Varian 979 Leak Detector	LLA5050	New	2,166.33
04/01/05	1100 West Maple Road Troy, MI 48084	Chiller Compressor, Condenser	250269CMO	New	9,050.00
2005	1100 West Maple Road Troy, MI 48084	Anticipated Purchases thru 12/31/2005	CANNOT CERTIFY UNKNOWN PURCHASES		50,000.00
			TOTAL		78,960.17

** If Personal Property is used (not new), attach an additional sheet listing the specifics of the acquisition, including property's previous location (city, township, etc.).*

28,960.17

28,960.17

Submit this Attachment with the corresponding 2005 Alternative Energy Te

NE 000 Alt

Michigan New Energy Authority

2005 Alternative Energy Technolo Business Personal Property Listing

Exempt Personal Property Information Attachment

If personal property is located in multiple townships, villages and/or cities, submit an Exempt Personal Property Information Attachment for each township, village or city.

If personal property is located in more than one school district within the same township, village or city, submit an Exempt Personal Property Information Attachment for each school district.

Business Name: United Solar Ovonic Corp.

School District Where Personal Property Listed on This Form Will Be Located on 12/31/2005: Pontiac

Date Acquired	Street Address Where Property Is Located	Description	Serial No.	New or Used*	Original Cost, Installed, Including Sales Tax and Freight
06/09/05	3800 Lapeer Road Auburn Hills, MI 48326	Mini Task Pump Station, Vacuum and Roots Pump System	21032790 RA0255-D5S6-1001	New	27,582.30
03/03/05	3800 Lapeer Road Auburn Hills, MI 48326	Ultima Plasma Unit	02980532-67	New	8,460.00
04/22/05	3800 Lapeer Road Auburn Hills, MI 48326	Cathode, Bearing Bushing Sleeve	50100288	New	5,180.99
04/25/05	3800 Lapeer Road Auburn Hills, MI 48326	Siemens CPU for MW Gantry	6ES73182AJ000AB0	New	5,955.00
2005	3800 Lapeer Road Auburn Hills, MI 48326	Anticipated Purchases thru 12/31/2005			100,000.00
			TOTAL		~~262,504.29~~ $147,177

** If Personal Property is used (not new), attach an additional sheet listing the specifics of the acquisition, including property's previous location (city, township, etc.).*

Ø NOT IN TROY

Submit this Attachment with the corresponding 2005

January 13, 2006

To: John Szerlag, City Manager

From: John Lamerato, Assistant City Manager – Finance/Administration
Nino Licari, City Assessor

Re: Agenda Item – Announcement of Public Hearing, NextEnergy Exemptions

Recommendation:
Staff requests the scheduling of Public Hearings for three (3) Michigan NextEnergy Exemptions on February 20, 2006.

Detail:
The Michigan NextEnergy Authority (MNEA) has certified three companies as Alternative Energy Technology Businesses. They have approved Personal Property Exemptions for these companies, subject to verification of the Personal Property by the local Assessor, and subject to City Council approval.

The companies are Compact Power, Inc., at 1857 Technology, Ovonic Battery Company at 1414 Combermere, and United Solar Ovonic Corporation at 1100 W Maple (who has an existing exemption).

Public Hearings must be scheduled within 60 days of the MNEA action for City Council action. The announcement at this time will allow public notification requirements to be met.

NL/nl

CITY OF TROY

NOTICE OF PUBLIC HEARING

A Public Hearing will be held by and before the City Council of the City of Troy at City Hall, 500 W. Big Beaver, Troy, Michigan on Monday, February 20, 2006, at 7:30 p.m., or as soon thereafter as the agenda will permit, to consider Alternative Energy Personal Property Exemptions approved by the Michigan NextEnergy Authority for the following three location in the City of Troy:

T2N, R11E, Section 28

1100 W Maple, Troy, Michigan — United Solar Ovonic Corp.

T2N, R11E, Section 34

1414 Combermere, Troy, Michigan — Ovonic Battery Company

T2N, R11E, Section 35

1857 Technology, Troy, Michigan — Compact Power, Inc.

This hearing is held in compliance with Act 198, Public Acts of 1974, as amended.

You may express your comments regarding this matter by e-mail to XXXXXXXX, by writing to this office, or by attending the Public Hearing.

Tonni Bartholomew, MMC
City Clerk

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

OVONIC MEDIA LLC
2956 WATERVIEW DR
ROCHESTER HILLS MI 48309

DAVID HIEBER
OAKLAND COUNTY EQUALIZATION
250 ELIZABETH LAKE #1000W
PONTIAC MI 48231

UNITED SOLAR OVONIC CORP
1100 W MAPLE
TROY MI 48084-5352

PATRICK DOHANY
OAKLAND CO PUBLIC TRANSPORTATION
1200 N TELEGRAPH 49W
PONTIAC MI 48231-0049

OAKLAND INTERMEDIATE SCHOOLS
2100 PONTIAC LAKE RD
WATERFORD MI 48328-2735

OAKLAND COMMUNITY COLLEGE
GEORGE A BEE ADMIN CNTR
2480 OPDYKE
BLOOMFIELD HILLS MI 48304-2266

MICHAEL ADAMCZYK
TROY SCHOOL DISTRICT
4400 LIVERNOIS
TROY MI 48098-4799

WARREN CONSOLIDATED SCHOOLS
31300 ANITA
WARREN MI 48093-1697

COMPACT POWER INC
1857 TECHNOLOGY DRIVE
TROY MI 48083

MACOMB INTERMEDIATE SCHOOLS
44001 GARFIELD
CLINTON TWP, MI 48038-1100

(Avery 5160 Labels)

RESOLUTION TO SET PUBLIC HEARING FOR MICHIGAN NEXTENERGY EXEMPTIONS

Resolution #2006-
Moved by:
Seconded by:

RESOLVED, that Public Hearings be established for February 20, 2006, to consider three (3) Michigan NextEnergy Exemption proposals for alternative energy Personal Property located at 1857 Technology, 1414 Combermere, and 1100 W Maple, all located in the City of Troy.

Yes:
No:
Absent:

City of Troy - Assessing Department
Estimated NextEnergy Exempted Tax Calculation
United Solar Ovonic Corp., 1100 W Maple 88-20-28-303-036

Taxing Authority	Mills	Estimated Exempt Taxes 2006	Estimated Exempt Taxes 2007	Estimated Exempt Taxes 2008	Estimated Exempt Taxes 2009	Estimated Exempt Taxes 2010	Estimated Exempt Taxes 2011	Estimated Exempt Taxes 2012	Estimated Exempt Taxes 2013	Total	Taxing Authority
City of TROY	9.4500	335.76	302.21	271.97	244.76	220.28	198.26	178.42	160.56	1,912.21	City of TROY
Administration Fee	0.3831	13.61	12.25	11.03	9.92	8.93	8.04	7.23	6.51	77.52	Administration Fee
Transportation	0.5950	21.14	19.03	17.12	15.41	13.87	12.48	11.23	10.11	120.40	Transportation
Oakland County	4.6461	165.08	148.58	133.71	120.33	108.30	97.48	87.72	78.94	940.14	Oakland County
Oakland Intermediate	3.3690	119.70	107.74	96.96	87.26	78.53	70.68	63.61	57.24	681.72	Oakland Intermediate
Community College	1.5844	56.29	50.67	45.60	41.04	36.93	33.24	29.91	26.92	320.60	Community College
Troy School Debt	4.1300	146.74	132.08	118.86	106.97	96.27	86.65	77.97	70.17	835.71	Troy School Debt
School Operating	18.0000	639.54	575.64	518.04	466.20	419.58	377.64	339.84	305.82	3,642.30	School Operating
State Education Tax	6.0000	213.18	191.88	172.68	155.40	139.86	125.88	113.28	101.94	1,214.10	State Education Tax
Totals by Year		1,711.04	1,540.08	1,385.98	1,247.28	1,122.55	1,010.35	909.22	818.20	9,744.69	Grand Total

Estimated Taxable Value	35,530	31,980	28,780	25,900	23,310	20,980	18,880	16,990
	2006	2007	2008	2009	2010	2011	2012	2013

Market Value Exempted
78,960.17

01/13/06

January 28, 2006

To: John Szerlag, City Manager

From: John Lamerato, Assistant City Manager – Finance/Administration
Nino Licari, City Assessor

Re: Agenda Item – Public Hearing for Michigan NextEnergy Exemption of alternative energy Personal Property at 1414 Combermere, Troy MI.

Recommendation:

Staff recommends that you present the attached Resolution to City Council affirming a Michigan NextEnergy Exemption for alternative energy Personal Property located at 1414 Combermere, Troy, MI.

Detail:

The Michigan NextEnergy Authority (MNEA) was created by Public Act 549 of 2002. They are charged with certifying alternative energy businesses, and alternative energy Personal Property.

Under provisions of the Act, alternative energy personal property (as certified by the local Assessor) purchased between 2002 and 2011 (since amended to extend to 2013) may be exempt from taxation through the process of eliminating some, or all, millages from being levied against the property.

The Act provides that local taxing authorities may 'opt out' of the exemption process by passing a resolution to 'opt out' within 60 days of receipt of the MNEA certifying resolution. (Local taxing authorities include city, township, village, county, community college, intermediate schools, local schools, transportation authority, etc.)

Ovonic Battery Company has received certification from MNEA as an alternative energy company, and have applied for an exemption of Personal Property in the amount of $506,833.00 at their location at 1414 Combermere in Troy.

As shown on the attached chart, the total City exemption over the 8 years of the exemption would be approximately $12,754.91 (including administration fees).

NL/nl

MICHIGAN ECONOMIC DEVELOPMENT CORPORATION

300 N. WASHINGTON SQ.
LANSING, MI 48913

CUSTOMER
CONTACT CENTER
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WWW.MICHIGAN.ORG

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RICHARD SHOEMAKER
UAW International
S. MARTIN TAYLOR
Detroit Renaissance
GARY TORGOW
Sterling Group
PETER S. WALTERS
Guardian Industries Corp.

January 9, 2006

RECEIVED
JAN 12 2006
CITY OF TROY
ASSESSOR DEPT.

Leger A. Licari
Assessor
City of Troy
500 W. Big Beaver
Troy, Michigan 48084

Dear Mr. Licari:

The Michigan NextEnergy Authority (MNEA) is charged by law (Public Act 593 of 2002) with the certification of alternative energy technology businesses and alternative energy personal property (Public Act 549 of 2002). The MNEA is also charged with notifying the assessors and treasurers of the local tax collecting unit and the secretary of the school district, in which the property is located, of such certification.

The enclosed resolution, certifying Ovonic Battery Company as an Alternative Energy Technology Business and certifying the attached list of personal property as Alternative Energy Personal Property exempt from certain property taxes, was adopted at a meeting of the MNEA held on December 20, 2005. As indicated in the enclosed resolution, the maximum value of the exempted property located in Troy is $506,833 and is subject to the assessor's concurrence.

The City of Troy has sixty days from receipt of this letter in which to adopt a resolution to opt-out of the exemption of the alternative energy personal property from local personal property taxes.

The Troy Public Schools also have sixty days from receipt of this letter in which to adopt a resolution to opt out of specific school-related taxes levied against the personal property.

The enclosed State Tax Commission Bulletin No. 18 of 2002 provides further information about the alternative energy certifications and the opt-out provisions. Also enclosed is a copy of Public Act 549 of 2002 which created the new exemption.

Personal property acquired by Ovonic Battery Company prior to January 1, 2013 may be eligible for certification as Alternative Energy Personal Property by the MNEA in future years. The City of Troy and Troy Public Schools will be notified of any future certification and will have sixty days in which to adopt a resolution to opt-out of the exemption on that personal property.

If you have questions, please contact me at 517-335-4418.

Sincerely,

Karen Ammarman

Karen Ammarman
Secretary to the MNEA Board

Enclosures

506,833.00
NET, IN TROY
34-127-039

MICHIGAN ECONOMIC DEVELOPMENT CORPORATION

300 N. WASHINGTON SQ.
LANSING, MI 48913

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ICHARD SHOEMAKER
UAW International
MARTIN TAYLOR
Detroit Renaissance
ARY TORGOW
Sterling Group
ETER S. WALTERS
Guardian Industries Corp.

Michigan NextEnergy Authority (MNEA)

Certificate

Resolution 2005-07

Ovonic Battery Company, Inc.

I, Karen Ammarman, Secretary to the MNEA Board, do hereby certify that the attached is a true and complete copy of a resolution adopted by the MNEA board at a meeting on December 20, 2005, and that public notice of said meeting was given pursuant to Act No. 24, Public Acts of Michigan, 1995, including the case of a special or rescheduled regular meeting, or a meeting recessed for more than 36 hours, notice by posting at least 18 hours prior to the time set for the meeting.

IN WITNESS WHEREOF, I have hereto affixed my signature this 22nd day of December, A.D. 2005

Karen Ammarman
Secretary to the MNEA Board

Carol Knobloch Johns
Carol Knobloch Johns, Recording Secretary
MNEA Board

Resolution 2005-07
Michigan NextEnergy Authority

Ovonic Battery Company, Inc.

At the meeting of the Michigan NextEnergy Authority (MNEA) held on December 20, 2005 in Lansing, Michigan.

WHEREAS, Ovonic Battery Company, Inc. (the "Company"), EIN 38-3017723, is a business entity located at 2956 Waterview Drive, Rochester Hills, Michigan 48309, that also has property located 1414 Combermere, Troy, MI 48084.

WHEREAS, on December 16, 2003, the Company was certified as an Alternative Energy Technology Business under the Michigan NextEnergy Authority Act, 2002 PA 593,

WHEREAS, an officer of the Company has certified in writing that the Company continues to be engaged solely in the research, development or manufacturing of the alternative energy technology described as the process of generating and putting into usable form the energy generated by an alternative energy system,

WHEREAS, the alternative energy technology is related to two alternative energy systems; battery cell energy systems and fuel cell energy systems,

WHEREAS, all personal property of an Alternative Energy Technology Business that has not previously been subject to collection of taxes, and has not previously been exempted from taxes, under the general property tax act is eligible for certification,

WHEREAS, the Company has provided a list of such property acquired, or to be acquired, in calendar year 2005 valued at $703,359 that is attached to this resolution,

BE IT RESOLVED, that the MNEA certifies that Ovonic Battery Company, Inc. property as listed on the attached schedule is Alternative Energy Personal property and is exempt from taxes levied before January 1, 2013, provided that the local Assessor determines that the property listed:

1) is properly classified as personal rather than real property
2) has not been previously subject to taxation under the general property tax act, and
3) has not previously been exempted from taxes under the general property tax act.

BE IT FURTHER RESOLVED that notice of these certifications will be forwarded to the Company, the secretary of the local school district, and the treasurer and assessor of the local tax collecting unit in which the Company and the Alternative Energy Personal Property are located.

ADOPTED

AYES: Bo Garcia, David Hollister, Michael Kapp (acting for and on behalf of Gloria Jeff, authorization attached), Sande MacLeod, Faye Nelson (by telephone), Sandy Ring (acting for and on behalf of Jim Epolito, authorization attached), Scott Schrager (acting for and on behalf of Jay Rising, authorization attached).

NAYS: None.

December 20, 2005
Lansing, Michigan

ALTERNATIVE ENERGY TECHNOLOGY

TAXING AUTHORITY: ROCHESTER HILLS

3:17 PM

ADDRESS: 2968 WATERVIEW DRIVE
ATTN: JULIA PAIS
ROCHESTER HILLS, MI 48309

FEIN 38-3017723

ATTACHMENT TO THE 2005 ALTERNATE ENERGY TECHNOLOGY BUSINESS PROPERTY LISTING

Date Acquired	Plant	Description	Serial #	New/Used	Cost	Tag #	Account	FAS #		
08/31/05	12	DESKTOP XRAY DIFFRACTION SYSTEM	BD09695	N	72,411.00		LAB EQUIP	3633		
02/23/05	12	1470 POTENTIOSTAT	292900	N	25,370.00	O0000803	LAB EQUIP	1970		
	12	BATTERY TESTER		N	98,745.00		MACH&EQUIP		CIP	MACCOR
		TOTAL CALENDAR YEAR 2005 ADDITIONS			**196,526.00**					

PLANT 12 2968 WATERVIEW DR. ROCHESTER HILLS, MI 48309

NOT IN TROY

196,526.00

NOT IN TROY
196,526.00
0

ADDRESS: 2956 WATERVIEW DRIVE
ATTN: JULIA PAIS
ROCHESTER HILLS, MI 48309

FEIN 38-3017723

ATTACHMENT TO THE 2005 ALTERNATE ENERGY TECHNOLOGY BUSINESS PROPERTY LISTING

Date Acquired	Plant	Description	Serial #	New/Used	Cost	Tag #	Account	FAS #		
	5	WASTEWATER COST REDUCTIONS								
	5	METERING PUMP			5,845.00		MACH&EQUIP		CIP	UNIV PUMP/WAGNER
	5	BET SURFACE ANALYZER			4,000.00		MACH&EQUIP		CIP	AIR PUMP CO
	5	NICKEL SULFATE PRODUCTION LINE			36,450.00		LAB EQUIP		CIP	QUANTACHROME
					460,538.00		MACH&EQUIP		CIP	CIP 6054
		TOTAL CALENDAR YEAR 2005 ADDITIONS			**506,833.00**					

PLANT 5 1414 COMBERMERE TROY, MI 48084

506,833

506,833.00

January 13, 2006

To: John Szerlag, City Manager

From: John Lamerato, Assistant City Manager – Finance/Administration
Nino Licari, City Assessor

Re: Agenda Item – Announcement of Public Hearing, NextEnergy Exemptions

Recommendation:
Staff requests the scheduling of Public Hearings for three (3) Michigan NextEnergy Exemptions on February 20, 2006.

Detail:
The Michigan NextEnergy Authority (MNEA) has certified three companies as Alternative Energy Technology Businesses. They have approved Personal Property Exemptions for these companies, subject to verification of the Personal Property by the local Assessor, and subject to City Council approval.

The companies are Compact Power, Inc., at 1857 Technology, Ovonic Battery Company at 1414 Combermere, and United Solar Ovonic Corporation at 1100 W Maple (who has an existing exemption).

Public Hearings must be scheduled within 60 days of the MNEA action for City Council action. The announcement at this time will allow public notification requirements to be met.

NL/nl

CITY OF TROY

NOTICE OF PUBLIC HEARING

A Public Hearing will be held by and before the City Council of the City of Troy at City Hall, 500 W. Big Beaver, Troy, Michigan on Monday, February 20, 2006, at 7:30 p.m., or as soon thereafter as the agenda will permit, to consider Alternative Energy Personal Property Exemptions approved by the Michigan NextEnergy Authority for the following three location in the City of Troy:

T2N, R11E, Section 28

1100 W Maple, Troy, Michigan — United Solar Ovonic Corp.

T2N, R11E, Section 34

1414 Combermere, Troy, Michigan — Ovonic Battery Company

T2N, R11E, Section 35

1857 Technology, Troy, Michigan — Compact Power, Inc.

This hearing is held in compliance with Act 198, Public Acts of 1974, as amended.

You may express your comments regarding this matter by e-mail to XXXXXXXX, by writing to this office, or by attending the Public Hearing.

Tonni Bartholomew, MMC
City Clerk

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

OVONIC MEDIA LLC
2956 WATERVIEW DR
ROCHESTER HILLS MI 48309

DAVID HIEBER
OAKLAND COUNTY EQUALIZATION
250 ELIZABETH LAKE #1000W
PONTIAC MI 48231

UNITED SOLAR OVONIC CORP
1100 W MAPLE
TROY MI 48084-5352

PATRICK DOHANY
OAKLAND CO PUBLIC TRANSPORTATION
1200 N TELEGRAPH 49W
PONTIAC MI 48231-0049

OAKLAND INTERMEDIATE SCHOOLS
2100 PONTIAC LAKE RD
WATERFORD MI 48328-2735

OAKLAND COMMUNITY COLLEGE
GEORGE A BEE ADMIN CNTR
2480 OPDYKE
BLOOMFIELD HILLS MI 48304-2266

MICHAEL ADAMCZYK
TROY SCHOOL DISTRICT
4400 LIVERNOIS
TROY MI 48098-4799

WARREN CONSOLIDATED SCHOOLS
31300 ANITA
WARREN MI 48093-1697

COMPACT POWER INC
1857 TECHNOLOGY DRIVE
TROY MI 48083

MACOMB INTERMEDIATE SCHOOLS
44001 GARFIELD
CLINTON TWP, MI 48038-1100

(Avery 5160 Labels)

RESOLUTION TO SET PUBLIC HEARING FOR MICHIGAN NEXTENERGY EXEMPTIONS

Resolution #2006-
Moved by:
Seconded by:

RESOLVED, that Public Hearings be established for February 20, 2006, to consider three (3) Michigan NextEnergy Exemption proposals for alternative energy Personal Property located at 1857 Technology, 1414 Combermere, and 1100 W Maple, all located in the City of Troy.

Yes:
No:
Absent:

City of Troy - Assessing Department
Estimated NextEnergy Exempted Tax Calculation
Ovonic Battery Co., 1414 Combermere 88-20-34-127-039

Taxing Authority	Mills	Estimated Exempt Taxes 2006	Estimated Exempt Taxes 2007	Estimated Exempt Taxes 2008	Estimated Exempt Taxes 2009	Estimated Exempt Taxes 2010	Estimated Exempt Taxes 2011	Estimated Exempt Taxes 2012	Estimated Exempt Taxes 2013	Total	Taxing Authority
City of TROY	9.4500	2,155.26	1,939.80	1,745.79	1,571.25	1,414.10	1,272.73	1,145.43	1,030.90	12,275.27	City of TROY
Administration Fee	0.3831	87.37	78.64	70.77	63.70	57.33	51.60	46.44	41.79	497.64	Administration Fee
Transportation	0.5950	135.70	122.14	109.92	98.93	89.04	80.13	72.12	64.91	772.89	Transportation
Oakland County	4.6461	1,059.64	953.70	858.32	772.51	695.24	625.74	563.15	506.84	6,035.14	Oakland County
Oakland Intermediate	3.3690	768.37	691.55	622.39	560.16	504.14	453.74	408.36	367.52	4,376.23	Oakland Intermediate
Community College	1.5844	361.35	325.23	292.70	263.44	237.09	213.39	192.05	172.84	2,058.09	Community College
Troy School Debt	4.1300	941.93	847.77	762.98	686.70	618.01	556.23	500.60	450.54	5,364.75	Troy School Debt
School Operating	18.0000	4,105.26	3,694.86	3,325.32	2,992.86	2,693.52	2,424.24	2,181.78	1,963.62	23,381.46	School Operating
State Education Tax	6.0000	1,368.42	1,231.62	1,108.44	997.62	897.84	808.08	727.26	654.54	7,793.82	State Education Tax
Totals by Year		10,983.30	9,885.31	8,896.64	8,007.16	7,206.30	6,485.87	5,837.18	5,253.51	62,555.28	**Grand Total**

Estimated Taxable Value	228,070	205,270	184,740	166,270	149,640	134,680	121,210	109,090
	2006	**2007**	**2008**	**2009**	**2010**	**2011**	**2012**	**2013**

Market Value Exempted
506,833.00

01/13/06

January 28, 2006

To: John Szerlag, City Manager

From: John Lamerato, Assistant City Manager – Finance/Administration
Nino Licari, City Assessor

Re: Agenda Item – Public Hearing for Michigan NextEnergy Exemption of alternative energy Personal Property at 1857 Technology, Troy MI.

Recommendation:

Staff recommends that you present the attached Resolution to City Council affirming a Michigan NextEnergy Exemption for alternative energy Personal Property located at 1857 Technology, Troy, MI.

Detail:

The Michigan NextEnergy Authority (MNEA) was created by Public Act 549 of 2002. They are charged with certifying alternative energy businesses, and alternative energy Personal Property.

Under provisions of the Act, alternative energy personal property (as certified by the local Assessor) purchased between 2002 and 2011 (since amended to extend to 2013) may be exempt from taxation through the process of eliminating some, or all, millages from being levied against the property.

The Act provides that local taxing authorities may 'opt out' of the exemption process by passing a resolution to 'opt out' within 60 days of receipt of the MNEA certifying resolution. (Local taxing authorities include city, township, village, county, community college, intermediate schools, local schools, transportation authority, etc.)

Compact Power, Inc., has received certification from MNEA as an alternative energy company, and have applied for an exemption of Personal Property in the amount of $818,362.56 at their location at 1857 Technology in Troy. This building has been vacant since 2004.

As shown on the attached chart, the total City exemption over the 8 years of the exemption would be approximately $20,623.75 (including administration fees).

NL/nl

MICHIGAN ECONOMIC DEVELOPMENT CORPORATION

300 N. WASHINGTON SQ.
LANSING, MI 48913

CUSTOMER
CONTACT CENTER
517 373 9808

WWW.MICHIGAN.ORG

EXECUTIVE COMMITTEE
MATTHEW P. CULLEN
Chair
General Motors

PHILIP H. POWER
Vice-Chair
HCN, Inc.

JAMES C. EPOLITO
President & CEO

RICHARD E. BLOUSE JR., CCE
Detroit Regional Chamber
JOHN W. BROWN
Stryker Corporation
DR. DAVID E. COLE
Center for
Automotive Research
JOANN CRARY
Saginaw Future Inc.
DR. HAIFA FAKHOURI
Arab American and
Chaldean Council
STEVEN K. HAMP
The Henry Ford
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DTE Energy Company
DAVID C. HOLLISTER
Michigan Department of
Labor & Economic Growth
GEORGE JACKSON JR.
Detroit Economic Growth
Corporation
MICHAEL J. JANDERNOA
Bridge Street Capital
Partners, LLC
MAYOR ROBERT B. JONES
City of Kalamazoo
BIRGIT M. KLOHS
The Right Place, Inc.
DR. IRVIN D. REID
Wayne State University
RICHARD SHOEMAKER
UAW International
S. MARTIN TAYLOR
Detroit Renaissance
GARY TORGOW
Sterling Group
PETER S. WALTERS
Guardian Industries Corp.

January 9, 2006

RECEIVED
JAN 12 2006
CITY OF TROY
ASSESSING DEPT.

Mr. Leger A. Licari, Assessor
City of Troy
500 W. Big Beaver
Troy, Michigan 48084

Dear Mr. Licari:

The Michigan NextEnergy Authority (MNEA) is charged by law (Public Act 593 of 2002) with the certification of alternative energy technology businesses and alternative energy personal property (Public Act 549 of 2002). The MNEA is also charged with notifying the assessors and treasurers of the local tax collecting unit and the secretary of the school district, in which the property is located, of such certification.

The enclosed resolution, certifying Compact Power, Inc. as an Alternative Energy Technology Business and certifying the attached list of personal property as Alternative Energy Personal Property exempt from certain property taxes, was adopted at a meeting of the MNEA held on December 20, 2005. As indicated in the enclosed resolution, the maximum value of the exempted property is $842,438 and is subject to the assessor's concurrence.

The City of Troy have sixty days from receipt of this letter in which to adopt a resolution to opt-out of the exemption of the alternative energy personal property from local personal property taxes.

The Troy Public Schools also have sixty days from receipt of this letter in which to adopt a resolution to opt out of specific school-related taxes levied against the personal property.

The enclosed State Tax Commission Bulletin No. 18 of 2002 provides further information about the alternative energy certifications and the opt-out provisions.

Personal property acquired by Compact Power, Inc. prior to January 1, 2013 may be eligible for certification as Alternative Energy Personal Property by the MNEA in future years. The City of Troy and Troy Public Schools will be notified of any future certification and will have sixty days in which to adopt a resolution to opt-out of the exemption on that personal property.

If you have questions, please contact me at 517-335-4418.

Sincerely,

Karen Ammarman

Karen Ammarman
Secretary to the MNEA Board

Enclosures

79,039.22
617,725.20
47,152.10
74,446.04
818,362.56 NET
35-226-087
750W

300 N. WASHINGTON SQ.
LANSING, MI 48913

CUSTOMER
CONTACT CENTER
517 373 9808

WWW.MICHIGAN.ORG

EXECUTIVE COMMITTEE
MATTHEW P. CULLEN
Chair
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DR. DAVID E. COLE
Center for
Automotive Research
JOANN CRARY
Saginaw Future Inc.
DR. HAIFA FAKHOURI
Arab American and
Chaldean Council
STEVEN K. HAMP
The Henry Ford
HAYDEN H. HARRIS
EDF Ventures
PAUL HILLEGONDS
DTE Energy Company
DAVID C. HOLLISTER
Michigan Department of
Labor & Economic Growth
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Detroit Renaissance
GARY TORGOW
Sterling Group
PETER S. WALTERS
Guardian Industries Corp.

MICHIGAN ECONOMIC DEVELOPMENT CORPORATION

Michigan NextEnergy Authority (MNEA)

Certificate

Resolution 2005-03

Compact Power, Inc.

I, Karen Ammarman, Secretary to the MNEA Board, do hereby certify that the attached is a true and complete copy of a resolution adopted by the MNEA board at a meeting on December 20, 2005, and that public notice of said meeting was given pursuant to Act No. 24, Public Acts of Michigan, 1995, including the case of a special or rescheduled regular meeting, or a meeting recessed for more than 36 hours, notice by posting at least 18 hours prior to the time set for the meeting.

IN WITNESS WHEREOF, I have hereto affixed my signature this 22nd day of December, A.D. 2005

Karen Ammarman
Secretary to the MNEA Board

Carol Knobloch Johns
Carol Knobloch Johns, Recording Secretary
MNEA Board

Resolution 2005-03
Michigan NextEnergy Authority

Compact Power, Inc.

At the meeting of the Michigan NextEnergy Authority (MNEA) held on December 20, 2005 in Lansing, Michigan.

WHEREAS, Compact Power, Inc. (the "Company"), EIN 84-1563669, is a business entity located at 1857 Techology Drive, Troy, Michigan 48083,

WHEREAS, the Company has applied for certification as an Alternative Energy Technology Business under the Michigan NextEnergy Authority Act, 2002 PA 593,

WHEREAS, an officer of the Company has certified in writing that the Company is engaged solely in the research, development or manufacturing of the alternative energy technology described as the process of generating and putting into usable form the energy generated by an alternative energy system,

WHEREAS, the alternative energy technology is related to the alternative energy system known as a battery cell energy system,

WHEREAS, all personal property of an Alternative Energy Technology Business that has not previously been subject to collection of taxes, and has not previously been exempted from taxes, under the general property tax act is eligible for certification,

WHEREAS, the Company has provided a list of such property valued at $842,438 that is attached to this resolution,

BE IT RESOLVED, that the MNEA certifies that Compact Power, Inc. is an Alternative Energy Technology Business and that the property listed on the attached schedule is certified as Alternative Energy Personal Property and is exempt from taxes levied before January 1, 2013, provided that the local Assessor determines that the property listed:

1) is properly classified as personal rather than real property
2) has not been previously subject to taxation under the general property tax act, and
3) has not previously been exempted from taxes under the general property tax act.

BE IT FURTHER RESOLVED that notice of these certifications will be forwarded to the Company, the secretary of the local school district, and the treasurer and assessor of the local tax collecting unit in which the Company and the Alternative Energy Personal Property are located.

ADOPTED:

AYES: Bo Garcia, David Hollister, Michael Kapp (acting for and on behalf of Gloria Jeff, authorization attached), Sande MacLeod, Faye Nelson (by telephone), Sandy Ring (acting for and on behalf of Jim Epolito, authorization attached), Scott Schrager (acting for and on behalf of Jay Rising, authorization attached).

NAYS: None.

December 20, 2005
Lansing, Michigan

Computer Equipment

Michigan Next Energy Authority

2005 Alternative Energy Technology Business Personal Property Listing

Exempt Personal Property Information Attachement

Business Name: Compact Power, Inc.

School District: Troy School District

DATE ACQUIRED	STREET ADDRESS WHERE PROPERTY IS LOCATED (Note 1)	DESCRIPTION	Serial No. (Note 2)	New or Used	COST
12/15/2000	1857 Technology Drive, Troy MI, 48083	Song's IBM Computer	CPI Control Number Pending	New when purchased.	$1,481.94
12/15/2000	1858 Technology Drive, Troy MI, 48083	Bob Guffin's IBM Computer	CPI Control Number Pending	New when purchased.	$1,481.95
2/8/2001	1859 Technology Drive, Troy MI, 48083	Song's HP G55 Printer	CPI Control Number Pending	New when purchased.	$514.00
2/8/2001	1860 Technology Drive, Troy MI, 48083	Computer Monitor (MH)	CPI Control Number Pending	New when purchased.	$1,117.01
5/10/2001	1861 Technology Drive, Troy MI, 48083	IBM Computers (GP)	CPI Control Number Pending	New when purchased.	$1,321.75
6/1/2001	1862 Technology Drive, Troy MI, 48083	Dell Computer for Electronics Lab	CPI Control Number Pending	New when purchased.	$1,925.25
6/25/2001	1863 Technology Drive, Troy MI, 48083	Replacement for Dell Laptop	CPI Control Number Pending	New when purchased.	$2,153.70
9/17/2001	1864 Technology Drive, Troy MI, 48083	Partial Payment for Server	CPI Control Number Pending	New when purchased.	$5,446.72
10/1/2001	1865 Technology Drive, Troy MI, 48083	Partial Payment for Server	CPI Control Number Pending	New when purchased.	$175.00
10/12/2001	1866 Technology Drive, Troy MI, 48083	Partial Payment for Server	CPI Control Number Pending	New when purchased.	$5,119.90
10/15/2001	1867 Technology Drive, Troy MI, 48083	Partial Payment for Server	CPI Control Number Pending	New when purchased.	$565.00
10/15/2001	1868 Technology Drive, Troy MI, 48083	Dell Computer for Server	CPI Control Number Pending	New when purchased.	$1,380.92
10/18/2001	1869 Technology Drive, Troy MI, 48083	Partial Payment for Server	CPI Control Number Pending	New when purchased.	$280.00
10/18/2001	1870 Technology Drive, Troy MI, 48083	Partial Payment for Server	CPI Control Number Pending	New when purchased.	$554.47
10/18/2001	1871 Technology Drive, Troy MI, 48083	Partial Payment for Server	CPI Control Number Pending	New when purchased.	$2,800.00
10/23/2001	1872 Technology Drive, Troy MI, 48083	Partial Payment for Server	CPI Control Number Pending	New when purchased.	$1,330.00
10/30/2001	1873 Technology Drive, Troy MI, 48083	Partial Payment for Server	CPI Control Number Pending	New when purchased.	$200.00
11/6/2001	1874 Technology Drive, Troy MI, 48083	Partial Payment for Server	CPI Control Number Pending	New when purchased.	$375.00
1/28/2002	1875 Technology Drive, Troy MI, 48083	IBM Computer for Electronics Lab	CPI Control Number Pending	New when purchased.	$1,713.29
2/27/2002	1876 Technology Drive, Troy MI, 48083	Compaq Laptop for Conference Room	CPI Control Number Pending	New when purchased.	$1,936.50
3/18/2002	1877 Technology Drive, Troy MI, 48083	Compaq Laptop for Conf Room Rebate	CPI Control Number Pending	New when purchased.	($100.00)
4/10/2002	1878 Technology Drive, Troy MI, 48083	Dell Computers (BJ and KG)	CPI Control Number Pending	New when purchased.	$2,971.62
5/9/2002	1879 Technology Drive, Troy MI, 48083	Dell Computers (2 for Battery Lab)	CPI Control Number Pending	New when purchased.	$2,687.62
5/30/2002	1880 Technology Drive, Troy MI, 48083	Compaq Laptop for Conf Room Rebate	CPI Control Number Pending	New when purchased.	($100.00)
6/30/2002	1881 Technology Drive, Troy MI, 48083	Custom Fees for Mixer	CPI Control Number Pending	New when purchased.	$1,296.32
6/20/2002	1882 Technology Drive, Troy MI, 48083	Sony Computer for Lab for Arbin	CPI Control Number Pending	New when purchased.	$1,199.99
7/16/2002	1883 Technology Drive, Troy MI, 48083	Dell Computer for TLT	CPI Control Number Pending	New when purchased.	$1,333.52
7/16/2002	1884 Technology Drive, Troy MI, 48083	Dell Monitor for TLT	CPI Control Number Pending	New when purchased.	$436.45
7/24/2002	1885 Technology Drive, Troy MI, 48083	Dell Computer for MF	CPI Control Number Pending	New when purchased.	$1,333.52
1/29/2003	1886 Technology Drive, Troy MI, 48083	Taxes on Sony Lab Computer	CPI Control Number Pending	New when purchased.	$76.80
4/1/2003	1887 Technology Drive, Troy MI, 48083	Memory Space for Server	CPI Control Number Pending	New when purchased.	$653.36
12/21/2004	1888 Technology Drive, Troy MI, 48083	Purchase of Gateway Notebook Comp.	CPI Control Number Pending	New when purchased.	$1,216.99
5/19/2005	1889 Technology Drive, Troy MI, 48083	Notebook Laptop Computer WHS Bst By	CPI Control Number Pending	New when purchased.	$2,117.96
7/7/2005	1890 Technology Drive, Troy MI, 48083	Notebook Laptop Rebates	CPI Control Number Pending	New when purchased.	($250.00)
8/8/2005	1891 Technology Drive, Troy MI, 48083	Detroit Server and Computer Equipment	CPI Control Number Pending	New when purchased.	$16,194.91
8/12/2005	1892 Technology Drive, Troy MI, 48083	Detroit Server and Computer Equipment	CPI Control Number Pending	New when purchased.	$3,994.91
8/18/2005	1893 Technology Drive, Troy MI, 48083	Detroit Server and Computer Equipment	CPI Control Number Pending	New when purchased.	$3,000.00
8/18/2005	1894 Technology Drive, Troy MI, 48083	Detroit Server and Computer Equipment	CPI Control Number Pending	New when purchased.	$6,200.00
8/31/2005	1895 Technology Drive, Troy MI, 48083	WHS Desk Top Computer (Home)	CPI Control Number Pending	New when purchased.	$1,287.88
8/30/2005	1896 Technology Drive, Troy MI, 48083	MA Laptop Computer	CPI Control Number Pending	New when purchased.	$1,612.97
	Property Tax Subtotal				$79,039.22

Note 1) All items to be moved to Troy by December 31, 2005

Note 2) All items to be assigned CPI control Number by December 31, 2005

79,039.22

79,039.22

Michigan Next Energy Authority

2005 Alternative Energy Technology Business Personal Property Listing

Exempt Personal Property Information Attachement

Business Name: Compact Power, Inc.
School District: Troy School District

DATE ACQUIRED	STREET ADDRESS WHERE PROPERTY IS LOCATED (Note 1)	DESCRIPTION	Serial No. (Note 2)	New or Used	ORIGINAL COST
12/26/2000	1857 Technology Drive, Troy MI 48083	32 Channel BT 2000	CPI Control Number Pending	Used when purchased.	$17,588.79
1/9/2001	1858 Technology Drive, Troy MI 48083	Tenney Jr Test Chamber	CPI Control Number Pending	Used when purchased.	$3,975.00
1/24/2001	1859 Technology Drive, Troy MI 48083	Test Lead Set 16338A	CPI Control Number Pending	Used when purchased.	$914.32
2/2/2001	1860 Technology Drive, Troy MI 48083	Pneumatic Press for Reseal	CPI Control Number Pending	Used when purchased.	$1,000.00
2/2/2001	1861 Technology Drive, Troy MI 48083	Two Person Glove Box	CPI Control Number Pending	Used when purchased.	$8,000.00
2/2/2001	1862 Technology Drive, Troy MI 48083	Small Laminator	CPI Control Number Pending	Used when purchased.	$500.00
2/2/2001	1863 Technology Drive, Troy MI 48083	Rolling Mill	CPI Control Number Pending	Used when purchased.	$500.00
2/2/2001	1864 Technology Drive, Troy MI 48083	1 Set Small Tools for Phone Bat	CPI Control Number Pending	New when purchased.	$500.00
2/2/2001	1865 Technology Drive, Troy MI 48083	1 Set Tools for Laptop Battery	CPI Control Number Pending	New when purchased.	$500.00
2/2/2001	1866 Technology Drive, Troy MI 48083	Blue M Furnace	CPI Control Number Pending	Used when purchased.	$1,000.00
2/2/2001	1867 Technology Drive, Troy MI 48083	Compressor	CPI Control Number Pending	Used when purchased.	$500.00
2/2/2001	1868 Technology Drive, Troy MI 48083	Calendar Press	CPI Control Number Pending	Used when purchased.	$5,000.00
2/2/2001	1869 Technology Drive, Troy MI 48083	Punch	CPI Control Number Pending	Used when purchased.	$500.00
2/2/2001	1870 Technology Drive, Troy MI 48083	Edwards Pump	CPI Control Number Pending	Used when purchased.	$400.00
2/23/2001	1871 Technology Drive, Troy MI 48083	32 Channel BT 2000	CPI Control Number Pending	Used when purchased.	$18,648.42
3/5/2001	1872 Technology Drive, Troy MI 48083	Balance	CPI Control Number Pending	Used when purchased.	$1,135.33
3/5/2001	1873 Technology Drive, Troy MI 48083	32 Channel BT 2000	CPI Control Number Pending	Used when purchased.	$8,793.97
3/6/2001	1874 Technology Drive, Troy MI 48083	Lab Tables	CPI Control Number Pending	New when purchased.	$1,863.17
3/13/2001	1875 Technology Drive, Troy MI 48083	Refund Lab Tables	CPI Control Number Pending	New when purchased.	($6.09)
3/16/2001	1876 Technology Drive, Troy MI 48083	Milliohmeter	CPI Control Number Pending	New when purchased.	$3,938.85
3/28/2001	1877 Technology Drive, Troy MI 48083	Shipping of TYCO Lab Equip	CPI Control Number Pending	New when purchased.	$3,475.00
4/18/2001	1878 Technology Drive, Troy MI 48083	2 Leading Edge Electrode Cutting Machine	CPI Control Number Pending	Used when purchased.	$400.00
4/18/2001	1879 Technology Drive, Troy MI 48083	16-20 KHZ Ultra Sonic Welder	CPI Control Number Pending	Used when purchased.	$1,000.00
5/4/2001	1880 Technology Drive, Troy MI 48083	Film Casting Knife	CPI Control Number Pending	New when purchased.	$651.00
5/10/2001	1881 Technology Drive, Troy MI 48083	Electrodes	CPI Control Number Pending	Used when purchased.	$1,000.00
5/10/2001	1882 Technology Drive, Troy MI 48083	Storage Cabinet	CPI Control Number Pending	New when purchased.	$763.52
5/22/2001	1883 Technology Drive, Troy MI 48083	Utility Oven	CPI Control Number Pending	New when purchased.	$1,204.44
6/13/2001	1884 Technology Drive, Troy MI 48083	Extra Battery Pack Honda Insight	CPI Control Number Pending	New when purchased.	$4,641.70
6/14/2001	1885 Technology Drive, Troy MI 48083	JTK-99 Tool Kit	CPI Control Number Pending	New when purchased.	$576.65
6/14/2001	1886 Technology Drive, Troy MI 48083	Ventilation Hood Blower	CPI Control Number Pending	New when purchased.	$608.39
6/14/2001	1887 Technology Drive, Troy MI 48083	Equipment for Ventilation Hood	CPI Control Number Pending	New when purchased.	$3,294.76
6/14/2001	1888 Technology Drive, Troy MI 48083	Analytical Balance	CPI Control Number Pending	Used when purchased.	$1,516.01
6/21/2001	1889 Technology Drive, Troy MI 48083	Vehicle Lift	CPI Control Number Pending	New when purchased.	$2,514.76
6/25/2001	1890 Technology Drive, Troy MI 48083	Oscilloscope	CPI Control Number Pending	New when purchased.	$3,423.51
6/29/2001	1891 Technology Drive, Troy MI 48083	Electronic Lab Equipment Credit	CPI Control Number Pending	New when purchased.	($159.95)
7/5/2001	1892 Technology Drive, Troy MI 48083	Shipping TYCO Lab Equip	CPI Control Number Pending	New when purchased.	$1,500.00
7/11/2001	1893 Technology Drive, Troy MI 48083	FloWorks 2000 Computational Fluid Dynamics	CPI Control Number Pending	New when purchased.	$8,489.25
7/11/2001	1894 Technology Drive, Troy MI 48083	Manual Purge Valve	CPI Control Number Pending	Used when purchased.	$509.60
8/8/2001	1895 Technology Drive, Troy MI 48083	Waring Lab Blender	CPI Control Number Pending	Used when purchased.	$600.27
8/22/2001	1896 Technology Drive, Troy MI 48083	Lab View Full Dev System	CPI Control Number Pending	New when purchased.	$1,995.00
8/22/2001	1897 Technology Drive, Troy MI 48083	32 Channel Multiplexer	CPI Control Number Pending	New when purchased.	$1,590.00

8/22/2001	1898 Technology Drive, Troy MI 48083	4-Slot Chassis	CPI Control Number Pending	New when purchased.	$695.00
8/22/2001	1899 Technology Drive, Troy MI 48083	Terminal Block, Cast	CPI Control Number Pending	New when purchased.	$275.00
9/5/2001	1900 Technology Drive, Troy MI 48083	DAQ Card-6024E	CPI Control Number Pending	New when purchased.	$715.16
9/25/2001	1901 Technology Drive, Troy MI 48083	Design & Fabricate Battery Pack	CPI Control Number Pending	New when purchased.	$4,672.00
10/1/2001	1902 Technology Drive, Troy MI 48083	1L Blender & Supplies	CPI Control Number Pending	New when purchased.	$799.04
10/1/2001	1903 Technology Drive, Troy MI 48083	PCB Layout for Prototype Relay	CPI Control Number Pending	New when purchased.	$900.00
10/8/2001	1904 Technology Drive, Troy MI 48083	ABC150	CPI Control Number Pending	New when purchased.	$60,750.00
10/12/2001	1905 Technology Drive, Troy MI 48083	Shipping Insurance ABC150	CPI Control Number Pending	New when purchased.	$625.00
10/18/2001	1906 Technology Drive, Troy MI 48083	ABC150	CPI Control Number Pending	New when purchased.	$61,830.00
11/12/2001	1907 Technology Drive, Troy MI 48083	Electrical Set Up ABC150	CPI Control Number Pending	New when purchased.	$2,660.54
11/12/2001	1908 Technology Drive, Troy MI 48083	Aluminum Heat Sink Fin	CPI Control Number Pending	New when purchased.	$500.00
11/12/2001	1909 Technology Drive, Troy MI 48083	Battery Sealing Dye	CPI Control Number Pending	Used when purchased.	$3,360.00
11/12/2001	1910 Technology Drive, Troy MI 48083	Tab Area Batter Sealing Fixture	CPI Control Number Pending	Used when purchased.	$2,485.00
11/12/2001	1911 Technology Drive, Troy MI 48083	Package Forming Tool	CPI Control Number Pending	New when purchased.	$559.00
11/20/2001	1912 Technology Drive, Troy MI 48083	Electrical Work ABC150	CPI Control Number Pending	New when purchased.	$761.85
12/4/2001	1913 Technology Drive, Troy MI 48083	On-Site Support ABC150	CPI Control Number Pending	New when purchased.	$2,700.00
12/4/2001	1914 Technology Drive, Troy MI 48083	Travel Expense ABC150	CPI Control Number Pending	New when purchased.	$678.17
12/13/2001	1915 Technology Drive, Troy MI 48083	Carver Press with Shield Safety	CPI Control Number Pending	Used when purchased.	$2,045.60
12/13/2001	1916 Technology Drive, Troy MI 48083	LECTRO Anode Mat	CPI Control Number Pending	New when purchased.	$510.00
2/26/2002	1917 Technology Drive, Troy MI 48083	Table for the Coating Machine	CPI Control Number Pending	New when purchased.	$1,748.05
3/1/2002	1918 Technology Drive, Troy MI 48083	Microdaq 4 Channel Data Logger	CPI Control Number Pending	Used when purchased.	$610.00
4/10/2002	1919 Technology Drive, Troy MI 48083	Feeder Box	CPI Control Number Pending	Used when purchased.	$802.00
5/6/2002	1920 Technology Drive, Troy MI 48083	Mod 2KWASY Programs	CPI Control Number Pending	New when purchased.	$5,200.00
5/9/2002	1921 Technology Drive, Troy MI 48083	Computer Desk for Lab	CPI Control Number Pending	New when purchased.	$815.00
5/14/2002	1922 Technology Drive, Troy MI 48083	Tube Furnace	CPI Control Number Pending	New when purchased.	$1,663.22
5/23/2002	1923 Technology Drive, Troy MI 48083	PCB Layout of BMSA2 Circuit Bd	CPI Control Number Pending	New when purchased.	$3,400.00
6/1/2002	1924 Technology Drive, Troy MI 48083	Workbench for Mech Lab	CPI Control Number Pending	New when purchased.	$1,171.69
6/4/2002	1925 Technology Drive, Troy MI 48083	Current Sensor	CPI Control Number Pending	New when purchased.	$595.73
6/17/2002	1926 Technology Drive, Troy MI 48083	Workbench for Elec Lab	CPI Control Number Pending	New when purchased.	$1,230.49
8/6/2002	1927 Technology Drive, Troy MI 48083	Portable Air Cleaner	CPI Control Number Pending	New when purchased.	$1,166.29
8/30/2002	1928 Technology Drive, Troy MI 48083	Develop/Design Battery Enclosure	CPI Control Number Pending	New when purchased.	$3,740.00
9/5/2002	1929 Technology Drive, Troy MI 48083	Battery Pack Hardware Design	CPI Control Number Pending	New when purchased.	$10,615.00
9/10/2002	1930 Technology Drive, Troy MI 48083	Develop/Design Battery Enclosure	CPI Control Number Pending	New when purchased.	$7,480.00
9/11/2002	1931 Technology Drive, Troy MI 48083	Sealer	CPI Control Number Pending	New when purchased.	$616.00
9/12/2002	1932 Technology Drive, Troy MI 48083	Battery Pack Hardware Design	CPI Control Number Pending	New when purchased.	$13,175.00
9/18/2002	1933 Technology Drive, Troy MI 48083	Code Warrior Development Tools	CPI Control Number Pending	New when purchased.	$1,062.19
9/18/2002	1934 Technology Drive, Troy MI 48083	Code Warrior Development Tools	CPI Control Number Pending	New when purchased.	$4,178.11
9/26/2002	1935 Technology Drive, Troy MI 48083	Design/Develop Battery Pack	CPI Control Number Pending	New when purchased.	$12,122.50
10/16/2002	1936 Technology Drive, Troy MI 48083	Battery Pack Hardware Design	CPI Control Number Pending	New when purchased.	$1,750.00
10/16/2002	1937 Technology Drive, Troy MI 48083	Battery Pack Hardware Design	CPI Control Number Pending	New when purchased.	$1,820.00
10/31/2002	1938 Technology Drive, Troy MI 48083	Battery Pack Hardware Design	CPI Control Number Pending	New when purchased.	$8,090.00
11/8/2002	1939 Technology Drive, Troy MI 48083	Battery Pack Hardware Design	CPI Control Number Pending	New when purchased.	$1,025.00
11/8/2002	1940 Technology Drive, Troy MI 48083	Battery Pack Hardware Design	CPI Control Number Pending	New when purchased.	$3,549.50
11/8/2002	1941 Technology Drive, Troy MI 48083	Battery Pack Hardware Design	CPI Control Number Pending	New when purchased.	$1,460.00
11/18/2002	1942 Technology Drive, Troy MI 48083	Develop/Design Battery Enclosure	CPI Control Number Pending	New when purchased.	$5,000.00
11/19/2002	1943 Technology Drive, Troy MI 48083	Design/Develop Battery Pack	CPI Control Number Pending	New when purchased.	$9,838.15
11/19/2002	1944 Technology Drive, Troy MI 48083	Design/Develop Battery Pack	CPI Control Number Pending	New when purchased.	$9,742.30
11/19/2002	1945 Technology Drive, Troy MI 48083	Design/Develop Battery Pack	CPI Control Number Pending	New when purchased.	$9,648.30
11/19/2002	1946 Technology Drive, Troy MI 48083	Design/Develop Battery Pack	CPI Control Number Pending	New when purchased.	$4,777.07
11/19/2002	1947 Technology Drive, Troy MI 48083	Design/Develop Battery Pack	CPI Control Number Pending	New when purchased.	$4,731.86

11/19/2002	1948 Technology Drive, Troy MI 48083	Design/Develop Battery Pack	CPI Control Number Pending	New when purchased.	$4,686.04
11/19/2002	1949 Technology Drive, Troy MI 48083	Design/Develop Battery Pack	CPI Control Number Pending	New when purchased.	$4,686.04
11/19/2002	1950 Technology Drive, Troy MI 48083	Design/Develop Battery Pack	CPI Control Number Pending	New when purchased.	$2,857.09
11/20/2002	1951 Technology Drive, Troy MI 48083	BMS Monitor 2.01/2.02 Upgrade	CPI Control Number Pending	New when purchased.	$1,215.00
12/13/2002	1952 Technology Drive, Troy MI 48083	Develop/Design Battery Enclosure	CPI Control Number Pending	New when purchased.	$5,000.00
12/13/2002	1953 Technology Drive, Troy MI 48083	Develop/Design Battery Enclosure	CPI Control Number Pending	New when purchased.	$2,880.00
12/16/2002	1954 Technology Drive, Troy MI 48083	Develop/Design Battery Enclosure	CPI Control Number Pending	New when purchased.	$5,000.00
12/16/2002	1955 Technology Drive, Troy MI 48083	Design/Develop Battery Pack	CPI Control Number Pending	New when purchased.	$9,935.90
12/18/2002	1956 Technology Drive, Troy MI 48083	Battery Pack Hardware Design	CPI Control Number Pending	New when purchased.	$2,720.50
1/28/2003	1957 Technology Drive, Troy MI 48083	Environmental Chamber Freight	CPI Control Number Pending	Used when purchased.	$837.44
2/4/2003	1958 Technology Drive, Troy MI 48083	Environmental Chamber	CPI Control Number Pending	Used when purchased.	$3,500.00
4/4/2003	1959 Technology Drive, Troy MI 48083	Yamato Scientific Oven	CPI Control Number Pending	New when purchased.	$1,299.43
4/9/2003	1960 Technology Drive, Troy MI 48083	Yamato Scientific Oven Freight	CPI Control Number Pending	New when purchased.	$230.95
4/23/2003	1961 Technology Drive, Troy MI 48083	Unitek Weldhead Rebuild	CPI Control Number Pending	Used when purchased.	$2,014.00
8/14/2003	1962 Technology Drive, Troy MI 48083	phyCore Rapid Development Kit	CPI Control Number Pending	New when purchased.	$1,458.00
8/18/2003	1963 Technology Drive, Troy MI 48083	Compiler for Microcontroller	CPI Control Number Pending	New when purchased.	$532.33
11/7/2003	1964 Technology Drive, Troy MI 48083	phyCore MPC555	CPI Control Number Pending	New when purchased.	$1,366.50
1/22/2004	1965 Technology Drive, Troy MI 48083	Tektronix Digitizing Oscilliscope	CPI Control Number Pending	New when purchased.	$2,173.25
1/27/2004	1966 Technology Drive, Troy MI 48083	Agilent 34401A 6.5 Digit DMM	CPI Control Number Pending	New when purchased.	$776.90
2/2/2004	1967 Technology Drive, Troy MI 48083	TEKTDS2 Mem Flash for Oscill.	CPI Control Number Pending	New when purchased.	$367.35
10/15/2005	1968 Technology Drive, Troy MI 48083	Forklift	CPI Control Number Pending	Used when purchased.	$4,000.00
Planned in 05	1968 Technology Drive, Troy MI 48083	Thermal Chamber	CPI Control Number Pending	Plan to purchase new.	$20,000.00
Planned in 05	1969 Technology Drive, Troy MI 48083	Small Cell Cycle	CPI Control Number Pending	Plan to purchase new.	$20,000.00
Planned in 05	1970 Technology Drive, Troy MI 48083	Machine Shop	CPI Control Number Pending	Plan to purchase new.	$25,000.00
Planned in 05	1971 Technology Drive, Troy MI 48083	Miscellaneous Instruments	CPI Control Number Pending	Plan to purchase new.	$25,000.00
Planned in 05	1972 Technology Drive, Troy MI 48083	Miscellaneous Equipment	CPI Control Number Pending	Plan to purchase new.	$50,000.00
Planned in 05	1973 Technology Drive, Troy MI 48083	Vibration Table	CPI Control Number Pending	Plan to purchase new.	$25,000.00
		Property Tax Subtotal			[redacted]
Note 1)	All items to be moved to Troy by December 31, 2005				
Note 2)	All items to be assigned CPI control Number by December 31, 2005				

617,725.20

617,725.20

Michigan Next Energy Authority

2005 Alternative Energy Technology Business Personal Property Listing

Exempt Personal Property Information Attachement

Business Name:	**Compact Power, Inc.**
School District:	**Troy School District**

DATE ACQUIRED	STREET ADDRESS WHERE PROPERTY IS LOCATED (Note 1)	DESCRIPTION	Serial No. (Note 2)	New or Used	COST
3/30/2001	1857 Technology Drive, Troy MI, 48083	ER 1 $10k of $30k	CPI Control Number Pending	Used when purchased.	$10,000.00
3/30/2001	1858 Technology Drive, Troy MI, 48083	ER 1 $8.5k of $30k	CPI Control Number Pending	Used when purchased.	$8,500.00
4/26/2001	1859 Technology Drive, Troy MI, 48083	ER 1 $11.5k of $30k	CPI Control Number Pending	Used when purchased.	$11,500.00
5/3/2001	1860 Technology Drive, Troy MI, 48083	ER 2 Chassis	CPI Control Number Pending	Used when purchased.	$10,500.00
6/7/2001	1861 Technology Drive, Troy MI, 48083	Electric Bike #1	CPI Control Number Pending	New when purchased.	$1,749.70
6/12/2004	1862 Technology Drive, Troy MI, 48083	Scales/Brakes to Build ER 2	CPI Control Number Pending	New when purchased.	$809.38
6/21/2001	1863 Technology Drive, Troy MI, 48083	Electric Bike #2	CPI Control Number Pending	New when purchased.	$1,099.00
12/17/2001	1864 Technology Drive, Troy MI, 48083	Cleco Fastener for ER 2	CPI Control Number Pending	New when purchased.	$538.53
4/23/2002	1865 Technology Drive, Troy MI, 48083	Racing Helmet for ER2	CPI Control Number Pending	New when purchased.	$759.00
5/22/2003	1866 Technology Drive, Troy MI, 48083	Seat for ER2	CPI Control Number Pending	New when purchased.	$323.06
6/20/2003	1867 Technology Drive, Troy MI, 48083	Traction control wheel for ER2	CPI Control Number Pending	New when purchased.	$749.67
7/14/2003	1868 Technology Drive, Troy MI, 48083	Materials to Build ER 2	CPI Control Number Pending	New when purchased.	$623.76
9/29/2005	1869 Technology Drive, Troy MI, 48083	Toyota Prius	CPI Control Number Pending	New when purchased.	$24,076.00
	Property Tax Subtotal				$71,228.10

NOT TAXABLE

Note 1)	All Items to be moved to Troy by December 31, 2005
Note 2)	All Items to be assigned CPI control Number by December 31, 2005

71,228.10

NOT TXBL −24,076.00

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47,152.10

Michigan Next Energy Authority

2005 Alternative Energy Technology Business Personal Property Listing

Exempt Personal Property Information Attachement

Business Name: **Compact Power, Inc.**
School District: **Troy School District**

DATE ACQUIRED	STREET ADDRESS WHERE PROPERTY IS LOCATED (Note 1)	DESCRIPTION	Serial No. (Note 2)	New or Used	COST
1/2/2001	1857 Technology, Drive, Troy MI, 48083	CPI Sign	CPI Control Number Pending	New when purchased.	$1,500.00
1/4/2001	1858 Technology, Drive, Troy MI, 48083	Office Miniblinds	CPI Control Number Pending	New when purchased.	$677.89
1/5/2001	1859 Technology, Drive, Troy MI, 48083	HP Office Jet G85 Printer	CPI Control Number Pending	New when purchased.	$599.97
1/10/2001	1860 Technology, Drive, Troy MI, 48083	Printer and Supplies (DR)	CPI Control Number Pending	New when purchased.	$956.43
1/11/2001	1861 Technology, Drive, Troy MI, 48083	Workroom Cabinets	CPI Control Number Pending	New when purchased.	$653.83
1/16/2001	1862 Technology, Drive, Troy MI, 48083	Office Wall Décor	CPI Control Number Pending	New when purchased.	$700.04
1/17/2001	1863 Technology, Drive, Troy MI, 48083	Digital Camera	CPI Control Number Pending	New when purchased.	$514.49
1/17/2001	1864 Technology, Drive, Troy MI, 48083	Toshiba Copier	CPI Control Number Pending	New when purchased.	$6,614.27
2/2/2001	1865 Technology, Drive, Troy MI, 48083	Overhead Projector	CPI Control Number Pending	New when purchased.	$537.04
2/13/2001	1866 Technology, Drive, Troy MI, 48083	Conference Room Projector	CPI Control Number Pending	New when purchased.	$2,910.83
3/1/2001	1867 Technology, Drive, Troy MI, 48083	Network Card for Toshiba Copier	CPI Control Number Pending	New when purchased.	$1,993.84
5/10/2001	1868 Technology, Drive, Troy MI, 48083	Delivery	CPI Control Number Pending	New when purchased.	$59.00
5/10/2001	1869 Technology, Drive, Troy MI, 48083	Tax	CPI Control Number Pending	New when purchased.	$127.92
6/27/2001	1870 Technology, Drive, Troy MI, 48083	Storage Unit	CPI Control Number Pending	New when purchased.	$512.15
6/29/2001	1871 Technology, Drive, Troy MI, 48083	Digital Movie Camera	CPI Control Number Pending	New when purchased.	$1,100.76
7/5/2001	1872 Technology, Drive, Troy MI, 48083	New Phones	CPI Control Number Pending	New when purchased.	$1,236.00
7/11/2001	1873 Technology, Drive, Troy MI, 48083	Network Equipment/Installation	CPI Control Number Pending	New when purchased.	$938.03
11/20/2001	1874 Technology, Drive, Troy MI, 48083	Tax	CPI Control Number Pending	New when purchased.	$131.81
11/20/2001	1875 Technology, Drive, Troy MI, 48083	Delivery	CPI Control Number Pending	New when purchased.	$59.00
1/23/2002	1876 Technology, Drive, Troy MI, 48083	LaserJet 4550	CPI Control Number Pending	New when purchased.	$2,008.78
1/31/2002	1877 Technology, Drive, Troy MI, 48083	Jetdirect 300x	CPI Control Number Pending	New when purchased.	$262.36
7/27/2005	1878 Technology, Drive, Troy MI, 48083	Phone System (30%)	CPI Control Number Pending	New when purchased.	$5,052.00
8/4/2005	1879 Technology, Drive, Troy MI, 48083	Phone System Balance	CPI Control Number Pending	New when purchased.	$12,800.60
8/19/2005	1880 Technology, Drive, Troy MI, 48083	Furniture (50%)	CPI Control Number Pending	New when purchased.	$32,500.00
	Property Tax Subtotal				$74,446.04

Note 1)	All items to be moved to Troy by December 31, 2005
Note 2)	All items to be assigned CPI control Number by December 31, 2005

74,446.04

74,446.04

www.michigan.gov
(To Print: use your browser's print function)

Release Date: June 18, 2002
Last Update: May 22, 2003

State Tax Commission Bulletin No. 18 of 2002

DATE: December 10, 2002
TO: Assessors Personal Property, Equalization Directors
FROM: State Tax Commission (STC)

RE: **ALTERNATIVE ENERGY PERSONAL PROPERTY**

Enclosed is a copy of Public Act (PA) 549 of 2002 which was signed by Governor Engler on July 25, 2002 with an effective date of July 26, 2002.

PA 549 of 2002 provides that, **FOR ASSESSMENT YEARS 2003 through 2012, Alternative Energy Personal Property** is exempt from the collection of taxes. There are provisions in the law for local school districts and local tax collecting units to adopt resolutions to NOT exempt **Alternative Energy Personal Property** from certain millages. This will be discussed later in this bulletin.

A. Alternative Energy Personal Property

Alternative Energy Personal Property is personal property which has been certified to the assessor by the **Michigan Next Energy Authority** as qualifying for this exemption.

The **Michigan Next Energy Authority** was created by PA 593 of 2002 which was signed by Governor Engler on October 17, 2002 with an effective date of October 17, 2002. A copy of PA 593 of 2002 is also enclosed with this bulletin.

The **Michigan Next Energy Authority** is located within the Department of Management and Budget.

The following are the types of personal property which may be certified to the assessor by the **Michigan Next Energy Authority** and are then exempt from taxation:

1. **Alternative energy systems**
2. **Alternative energy vehicles**
3. Tangible personal property of a business that is an **alternative energy technology business**. In order to become an **alternative energy technology business**, a business must be certified as such by the Michigan Next Energy Authority. Proof of certification must be sent to the local assessor.
4. Tangible personal property of a business that is NOT an **alternative energy technology business** that is used solely for the purpose of researching, developing, or manufacturing an **alternative energy technology**.

NOTE: The terms shown in bold print in items 1 through 4 above are defined by PA 593 of 2002 (copy enclosed).

If the **Michigan Next Energy Authority** certifies that personal property qualifies for exemption as **Alternative Energy Personal Property** AND if the **Michigan Next Energy Authority** provides proof of certification to the assessor, the assessor shall exempt the property from taxation up to and including the 2012 assessment. The **Michigan Next Energy Authority** shall forward copies of the certification to the secretary of the local school district and the treasurer of the local tax collecting unit.

NOTE: The **Alternative Energy Personal Property** Exemption does NOT exempt property from the collection of specific taxes. The **Alternative Energy Personal Property** Exemption does NOT exempt property from the collection of special assessments since special assessments are levied upon real property only.

B. Opting Out of the Alternative Energy Personal Property Exemption

PA 549 of 2002 contains provisions for local school districts and local tax collecting units to adopt Resolutions to NOT Exempt **Alternative Energy Personal Property** from certain taxes. This is sometimes referred to in this bulletin as **opting out** of the exemption. The following are the provisions for **opting out** of the exemption:

1. The school board of a LOCAL SCHOOL DISTRICT may adopt a Resolution to NOT Exempt **Alternative Energy Personal Property** from the following taxes:

   a. Tax authorized by MCL 380.1212 for the purpose of creating a **sinking fund.**
   b. Tax authorized by MCL 380.1 to 380.1852 to retire **outstanding bonded indebtedness**.

   The **Resolution to NOT Exempt** must be adopted by the local school district within 60 days after receiving the certification of exemption from the **Michigan Next Energy Authority**. ALSO, the resolution must have the written concurrence of the superintendent of the local school district.

   If the **Resolution to NOT Exempt** is adopted by the local school district, a copy of the resolution shall be forwarded to the **Michigan Next Energy Authority**, the treasurer of the local tax collecting unit, and the State Treasurer.

   If the **Resolution to NOT Exempt** fails, the **alternative energy personal property** is exempt from these taxes.

2. The governing body of a LOCAL TAX COLLECTING UNIT may adopt a Resolution to NOT Exempt **Alternative Energy Personal Property** from certain taxes collected in that local tax collecting unit. Townships and cities are generally considered to be local tax collecting units. The following are examples of taxes collected in local tax collecting units which local tax collecting units can **opt out** of:

   a. County Taxes
   b. Intermediate School District taxes
   c. Community College taxes
   d. Taxes levied by authorities such as DDA's, district libraries, transit authorities, etc.
   e. City taxes
   f. Township taxes

   A LOCAL TAX COLLECTING UNIT CANNOT **opt out** of the following taxes:

   a. taxes collected under the authority of MCL 380.1211 **(local school operating millage)**
   b. taxes collected under the authority of MCL 380.1212 **(local school sinking fund)**
   c. taxes collected under the authority of MCL 380.1 to 380.1852 **(for the retirement of local school bonded indebtedness)**
   d. the State Education Tax (SET)

   The **Resolution to NOT Exempt** must be adopted by the local tax collecting unit within 60 days after receiving the certification of exemption from the **Michigan Next Energy Authority**; otherwise, the alternative energy personal property is exempt from the taxes which the local tax collecting unit could have **opted out** of.

   The clerk of the local tax collecting unit shall notify in writing the assessor of the local tax collecting unit in which the **Alternative Energy Personal Property** is located and the legislative body of each taxing unit that levies ad valorem property taxes in the local tax collecting unit in which the **Alternative Energy Personal Property** is located. Notice of the meeting at which the resolution will be considered shall be provided as required under the Open Meetings Act. Before acting on the resolution, the governing body of the local tax collecting unit shall afford the assessor and a representative of the affected taxing

units an opportunity for a hearing.

If the **Resolution to NOT Exempt** is adopted by the local tax collecting unit, a copy of the resolution shall be forwarded to the **Michigan Next Energy Authority** and to the State Treasurer.

Note: Even if the local school district and the local tax collecting unit **opt out** of all of the taxes possible, the alternative energy personal property will still be exempt from the SET and local school district operating millages.

C. The Alternative Energy Exemption is Sometimes a Millage Rate Exemption Only

Since LOCAL SCHOOLS and LOCAL TAX COLLECTING UNITS can **opt out** of the **Alternative Energy Exemption** for certain millages, this exemption will sometimes be a millage rate exemption only, rather than a full assessed value and taxable value exemption. This is true because, when a local school district or a local tax collecting unit **opts out**, it is necessary to have a taxable value against which to levy the millage. The State Tax Commission therefore recommends that the assessor assess **Alternative Energy Personal Property** under a separate parcel ID number and at a separate place on the assessment roll when a local school district or a local tax collecting unit has **opted out** of the exemption. In this situation, **Alternative Energy Personal Property** is subject to the assessment and equalization process.

D. Real and Personal Property Owned by the Michigan Next Energy Authority

Under Section 6 of PA 593 of 2002, real and personal property belonging to the **Michigan Next Energy Authority** is also exempt from taxation if it is used for a public purpose. This act states that property of the **Michigan Next Energy Authority** is public property devoted to an essential public and governmental function and purpose.

Note: This exemption is a standard exemption of taxable and assessed values. It is not a millage rate exemption. Local school districts and local tax collecting units cannot opt out of this exemption.

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January 13, 2006

To: John Szerlag, City Manager

From: John Lamerato, Assistant City Manager – Finance/Administration
Nino Licari, City Assessor

Re: Agenda Item – Announcement of Public Hearing, NextEnergy Exemptions

Recommendation:
Staff requests the scheduling of Public Hearings for three (3) Michigan NextEnergy Exemptions on February 20, 2006.

Detail:
The Michigan NextEnergy Authority (MNEA) has certified three companies as Alternative Energy Technology Businesses. They have approved Personal Property Exemptions for these companies, subject to verification of the Personal Property by the local Assessor, and subject to City Council approval.

The companies are Compact Power, Inc., at 1857 Technology, Ovonic Battery Company at 1414 Combermere, and United Solar Ovonic Corporation at 1100 W Maple (who has an existing exemption).

Public Hearings must be scheduled within 60 days of the MNEA action for City Council action. The announcement at this time will allow public notification requirements to be met.

NL/nl

CITY OF TROY

NOTICE OF PUBLIC HEARING

A Public Hearing will be held by and before the City Council of the City of Troy at City Hall, 500 W. Big Beaver, Troy, Michigan on Monday, February 20, 2006, at 7:30 p.m., or as soon thereafter as the agenda will permit, to consider Alternative Energy Personal Property Exemptions approved by the Michigan NextEnergy Authority for the following three location in the City of Troy:

T2N, R11E, Section 28

1100 W Maple, Troy, Michigan — United Solar Ovonic Corp.

T2N, R11E, Section 34

1414 Combermere, Troy, Michigan — Ovonic Battery Company

T2N, R11E, Section 35

1857 Technology, Troy, Michigan — Compact Power, Inc.

This hearing is held in compliance with Act 198, Public Acts of 1974, as amended.

You may express your comments regarding this matter by e-mail to XXXXXXXX, by writing to this office, or by attending the Public Hearing.

Tonni Bartholomew, MMC
City Clerk

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

OVONIC MEDIA LLC
2956 WATERVIEW DR
ROCHESTER HILLS MI 48309

DAVID HIEBER
OAKLAND COUNTY EQUALIZATION
250 ELIZABETH LAKE #1000W
PONTIAC MI 48231

UNITED SOLAR OVONIC CORP
1100 W MAPLE
TROY MI 48084-5352

PATRICK DOHANY
OAKLAND CO PUBLIC TRANSPORTATION
1200 N TELEGRAPH 49W
PONTIAC MI 48231-0049

OAKLAND INTERMEDIATE SCHOOLS
2100 PONTIAC LAKE RD
WATERFORD MI 48328-2735

OAKLAND COMMUNITY COLLEGE
GEORGE A BEE ADMIN CNTR
2480 OPDYKE
BLOOMFIELD HILLS MI 48304-2266

MICHAEL ADAMCZYK
TROY SCHOOL DISTRICT
4400 LIVERNOIS
TROY MI 48098-4799

WARREN CONSOLIDATED SCHOOLS
31300 ANITA
WARREN MI 48093-1697

COMPACT POWER INC
1857 TECHNOLOGY DRIVE
TROY MI 48083

MACOMB INTERMEDIATE SCHOOLS
44001 GARFIELD
CLINTON TWP, MI 48038-1100

(Avery 5160 Labels)

RESOLUTION TO SET PUBLIC HEARING FOR MICHIGAN NEXTENERGY EXEMPTIONS

Resolution #2006-
Moved by:
Seconded by:

RESOLVED, that Public Hearings be established for February 20, 2006, to consider three (3) Michigan NextEnergy Exemption proposals for alternative energy Personal Property located at 1857 Technology, 1414 Combermere, and 1100 W Maple, all located in the City of Troy.

Yes:
No:
Absent:

City of Troy - Assessing Department
Estimated NextEnergy Exempted Tax Calculation
Compact Power Inc., 1857 Technology 88-20-35-226-087

Taxing Authority	Mills	Estimated Exempt Taxes 2006	Estimated Exempt Taxes 2007	Estimated Exempt Taxes 2008	Estimated Exempt Taxes 2009	Estimated Exempt Taxes 2010	Estimated Exempt Taxes 2011	Estimated Exempt Taxes 2012	Estimated Exempt Taxes 2013	Total	Taxing Authority
City of TROY	9.4500	3,480.06	3,132.11	2,818.84	2,536.95	2,283.31	2,055.00	1,849.46	1,664.52	19,820.24	City of TROY
Administration Fee	0.3831	141.08	126.97	114.27	102.85	92.56	83.31	74.98	67.48	803.51	Administration Fee
Transportation	0.5950	219.11	197.21	177.48	159.73	143.76	129.39	116.45	104.80	1,247.94	Transportation
Oakland County	4.6461	1,710.97	1,539.90	1,385.89	1,247.29	1,122.59	1,010.34	909.29	818.36	9,744.64	Oakland County
Macomb Intermediate	2.9430	1,083.79	975.43	877.87	790.08	711.09	639.98	575.97	518.38	6,172.59	Macomb Intermediate
Community College	1.5844	583.47	525.13	472.61	425.35	382.82	344.54	310.08	279.08	3,323.09	Community College
Warren School Debt	3.2764	1,206.57	1,085.93	977.32	879.58	791.64	712.49	641.22	577.11	6,871.86	Warren School Debt
School Operating	18.0000	6,628.68	5,965.92	5,369.22	4,832.28	4,349.16	3,914.28	3,522.78	3,170.52	37,752.84	School Operating
State Education Tax	6.0000	2,209.56	1,988.64	1,789.74	1,610.76	1,449.72	1,304.76	1,174.26	1,056.84	12,584.28	State Education Tax
Totals by Year		17,263.29	15,537.24	13,983.24	12,584.87	11,326.66	10,194.09	9,174.49	8,257.09	98,320.98	Grand Total

Estimated Taxable Value	368,260	331,440	298,290	268,460	241,620	217,460	195,710	176,140
	2006	2007	2008	2009	2010	2011	2012	2013

Market Value Exempted
818,362.56

A Special Meeting of the Troy City Council was held Monday, February 6, 2006, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 5:36 P.M. E-02

ROLL CALL:

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

ALSO PRESENT: Tom and Sue Dority – The Mercer Group, Inc.

Discussion with *The Mercer Group, Inc.* Regarding Profile of City Manager Position

Tom Dority, Senior Vice President of The Mercer Group, Inc. provided a brief introduction summarizing the qualifications of The Mercer Group and described his own experience in the recruitment of candidates for governmental positions. Mr. Dority then outlined the process and timeline of the City Manager search process.

Each City Council Member responded to the questions posed on the *City Manager Profile Questionnaire for Search Consultant Interviews* provided by The Mercer Group, Inc. summarizing their expectations of what qualifications potential candidates should possess to fill the city manager position.

John Szerlag, City Manager, described his recent experience when interviewing for his new position.

PUBLIC COMMENT

The meeting **ADJOURNED** at 7:06 P.M.

Louise E. Schilling, Mayor

Barbara A. Holmes, Deputy City Clerk

A Regular Meeting of the Troy City Council was held Monday, February 6, 2006, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:31 P.M.

Pastor Tom Barbret of Lutheran Church of the Master gave the Invocation and the Pledge of Allegiance to the Flag was given.

ROLL CALL:

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

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

a) Chief Craft presented a proclamation received from the Avondale Youth Assistance Board thanking the City of Troy for supporting their activities.

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 No Public Hearings

POSTPONED ITEMS:

D-1 Council Rules of Procedure Proposed Amendment – Rule #28

Resolution #2006-02-035
Moved by Beltramini
Seconded by Stine

RESOLVED, That Council Rules be **AMENDED** as recommended by City Administration by incorporating Rule Number 28, Wire Communications Between City Council Members During City Council Meetings.

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

MOTION CARRIED

Vote on Resolution for Council Rules of Procedure Amendment – Rule #29

Resolution #2006-02-036
Moved by Beltramini
Seconded by Stine

RESOLVED, That Council Rules be **AMENDED** as recommended by City Administration by incorporating Rule Number 29, Wire Communications Between City Council Members During City Council Meetings.

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

MOTION FAILED

CONSENT AGENDA:

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

Resolution #2006-02-037
Moved by Stine
Seconded by Broomfield

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Items E-4c, E-6 and E-7 which shall be considered after Consent Agenda (E) items, as printed.

Yes: All-7

E-2 Approval of City Council Minutes

Resolution #2006-02-037-E-2

RESOLVED, That the Minutes of the Regular City Council Meeting of January 23, 2006 be **APPROVED** as submitted.

E-3 Proposed City of Troy Proclamations: None Proposed

E-4 Standard Purchasing Resolutions

a) Standard Purchasing Resolution 10: Travel Authorization and Approval to Expend Funds for Troy City Council Members' Travel Expenses – National League of Cities (NLC) 14th Annual Leadership Summit

Resolution #2006-02-037-E-4a

RESOLVED, That those Council members interested are **AUTHORIZED** to attend the National League of Cities (NLC) 14th Annual Leadership Summit on September 21 - 23, 2006 in Colorado Springs, CO in accordance with accounting procedures of the City of Troy.

b) Standard Purchasing Resolution 3: Exercise Renewal Option – Printing / Distribution of Water and Sewer Bills

Resolution #2006-02-037-E-4b

WHEREAS, On March 21, 2005, a one-year contract with the option to renew for three additional one-year periods for the printing/distribution of water and sewer bills was awarded to the lowest bidder meeting specifications, Automated Computer Methods, Inc. of McHenry, IL (Resolution #2005-03-123-E-5);

WHEREAS, Automated Computer Methods, Inc. has agreed to exercise the option to renew the first of three additional one-year periods under the same prices, terms, and conditions.

NOW, THEREFORE, BE IT RESOLVED, That the option to renew the contract for one additional year is hereby **EXERCISED** with Automated Computer Methods, Inc. to provide laser printing/distribution of water and sewer bills for an estimated total cost of $11,616.00 per year, plus the actual cost of first class postage, under the same contract prices, terms, and conditions as the original contract, to expire April 30, 2007.

d) Standard Purchasing Resolution 3: Exercise Renewal Option – Landscape Maintenance Services

Resolution #2006-02-037-E-4d

WHEREAS, On July 21, 2003, a three-year contract with an option to renew for one (1) additional one-year period to provide landscape services for the cemeteries, non-irrigated street medians, museum, fire stations, and I-75 cloverleaves was awarded to the lowest acceptable bidder meeting specifications, Parks Landscaping of Troy, MI (Resolution #2003-07-376), and

WHEREAS, Parks Landscaping has agreed to exercise the one-year option to renew under the same prices, terms, and conditions as the original contract.

NOW, THEREFORE, BE IT RESOLVED, That the option to renew the contract is hereby **EXERCISED** with Parks Landscaping to provide landscape maintenance services on municipal grounds for an estimated total cost of $142,465.00, at unit prices contained on the tabulation opened March 28, 2003, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-5 Acceptance of Permanent Storm Water Detention Easement, Permanent Sanitary Sewer Easement, Permanent Water Main Easement, Permanent Non-Accessible Greenbelt Easement, and Permanent Emergency Vehicle Access Easement from Carlton Villas Condominium – Sidwell #88-20-03-451-033, 034, 035, 036, 051, 052

Resolution #2006-02-037-E-5

RESOLVED, That the Permanent Storm Water Detention Easement, Permanent Sanitary Sewer Easement, Permanent Water Main Easement, Permanent Non-Accessible Greenbelt Easement, and Permanent Emergency Vehicle Access Easement, all being part of the Carlton Villas Condominium project who's owner is Chary L.L.C., 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 Private Agreement for Amberwood Condominiums – Project No. 05.907.3

Resolution #2006-02-037-E-8

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

E-9 D & K Hannawa, LLC v. City of Troy et al

Resolution #2006-02-037-E-9

RESOLVED, That the City Attorney is hereby **AUTHORIZED AND DIRECTED** to represent the City of Troy in any and all claims and damages in the matter of D & K Hannawa, LLC v City of Troy, et. al and to pay all expenses and to **RETAIN** any necessary expert witnesses to adequately represent the City.

E-10 Traffic Signal Maintenance Agreements that the RCOC Missed in the Past

Resolution #2006-02-037-E-10

WHEREAS, The traffic signals at Stephenson Highway crossover south of Rochester Road, Maple Road at Fire Station 4 (caution yellow lights), and Square Lake Road Crossover east of Delphi, have been installed and are in operation.

NOW, THEREFORE, BE IT RESOLVED, That the maintenance agreements with the Road Commission for Oakland County for the maintenance of the above mentioned traffic signals be **APPROVED**, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-11 Acceptance of Warranty Deed for Booth (Quill Creek) Parcel Split, Terry L. Stamper – Sidwell #88-20-03-401-002

Resolution #2006-02-037-E-11

RESOLVED, That the Warranty Deed for detention area basin from Terry L. Stamper, owner of the property having Sidwell #88-20-03-401-002, is hereby **ACCEPTED**; and

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

E-12 Zoning Ordinance Text Amendment (ZOTA 215-A) – Article 04.20.00 and Articles 40.55.00-40.59.00, Pertaining to Accessory Buildings Definitions and Provisions

Resolution #2006-02-037-E-12

WHEREAS, The Planning Commission is required to conduct a public hearing before submitting a recommendation regarding ZOTA 215-A to City Council.

WHEREAS, There is a Public Hearing scheduled for the February 14, 2006 Planning Commission Regular Meeting.

NOW, THEREFORE, BE IT RESOLVED, That City Council hereby **POSTPONES** ZOTA 215-A to the first available City Council public hearing date that occurs after the required Planning Commission public hearing.

E-13 Request for Acceptance of a Permanent Watermain Easement – Diajeff Trust, Sidwell #88-20-23-100-036

Resolution #2006-02-037-E-13

RESOLVED, That the Permanent Watermain Easement received from Diajeff Trust, owners of property having Sidwell # 88-20-23-100-036, is hereby **ACCEPTED**; and

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

E-14 Acceptance of a Permanent Watermain Easement – Manorcare Health Services, Inc., Sidwell #88-20-03-102-001

Resolution #2006-02-037-E-14

RESOLVED, That the Permanent Watermain Easement received from Manorcare Health Services, Inc., owners of property having Sidwell # 88-20-03-102-001 is hereby **ACCEPTED**; and

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

E-15 Approval of Mon Jin Lau Fireworks Request

Resolution #2006-02-037-E-15

RESOLVED, That the City Council of the City of Troy does hereby **WAIVE** City ordinances Chapter 98, 98.05.16 Fireworks and Chapter 93, 3301.1.3 Fireworks for the purpose of celebrating Chinese New Year at the Mon Jin Lau restaurant, located at 1515 East Maple Road, on February 8, 2006.

E-16 Schedule Public Hearing for William Beaumont Hospital

Resolution #2006-02-037-E-16

RESOLVED, That the City Council of the City of Troy does hereby **SCHEDULE** a public hearing for Monday, February 27, 2006 at 7:30 PM for the purpose of receiving public input on the City of Royal Oak Hospital Financing Authority utilizing tax-exempt bonds, a portion of the proceeds of the bonds will be used to refund bonds which were used to construct an addition to the hospital facility of William Beaumont Hospital in the City of Troy.

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

c) Standard Purchasing Resolution 2: Bid Award – Lowest Bidder Meeting Specifications – Home Chore Lawn and Yard Services

Resolution #2006-02-038
Moved by Stine
Seconded by Beltramini

RESOLVED, That a contract to provide for seasonal requirements of lawn and yard services for the Home Chore Program with an option to renew for one (1) additional year is hereby **AWARDED** to the lowest bidder meeting specifications, Redburn's Snow Plowing & Lawn Maintenance, Inc. of Rochester Hills, MI for an estimated total cost of $47,780.00, at unit prices contained in the bid tabulation opened January 11, 2006, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with a contract expiration of December 31, 2006; and

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

Yes: All-7

E-6 Approval of Transfer of Class C-SDM License for Corradi's – 1090 Rochester Road

(a) New License

Resolution
Moved by Stine
Seconded by Broomfield

RESOLVED, That the request from White Star Entertainment, Inc. to transfer ownership of a 2005 Class C-SDM licensed business with Entertainment Permit and Official Permit (food) at 1090 Rochester, Troy, MI 48083, Oakland County, from MKC, Inc.; be **CONSIDERED FOR APPROVAL**.

(b) Agreement

Resolution
Moved by Stine
Seconded by Broomfield

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 White Star Entertainment, Inc. to transfer ownership of a 2005 Class C-SDM licensed business with Entertainment Permit and Official Permit (food) at 1090 Rochester, Troy, MI 48083, Oakland County, from MKC, Inc.; 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.

Proposed Resolution to Amend

Resolution
Moved by Stine
Seconded by Broomfield

RESOLVED, That the Resolution to approve the of Transfer of Class C-SDM License for Corradi's – 1090 Rochester Road be **AMENDED** by **INSERTING** "with dance permit" **AFTER** "Official Permit (food)" in resolutions (a) and (b).

Vote on Resolution to Postpone

Resolution #2006-02-039
Moved by Broomfield
Seconded by Howrylak

RESOLVED, That Troy City Council hereby **POSTPONES** the *Transfer of Class C-SDM License for Corradi's – 1090 Rochester Road* until the Regular City Council meeting scheduled for Monday, February 20, 2006.

Yes: All-7

E-7 Acceptance of Permanent Easements for Storm Sewer and Public Utilities from Woodward Common Land Company, L.L.C. – Sidwell #88-20-18-477-072

Resolution #2006-02-040
Moved by Stine

Seconded by Howrylak

RESOLVED, That the Permanent Easements for Storm Sewer and Public Utilities, from Woodward Common Land Company, L.L.C., owner of the property having Sidwell #88-20-18-477-072, 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.

Yes: All-7

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: Library Advisory Board; Liquor Advisory Committee; and Traffic Committee; c) City Council Confirmation: Board of Zoning Appeal Planning Commission Representative and Alternate

(a) Mayoral Appointments - None

(b) City Council Appointments

Resolution #2006-02-041
Moved by Broomfield
Seconded by Lambert

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

Library Advisory Board
Appointed by Council (5) – 3 Year Terms

Heather Eisenbacher — Unexpired Term Expires 04/30/08

Liquor Advisory Committee
Appointed by Council (7) – 3-Year Terms

David Ogg — Term Expires 01/31/09

Traffic Committee
Appointed by Council (7) – 3 Year Terms

Jonathan Shin — Student Term Expires 07/01/06

Yes: All-7

Vote on Resolution to Confirm Board of Zoning Appeal Planning Commission Representative and Alternate

Resolution #2006-02-042
Moved by Beltramini
Seconded by Stine

RESOLVED, That the following persons hereby **APPOINTED BY THE PLANNING COMMISSION** to serve on the Board of Zoning Appeals as indicated is hereby **CONFIRMED** by City Council:

Board of Zoning Appeals-Planning Commission Representative & Alternate
Appointed by Planning Commission (1 PC Representative & 1 PC Alternate) – 1 Year Term
Confirmed by City Council **(See F-1 Attachment)**

Wayne Wright - Planning Commission Rep	Term Expires 01/31/07
Larry Littman - Alt-Planning Commission Rep	Term Expires 01/31/07

Yes: All-7

F-2 Approval of Purchase Agreement with Christine Meyers Moore for Acquisition of Property at 3645 Crooks Road and for the Sale of 3236 Rochester Road – Sidwell #88-20-20-226-038

Resolution #2006-02-043
Moved by Stine
Seconded by Beltramini

RESOLVED, That the Agreement to Purchase with conditions between Christine Meyers Moore and the City of Troy, having Sidwell #88-20-20-226-038, for the acquisition of property at 3645 Crooks Road is hereby **APPROVED**; and

BE IT FURTHER RESOLVED, That authorization is hereby **GRANTED** to purchase the property in the Agreement referenced above in the amount of $350,000.00, plus closing costs; and

BE IT FINALLY RESOLVED, That authorization is hereby **GRANTED** pursuant to the Agreement referenced above, to sell, through an open bid process, the property at 3236 Rochester Road.

Yes: All-7

F-3 Municipal Civil Infraction Amendments to Troy City Code

Resolution #2006-02-044
Moved by Lambert
Seconded by Beltramini

RESOLVED, That the ordinance amendments to Chapters 2, 3, 13, 34, 79, 80, 82, 82-A, 85, 86, 88, and 93 of the Code of the City of Troy that designate certain violations of the said ordinances as municipal civil infractions are hereby **ADOPTED** with an effective date of March 1, 2006, and a copy of these ordinances shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7

F-4 Appointment of an Acting City Manager

Resolution
Moved by Stine
Seconded by Fleming

RESOLVED, That John M. Lamerato is **APPOINTED** Acting City Manager effective March 13, 2006.

Vote on Resolution to Amend *Appointment of an Acting City Manager* by Substitution

Resolution #2006-02-045
Moved by Howrylak
Seconded by Lambert

RESOLVED, That the Resolution for *Appointment of an Acting City Manager* be **AMENDED** by **STRIKING** it in its entirety and **SUBSTITUTED** with "RESOLVED, That Lori Grigg-Bluhm is **APPOINTED** Acting City Manager effective March 13, 2006."

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

MOTION FAILED

Vote on *Appointment of an Acting City Manager*

Resolution #2006-02-046
Moved by Stine
Seconded by Fleming

RESOLVED, That John M. Lamerato is **APPOINTED** Acting City Manager effective March 13, 2006.

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

MOTION CARRIED

F-5 Informal Quotation Process – Award of Emergency Water Main Repair at Maple and Research Drive

Resolution #2006-02-047
Moved by Stine
Seconded by Lambert

WHEREAS, Dan's Excavating of Shelby Township, MI is currently under contract with the City of Troy for the Sylvan Glen Golf Course Streambank Stabilization Project and has considerable experience in specialty repair work with large diameter concrete water pipe and deep excavations;

WHEREAS, Dan's Excavating's quote for labor and equipment is considered to be competitive and reasonable for our area.

NOW, THEREFORE, BE IT RESOLVED, That a contract for emergency water main repair work at Maple and Research Drive is hereby **APPROVED** to Dan's Excavating at an estimated cost of $72,000.00; and

BE IT FURTHER RESOLVED, That if unforeseen circumstances should arise that require additional work to be performed and the scope of the project expanded, such additional work is **AUTHORIZED** in an amount not to exceed 25% of the total project cost or $18,000.00.

Yes: All-7

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

a) Rezoning Application – North Side of Fourteen Mile Road, East of John R, Section 36 – B-2 to M-1 (Z 372-B) – February 20, 2006

b) Rezoning Application – Proposed Medical Office, East Side of Stephenson Highway, South Side of Maple, West of I-75, Section 35 – R-C to O-M (Z 286-B) – February 20, 2006

c) Rescheduling of Adoption of Brownfield Plan #4 for TCF Bank – 1470 Coolidge – South of Maple, East of Coolidge, Section 32 from February 20, 2006 to February 27, 2006

Noted and Filed

G-2 Green Memorandums:

a) Cutting Street Ad Hoc Committee Review of the Former Station 2

b) 2006 Golf Division Rate Proposal

c) Letter from Michael Hutson Requesting Discussion Regarding Term Limits for Boards and Committees

Noted and Filed

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

H-1 Council Member Wade Fleming requested that the attached AVIS report be submitted to City Council for preliminary discussion. This report indicates how often persons in the audience speak at the Council meetings and are in rank order in terms of how much time is spent at the microphone.

COUNCIL COMMENTS:

I-1 No Council Comments Advanced

REPORTS:

J-1 Minutes – Boards and Committees:

a) Traffic Committee/Final – February 16, 2005
b) Traffic Committee/Final – March 16, 2005
c) Traffic Committee/Final – May 18, 2005
d) Parks and Recreation Advisory Board/Final – October 13, 2005
e) Board of Zoning Appeals/Final – December 20, 2005
f) Employees' Retirement System Board of Trustees Minutes/Draft – January 11, 2006
g) Library Advisory Board/Draft – January 12, 2006
h) Board of Zoning Appeals/Draft – January 17, 2006

Noted and Filed

J-2 Department Reports:

a) Real Estate and Development Department – Maple Corridor Study
b) Information Technology Department – Wireless Oakland
c) Assessing Department – Big Oak Trail Special Assessment District
d) Parks and Recreation – I-75 and Long Lake Interchange Properties
e) Parks and Recreation – Pocket Park Parcels
f) Planning Department – Status Report on ZOTA-215C – Article 43.74.00, Article 40.65.02 and Article 44.00.00, Pertaining to Commercial Vehicle Parking Appeals

Noted and Filed

J-3 Letters of Appreciation:

a) Letter of Thanks to Chief Craft from Joseph McKay, Community Association of Northfield Hills, Regarding the Presentation by Officer Terry Harrison
b) Letter of Thanks to Chief Craft from Brenda Balas, in Appreciation of the Efforts of Officer Kaptur
c) Letter to Chief Craft from Nicholas Brooks, Commending Officer Pat Browne for his Exemplary Performance while Serving as a Task Force Agent for the Drug Enforcement Administration

d) Letter of Appreciation to the Troy Police Department from Ronald Mayotte
e) Letter of Appreciation to Chief Craft from Fr. Emanuel Shaletta, St. Joseph Catholic Chaldean Church, in Recognition of the Outstanding Efforts of Lieutenant Scott McWilliams and the Troy Police Department
f) Letter of Thanks to Aileen Bittner of the City Clerk's Office from Kent County Director of Elections Susan deSteiguer, Thanking her for her Assistance with Training Materials for New Elections Software and Equipment
g) Letter of Thanks to Brent Savidant from Keith Pretty, President Walsh College, for Attending the Design Charrette for Walsh College Building Addition

Noted and Filed

J-4 Proposed Proclamations/Resolutions from Other Organizations: None Submitted

J-5 Calendar

Noted and Filed

J-6 Roy Rathka, Jr. v City of Troy – Court of Appeals Decision Ruling in Favor of Troy

Noted and Filed

J-7 Paul and Louise Piscopo v. Troy, et al

Noted and Filed

STUDY ITEMS:

K-1 No Study Items Submitted

PUBLIC COMMENT: Address of "K" Items

CLOSED SESSION:

L-1 Closed Session

Resolution #2006-02-048
Moved by Stine
Seconded by Broomfield

BE IT RESOLVED, That the City of Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (e) and (h), Pending Litigation – Papadelis v. City of Troy

Yes: All-7

The meeting **RECESSED** at 10:00 P.M.

The meeting **RECONVENED** at 10:05 P.M.

The meeting **ADJOURNED** at 10:10 P.M.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, City Clerk

A Regular Meeting of the Troy City Council was held Wednesday, February 15, 2006, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:32 P.M.

ROLL CALL:

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

Council Member Lambert gave the Invocation and the Pledge of Allegiance to the Flag was given.

Vote on Resolution to Excuse Council Members Broomfield and Howrylak

Resolution #2006-02-049
Moved by Lambert
Seconded by Stine

RESOLVED, That Council Members Broomfield and Howrylak's absence at the Regular City Council meeting of February 15, 2006 is **EXCUSED** due to being out of the county.

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

OUTLINE OF PUBLIC HEARING PROCEDURE

The City Attorney suggests the following outline of procedure for consideration of liquor violations:

1. The Mayor calls the licensee whose case is to be heard.
2. The licensee and/or his attorney should be asked to the front of the Chamber to acknowledge their presence for the record and can be seated.
3. The Assistant City Attorney makes a very short opening statement regarding the violation(s), and presents proofs.
4. When witnesses are called, they should be sworn by the City Clerk to tell the truth.
5. Once the witness is sworn, the Assistant City Attorney will question the witness.
6. The police report and other documents may be offered into evidence as part of the case and should be kept by the City Clerk as part of the records.
7. At the conclusion of the City's case, the licensee or his attorney should be asked to offer an explanation for the violations if they choose, make a statement, offer evidence, or otherwise make their presentation.
8. If the licensee offers evidence from witnesses who have not been previously sworn, the City Clerk should swear those witnesses.

9. Once the licensee has concluded his presentation, the Assistant City Attorney should be given an opportunity for rebuttal, if any is desired.
10. City Council members may ask questions at any time, but it is suggested that this questioning by Council members be conducted after the parties conclude their presentations.
11. When the presentation of evidence is concluded, the matter returns to the City Council for discussion, deliberation, and resolution.

PUBLIC COMMENT:

A. Items on the Current Agenda

PUBLIC HEARINGS

The following named licensees have been given notice to appear for this series of Public Hearings regarding alleged violations:

1.0 <u>Liquor Violations (Class C)</u>:

a) Name: Champp's Enterprises, Inc. (dba: Champp's Americana)
Address: 301 W. Big Beaver, 48084
License No.: Class C (8823-2004 SS)

b) Name: MKC, Inc. (dba: Corradis Athletic Club)
Address: 1090 Rochester Road, 48083
License No.: Class C (4387-2004 SS / 2355-2004)

c) Name: B & R Enterprises, Inc. (dba: Ashoka Indian Cuisine)
Address: 3642 Rochester Road, 48083
License No.: Class C (101151-2004 SS / 101152-2004)

d) Name: Thunderbird Lanes, Inc. (dba: Thunderbird Lanes)
Address: 400 E. Maple Road, 48084
License No.: Class C (1941-2005 SS)

e) Name: Café Sushi, L.L.C. (dba: Café Sushi)
Address: 1933 W. Maple Road, 48084
License No.: Class C (107549-2004 SS)

1.0 Liquor Violations (Class C): (a) Champp's Enterprises, Inc. (dba: Champp's Americana); (b) MKC, Inc. (dba: Corradis Athletic Club); (c) B & R Enterprises, Inc. (dba: Ashoka Indian Cuisine); (d) Thunderbird Lanes, Inc. (dba: Thunderbird Lanes); (e) Café Sushi, L.L.C. (dba: Café Sushi)

(a) Champp's Enterprises, Inc. (dba: Champp's Americana)

Resolution #2006-02-050
Moved by Stine
Seconded by Beltramini

WHEREAS, The City Council of the City of Troy has reviewed the following infractions of liquor control codes and regulations and/or ordinances of the State of Michigan and/or the City of Troy respectively;

WHEREAS, The City Council has given public notice that it will deliberate and determine whether to adopt a resolution to recommend to the Michigan Liquor Control Commission that the license be revoked after Public Hearing on Wednesday, February 15, 2006 for the following licensed establishment:

Name: Champp's Enterprises, Inc. (dba: Champp's Americana)
Address: 301 W. Big Beaver, 48084
License No.: Class C (8823-2004 SS)

and having found violation of the following codes and/or regulations: SALE TO MINOR (Compliance Test), March 3, 2005;

WHEREAS, This licensee had a prior violations dated: December 4, 2000 – ALLOW UNLAWFUL GAMBLING-ALLOW UNLAWFUL GAMBLING DEVICES; September 16, 2000 – SERVE INTOXICATED PERSONS (2); August 18, 2000 – LIQUOR INSPECTION (Road Patrol); April 27, 2000 – SERVE INTOXICATED PERSON (Road Patrol); April 15, 2000 – SERVE INTOXICATED PERSON (Road Patrol); June 23, 1999 – SALE TO MINOR (Compliance Test); and October 28, 1998 – SALE TO MINOR (Compliance Inspection);

WHEREAS, After due notice the licensee was given opportunity to review these cited infractions, and opportunity to confront witnesses and/or statements by accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 15, 2006.

NOW, THEREFORE, BE IT RESOLVED, By the City Council of the City of Troy, that after due notice, appropriate hearing and deliberations, and having made findings, it is **RECOMMENDED** to the Michigan Liquor Control Commission that Class C License Number 8823-2005 SS in the name of Champp's Enterprises, Inc. in the City of Troy, **BE RENEWED** with the **STIPULATION** that all employees be TIPS and TAMS trained and that the Licensee provide proof of training to the Troy Police Department within ninety (90) days; and a certified copy of this resolution be **SENT** to the Michigan Liquor Control Commission.

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

(b) MKC, Inc. (dba: Corradis Athletic Club)

Resolution
Moved by Lambert
Seconded by Stine

WHEREAS, The City Council of the City of Troy has reviewed the following infractions of liquor control codes and regulations and/or ordinances of the State of Michigan and/or the City of Troy respectively;

WHEREAS, The City Council has given public notice that it will deliberate and determine whether to adopt a resolution to recommend to the Michigan Liquor Control Commission that the license be revoked after Public Hearing on Wednesday, February 15, 2006 for the following licensed establishment:

Name: MKC, Inc. (dba: Corradis Athletic Club)
Address: 1090 Rochester Road, 48083
License No.: Class C (4387-2004 SS / 2355-2004)

and having found violation of the following codes and/or regulations: SALE TO MINOR (Compliance Test), March 4, 2005;

WHEREAS, This licensee had a prior violations dated: September 27, 2001 – SALE TO MINOR (Compliance Test); June 17, 1992 – SALE TO MINOR (Compliance Test); June 29, 1989 – SERVED INTOXICATED PERSON; and March 8, 1989 – SERVED INTOXICATED PERSON;

WHEREAS, After due notice the licensee was given opportunity to review these cited infractions, and opportunity to confront witnesses and/or statements by accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 15, 2006.

NOW, THEREFORE, BE IT RESOLVED, By the City Council of the City of Troy, that after due notice, appropriate hearing and deliberations, and having made findings, it is **RECOMMENDED** to the Michigan Liquor Control Commission that Class C License Number 4387-2004 SS / 2355-2004 in the name of MKC, Inc. in the City of Troy, **BE RENEWED** with the **STIPULATION** that all employees be TIPS and TAMS trained and that the Licensee provide proof of training to the Troy Police Department within ninety (90) days; and a certified copy of this resolution be **SENT** to the Michigan Liquor Control Commission.

Vote on Resolution to Amend

Resolution #2006-02-051
Moved by Beltramini
Seconded by Lambert

RESOLVED, That the Resolution to make a recommendation to the Michigan Liquor Control Commission that Class C License Number 4387-2004 SS / 2355-2004 in the name of MKC, Inc. in the City of Troy be renewed with stipulation is hereby **AMENDED** by **STRIKING** “ninety (90) days” and **INSERTING** “sixty (60) days.”

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

Vote on Resolution as Amended

Resolution #2006-02-052
Moved by Lambert
Seconded by Stine

WHEREAS, The City Council of the City of Troy has reviewed the following infractions of liquor control codes and regulations and/or ordinances of the State of Michigan and/or the City of Troy respectively;

WHEREAS, The City Council has given public notice that it will deliberate and determine whether to adopt a resolution to recommend to the Michigan Liquor Control Commission that the license be revoked after Public Hearing on Wednesday, February 15, 2006 for the following licensed establishment:

Name: MKC, Inc. (dba: Corradis Athletic Club)
Address: 1090 Rochester Road, 48083
License No.: Class C (4387-2004 SS / 2355-2004)

and having found violation of the following codes and/or regulations: SALE TO MINOR (Compliance Test), March 4, 2005;

WHEREAS, This licensee had a prior violations dated: September 27, 2001 – SALE TO MINOR (Compliance Test); June 17, 1992 – SALE TO MINOR (Compliance Test); June 29, 1989 – SERVED INTOXICATED PERSON; and March 8, 1989 – SERVED INTOXICATED PERSON;

WHEREAS, After due notice the licensee was given opportunity to review these cited infractions, and opportunity to confront witnesses and/or statements by accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 15, 2006.

NOW, THEREFORE, BE IT RESOLVED, By the City Council of the City of Troy, that after due notice, appropriate hearing and deliberations, and having made findings, it is **RECOMMENDED** to the Michigan Liquor Control Commission that Class C License Number 4387-2004 SS / 2355-2004 in the name of MKC, Inc. in the City of Troy, **BE RENEWED** with the **STIPULATION** that all employees be TIPS and TAMS trained and that the Licensee provide proof of training to the Troy Police Department within sixty (60) days; and a certified copy of this resolution be **SENT** to the Michigan Liquor Control Commission.

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

(c) B & R Enterprises, Inc. (dba: Ashoka Indian Cuisine)

Resolution #2006-02-053

Moved by Stine
Seconded by Beltramini

WHEREAS, The City Council of the City of Troy has reviewed the following infractions of liquor control codes and regulations and/or ordinances of the State of Michigan and/or the City of Troy respectively;

WHEREAS, The City Council has given public notice that it will deliberate and determine whether to adopt a resolution to recommend to the Michigan Liquor Control Commission that the license be revoked after Public Hearing on Wednesday, February 15, 2006 for the following licensed establishment:

Name: B & R Enterprises, Inc. (dba: Ashoka Indian Cuisine)
Address: 3642 Rochester Road, 48083
License No.: Class C (101151-2004 SS / 101152-2004)

and having found violation of the following codes and/or regulations: SALE TO MINOR (Compliance Test), March 4, 2005;

WHEREAS, This licensee had a prior violation dated: SALE TO MINOR (Compliance Test), May 3, 2001;

WHEREAS, After due notice the licensee was given opportunity to review these cited infractions, and opportunity to confront witnesses and/or statements by accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 15, 2006.

NOW, THEREFORE, BE IT RESOLVED, By the City Council of the City of Troy, that after due notice, appropriate hearing and deliberations, and having made findings, it is **RECOMMENDED** to the Michigan Liquor Control Commission that Class C License Number 101151-2004 SS / 101152-2004 in the name of B & R Enterprises, Inc. in the City of Troy, **BE RENEWED** with the **STIPULATION** that all employees be TIPS and TAMS trained and that the Licensee provide proof of training to the Troy Police Department within ninety (90) days; and a certified copy of this resolution be **SENT** to the Michigan Liquor Control Commission.

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

(d) Thunderbird Lanes, Inc. (dba: Thunderbird Lanes)

Resolution
Moved by Beltramini
Seconded by Stine

WHEREAS, The City Council of the City of Troy has reviewed the following infractions of liquor control codes and regulations and/or ordinances of the State of Michigan and/or the City of Troy respectively;

WHEREAS, The City Council has given public notice that it will deliberate and determine whether to adopt a resolution to recommend to the Michigan Liquor Control Commission that the license be revoked after Public Hearing on Wednesday, February 15, 2006 for the following licensed establishment:

Name: Thunderbird Lanes, Inc. (dba: Thunderbird Lanes)
Address: 400 West Maple Road, 48084
License No.: Class C (1941-2005 SS)

and having found violation of the following codes and/or regulations: SALE TO MINOR (Road Patrol FOP), August 27, 2005;

WHEREAS, This licensee had a prior violation dated: March 23, 2004 SALE TO MINOR (Compliance Test);

WHEREAS, After due notice the licensee was given opportunity to review these cited infractions, and opportunity to confront witnesses and/or statements by accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 15, 2006.

NOW, THEREFORE, BE IT RESOLVED, By the City Council of the City of Troy, that after due notice, appropriate hearing and deliberations, and having made findings, it is **RECOMMENDED** to the Michigan Liquor Control Commission that Class C License Number 1941-2005 SS in the name of Thunderbird Lanes, Inc. in the City of Troy, **BE RENEWED** with the **STIPULATION** that all employees serving food and liquor be TIPS and TAMS trained and that the Licensee provide proof of training to the Troy Police Department within ninety (90) days; and a certified copy of this resolution be **SENT** to the Michigan Liquor Control Commission.

Vote on Resolution to Amend

Resolution #2006-02-054
Moved by Beltramini
Seconded by Lambert

RESOLVED, That the Resolution to make a recommendation to the Michigan Liquor Control Commission that Class C License Number 1941-2005 SS in the name of Thunderbird Lanes, Inc. in the City of Troy, be renewed with stipulation is hereby **AMENDED** by **STRIKING** “liquor” and **INSERTING** “beverages.”

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

Vote on Resolution as Amended

Resolution #2006-02-055
Moved by Beltramini
Seconded by Stine

WHEREAS, The City Council of the City of Troy has reviewed the following infractions of liquor control codes and regulations and/or ordinances of the State of Michigan and/or the City of Troy respectively;

WHEREAS, The City Council has given public notice that it will deliberate and determine whether to adopt a resolution to recommend to the Michigan Liquor Control Commission that the license be revoked after Public Hearing on Wednesday, February 15, 2006 for the following licensed establishment:

Name: Thunderbird Lanes, Inc. (dba: Thunderbird Lanes)
Address: 400 West Maple Road, 48084
License No.: Class C (1941-2005 SS)

and having found violation of the following codes and/or regulations: SALE TO MINOR (Road Patrol FOP), August 27, 2005;

WHEREAS, This licensee had a prior violation dated: March 23, 2004 SALE TO MINOR (Compliance Test);

WHEREAS, After due notice the licensee was given opportunity to review these cited infractions, and opportunity to confront witnesses and/or statements by accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 15, 2006.

NOW, THEREFORE, BE IT RESOLVED, By the City Council of the City of Troy, that after due notice, appropriate hearing and deliberations, and having made findings, it is **RECOMMENDED** to the Michigan Liquor Control Commission that Class C License Number 1941-2005 SS in the name of Thunderbird Lanes, Inc. in the City of Troy, **BE RENEWED** with the **STIPULATION** that all food and beverage employees be TIPS and TAMS trained and that the Licensee provide proof of training to the Troy Police Department within ninety (90) days; and a certified copy of this resolution be **SENT** to the Michigan Liquor Control Commission.

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

(e) Café Sushi, L.L.C. (dba: Café Sushi)

Resolution
Moved by Stine
Seconded by Lambert

WHEREAS, The City Council of the City of Troy has reviewed the following infractions of liquor control codes and regulations and/or ordinances of the State of Michigan and/or the City of Troy respectively;

WHEREAS, The City Council has given public notice that it will deliberate and determine whether to adopt a resolution to recommend to the Michigan Liquor Control Commission that the license be revoked after Public Hearing on Wednesday, February 15, 2006 for the following licensed establishment:

Name: Café Sushi, L.L.C. (dba: Café Sushi)
Address: 1933 W. Maple Road, 48084
License No.: Class C (107549-2004 SS)

and having found violation of the following codes and/or regulations: SALE TO MINOR (Compliance Test), March 3, 2005;

WHEREAS, The licensee has had no prior violations;

WHEREAS, After due notice the licensee was given opportunity to review these cited infractions, and opportunity to confront witnesses and/or statements by accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 15, 2006.

NOW, THEREFORE, BE IT RESOLVED, By the City Council of the City of Troy, that after due notice, appropriate hearing and deliberations, and having made findings, it is **RECOMMENDED** to the Michigan Liquor Control Commission that Class C License Number 107549-2004 SS in the name of Café Sushi, L.L.C. in the City of Troy, **BE RENEWED** with the **STIPULATION** that all food and beverage employees be TIPS and TAMS trained immediately with a renewal of training every three (3) years and that the Licensee provide proof of training to the Troy Police Department within ninety (90) days; and a certified copy of this resolution be **SENT** to the Michigan Liquor Control Commission.

Vote on Resolution to Amend

Resolution #2006-02-056
Moved by Beltramini
Seconded by Fleming

RESOLVED, That the Resolution to make a recommendation to the Michigan Liquor Control Commission that Class C License Number 07549-2004 SS in the name of Café Sushi, L.L.C., in the City of Troy, be renewed with stipulation is hereby **AMENDED** by **STRIKING** “with a renewal of training every three (3) years” and **INSERTING** “and all food and beverage employees new to Café Sushi shall be trained within ninety (90) days of employment.”

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

Vote on Resolution as Amended

Resolution #2006-02-057
Moved by Stine
Seconded by Lambert

WHEREAS, The City Council of the City of Troy has reviewed the following infractions of liquor control codes and regulations and/or ordinances of the State of Michigan and/or the City of Troy respectively;

WHEREAS, The City Council has given public notice that it will deliberate and determine whether to adopt a resolution to recommend to the Michigan Liquor Control Commission that the license be revoked after Public Hearing on Wednesday, February 15, 2006 for the following licensed establishment:

Name: Café Sushi, L.L.C. (dba: Café Sushi)
Address: 1933 W. Maple Road, 48084
License No.: Class C (107549-2004 SS)

and having found violation of the following codes and/or regulations: SALE TO MINOR (Compliance Test), March 3, 2005;

WHEREAS, The licensee has had no prior violations;

WHEREAS, After due notice the licensee was given opportunity to review these cited infractions, and opportunity to confront witnesses and/or statements by accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 15, 2006.

NOW, THEREFORE, BE IT RESOLVED, By the City Council of the City of Troy, that after due notice, appropriate hearing and deliberations, and having made findings, it is **RECOMMENDED** to the Michigan Liquor Control Commission that Class C License Number 107549-2004 SS in the name of Café Sushi, L.L.C. in the City of Troy, **BE RENEWED** with the **STIPULATION** that all food and beverage employees be TIPS and TAMS trained immediately and all food and beverage employees new to Café Sushi shall be trained within ninety (90) days of employment, and that the Licensee provide proof of training to the Troy Police Department within ninety (90) days; and a certified copy of this resolution be **SENT** to the Michigan Liquor Control Commission.

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

PUBLIC COMMENT

Kelly Allen, attorney representing Champp's Enterprises, Inc., requested that the resolution moved forward by City Council for her clients be amended similarly to the resolution for Café Sushi by inserting "food and beverage" after "all" in the final RESOLVED.

Vote on Resolution to Reconsider Resolution #2006-02-050

Resolution #2006-02-058
Moved by Beltramini
Seconded by Stine

RESOLVED, That Resolution #2006-02-050, Moved by Stine and Seconded by Beltramini, as it appears below be **RECONSIDERED** by City Council:

WHEREAS, The City Council of the City of Troy has reviewed the following infractions of liquor control codes and regulations and/or ordinances of the State of Michigan and/or the City of Troy respectively;

WHEREAS, The City Council has given public notice that it will deliberate and determine whether to adopt a resolution to recommend to the Michigan Liquor Control Commission that the license be revoked after Public Hearing on Wednesday, February 15, 2006 for the following licensed establishment:

Name: Champp's Enterprises, Inc. (dba: Champp's Americana)
Address: 301 W. Big Beaver, 48084
License No.: Class C (8823-2004 SS)

and having found violation of the following codes and/or regulations: SALE TO MINOR (Compliance Test), March 3, 2005;

WHEREAS, This licensee had a prior violations dated: December 4, 2000 – ALLOW UNLAWFUL GAMBLING-ALLOW UNLAWFUL GAMBLING DEVICES; September 16, 2000 – SERVE INTOXICATED PERSONS (2); August 18, 2000 – LIQUOR INSPECTION (Road Patrol); April 27, 2000 – SERVE INTOXICATED PERSON (Road Patrol); April 15, 2000 – SERVE INTOXICATED PERSON (Road Patrol); June 23, 1999 – SALE TO MINOR (Compliance Test); and October 28, 1998 – SALE TO MINOR (Compliance Inspection);

WHEREAS, After due notice the licensee was given opportunity to review these cited infractions, and opportunity to confront witnesses and/or statements by accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 15, 2006.

*NOW, THEREFORE, BE IT RESOLVED, By the City Council of the City of Troy, that after due notice, appropriate hearing and deliberations, and having made findings, it is **RECOMMENDED** to the Michigan Liquor Control Commission that Class C License Number 8823-2005 SS in the name of Champp's Enterprises, Inc. in the City of Troy, **BE RENEWED** with the **STIPULATION** that all employees be TIPS and TAMS trained and that the Licensee provide proof of training to the Troy Police Department within ninety (90) days; and a certified copy of this resolution be **SENT** to the Michigan Liquor Control Commission.*

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

MOTION CARRIED

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

Vote on Resolution to Amend

Resolution #2006-02-059
Moved by Beltramini
Seconded by Stine

RESOLVED, That the Resolution to make a recommendation to the Michigan Liquor Control Commission that Class C License Number 8823-2005 SS in the name of Champp's Enterprises, Inc., in the City of Troy, be renewed with stipulation is hereby **AMENDED** by **INSERTING** "food and beverage" **AFTER** "all" in the final RESOLVED.

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

Vote on Reconsidered Resolution as Amended

Resolution #2006-02-060
Moved by Stine
Seconded by Beltramini

WHEREAS, The City Council of the City of Troy has reviewed the following infractions of liquor control codes and regulations and/or ordinances of the State of Michigan and/or the City of Troy respectively;

WHEREAS, The City Council has given public notice that it will deliberate and determine whether to adopt a resolution to recommend to the Michigan Liquor Control Commission that the license be revoked after Public Hearing on Wednesday, February 15, 2006 for the following licensed establishment:

Name: Champp's Enterprises, Inc. (dba: Champp's Americana)
Address: 301 W. Big Beaver, 48084
License No.: Class C (8823-2004 SS)

and having found violation of the following codes and/or regulations: SALE TO MINOR (Compliance Test), March 3, 2005;

WHEREAS, This licensee had a prior violations dated: December 4, 2000 – ALLOW UNLAWFUL GAMBLING-ALLOW UNLAWFUL GAMBLING DEVICES; September 16, 2000 –

SERVE INTOXICATED PERSONS (2); August 18, 2000 – LIQUOR INSPECTION (Road Patrol); April 27, 2000 – SERVE INTOXICATED PERSON (Road Patrol); April 15, 2000 – SERVE INTOXICATED PERSON (Road Patrol); June 23, 1999 – SALE TO MINOR (Compliance Test); and October 28, 1998 – SALE TO MINOR (Compliance Inspection);

WHEREAS, After due notice the licensee was given opportunity to review these cited infractions, and opportunity to confront witnesses and/or statements by accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 15, 2006.

NOW, THEREFORE, BE IT RESOLVED, By the City Council of the City of Troy, that after due notice, appropriate hearing and deliberations, and having made findings, it is **RECOMMENDED** to the Michigan Liquor Control Commission that Class C License Number 8823-2005 SS in the name of Champp's Enterprises, Inc. in the City of Troy, **BE RENEWED** with the **STIPULATION** that all food and beverage employees be TIPS and TAMS trained and that the Licensee provide proof of training to the Troy Police Department within ninety (90) days; and a certified copy of this resolution be **SENT** to the Michigan Liquor Control Commission.

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

Vote on Resolution to Excuse Council Members Fleming and Howrylak

Resolution #2006-02-061
Moved by Lambert
Seconded by Stine

RESOLVED, That Council Member Fleming's absence at the Closed Session City Council meeting of Monday, February 13, 2006 is **EXCUSED** due to a death in his family and Council Member Howrylak's absence at the Closed Session City Council meeting of Monday, February 13, 2006 is **EXCUSED** due to being out of the county.

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

The meeting **ADJOURNED** at 9:03 P.M.

Louise E. Schilling, Mayor

Barbara A. Holmes, Deputy City Clerk

E-04a

February 13, 2006

TO: John Szerlag, City Manager

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

SUBJECT: **AGENDA ITEM -** Standard Purchasing Resolution #2: Bid Award - Lowest Bidder Meeting Specifications - Contract 06-3 – Ferry Drain Restoration

RECOMMENDATION

It is recommended that City Council award a contract for the Ferry Drain Restoration project to the lowest acceptable bidder: D & J Lawn & Snow, Inc.; 22750 Macomb Industrial Drive, Clinton Twp., MI, 48036, for their low bid of $76,882.25; contingent upon submission of proper proposal and bid documents, including insurance certificates, bonds and all specified requirements.

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

PROJECT INFORMATION

For many years, the Ferry Drain that flows south across South Boulevard from Rochester Hills has had some streambank erosion, adjacent to residential properties immediately south of South Boulevard. Prior to 2002, residents contacted the City with requests for assistance. In addition, both residents and City staff contacted the Oakland County Drain Commissioner's Office (OCDC) regarding this issue.

In 2004, City Council approved Resolution #2004-09-491, finalizing plans and specifications for the Section 2 Ferry Drain Restoration.

City staff collaborated with the OCDC and Hubbell, Roth and Clark, Inc. to design a restoration project that would stabilize the streambank and prevent erosion. This design will restore the streambanks and utilize bioengineering techniques to stabilize the banks against any erosion from high stormwater flows. The project includes 200 native shrubs, five (5) native trees and a wet prairie seed mix that will improve the aesthetic of the stream channel and function as bioengineering mechanisms.

Bids were received and publicly read on February 7, 2006. The lowest bidder meeting specifications was D & J Lawn & Snow, Inc., 22750 Macomb Industrial Drive, Clinton Twp., MI, 48036; as can be seen in the attached tabulation of bids.

All work shall be substantially complete by June 1, 2006. Substantial completion shall be defined as having all heavy equipment being removed from the site. Final project completion including seeding, plantings, clean-up and surface restoration shall be complete by June 20, 2006.

The engineer's estimate for the project at the time of bidding was $80,853.00. The corrected low bid difference is $3,970.50 or 4.91% under the engineer's estimate.

EXPLANATION OF BID NOT MEETING SPECIFICATIONS

K & S Piling Company's bid of $74,788.60 was rejected due to the unacceptable terms and conditions described in a letter that was submitted with their bid. These conditions included exclusions and transfers of responsibility to others for locating and protecting underground utilities, protection of any utilities that interfere with the work and restoration of walks, curbs, and pavement. These conditions are contrary to the project specifications that require the contractor to protect, secure and support utilities and protect and repair pavement, curbs and other items (Section 5 of General Conditions, Section 3.03 of Site Clearing and Section T of General Conditions). Accordingly, a letter rejecting their bid has been sent.

FUNDING

Funds for this work are included in the Engineering Department 05/06 Drains capital fund, account number 401516.7989.1000. The budgeted amount includes funds for construction, inspection and contingencies.

12 - Bids Sent / 7 - Bids Rec'd

Prepared by: Jennifer Lawson, Environmental Specialist

G:\Engineering\Contracts\Contracts - 2006\06-3 Ferry Drain Streambank Restoration\Correspondence\Bid AwardMEMO2.doc

BID TABULATION
FERRY DRAIN STREAMBANK RESTORATION
CITY OF TROY
OAKLAND COUNTY, MICHIGAN

Bids Due: 02/07/2006
HRC Job # 20040607

				Engineer's Estimate		D & J Landscape 22750 Macomb Industrial Drive Clinton Township, Michigan 48036			Hi- Tech Landscaping 11856 Newman Road Brighton, Michigan 48114		
	Item	Quantity		Unit Price	Total Cost	Unit Price	Total Cost		Unit Price	Total Cost	
1	Project Mobilization (5% Max.)	1	LS	$2,500.00	$2,500.00	$3,625.00	$3,625.00		$4,167.00	$4,167.00	
2	Soil Erosion and Sedimentation Control	1	LS	$2,000.00	$2,000.00	$3,950.00	$3,950.00		$2,400.00	$2,400.00	
3	Tree Protection	1	LS	$500.00	$1,000.00	$750.00	$750.00		$1,000.00	$1,000.00	
4	Slope Earthwork	120	cyd	$25.00	$3,000.00	$87.50	$10,500.00		$100.00	$12,000.00	
5	Tree Removal - 8" Diameter	1	ea	$500.00	$500.00	$350.00	$350.00		$300.00	$300.00	
6	Tree Removal - 12" Diameter	1	ea	$800.00	$800.00	$450.00	$450.00		$500.00	$500.00	
7	Straw Erosion Control Mat (NAGS75BN or Equivalent)	400	syd	$2.00	$800.00	$1.88	$750.00		$2.50	$1,000.00	
8	Coir/Straw Erosion Control Mat (NAGS150BN or Equivalent)	500	syd	$2.50	$1,250.00	$2.50	$1,250.00		$3.20	$1,600.00	
9	Coir Fiber Roll - 12" Dia.	850	lft	$40.00	$34,000.00	$13.75	$11,687.50		$10.00	$8,500.00	
10	Artificial Riffle w/6" to 12" Natural Stone	48	cyd	$100.00	$4,800.00	$200.00	$9,600.00		$100.00	$4,800.00	
11	Stone Bank Stabilization w/12" to 18" Stone	45	cyd	$180.00	$8,100.00	$227.00	$10,215.00		$150.00	$6,750.00	
12	Storm Outfall Riprap Stabilization	5	cyd	$75.00	$375.00	$195.00	$975.00		$100.00	$500.00	
13	Stone Deflector Weir	5	cyd	$100.00	$500.00	$195.00	$975.00		$100.00	$500.00	
14	Swamp White Oak - 2 1/2" Caliper	2	ea	$420.00	$840.00	$475.00	$950.00		$500.00	$1,000.00	
15	River Birch - (Multi stemmed - 12' Height 3 stems minimum)	3	ea	$345.00	$1,035.00	$400.00	$1,200.00		$400.00	$1,200.00	*
16	Common Lake Sedge Seed	0.5	oz	$100.00	$50.00	$50.00	$25.00	*	$300.00	$300.00	
17	River Bulrush Seed	0.5	oz	$100.00	$50.00	$25.00	$12.50	*	$300.00	$300.00	
18	Joe Pye Weed Seed	0.5	oz	$100.00	$50.00	$25.00	$12.50	*	$300.00	$300.00	
19	Swamp Milkweed Seed	0.5	oz	$100.00	$50.00	$25.00	$12.50	*	$300.00	$300.00	
20	Seedbox Seed	0.5	oz	$100.00	$50.00	$25.00	$12.50	*	$300.00	$300.00	
21	Blue Flag Iris Seed	0.5	oz	$100.00	$50.00	$25.00	$12.50	*	$300.00	$300.00	
22	Monkey Flower Seed	0.5	oz	$100.00	$50.00	$25.00	$12.50	*	$300.00	$300.00	
23	Blue Vervain Seed	0.5	oz	$100.00	$50.00	$25.00	$12.50	*	$300.00	$300.00	
24	Common Arrowhead Seed	0.5	oz	$100.00	$50.00	$25.00	$12.50	*	$300.00	$300.00	
26	Button Bush (24" to 30", Container Grown)	33	ea	$50.00	$1,650.00	$50.00	$1,650.00		$100.00	$3,300.00	
27	Inkberry (24" to 30", Container Grown)	33	ea	$49.00	$1,617.00	$50.00	$1,650.00		$100.00	$3,300.00	
28	Common Winterberry (24" to 30", Container Grown)	34	ea	$48.00	$1,632.00	$55.00	$1,870.00		$100.00	$3,400.00	

	Item	Quantity		Engineer's Estimate Unit Price	Engineer's Estimate Total Cost	D & J Landscape, 22750 Macomb Industrial Drive, Clinton Township, Michigan 48036 Unit Price	D & J Landscape Total Cost		Hi- Tech Landscaping, 11856 Newman Road, Brighton, Michigan 48114 Unit Price	Hi- Tech Landscaping Total Cost	
29	Big Blue Stem Seed	5.5	oz	$100.00	$550.00	$25.00	$137.50	*	$300.00	$300.00	
30	Switchgrass Seed	0.5	oz	$100.00	$50.00	$25.00	$12.50	*	$300.00	$300.00	
31	Black-Eyed Susan Seed	0.5	oz	$100.00	$50.00	$25.00	$12.50	*	$300.00	$300.00	
32	New England Aster Seed	0.5	oz	$100.00	$50.00	$25.00	$12.50	*	$300.00	$300.00	
33	Indiangrass Seed	0.5	oz	$100.00	$50.00	$25.00	$12.50	*	$300.00	$300.00	
34	Prairie Cordgrass Seed	0.5	oz	$100.00	$50.00	$25.00	$12.50	*	$300.00	$300.00	
35	Cardinal Flower Seed	0.5	oz	$100.00	$50.00	$64.50	$32.25	*	$300.00	$300.00	
36	Purple Coneflower Seed	0.5	oz	$100.00	$50.00	$25.00	$12.50	*	$300.00	$300.00	
37	Red Twigged Dogwood (24" to 30", Container Grown)	33	ea	$42.00	$1,386.00	$44.00	$1,452.00		$100.00	$3,300.00	
38	American Elderberry (24" to 30", Container Grown)	33	ea	$50.00	$1,650.00	$44.00	$1,452.00		$100.00	$3,300.00	
39	Serviceberry (Multi stemmed - 10' Height 3 stems minimum)	34	ea	$252.00	$8,568.00	$279.00	$9,486.00		$500.00	$17,000.00	
40	Cover Crop Seeding (Barley)	1000	syd	$0.50	$500.00	$0.95	$950.00		$3.00	$3,000.00	
41	Video Record (Bidder Added)	1	ea	$1,000.00	$1,000.00	$775.00	$775.00				
	TOTAL AMOUNT OF BID				$80,853.00		$76,882.25	*		$87,917.00	*

* Corrected By Engineer

Additional Bidders:	
Donato Landscape	$87,805.00
Yates Construction	$105,760.00
Acme Construction	$114,500.00
United Lawnscape, Inc.	$120,061.00
K & S Piling Company	Non-Responsive Bidder → BID REJECTED ?

ENGINEER:
Hubbell, Roth & Clark, Inc.
555 Hulet Drive
P.O. Box 824
Bloomfield Hills, MI 48083-0824

February 14, 2006

TO: John Szerlag, City Manager

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

SUBJECT: **Agenda Item** - Standard Purchasing Resolution 4: Oakland County Cooperative Purchasing Agreement – Fleet Vehicles

RECOMMENDATION

City management recommends approval and authorization to purchase six (6) fleet vehicles through Oakland County Cooperative Purchasing Agreements at an estimated total cost of $100,956.00.

The equipment will replace vehicles due to come out of service from the Police and Public Works Departments.

	ITEM	BUDGET	UNIT COST	TOTAL
GOLLING CHRYSLER JEEP INC				
2 Dodge Charger Police Package	A-1	$46,000.00	$22,192.00	$44,384.00
1 Dodge Charger	A-2	$21,000.00	$18,082.00	$18,082.00
BUFF WHELAN CHEVROLET				
3 Chevrolet Malibu	A-6	$46,500.00	$12,829.99	$38,489.97
TOTAL		**$113,500.00**		**$100,955.97**

Hybrid vehicles are currently being evaluated for future city vehicle purchases and budget considerations.

If you have any questions regarding this recommendation, please feel free to call me at your convenience.

BUDGET

Funds are available from the Fleet Maintenance Division Capital Account 565.7981.

Prepared by: Samuel P. Lamerato, Superintendent of Motor Pool

February 14, 2006

TO: John Szerlag, City Manager

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

SUBJECT: **Agenda Item** - Standard Purchasing Resolution 4: Macomb County Cooperative Purchasing Agreement — Fleet Vehicles

RECOMMENDATION

City management recommends approval and authorization to purchase two (2) fleet vehicles through a Macomb County Cooperative Purchasing Agreement at an estimated total cost of $42,353.00.

The equipment will replace vehicles due to come out of service from the Police Department.

	ITEM	BUDGET	UNIT COST	TOTAL
SIGNATURE FORD, L-M JEEP EAGLE				
1 Ford Explorer XLT 4X4 (Police)	A-2	$21,000.00	$23,870.00	$23,870.00
1 Ford Freestar Van (Police)	A-2	$21,000.00	$18,483.00	$18,483.00
TOTAL		**$42,000.00**		**$42,353.00**

If you have any questions regarding this recommendation, please feel free to call me at your convenience.

Hybrid vehicles are currently being evaluated for future city vehicle purchases and budget considerations.

BUDGET

Funds are available from the Fleet Maintenance Division Capital Account 565.7981. The Fleet Maintenance Division Capital Account has sufficient funds for the additional $353.00 from other purchases that came in under budget estimates.

Prepared by: Samuel P. Lamerato, Superintendent of Motor Pool

February 2, 2006

To: John Szerlag, City Manager

From: John Lamerato, Assistant City Manager – Finance/Administration
Nino Licari, City Assessor

Re: Agenda Item – Vacate Abandoned Industrial Development District, and Rescind Industrial Facilities Exemption Certificate

Recommended City Council Action:

Staff recommends that you request that the City Council pass a suggested resolution vacating an Industrial Development District (IDD) at 1300 Coolidge, Vehma International, wherein the company has abandoned its project. Passage of the suggested resolution will also vacate and rescind an abandoned Industrial Facilities Exemption Certificate (IFEC).

Background and Detail:

Per written notification (copy attached) Vehma International, has closed its Troy operations.

The company had an Industrial Development District (IDD) and an Industrial Facilities Exemption Certificate (IFEC) at 1300 Coolidge (Parcel ID # 88-IP-98-198-209, Certificate #98-209-01). They are no longer in operation at this address.

As cessation of their operations is in conformance with the terms of the Letter of Agreement between the Company and the City of Troy, there is no recapture of abated nor future abated taxes.

Consequently, the IDD and the IFEC should be vacated to remove it from both the City's rolls, and the State Tax Commission's.

NL/nl

COSMA ENGINEERING
A Division of
Vehma International of America, Inc.
1807 E. Maple Road
Troy, Michigan 48083, U.S.A.
Tel: 248/689-5512
Fax: 248/689-6197

February 6, 2006

City of Troy
Assessment Office
500 W. Big Beaver Road
Troy, MI 48084-5254

RE: Property Taxes for Parcel 88-99-00-275-060
1300 Coolidge Hwy.

Attn: Leger Licari – Assessor

Dear Mr. Licari,

This letter is to confirm changes that occurred at the, above-mentioned, address in Troy, Michigan during 2005.

Contract changes from customers at this location forced the closure of this location. The equipment reported on the property tax return L-4175 for 2006 is idle equipment at this time. We are working with the landlord and other Magna divisions to change this property to a viable contributor as it was to the city in the past.

If you have any further questions, please call me at any time.

Sincerely,

Kimberly Hayes
Group Controller
248-619-8003
Kim.Hayes@vehmaintl.com

Cc: Stuart Kauffman
1533 N. Woodward
Bloomfield Hills, MI 48304

Memorandum

To: John Szerlag, City Manager
From: John M. Lamerato, Assistant City Manager/Finance and Administration
Tonni L. Bartholomew, City Clerk
Date: February 13, 2006
Subject: AGENDA: State of Michigan QVF Digitized Signature Project Grant Application Authorization

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The City of Troy is slated to receive a new Qualified Voter File (QVF) Server and Oracle Software Upgrades to the City's Voter Registration and Election Management System. As part of the implementation process of the Help America Vote Act (HAVA), the City is required to submit a grant application to the State of Michigan, prior to the February 22, 2006.

City Management recommends the adoption of the attached resolution with immediate forwarding to the State of Michigan.

STATE OF MICHIGAN
TERRI LYNN LAND, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

DATE: February 7, 2006
TO: QVF Sites
FROM: Department of State, Bureau of Elections
SUBJECT: New QVF Equipment/Grant Agreements

New QVF Equipment: Over the next several months we will implement some exciting changes that will greatly improve the administration of elections in Michigan. The Help America Vote Act (HAVA) and election consolidation bring both opportunity and new demands on the QVF. The first of several positive changes you will see in coming months is the rollout of new QVF servers to all State funded QVF sites. This rollout will begin in late February or early March. The new equipment signifies the beginning of our effort to transfer digitized signatures from the Secretary of State's Drivers License File to the QVF database. The equipment will also allow us to offer some new training options through the use of DVDs. Each server will include a DVD drive. We will also include a new 19-inch flat screen monitor to more conveniently accommodate additional QVF fields and to easily display digitized signatures. We will also provide new barcode scanners. In addition to the rollout of these hardware enhancements, the Bureau of Elections is also making preparations to offer a new remote QVF technology to sites that do not have their own QVF equipment.

Grant Agreement: In order for the State to purchase new equipment on your behalf using HAVA funds, each jurisdiction must complete a Grant Agreement. This is similar to the process required for the recent purchase of voting equipment, with one helpful exception. The person who signs the Grant Agreement must be authorized to do so, but the agreement does not require a separate Proof of Authority. QVF sites must complete the attached Grant Agreement form before their new equipment order can be placed. Please complete the Grant Agreement form, and then return the signed document to the address provided on the Grant Agreement as soon as possible, but no later than February 22, 2006. Please keep in mind that the purchase process cannot begin until a grant agreement has been returned.

Windows 95 Client Machines Obsolete: Our recent upgrade to Oracle 10g (the QVF's database management software) adversely affects all sites that currently employ QVF clients operating on the Windows 95 Operating System. Since Windows 95 client machines will not work effectively with anticipated enhancements to the QVF, jurisdictions should consider their options for the replacement of these client machines. One good option is to replace a current Windows 95 client with your existing Windows 2000 server as the rollout process takes place. Sites with more than one Windows 95 client may wish to order additional machines using the State contract to take advantage of our pricing. Please contact the QVF Helpdesk for details on placing orders through the State contract. If you wish to place a separate order, we are recommending the following standards for replacement client machines:

STATE OF MICHIGAN
MICHIGAN DEPARTMENT OF STATE
AND
CITY OF TROY
GRANT AGREEMENT

QUALIFIED VOTER FILE INFRASTRUCTURE UPGRADE
HAVA DIGITIZED SIGNATURE PROJECT

FUNDED BY HELP AMERICA VOTE ACT (HAVA), TITLE II, SECTION 251

This Grant Agreement is between the Michigan Department of State ("Department") and **City of Troy** ("Grantee"). This document shall constitute the Grantee's agreement for the receipt of federal financial assistance provided to the State under the provisions of Title II, Section 251, of the Help America Vote Act (HAVA), CFDA 90.401. The Department refers to this program as the HAVA Digitized Signature - Qualified Voter File (QVF) Refresh Project.

The purpose of this grant is to upgrade the Qualified Voter File infrastructure to meet the digitized signature objective of Michigan's HAVA State Plan. In order to meet this objective, the Department must replace remote workstations for certain QVF local sites throughout the state and upgrade these sites to a more current version of the Oracle database management system.

1. Grant Period:
Original grant agreements must be signed and returned by February 22, 2006. **No photocopies, faxed copies, or altered Grant Agreements will be accepted.** Agreements should be returned to:

Carri Simon
Michigan Department of State
Financial Services Division
430 West Allegan, 4th Floor
Lansing, MI 48918

2. Program:
This program provides a QVF system upgrade in 2006. A system upgrade consists of one QVF server using the Windows XP operating system, and Oracle database software. For a list of technical specifications, please refer to the attachment A.

The equipment covered by this Grant Agreement will replace only current QVF system (s); any non-QVF software that has been locally installed on the current equipment will not be replaced. Although other uses are acceptable, the primary use of the equipment covered by this Grant Agreement must be QVF related. If this equipment is no longer used for QVF activities, the Department must be notified.

3. This program is a one-time purchase of computer equipment used by certain jurisdictions to access the QVF. This program includes only the equipment described in attachment A. The purchase and maintenance of additional workstations, laser printers and other peripheral equipment not included in this grant agreement remain the sole responsibility of each QVF site. Maintenance of the equipment included in this program is the sole responsibility of each QVF site once any applicable warranties expire.

4. **Performance:**

The Department will review and, once approved, provide the Applicant with a copy of a fully executed Grant Agreement signed by a signatory from the **City of Troy** and the Department of State. The Department and or a designated representative will process all system orders. The department will also coordinate the installation of these systems. Upon installation the grantee must confirm the completion of the installation on a form provided by the Department.

5. **Ownership:**

Any equipment and software purchased pursuant to this Grant Agreement is the property of the jurisdiction.

6. **Records Maintenance and Retention:**

The Grantee will maintain a copy of all records pertaining to this program for a period of not less than six years from the date of the Department's final expenditure report to the federal government, or until any litigation or audit findings have been resolved.

7. **Mandatory Conditions:**

Laws

This is a State of Michigan Grant Agreement and is governed by the laws of the State of Michigan. Any dispute arising as a result of this agreement shall be resolved in the State of Michigan.

Validity

This Grant Agreement is valid upon approval by the State Administrative Board and approval and execution by the Department.

Funding

This Grant agreement is subject to and contingent upon the availability and appropriation of federal funds and any necessary State appropriation.

Costs

The State will not assume any responsibility or liability for costs incurred in relation to this Grant Agreement.

Cancellation

The Department may cancel this Grant Agreement upon failure to comply with the terms of the grant.

Entire Agreement

8. <u>Certification/Signature:</u>

The following signatory certifies s/he is authorized to sign and bind the **City of Troy** to this Grant Agreement. Further, the person signing has reviewed and agrees to the conditions as outlined in this grant, and has personally examined and is familiar with the information submitted herein, as well as the requirements of the Help America Vote Act under which this grant has been submitted.

For the (COUNTY/JURISDICTION):

_____
Name (print)

_____
Title (print)

_____ _____
Signature Date

For the State of Michigan, Department of State:

_____ _____
Joseph P. Pavona Date
Chief Financial Officer

ATTACHEMENT A

QUALIFIED VOTER FILE INFRASTRUCTURE UPGRADE
HAVA DIGITIZED SIGNATURE PROJECT

TECHNICAL SPECIFICATIONS

Base PC:	OptiPlex GX620 Desktop, PentiumD 820/2.8GHz, Dual Core, 2X 1M 800FSB (221-9192)
Memory:	2.0GB, Non-ECC,533MHz DDR2 4x512, OptiPlex GX620 (311-5018)
Keyboard:	USB Enhanced Multimedia Keyboard, English, OptiPlex (310-6611)
Monitor:	Dell UltraSharp 1905FP Flat Panel with Height Adjustable Stand, 19.0 Inch VIS, OptiPlex Precision and Latitude (320-4109)
Video Card:	Integrated Video, GMA950 Dell OptiPlex GX620 (320-4269)
Hard Drive:	80GB SATA, 7200 RPM, Hard Drive with Data Burst Cache Dell OptiPlex GX620 or GX520 (341-2283)
Operating System:	Windows XP Professional Service Pack 2, with Media, Dell OptiPlex, English, Factory Install (420-4850)
Modem:	V.92, PCI, Data/Fax Modem, Full Height, OptiPlex GX620 or GX520 Desktop or Mini-tower (313-3323)
CD/DVD-ROM Drive:	48X32 CDRW/DVD-Combo, with Cyberlink Power DVD, Dell OptiPlex GX620 or GX520 Desktop or Mini-tower (313-3337)
Sound Card:	Integrated AC97 Audio, OptiPlex (313-8170)
Speakers:	Dell AS501 Sound Bar for all Ultra Sharp Flat Panel Displays for OptiPlex (313-3434)
Software	Oracle Database Version 10g, QVF.
Bar Code Reader:	Metrologic MS 9540 Voyager CG Barcode scanner handheld 72 line/sec decoded USB

February 13, 2006

TO: John Szerlag, City Manager

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

SUBJECT: AGENDA ITEM: Request for Acceptance of Permanent Easement for Sidewalk - Sidwell #88-20-15-252-044

In connection with the redevelopment of a residential property, located on Eckford Road, west of Rochester Road, in the Northeast ¼ of Section 15, the Real Estate and Development Department has acquired a permanent easement for sidewalk from the property owners Velampudi A. Reddi and Jyothirmai Velampudi. The consideration on this document is $1.00

Management recommends that City Council accept the attached easement.

Prepared by: Larysa Figol, Right-of-Way Representative

ECKFORD SIDEWALK EASEMENT
Sidwel # 88-20-15-252-044

PERMANENT EASEMENT

Sidwell #88-20-15-252-044
Resolution #

Velampudi A. Reddi and Jyothirmai Velampudi, his wife, Grantor(s), whose address is 984 Eckford, Troy, MI 48085 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 sidewalk, 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 10th day of Feb A.D. ~~2005.~~ 2006

Signed by:

02/10/2006 (L.S.)
*Velampudi A. Reddi

V. Jyothirmai 2/10/2006 (L.S.)
*Jyothirmai Velampudi

STATE OF MICHIGAN)
COUNTY OF Oakland)

The foregoing instrument was acknowledged before me this 10 day of February, 2005, by Velampudi A. Reddi and Jyothirmai Velampudi, his wife.

Christina Catalfio
*
Notary Public, Oakland County, Michigan

CHRISTINA CATALFIO
Notary Public - Michigan
Macomb County
My Commission Expires Aug 27, 2012
Acting in the County of Oakland

My Commission Expires Aug. 27, 2012
Acting in Oakland County, MI

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

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

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

EXHIBIT "A"

Description of Variable Width Permanent Easement for Sidewalk:

The North 5.00 feet of the following described parcel:
The East 85.00 feet of the West 170.00 feet of Lot 27 and the North 50.00 feet of the East 85.00 feet of the West 170.00 feet of Lot 28 of "Stephenson Land Co.'s Acres Subdivision", part of the Northeast ¼, Section 15, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, recorded in Liber 48 of Plats, Page 53, Oakland County Records. And including the triangular area northeast of a line beginning on the east line of said parcel 8.00 feet south of the northeast corner and ending on the north line of said parcel 10.00 feet west of the northeast corner. Containing 440 Square Feet or 0.010 Acres, more or less.

Memorandum

To: John Szerlag, City Manager
From: John M Lamerato, Assistant City Manager/Finance and Administration
Tonni L. Bartholomew, City Clerk
Date: January 26, 2006
Subject: Agenda Item: Council Rules of Procedure Proposed Amendment

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In response to City Council's request to introduce Board and Committee candidates two-weeks prior to voting on their appointment resolution, the attached altered version of Council Rules of Procedure was prepared.

The proposed Rules of Procedure provides an amended Rule Number 15.A., Appointments, with the amendment noted in blue.

A recommended motion to incorporate a change to Rule #15.A would be as follows:

RESOLVED, That Council Rules be **AMENDED** as recommended by City Administration by amending Rule Number 15.A, Appointments.

Reviewed and Approved:

_____
Lori Grigg Bluhm, City Attorney

RULES OF PROCEDURE FOR THE CITY COUNCIL CITY OF TROY, MICHIGAN

Adopted: February 6, 2006

1. APPOINTMENT OF MAYOR PRO TEM 1
2. DESIGNATION OF ACTING MAYOR 1
3. SPECIAL MEETINGS 1
A. CALLING OF SPECIAL MEETINGS: (Pursuant to City Charter Section 4.2) 1
B. DOCUMENTATION: 1
C. POSTING AND DELIVERY: 1
D. ORDER OF BUSINESS 1
E. AMENDMENTS/ADDITIONS TO AGENDA 2
4. REGULAR MEETINGS 2
5. AGENDA 2
6. ORDER OF BUSINESS 2
7. REGULAR BUSINESS 3
8. CABLE CASTING OF CITY COUNCIL MEETINGS 3
9. MINUTES 4
10. PROCLAMATIONS 4
11. RECONSIDERATION OF QUESTIONS 4
12. RESCISSION OF QUESTIONS 4
13. PUBLIC HEARING 4
14. CONSENT AGENDA 4
15. APPOINTMENTS 4
15.1 APPOINTMENT OF CITY OF TROY REPRESENTATION TO SEMCOG AND SOCRRA 5
16. MEMBERS OF THE PUBLIC AND VISITORS 6
17. POSTPONE 6
18. RULES OF ORDER 6
19. MISCELLANEOUS EXPENSES 6
20. EXPENSES: OUT-OF-TOWN TRAVEL FOR CITY BUSINESS 6
21. ABSENCES AT COUNCIL MEETINGS 7
22. SUSPEND RULES 7
23. COUNCIL DISCUSSION 7
24. AGENDA ITEMS SUBMITTED BY COUNCIL MEMBERS: 7
25. VIDEO AND AUDIO PRESENTATIONS 7
26 CONTINUED AGENDA ITEMS NOT CONSIDERED BEFORE 12:00 AM 7
27. VIOLATIONS 7
28. WIRE COMMUNICATIONS BETWEEN COUNCIL MEMBERS DURING ANY MEETING OF COUNCIL 7

1. APPOINTMENT OF MAYOR PRO TEM

The selection of Mayor Pro Tem shall proceed in a linear fashion based on seat rotation in the following order: Broomfield, Howrylak, Stine, Lambert, Fleming, Beltramini.

2. DESIGNATION OF ACTING MAYOR

In the absence or disability of the Mayor and the Mayor Pro Tem, the Council Member present who has served longest shall be designated Acting Mayor and shall perform the duties of the Mayor.

3. SPECIAL MEETINGS

A. CALLING OF SPECIAL MEETINGS: (Pursuant to City Charter Section 4.2)

Section 4.2 - Special Meetings:
Special meetings shall be called by the Clerk on the written request of the Mayor, or any two members of the Council on at least twenty-four hours written notice to each member of the Council, served personally or left at his usual place of residence; but a special meeting may be held on shorter notice if all members of the Council are present or have waived notice thereof in writing.

B. DOCUMENTATION:

Special meetings shall be exclusively limited to items specifically referenced in the Call of the Meeting.

- **Special Meeting Posting**: Pursuant to City Charter a printed meeting notice for each specially called meeting shall contain the items indicated in the written notice calling the meeting.
- (b) **Study Session (Special Meeting) Agenda and Posting**: Study Session Agendas shall contain the items as indicated in the motion calling the meeting.

C. POSTING AND DELIVERY:

Special meeting Calling Notice and/or Agenda shall be personally delivered to each Council Member and posted for public display at least twenty-four (24) hours in advance of the meeting.

D. ORDER OF BUSINESS

At each Study Session (Special Meeting) of the Council, the business to be considered shall include the items listed and in the following order:

a) **Call to Order**
b) **Roll Call**
c) **Items as Indicated in the Motion Calling of the Meeting**
d) **Items Not Indicated in the Motion Call the Meeting, Pursuant to City Charter**
e) **See Charter Article 6 Amendments/Additions to Agenda**
f) **Public Comment**
g) **Adjournment**

E. AMENDMENTS/ADDITIONS TO AGENDA

1. By Charter, special meetings are limited to what is expressly indicated in the Call of the meeting (Motion of Council or written notice, per Charter).
2. If all members of City Council approve of agenda amendments or additions in writing prior to the desired action, then Council can entertain such desired action only when all members present at the meeting consent to allow the amendment/addition to the agenda.

4. REGULAR MEETINGS

Regular meetings shall be held in the Council Chambers at 7:30 P.M on the first and third Monday each month, except for holidays or holiday-eves recognized by the City of Troy, regular or special election days, or unless canceled by resolution of the Council. Council also will meet on the fourth (4th) Monday of the month in the months of September, October, November, January, February, March, April and May.

- It is the intention of City Council that no business be placed upon the fourth (4th) Monday of the month meeting unless so indicated on the Regular Agenda due to extenuating circumstances. The fourth (4th) Monday of the month meeting will be routinely adjourned without action to allow the City Council to go into a Special meeting of City Council for the purpose of study where no action will be taken.

5. AGENDA

(a) **Regular Meeting Agenda**: A printed agenda for each regularly scheduled meeting shall be produced at least forty-eight (48) hours in advance of the meeting. Every item of business to come before the Council shall be filed with the City Clerk by noon on the Wednesday preceding the Monday on which the Council meets. It shall be the duty of the City Clerk to have delivered, as soon as practical, to each member of the Council a complete agenda of the items to be considered at the following meeting. Each item on the agenda shall have sufficient explanation to indicate its intent. All questions introduced that do not appear on the agenda will be referred to a later meeting, except by suspension of these rules. A packet, excluding all confidential items, will be posted on the City's Website at least 48 hours prior to Council meetings.

(b) **Closed Session Agenda**: Where a Closed Session is requested of a pending case, the specific name(s) is to be included pursuant to MCL 15.268 (e), even though the specific name(s) is not technically required under the Open Meetings Act. Where a Closed Session is requested of any collective bargaining unit, the specific name(s) is to be included pursuant to MCL 15.268 (c), even though not technically required under the Open Meetings Act.

6. ORDER OF BUSINESS

At each regular meeting of the Council, the business to be considered shall be taken up for consideration and disposition in the following order:

1. **Call to Order**
2. **Invocation**
3. **Pledge of Allegiance**
4. **Roll Call**

5. A. **Certificates of Recognition**
6. B. **Carryover Items**
7. C. **Public Hearings**
8. D. **Postponed Items**
9. E. **Consent Agenda**
    1. Approval of "E" Items NOT Removed for Discussion
    2. Address of "E" Items Removed for Discussion
    - Council will move forward all of the "E" items on which members of the audience would like to address City Council, in accordance with the Rules of Procedure of the City Council, Article 16 - Members of the Public and Visitors.
10. **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.
11. F. **Regular Business**
    - Council will move forward all of the "F" items on which members of the audience would like to address City Council, in accordance with the Rules of Procedure of the City Council, Article 16 - Members of the Public and Visitors.
12. F. **Regular Business**
    - Address Remaining F Items
13. G. **Memorandums and Future Council Agenda Items**
14. H. **Council Referrals**
    - Items appearing under Council Referrals are items brought forward by the Mayor or Council Members before the City Manager's agenda deadline for consideration at the next regular meeting
15. I. **Council Comments**
    - Items brought forward by Mayor and Council will be placed on the next Regular Meeting Agenda for Action. Items appearing under Council Comments are not intended for discussion or action at the meeting at which they first appear.
16. J. **Reports**
    - No Public Comment received on "J" Items at this time.
17. K. **Study Items**
18. **Public Comment**
19. L. **Closed Session**
20. **Adjournment**

7. 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.

8. CABLE CASTING OF CITY COUNCIL MEETINGS

All City Council Meetings will be broadcast on WTRY, with the exception of Closed meetings of City Council.

9. MINUTES

a. Minutes: The minutes will be distributed to the Council prior to their approval. The minutes will be placed on the Consent Agenda for approval.

b. Closed Session Minutes: Where a Closed Session is requested for discussion of a pending case, the specific name(s) is to be included pursuant to MCL 15.268 (e), even though the specific name(s) is not technically required under the Open Meetings Act. Where a Closed Session is requested of any collective bargaining unit, the specific name(s) of a collective bargaining unit is to be included pursuant to MCL 15.268 (c), even though not technically required under the Open Meetings Act.

10. PROCLAMATIONS

Proclamations shall be included in the agenda under Reports and Communications and may be brought before Council for consideration by any member. Proclamations will be placed on the Consent Agenda for approval.

11. RECONSIDERATION OF QUESTIONS

Reconsideration of any vote of the Council may be made by either side of the voted motion and shall require the affirmative vote of the majority of the Council Members*. Reconsideration of any vote of the Council may further be made by either side of the voted motion and shall require the affirmative vote of the majority of the Council Members provided that new information has been brought forward. *Charter states “majority of the members elect.”

12. RESCISSION OF QUESTIONS

Rescission of any vote of the Council shall require the affirmative vote of the majority of the Council Members. *Charter states “majority of the members elect.”

13. PUBLIC HEARING

Public Hearings will be held after required notice has been provided. Notices shall inform recipients of possible continuations of hearings. The City Council may upon affirmative vote of a majority of its members "continue" said hearing at a future date designated in the resolution. If the City Council elects to continue the Public Hearing it will appear in the designated meeting Agenda under the topic of "Public Hearings".

14. 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”.

15. APPOINTMENTS

A. Appointments to Boards, Commissions and Committees:

The Mayor shall, with City Council concurrence, appoint members of Boards or Committees as governed by State Statute or local ordinances.

The Mayor Pro Tem will contact incumbents to determine their interest in being nominated for reappointment.

The Mayor or any Council Member desiring to nominate a person for appointment to a Board, Commission, or Committee shall submit such name, along with a brief summary of background and personal data as to nominee's qualifications, except that such a resume shall not be required for the re-nomination of a current member, or if the Council unanimously agrees that a resume is not necessary. Resumes will be submitted on or before the time of voting.

Nominations will occur during any ~~r~~Regular meeting of the Council ~~A r~~Resolutions to nominate will be offered ~~considered~~ during the "Regular Business" portion of the agenda as Agenda Item F-1B for Mayoral Appointments and Item F-1C for Council Appointments with the nominations being considered at the next Regular Meeting following the nomination as Agenda Item F-1A. All nominations are subject to Section "B" which appears below.

B. Method of Voting on Nominees.

1. Where the number of nominees does not exceed the number of positions to be filled, a roll call vote shall be used.

2. Where the number of nominations exceeds the number of positions to be filled, voting shall take place by the City Clerk calling the roll of the Council and each Council Member is to indicate the names of the individuals he/she wishes to fill the vacancies

3. When no candidate receives a majority vote, the candidate(s) with the least number of votes shall be eliminated from the ensuing ballot.

4. No member of the City Council shall serve on any committee, commission or board of the City of Troy, except the Retirement System Board of Trustees, unless membership is required by Statute or the City Charter.

5. Persons nominated, but not appointed during this process will be sent a letter thanking them for their willingness to serve the community.

6. Recognition will be given to persons who have concluded their service to the community on Boards and Commissions.

15.1 APPOINTMENT OF CITY OF TROY REPRESENTATION TO SEMCOG AND SOCRRA

1. SEMCOG (Southeastern Michigan Council of Governments) Representation: The Mayor and City Council shall appoint one Delegate and one Alternate to serve on the SEMCOG General Assembly for a term of two-years expiring at 7:30 PM on the Monday following the Regular City Council Election. The appointments shall be made at the organizational meeting of Council at the first Regular meeting of every odd-year November.

2. SOCRRA (South Oakland County Resource Recovery Authority) Representation: The

Mayor and City Council shall appoint one delegate and one alternate to serve on the SOCRRA Board for a term of one-year expiring on June 15th.

16. MEMBERS OF THE PUBLIC AND VISITORS

Any person not a member of the City Council may address the Council with recognition of the Chair, after clearly stating the nature of his/her inquiry or comment. *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.*

- Petitioners shall be given a fifteen (15) minute presentation time that may be extended with the majority consent of City Council.
- Any member of the public, not a petitioner of an item, shall be allowed to speak not more than twice nor longer than five (5) minutes on any item, unless so permitted by the Chair.
- City Council may waive the requirements of this section by a majority of the City Council members.
- Agenda items that are related to topics where there is significant public input anticipated should initiate the scheduling of a Special meeting for that specific purpose.
- Public Comment may be limited when there are fifteen (15) or more people signed up to speak on one topic through a request of the Chair and a majority vote of City Council members elect.

17. POSTPONE

A motion to postpone may be made for a definite period of time. Items will automatically appear on the appropriate agenda.

18. RULES OF ORDER

Robert's Rules of Order, Newly Revised 10th Edition, as clarified by the City Clerk, is hereby adopted and made a part hereof, except as modified by these Rules of Procedure, the Charter, and the City Code.

19. MISCELLANEOUS EXPENSES

Reasonable and necessary expenses incurred in service on behalf of the City shall be paid the Mayor and Council, provided that at the end of each month a detailed expense report is submitted and approved by the City Council.

20. EXPENSES: OUT-OF-TOWN TRAVEL FOR CITY BUSINESS

A. Funds providing for Council representation at State and National conferences sponsored by affiliations of cities will be annually approved in the budget for the subject fiscal year. The City Council will by advance resolution grant authorization for out of town travel to specific places, for conference purposes. Members of the City Council will submit expense vouchers exceeding $50.00 per day to attend out-of-town meetings and conferences, with additional allowances being made for transportation (paid at the air coach rate or gas mileage at current IRS guidelines, depending upon the mode of transportation) and lodging. Expenses may be authorized for payment by the City

Manager, and a copy of the expense report form will be placed on the Council agenda under Reports and Communications.

B. Detailed and receipted expenses, not to exceed $150.00, to attend legislative committee hearings, legislative meetings, etc., may be authorized for payment by the City Manager without prior authorization by the Council, and a copy of the expense report form, along with receipts, will be placed on the Council agenda under Reports and Communications.

21. ABSENCES AT COUNCIL MEETINGS

In the event of an absence of a Council Member at a meeting, the City Manager is directed to supply such absent Council Member with information about any special meetings that may have been scheduled.

22. SUSPEND RULES

The Rules of Procedure may be waived by a simple majority.

23. COUNCIL DISCUSSION

No member of Council shall speak a second time on any item under discussion until all other members desiring to speak on that item have been heard. No member of Council shall be allowed to speak for more than five (5)-minutes at a time.

24. AGENDA ITEMS SUBMITTED BY COUNCIL MEMBERS:

Mayor and Council Members submitting an item for a vote shall send the item to the City Manager in a timely manner in writing. Staff professional opinion will be written to accompany the item for discussion and a vote on the matter. Presentations at the Council table shall be limited to 15 minutes.

25. VIDEO AND AUDIO PRESENTATIONS

Video and Audio Presentations may not be submitted for presentation at a Council meeting unless submitted by 12:00 Noon prior to the meeting. Inappropriate material will be prohibited.

26 CONTINUED AGENDA ITEMS NOT CONSIDERED BEFORE 12:00 AM

Any item on the Council agenda that has not been discussed by 12:00 AM of the morning following the beginning of the meeting shall be continued to the next regular meeting as a Carryover Item, unless City Council takes action to the contrary.

27. VIOLATIONS

The City Clerk shall be responsible for reporting violations of time limitations or speaking sequence to the Chair.

28. WIRE COMMUNICATIONS BETWEEN COUNCIL MEMBERS DURING ANY MEETING OF COUNCIL

All communications are subject to the Michigan Open Meetings Act, therefore members of the City Council shall not engage in any form of wire communication, as defined by U.S. Code Title 18, Part I, Chapter 119, Section 2510, during any meeting of the Council.

29. USE OF ELECTRONIC DEVICES BY COUNCIL MEMBERS DURING ANY MEETING OF COUNCIL

With the exception of the City Council agenda support applications; City Council Members shall refrain from using electronic applications during City Council Meetings as an alternate resource to influence the deliberative process during City Council Meetings.

Memorandum

To: John Szerlag, City Manager
From: John M Lamerato, Assistant City Manager/Finance and Administration
Tonni L. Bartholomew, City Clerk
Date: January 26, 2006
Subject: Agenda Item: Board and Committee Term Limits

In response to City Council's request to amend the Board and Committee term limit criteria to more closely mirror the newly adopted Section 3.4.1- Elective Officers Term Limitations, the attached proposed resolutions for reconsideration and amendment to City Council Resolution 98-540 were prepared.

The proposed resolutions provide for reconsideration of the original adopted resolution, an amendment by replacement and a proposed amended Main Motion.

Additionally, excerpts from the Minutes of November 16, 1998, Resolution 98-540, and Chapter 3.14 of the City Charter have been provided for your convenience.

Reviewed and Approved:

_____
Lori Grigg Bluhm, City Attorney

ORIGINAL ADOPTED MOTION
Resolution #98-540
Moved by Pallotta
Seconded by Pryor

RESOLVED, that each member of the following boards, commissions, and committees shall not serve more than three consecutive terms; any portion of a term served shall constitute one full term and this resolution shall apply only to terms starting after January 1, 1999:

Advisory Committee for Persons with Disabilities; Advisory Committee for Senior Citizens; Animal Control Board; Board of Zoning Appeals; CATV Advisory Committee; Charter Revision Committee; Historical Commission; Historic District Commission; Library Board; Liquor Committee; Parks and Recreation Board; Personnel Board; Planning Commission; Retirement System Board of Trustees and Traffic Committee.

Yes: All-6
Absent: Schilling

CITY CHARTER EXERPT
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.

February 14, 2006

TO: John Szerlag, City Manager

FROM: Brian Murphy, Assistant City Manager / Services
Peggy Clifton, Director of Human Resources
Jeanette Bennett Director of Purchasing
Steven A. Pallotta, Director of Building Operations

Agenda Item – Human Resources Renovation

RECOMMENDATION

City Management requests approval and authorization to expend an estimated $ 79,511.00 to remodel and renovate the existing Human Resources Department (Appendix A), The Human Resources Department renovation will provide much needed workspace improvements and private office space (new plan attached – Appendix B). This project is part of the ongoing process to renovate office space currently scheduled for renovation at City Hall.

BACKGROUND AND DETAILS

The Human Resources Department, currently on the first floor level of City Hall, is the next department scheduled for renovation. This concurs with the ongoing renovation schedule in the Master Capital Plan for City Hall. The Human Resources Department was last renovated in 1990.

Human Resources will utilize a new walk-up service counter with a sliding glass door. This service counter will provide an area to fill out future job applications and information concerning employment. The counter will provide access to job applicants and also create a necessary division for privacy and delicate conversation within the office space area. The recommended plan will also include the purchase of new furniture for the Department Director, Human Resources Specialist and Conference room.

The recommendation to expend approximately $79,511.00 will provide the Human Resources Department with efficient workspace, file storage, and updated furnishings (Detailed Cost Estimates – Appendix C).

Highlights of the plan include the following:

- Physical renovation of the space will update the area to the current standard for City Hall building space (i.e. ceiling appearance, lighting, electrical, fire suppression) including new carpeting and paint.

- Three new offices will be constructed which will provide privacy for the Department Director and two Human Resources Specialists.

Highlights of the plan include the following: continued

- One of the existing offices will be converted into a conference room to enable meetings with departments and future employees in a neutral environment without staff leaving the office area.

- Rolling Files will alleviate large cabinet storage, which has been an issue over the last few years. Currently, many documents are kept in file cabinets at other areas of the building or housed on open storage shelving – both methods create access difficulties and security issues.

- The Human Resources Department will reuse a good portion of existing furniture and purchase some new furniture within the renovation process.

- Equipment Status
  File cabinets:
  Continue to utilize file cabinets from Human Resources Directors office and workstations.

  Conference Room:
  Provide one (1) new conference table and six (6) new chairs.

  Two (2) offices:
  Provide new furniture for Human Resources Director and new furniture for one (1) Human Resources Specialist.

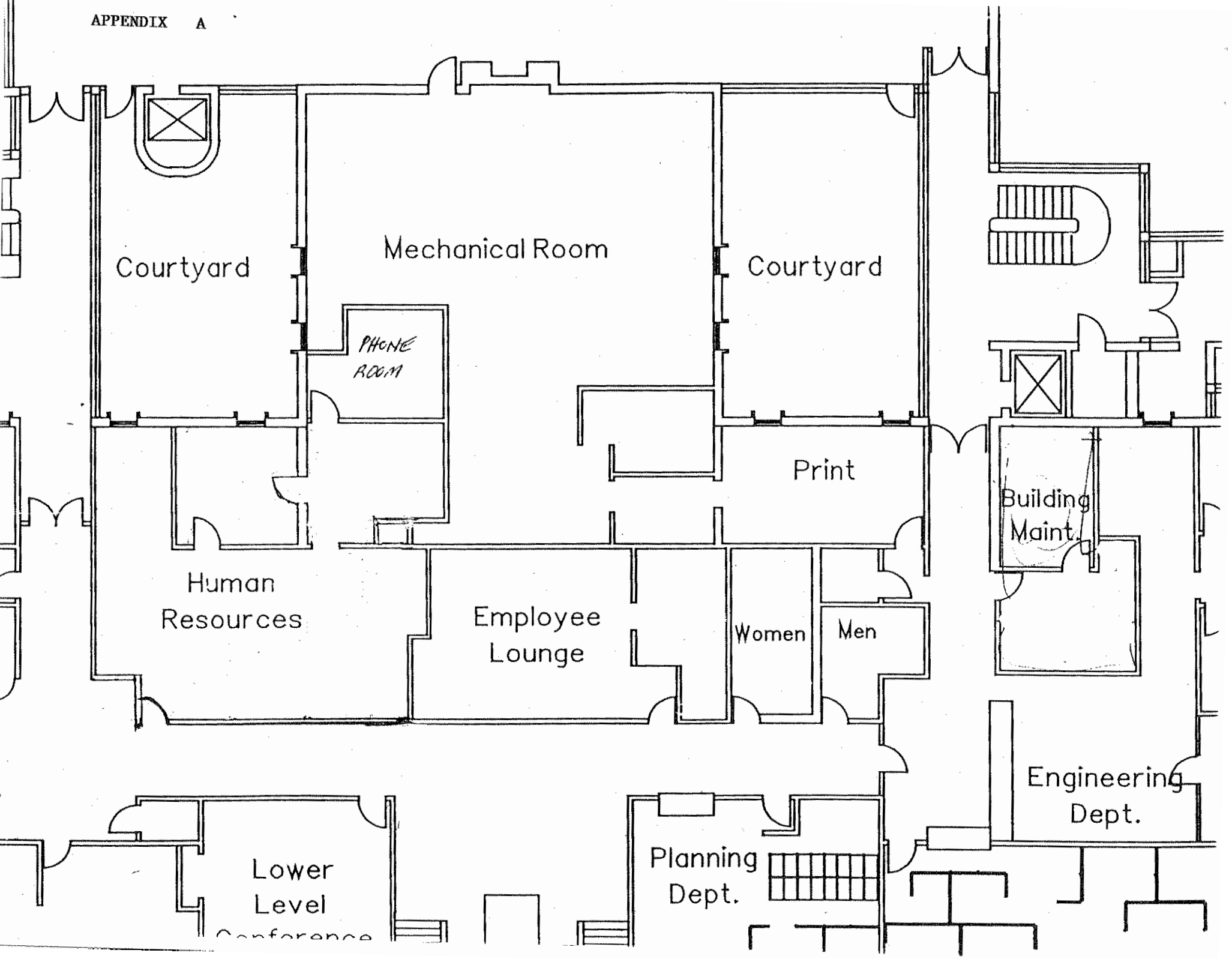
  One (1) office:
  Reuse Human Resources Directors existing furniture for other Human Resources Specialist office.

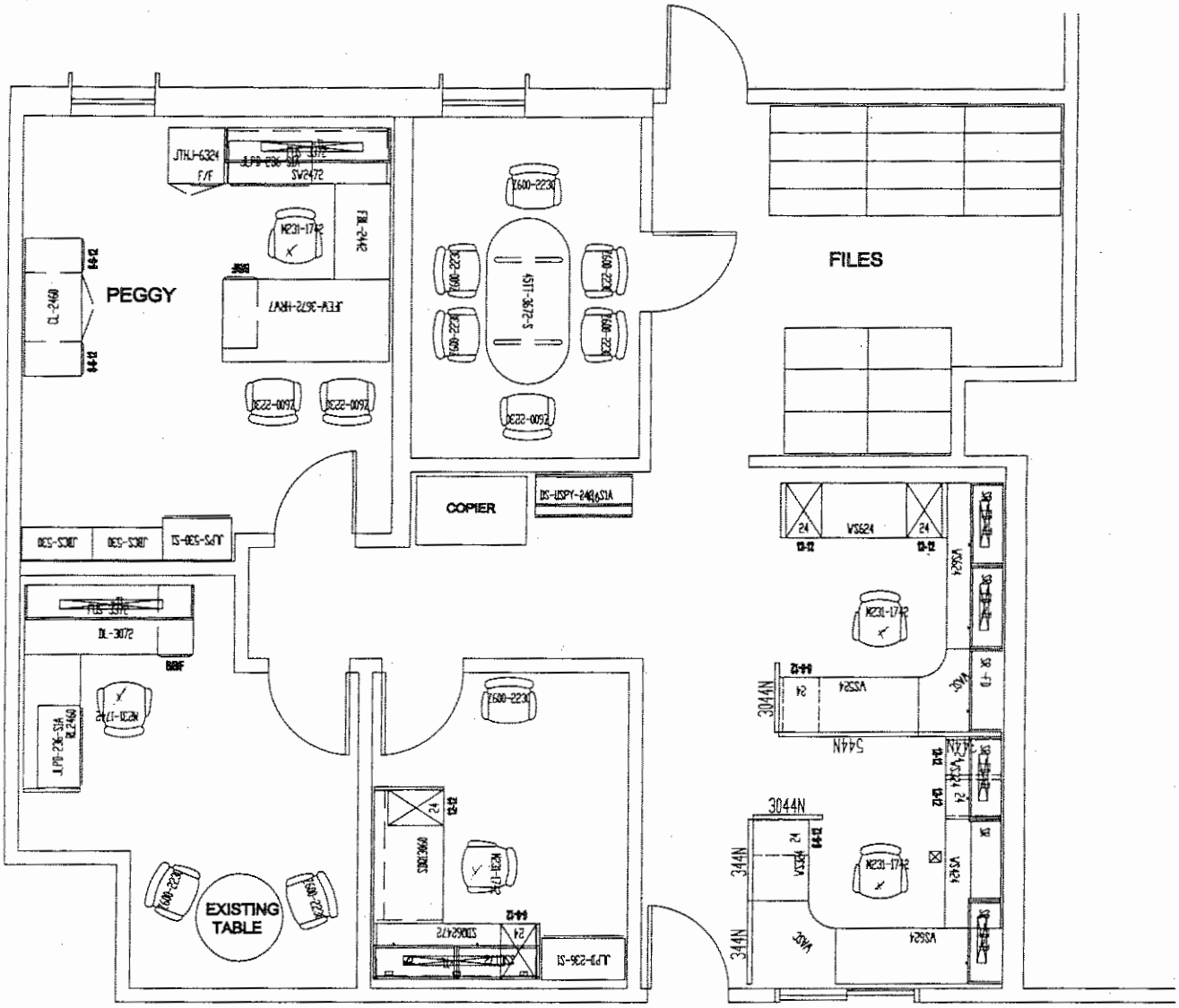
  Two (2) workstations:
  Clean and reuse work-surfaces, panels, and overheads storage units.

BUDGET

Funds for this expenditure are available through Building Operations – City Hall Capital Office Renovations, Account #401265.7975.010 from the 2005-06 Budget.

APPENDIX A


Courtyard
Mechanical Room
Courtyard
PHONE ROOM
Print
Building Maint.
Human Resources
Employee Lounge
Women
Men
Engineering Dept.
Lower Level
Planning Dept.



APPENDIX B

DETAILED COST ESTIMATES

APPENDIX C

Renovation for Human Resources - Square Footage 1150

	Price
Base Cove	$600.00
Blinds	$400.00
Carpet with Glue $28.00 per sq. yard X 140 sq. yards	$4,000.00
Ceiling Grid	$1,400.00
Ceiling Tile	$1,000.00
Storage cabinets & all laminates includes all substructures	$1,000.00
Laminated Entry Doors, with all hardware and locksets	$5,000.00
Drywall includes complete wall construction	$2,000.00
Electrical	$1,500.00
Fire Suppression **COMPLETE ACTIVATION**	$12,000.00
HVAC	$700.00
Lighting includes additional lights, exit signs and emergency lighting	$2,300.00
Paint (2) coats with primer / Wall paper hallway	$1,800.00
Sliding Glass window system with service counter	$2,300.00
Rolling file system **REMCO STORAGE SYSTEMS,INC**	$12,610.00
Sound Insulation Walls & Ceiling (4 inch both)	$600.00
Misc. Items	$500.00
TOTAL ESTIMATED MATERIAL COST	**$49,710.00**
Labor cost estimated 500 hrs X $23.68 per hr = $	$11,840.00
ESTIMATED COST WITH LABOR	**$61,550.00**
Communications (***Pricing provided from IT Department***)	**$2,526.00**

Furniture (*Pricing provided from AIREA - Haworth State Contract*)	**Price**
Workstations (reuse existing inventory, provide new in Directors Office, Human Resources Specialist Office and Conference Room.)	
Chairs (Replace in all offices, workstations and conference room)	
File Cabinets (new in both Human Resources Specialist and Directors Office.)	**$12,937.10**
Labor: In Contract Phases 1. Disassembly, design and Clean-reusable furnishings	**$998.00**
Labor: In Contract Phase 2: Re-install offices, workstations, and new furniture	**$1,500.00**

Estimated Total Cost for the Entire Project	**$79,511.10**

TO: Mayor and Members of the Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
DATE: February 14, 2006
SUBJECT: Request for Annual Evaluation

Traditionally, the annual employee evaluations for the City Manager and the City Attorney have been conducted in the early part of the year. I am requesting that my evaluation be held in a closed session at your convenience. Under the Open Meetings Act, closed sessions for personnel evaluations are permitted by MCL 15.268 (a). A majority vote is required to call a closed session under this section.

If you have any questions, please let me know.

February 7, 2006

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 – Parking Lot Maintenance

RECOMMENDATION

On January 25, 2006, bids were received to complete the City of Troy's Parking Lot Maintenance Program. City management recommends awarding the contract to the low total bidder, Asphalt Specialists Inc of Pontiac, MI at an estimated total cost of $154,960.00 for Fire Station #2 and $110,999.00 for Flynn Park, at unit prices contained as contained on the attached bid tabulation.

In addition, staff requests authorization to change the quantity of work either additive or deductive at the unit prices quoted not to exceed 25% of the total project cost.

The award is contingent upon the 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. The contract is too small to be subdivided.

SUMMARY

The maintenance will be performed at the locations identified on the bid tabulation. The project is scheduled for completion by June 30, 2006.

BUDGET

Funds are available in the Capital Account #401464.7974.165 for Public Works Construction Municipal Parking Lot Maintenance and the Park Development Capital Account #401770.7974.035 for Flynn Park. The budget amount includes funds for construction, inspection, and contingencies.

138 Vendors Notified via MITN System
8 Bids Rec'd
1 No Bid: (1) Company stated job was too small and therefore, cannot be competitive.

Prepared by: Marina Basta/Farouk, Project Construction Manager

Opening Date -- 1-25-06
Date Prepared -- 2/3/06

CITY OF TROY
BID TABULATION
PARKING LOT MAINTENANCE

VENDOR NAME:	** ASPHALT SPECIALISTS INC	NAGLE PAVING COMPANY	HUTCH PAVING INC
Ck #	930147360	632053744	632241399
Ck Amt	$2,500.00	$2,500.00	$2,500.00

PROPOSAL: TO COMPLETE THE CITY OF TROY PARKING LOT MAINTENANCE PROGRAM IN ACCORDANCE WITH SPECIFICATIONS

TASK (1) FIRE STATION #2

ITEM	DESCRIPTION	EST QTY	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1	Remove 10" Asphalt Pavement	3697 SY	**$4.40**	$16,266.80	$4.70	$17,375.90	$5.73	$21,183.81
2	4" - 21 AA Aggregate (Limestone)	528 C.Y.	**$33.60**	$17,740.80	$32.20	$17,001.60	$34.47	$18,200.16
3	Sub-Grade Undercutting	264 C.Y.	**$40.00**	$10,560.00	$44.00	$11,616.00	$55.12	$14,551.68
4	Butt Joint & Cold Milling	300 L.F.	**$4.50**	$1,350.00	$5.00	$1,500.00	$2.50	$750.00
5	4" Bituminous Mix No.1100L, 20AA	814 Ton	**$45.00**	$36,630.00	$48.00	$39,072.00	$48.50	$39,479.00
6	2" Bituminous Mix No. 1100T,20AA	407 Ton	**$53.00**	$21,571.00	$54.00	$21,978.00	$53.95	$21,957.65
7	6" Edge Drain if Needed	25 LF	**$25.00**	$625.00	$32.00	$800.00	$17.50	$437.50
8	Concrete Curb and Cutter if needed	25 LF	**$30.00**	$750.00	$48.00	$1,200.00	$30.00	$750.00
9	Structure Adjustment if needed	3 each	**$200.00**	$600.00	$200.00	$600.00	$150.00	$450.00
10	Striping (Yellow/White)	710 LF	**$0.20**	$142.00	$0.20	$142.00	$0.50	$355.00
11	Handicapped Parking Space & Logo	2 each	**$20.00**	$40.00	$25.00	$50.00	$25.00	$50.00
12	Remove Asphalt Pavement & Replace	1050 S.Y.	**$42.25**	$44,362.50	$40.50	$42,525.00	$36.65	$38,482.50
13	Remove/Replace Concrete Sidewalk	133 S.Y.	**$32.50**	$4,322.50	$49.50	$6,583.50	$34.78	$4,625.74
14	Traffic Maintenance Control	Included			$1,250.00			
	Estimated Total Cost – Task (1)			**$154,960.60**		$161,694.00		**$161,273.04**

TASK (2) FLYNN PARK

ITEM	DESCRIPTION	EST QTY	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1	Removing 10" Asphalt Pavemt	4670 SY	**$5.25**	$24,517.50	$5.10	$23,817.00	$4.81	$22,462.70
2	6" 21- AA Aggregate	778 CY	**$29.25**	$22,756.50	$31.20	$24,273.60	$34.38	$26,747.64
3	Sub-grade Undercutting	260 CY	**$40.00**	$10,400.00	$44.00	$11,440.00	$51.71	$13,444.60
4	Butt Joint & Cold Milling	28 LF	**$4.50**	$126.00	$15.00	$420.00	$5.00	$140.00
5	2" Bituminous Mix No. 1100L,20AA	514 Ton	**$51.00**	$26,214.00	$50.60	$26,008.40	$53.04	$27,262.56
6	2" Bituminous Mix No. 1100T,20AA	514 Ton	**$52.50**	$26,985.00	$53.50	$27,499.00	$54.48	$28,002.72
7	Traffic Maintenance Control	Included			$500.00			
	Estimated Total Cost – Task (2)			**$110,999.00**		$113,958.00		**$118,060.22**

ESTIMATED GRAND TOTAL:		** **$265,959.60**	$275,652.00	**$279,333.26**
INSURANCE:	Can Meet	XX	XX	XX
	Cannot Meet			
SITE INSPECTION:	Visited Site	YES	YES	YES
	Date Visited	1/11/2006	1/11/2006	1/23/2006
	Did Not Visited			
PROPOSED PAYMENT SCHEDULE:	Y or N	30 DAYS	NET 30 DAYS	NET 20 DAYS
COMPLETION DATE:	Can Meet: Y/N	YES	YES	YES
			JUNE 30, 2006	
TERMS:		BLANK	NET 30 DAYS	NET 20
WARRANTY:		BLANK	1 YEAR	1 YEAR
EXCEPTIONS:		BLANK	BLANK	BLANK
ACKNOWLEDGEMENT:	Y or N	YES	YES	YES
BIDDER QUESTIONNAIRE	Y or N	YES	YES	YES

VENDOR NAME:		** ASPHALT SPECIALISTS INC	NAGLE PAVING COMPANY	HUTCH PAVING INC
TWO FORMS COMPLETED:				
Legal Status	Y or N	YES	YES	YES
Non-Collusion	Y or N	YES	YES	YES

NO BIDS:

Ajax Paving

**** DENOTES LOWEST TOTAL BIDDER**

ATTEST:

Marina Basta-Farouk
Thomas Rosewarne
Cheryl Stewart
Linda Bockstanz

Jeanette Bennett
Purchasing Director

G:ITB-COT 05-37 Parking Lot Maintenance

Opening Date -- 1-25-06
Date Prepared -- 2/3/06

CITY OF TROY
BID TABULATION
PARKING LOT MAINTENANCE

VENDOR NAME:	PEAKE CONTRCTING INC	ABC PAVING COMPANY	CADILLAC ASPHALT LLC
Ck #	**726046813**	**726050820**	**930122284**
Ck Amt	$2,500.00	$2,500.00	$2,500.00

PROPOSAL: TO COMPLETE THE CITY OF TROY PARKING LOT MAINTENANCE PROGRAM IN ACCORDANCE WITH SPECIFICATIONS

TASK (1) FIRE STATION #2

ITEM	DESCRIPTION	EST QTY	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1	Remove 10" Asphalt Pavement	3697 SY	$6.55	$24,215.35	$3.00	$11,091.00	$5.00	$18,485.00
2	4" - 21 AA Aggregate (Limestone)	528 C.Y.	$31.25	$16,500.00	$33.40	$17,635.20	$30.00	$15,840.00
3	Sub-Grade Undercutting	264 C.Y.	$34.00	$8,976.00	$40.00	$10,560.00	$36.00	$9,504.00
4	Butt Joint & Cold Milling	300 L.F.	$2.00	$600.00	$1.00	$300.00	$12.00	$3,600.00
5	4" Bituminous Mix No.1100L, 20AA	814 Ton	$50.00	$40,700.00	$45.00	$36,630.00	$67.50	$54,945.00
6	2" Bituminous Mix No. 1100T,20AA	407 Ton	$56.00	$22,792.00	$50.00	$20,350.00	$67.50	$27,472.50
7	6" Edge Drain if Needed	25 LF	$20.00	$500.00	$20.00	$500.00	$19.00	$475.00
8	Concrete Curb and Cutter if needed	25 LF	$20.00	$500.00	$25.00	$625.00	$19.00	$475.00
9	Structure Adjustment if needed	3 each	$250.00	$750.00	$300.00	$900.00	$550.00	$1,650.00
10	Striping (Yellow/White)	710 LF	$0.36	$255.60	$0.40	$284.00	$0.40	$284.00
11	Handicapped Parking Space & Logo	2 each	$45.00	$90.00	$15.00	$30.00	$150.00	$300.00
12	Remove Asphalt Pavement & Replace	1050 S.Y.	$45.00	$47,250.00	$41.50	$43,575.00	$34.80	$36,540.00
13	Remove/Replace Concrete Sidewalk	133 S.Y.	$32.00	$4,256.00	$33.75	$4,488.75	$28.50	$3,790.50
14	Traffic Maintenance Control	Included	$1,000.00		$11,500.00			
	Estimated Total Cost – Task (1)			$167,386.95		$158,468.95		$173,361.00

TASK (2) FLYNN PARK

ITEM	DESCRIPTION	EST QTY	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1	Removing 10" Asphalt Pavemt	4670 SY	$6.55	$30,588.50	$5.70	$26,619.00	$5.00	$23,350.00
2	6" 21- AA Aggregate	778 CY	$31.25	$24,312.50	$43.40	$33,765.20	$30.00	$23,340.00
3	Sub-grade Undercutting	260 CY	$34.00	$8,840.00	$40.00	$10,400.00	$36.00	$9,360.00
4	Butt Joint & Cold Milling	28 LF	$2.00	$56.00	$5.00	$140.00	$12.00	$336.00
5	2" Bituminous Mix No. 1100L,20AA	514 Ton	$50.00	$25,700.00	$59.00	$30,326.00	$64.25	$33,024.50
6	2" Bituminous Mix No. 1100T,20AA	514 Ton	$56.00	$28,784.00	$60.50	$31,097.00	$64.25	$33,024.50
7	Traffic Maintenance Control	Included	$1,000.00		$2,500.00			
	Estimated Total Cost – Task (2)			$119,281.00		$134,847.20		$122,435.00

		PEAKE CONTRCTING INC	ABC PAVING COMPANY	CADILLAC ASPHALT LLC
ESTIMATED GRAND TOTAL:		$286,667.95	$293,316.15	$295,796.00
INSURANCE:	Can Meet	XX	XX	XX
	Cannot Meet			
SITE INSPECTION:	Visited Site	YES	YES	YES
	Date Visited	BLANK	1/20/2006	1/24/2006
	Did Not Visited			
PROPOSED PAYMENT SCHEDULE:	Y or N	PER SPECIFICATIONS	BLANK	EVERY 2 WEEKS
COMPLETION DATE:	Can Meet: Y/N	YES	YES	YES
		JUNE 30, 2006		
TERMS:		PER SPECS	BLANK	BLANK
WARRANTY:		PER SPECS	BLANK	1 YEAR
EXCEPTIONS:		NONE	BLANK	BLANK
ACKNOWLEDGEMENT:	Y or N	YES	YES	YES
BIDDER QUESTIONNAIRE	Y or N	NO	YES	YES
		WILL SUBMIT W/I 24 HRS		

VENDOR NAME:		PEAKE CONTRACTING INC	ABC PAVING COMPANY	CADILLAC ASPHALT LLC
TWO FORMS COMPLETED:				
Legal Status	Y or N	YES	YES	YES
Non-Collusion	Y or N	YES	YES	YES

Opening Date -- 1-25-06
Date Prepared -- 2/3/06

CITY OF TROY
BID TABULATION
PARKING LOT MAINTENANCE

VENDOR NAME:	PRO-LINE ASPHALT PAVING CORP	JOHN CARLO INC
Ck #	**171094391**	**465968643**
Ck Amt	$2,500.00	$2,500.00

PROPOSAL: TO COMPLETE THE CITY OF TROY PARKING LOT MAINTENANCE PROGRAM IN ACCORDANCE WITH SPECIFICATIONS

TASK (1) FIRE STATION #2

ITEM	DESCRIPTION	EST QTY	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1	Remove 10" Asphalt Pavement	3697 S.Y.	$4.12	$15,231.64	$4.13	$15,268.61
2	4" - 21 AA Aggregate (Limestone)	528 C.Y.	$30.93	$16,331.04	$35.48	$18,733.44
3	Sub-Grade Undercutting	264 C.Y.	$40.00	$10,560.00	$39.40	$10,401.60
4	Butt Joint & Cold Milling	300 L.F.	$49.29	$14,787.00	$6.50	$1,950.00
5	4" Bituminous Mix No.1100L, 20AA	814 Ton	$56.98	$46,381.72	$55.30	$45,014.20
6	2" Bituminous Mix No. 1100T,20AA	407 Ton	$65.13	$26,507.91	$56.80	$23,117.60
7	6" Edge Drain if Needed	25 LF	$15.00	$375.00	$14.00	$350.00
8	Concrete Curb and Cutter if needed	25 LF	$50.00	$1,250.00	$50.00	$1,250.00
9	Structure Adjustment if needed	3 each	$300.00	$900.00	$200.00	$600.00
10	Striping (Yellow/White)	710 LF	$0.42	$298.20	$0.35	$248.50
11	Handicapped Parking Space & Logo	2 each	$30.00	$60.00	$16.00	$32.00
12	Remove Asphalt Pavement & Replace	1050 S.Y.	$40.69	$42,724.50	$55.50	$58,275.00
13	Remove/Replace Concrete Sidewalk	133 S.Y.	$30.00	$3,990.00	$36.15	$4,807.95
14	Traffic Maintenance Control	Included				
	Estimated Total Cost – Task (1)			$179,397.01		$180,048.90

TASK (2) FLYNN PARK

ITEM	DESCRIPTION	EST QTY	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1	Removing 10" Asphalt Pavemt	4670 SY	$4.83	$22,556.10	$4.90	$22,883.00
2	6" 21- AA Aggregate	778 C.Y.	$33.91	$26,381.98	$37.60	$29,252.80
3	Sub-grade Undercutting	260 C.Y.	$40.00	$10,400.00	$47.60	$12,376.00
4	Butt Joint & Cold Milling	28 LF	$49.29	$1,380.12	$17.35	$485.80
5	2" Bituminous Mix No. 1100L,20AA	514 Ton	$54.87	$28,203.18	$65.35	$33,589.90
6	2" Bituminous Mix No. 1100T,20AA	514 Ton	$55.48	$28,516.72	$67.25	$34,566.50
7	Traffic Maintenance Control	Included				
	Estimated Total Cost – Task (2)			$117,438.10		$133,154.00

ESTIMATED GRAND TOTAL:		$296,835.11	$313,202.90
INSURANCE:	Can Meet	XX	XX
	Cannot Meet		
SITE INSPECTION:	Visited Site	YES	YES
	Date Visited	1/24/2006	1/24/2006
	Did Not Visited		
PROPOSED PAYMENT SCHEDULE:	Y or N	30 DAYS	PER SPECS
COMPLETION DATE:	Can Meet: Y/N	YES	YES
		JUNE 30, 2006	
TERMS:		BLANK	BLANK
WARRANTY:		1 YEAR	BLANK
EXCEPTIONS:		BLANK	NONE
ACKNOWLEDGEMENT:	Y or N	YES	YES
BIDDER QUESTIONNAIRE	Y or N	YES	YES

VENDOR NAME:		PEAKE CONTRACTING INC	JOHN CARLO INC	
TWO FORMS COMPLETED:				
Legal Status	Y or N	YES	YES	
Non-Collusion	Y or N	YES	YES	

G:ITB-COT 05-37 Parking Lot Maintenance

Downloading History for ITB-COT 05-37 ParkLotMa

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 **2/7/2006.**

Document Title:	Parking Lot Maintenance Program
Date Issued:	1/3/2006
Close Date:	1/25/2006

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		
22398	A & R Sealcoating, Inc.	E-mail	1/3/2006	
12358	A. Wilson Contracting	E-mail	1/23/2006	
11800	ABC PAVING COMPANY	E-mail	1/24/2006	
18057	advanced air services,inc.	E-mail		
10325	Aielli Construction Company, Inc.	Free	1/16/2006	
12964	Ajax Materials Corporation	E-mail	1/4/2006	
11526	Ajax Paving Industries	E-mail	1/3/2006	
20470	American Excavating Contractors	Fax		
14279	Amerinational Community Services	E-mail		
14471	Angelo Iafrate Construction Company	E-mail		
18545	AnnSeal	E-mail		
20776	Asphalt Sealcoating, Inc.	E-mail		
11691	Asphalt Specialists, Inc.	Fax	1/5/2006	
10139	B & J Parking Lot Maintenance, Inc.	E-mail	1/12/2006	
10709	B & W Landscape Supply	Fax		
12250	Barrett Paving Materials Inc.	E-mail		
22872	Barringer Building Restoration / GC	E-mail		
16399	Barthel Contacting Company	E-mail		

Acct #	Company Name	Service	Date Obtained Document	Date Obtained Amendments
10851	BEI Associates Inc.	E-mail		
19211	Bidigare Contractors, Inc.	E-mail		
21103	Bob Myers Excavating, Inc.	E-mail		
11742	Bowen Paving, Inc.	Fax		
11631	Bowman Construction LLC	Free	1/4/2006	
23231	Brothers All Season Lawn Service	Free	1/11/2006	
20153	C & H Site Development	E-mail	1/4/2006	
12687	C & S Engineers, Inc	E-mail	1/5/2006	
10565	Cadillac Asphalt, L.L.C.	E-mail	1/5/2006	
21893	Cam Services	E-mail		
19594	Capital Waste, Inc.	E-mail		
17804	Carl Walker, Incorporated	E-mail		
16371	Century Cement Co Inc	Fax		
19914	Chadam's ProCut	Free	1/9/2006	
13622	Clor & Associates, LLC	E-mail	1/13/2006	
18492	COMMERCE CONSTRUCTION & LANDSCAPING, INC.	E-mail		
22826	Concrete Levelers, Inc.	Free	1/16/2006	
22073	ConTech Sales Group, LLC	Free	1/20/2006	
20276	Cruz -N- Moore Concrete, Inc.	E-mail		
11732	Curbco, Inc.	E-mail	1/4/2006	
12323	D.L.F. Trucking, Inc.	E-mail		
17560	D1 Services	Free	1/6/2006	
16410	DeAngelo Brothers Inc	Free	1/13/2006	
22795	Delaney Construction	E-mail		
20675	Diversified Concepts and Services, Inc.	E-mail		
14388	E-Z Electric, Inc.	E-mail	1/20/2006	
16430	East Side Maintenance	Fax		
12164	Edw. C. Levy Co.	E-mail		
22539	Euridium Solutions, LLC	E-mail		
17755	F.H. Martin Construction Co.	E-mail		
22220	Fed Brothers Construction	E-mail		
11211	Florence Cement Company	E-mail	1/3/2006	
16547	Gaglio Bros. Corporation	E-mail		
11657	Giffels-Webster Engineers, Inc.	Free	1/6/2006	
13719	Giorgi Concrete LLC	E-mail	1/3/2006	
17654	GM & Sons, Inc. Concrete Construction	Fax		
10938	Great Lakes Landscaping & Construction Inc.	Fax	1/17/2006	
16777	Guardian Alarm & Security Services	E-mail	1/24/2006	
17850	GZA GeoEnvironmental, Inc.	E-mail		
13332	HARDROCK CONCRETE, INC.	Free	1/16/2006	

Acct #	Company Name	Service	Date Obtained Document	Date Obtained Amendments
11517	Hart Pavement Striping Corporation	E-mail		
10833	Hartwell Cement Company	E-mail	1/4/2006	
21711	Haskell Service Company	Fax		
20479	HAYES EXCAVATING CO. INC.	E-mail		
11766	HES STALLINGS-JULIEN SALES & SERVICE	E-mail	1/17/2006	
11514	Highway Maintenance & Construction Co.	E-mail	1/9/2006	
18645	HTA Companies, Inc.	Fax		
15490	Hutch Paving, Inc.	Free	1/10/2006	
21275	Impact , Inc.	E-mail		
21233	Improvement Technologies Company	E-mail		
19522	Interstate Sealant & Concrete, Inc	E-mail	1/12/2006	
21855	J&J Cleaning Services, Inc.	E-mail	1/17/2006	
18533	James P Contracting, Inc.	E-mail	1/6/2006	
12021	JOHN CARLO, INC.	E-mail	1/11/2006	
20399	K & K Maintenance Supply Inc.	Free	1/11/2006	
21358	Kasco, Inc.	E-mail		
17240	Koala-T Construction, Inc.	Fax		
19813	Labor Ready, Inc	E-mail		
22143	Lighting Technologies	E-mail		
12569	Liquid Calcium C hloride Sales	Free	1/3/2006	
22749	M.J. Booth Electrical Services, Inc.	Fax		
10884	Maged Contracting, Inc.	E-mail	1/13/2006	
18159	Mago Construction	E-mail		
21751	Mark 1 Restoration Services, Inc.	E-mail	1/16/2006	
11630	Mercer Equipment Rentals	E-mail	1/27/2006	
22473	Metro Eviromental Controls	E-mail	1/17/2006	
11560	Michigan Joint Sealing, Inc.	E-mail	1/9/2006	
22001	Michigan Restoration Group	E-mail		
17767	Miller Parking Company, LLC	E-mail		
22614	MLS Sign Company Inc.	Free	1/18/2006	
11469	Nagle Paving Company	E-mail	1/3/2006	
12149	National Alliance of Cabling & Technology	Free	1/6/2006	
18444	National Garages/Central Parking	Free	1/4/2006	
17384	National Highway Maintenance System Ltd.	Free	1/24/2006	
10604	nationwide fence & Supply	E-mail		
13310	North Star Refrigeration, Heating and Cooling	E-mail		
12761	Northwest Consultants, Inc.	E-mail		
12101	NTH Consultants, Ltd.	E-mail	1/6/2006	
20768	Pace & Partners	Free	1/20/2006	

Acct #	Company Name	Service	Date Obtained Document	Date Obtained Amendments
11059	Pamar Enterprises, Inc.	E-mail		
19511	Park-Rite	E-mail		
10157	Peake Contracting, Inc.	Free	1/6/2006	
19208	Platinum Landscape	Free	1/7/2006	
22344	Priority Contractors	Fax	1/9/2006	
23167	Pristine Plus LLC	E-mail	1/4/2006	
16071	Pro Commercial Services, Inc.	E-mail	1/17/2006	
15509	Pro-Line Asphalt Paving Corp.	E-mail	1/25/2006	
15064	Protech Diamond Tools	E-mail		
13691	R & E Trucking Inc.	Fax		
19789	RMC HOLDINGS	E-mail		
16757	Rodges Landscaping, Inc.	Free	1/21/2006	
15568	Rotondo Construction Corp.	E-mail		
14057	S.J.R. Pavement Repair	Fax	1/17/2006	
19544	S.S. Seeding, Inc.	Free	1/13/2006	
21102	SCM Construction Services	Fax		
12265	scodeller construction, inc.	E-mail	1/24/2006	
20116	Seal-All Waterproofing Company, Inc.	E-mail		
12583	Sigma Associates, Inc.	E-mail		
13684	soil and materials engineers, inc	E-mail	1/3/2006	
13632	Spalding DeDecker Associates, Inc.	E-mail		
17956	Superior Surface Solutions, Inc.	E-mail		
20711	Superior Surfaces LLC.	Fax		
12535	The Stansley Group	E-mail		
18499	TOEBE CONSTRUCTION CO.	E-mail		
20311	Tony Angelo Cement Construction Co.	E-mail		
11814	Tony Anthony Inc	E-mail		
13602	Total Outdoor Services	E-mail		
17707	Traffic & Safety Control Systems, Inc.	E-mail	1/11/2006	
19575	TriMedia Consultants	E-mail	1/10/2006	
16008	Trybuski's Landscaping & Lawn Service, LLC	Free	1/9/2006	
10285	United Lawnscape, Inc.	E-mail	1/24/2006	
16384	Universal Lawn Care Inc	Free	1/30/2006	
12029	Vulcanmasters Welding Company	Free	1/10/2006	
13207	Walbridge Aldinger Company	E-mail		
13921	WALKER LANDSCAPING, INC.	E-mail		
14338	Washtenaw Inc., Maintenance Services	E-mail	1/19/2006	
22360	Wayne Paving & Construction, LLC	E-mail	1/18/2006	
16312	Zuniga Cement Construction Inc.	Free	1/24/2006	

February 15, 2006

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, City Manager

SUBJECT: Compensation for Interim City Manager

At the City Council meeting of February 6, 2006 I was asked to have an agenda item for your consideration pertaining to increased compensation for Mr. Lamerato as he will be performing additional duties as interim City Manager. Although not totally on point, I was faced with a similar circumstance during the time frame between Mr. Shripka's retirement and the hiring of Mr. Murphy as his replacement. During that time frame City Engineer Steve Vandette was the Acting Assistant City Manager in charge of the Service Division; and I increased his compensation by $230 per week.

While it is not within my purview to indicate what compensation Mr. Lamerato should receive, I can tell you with authority that the role of Acting Manager is more complex in an organization of this scale and scope than that of Assistant City Manager.

TO: Mayor and Members of the Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
Susan M. Lancaster, Assistant City Attorney
DATE: February 6, 2006
SUBJECT: Troy v. Premium Construction, L.L.C. (Section 36 Park)

Enclosed please find a copy of the Order and Opinion Following Bench Trial from Oakland County Circuit Court Judge Mark Goldsmith in the matter of Troy v. Premium Construction, L.L.C. (John Pavone and Mukesh Mangala). In June 2001, City Council authorized the condemnation of this 15.28 acre parcel of property for a park in Section 36 (Maple and John R. Road). Based on the value given by our independent appraiser (Mary Jane Anderson), we have already paid $1,783,000 as just compensation for the property. However, the Court has determined that the property has a fair market value of $3,920,000. This is less than the appraisal of Premium's assessor David Burgoyne, who opined that the property was actually worth an amount in excess of $4,500,000.

The City's appraisal and Premium's appraisal were primarily distinguished by the calculation of the amount of developable land. The City argued that a substantial portion of the property was wetlands, and therefore not developable. Premium argued that all of the property was appropriate for multiple-family residential. In his 25- page opinion, Judge Goldsmith details how he disagrees with the City's position, and how he reached his calculation of the value of the property. Primarily, in 1991, the MDEQ (Michigan Department of Environmental Quality) issued a permit for the American House to be developed on land directly adjacent to the property, which contained the same wetlands as the Premium piece. Since the MDEQ allowed development in 1991, there was a reasonable possibility that the MDEQ would also permit any development on the adjacent Premium property. The MDEQ Supervisor (Mary Vanderlaan) did not directly contradict this possibility in her trial testimony.

Judge Goldsmith concluded that the front ¼ of the parcel would have reasonably been rezoned to R-1T (medium density). The rear ¼ would likely have been rezoned to high density, based on the surrounding uses of property (which was supported by the Planning Director in a memo in February 2000). Based on this probable re-zoning, the parcel could accommodate 112 residential units. Both the City's appraiser and the Premium appraiser concluded that each unit price would be approximately $35,000 per unit, which was multiplied by 112 units to reach $3,920,000.

The City must decide whether to appeal this decision to the Michigan Court of Appeals, which should be filed on or before February 24, 2006. As such, we request a closed session to discuss the strengths and weaknesses of each of Council's options on this case. Council can resolve to convene a closed session to discuss this item at a convenient time during the meeting (in the Council Boardroom). Council could then reconvene after the closed session to provide formal direction, and finish any remaining agenda items. The call of the closed session would be as follows:

RESOLVED, that the Troy City Council shall meet in a closed session, as permitted by MCL 15.268 (e) (*Troy v. Premium Construction)* and MCL 15.268 (h) (*MCL 15.243).*

As always, if you have any questions concerning the above, please let us know.

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

CITY OF TROY,

Plaintiff,

v.

Case No: 2001-035191-CC

Hon. Mark A. Goldsmith

PREMIUM CONSTRUCTION, LLC, a Michigan Limited Liability Company,

Defendant.

/

OPINION AND ORDER FOLLOWING BENCH TRIAL

This matter is before the Court on a bench trial that took place over several months in 2005. The Court has considered the testimony, the exhibits admitted, and the post-trial submissions of the parties. Based on the foregoing, the Court issues this Opinion and Order as its findings of fact and conclusions of law pursuant to MCR 2.517.

I. Background Facts

In April 1998, Defendant Premium Construction, LLC, entered into a purchase agreement to buy a mostly vacant 15.28 acre parcel of property near the intersection of Maple and John R Roads ("the property"), within the city limits of Plaintiff City of Troy, for a price of $450,000. It is a narrow (approximately 243 feet wide) strip of land that is divided in half by the Barnard drain.[1] The property consists of four subunits, Parcels A through D,

[1] There was confusion in the documentary evidence between the Barnard drain and the Spencer drain. At trial, it was clarified that the existing drain bisecting the property is the Barnard drain, and the Spencer drain was the former drain, now a defunct channel, along the wetland in the southern portion of the property. Unless otherwise indicated, all references in this Opinion and Order to "the drain" are to the Barnard Drain.

each of which comprises approximately one-quarter of the total acreage.[2] Parcel A adjoins Maple Road, the northern boundary of the property; Parcel B is immediately south of Parcel A and immediately north of the Barnard drain; Parcel C is immediately south of the drain; and Parcel D is south of Parcel C.

On July 13, 1999, Plaintiff amended its future land use map (also known as the master land use plan) to designate the Maple Road frontage as medium density residential development (five to ten units per acre). The central portion of the property is designated on the map as low density residential (1.6 to 4.2 units per acre), and the southern portion of the property is designated high density residential (up to 12 units per acre).[3] At the time Defendant closed on its purchase of the property in November 1999, Parcels A, B, and C were zoned R-1E (single family detached residential) and Parcel D was zoned RM-1 (multiple family residential).

Early in 2000, Defendant submitted a request to Plaintiff's city planner asking that Parcel A be rezoned to R-1T (one family attached residential) and Parcel C be rezoned to RM-1. At a February 8, 2000 meeting of Plaintiff's planning commission, Plaintiff's city planner Mark Miller recommended approval of the rezoning. After several homeowners expressed fervent opposition to rezoning, the commission voted to recommend to Plaintiff's city council that Defendant's rezoning request be denied and that the council consider acquiring the property for a city park. At an April 17, 2000 meeting, the council denied

[2] According to Defendant's calculations, Parcel A has approximately 3.08 acres, Parcel B has approximately 4.27 acres, Parcel C has approximately 4.22 acres, and Parcel D has approximately 3.71 acres.
[3] The future land use map provides a general plan of permissible uses for regions of the city. The map does not necessarily follow property lines or easily defined borders.

Defendant's request to rezone Parcels A and C and also directed Plaintiff's city manager to investigate acquisition of the property for a city park.

Plaintiff subsequently proceeded with its plan to acquire the property for park use. In anticipation of Plaintiff's efforts, Defendant retained Brooks Williamson to perform a wetland inspection and delineation of the property. On May 1, 2000, Williamson conducted his inspection of the property and prepared a report. Williamson found three wetland areas on the property: (i) an isolated wet meadow north of the drain; (ii) a narrow strip adjacent to the drain; and (iii) a large forested area south of the drain. Plaintiff hired Eugene Jaworski to perform a wetland inspection in June 2000. Jaworski's report found a relatively small (approximately 0.28 acre) wetland adjacent to the drain and a larger (approximately 4.6 acre) wetland south of the drain. Excluding the wetland areas, Jaworski estimated that less than 10 acres of the property would be available for development as non-wetland.

At a June 2001 meeting, Plaintiff's council authorized Plaintiff to offer Defendant $1,030,000.00 for the property. The council also authorized Plaintiff's city attorney to institute condemnation proceedings. On October 4, 2001, Plaintiff filed this complaint for condemnation of the property for park purposes. An order was entered on November 7, 2001, directing Plaintiff to pay Defendant estimated compensation in the amount authorized by Plaintiff's council, minus any unpaid taxes or assessments.

II. Analysis and Determination of Defendant's Compensation

The case was tried on the sole question of how much additional compensation Defendant is entitled to receive as a result of Plaintiff's acquisition of the property. An owner of private property is entitled to just compensation when the government takes the

owner's property for public use. US Const, Am V; Const 1963, art 6, § 2. Just compensation must put the original owner in the same position he would have been in had the taking not occurred. State Highway Commissioner v Eilender, 362 Mich 697, 699; 108 NW2d 755 (1961). "It should neither enrich the individual at the expense of the public nor the public at the expense of the individual." Id.

Defendant's compensation should be based on the market value of the property as of the date of the taking, which the parties agree is October 4, 2001. Eilender, supra at 699; M Civ JI 90.06. The term "market value" has been variously defined, including the following definition that is particularly applicable here:

> The market value of land or real estate is the highest price estimated in terms of money that the land will bring if exposed for sale in the open market with a reasonable time allowed to find a purchaser buying with knowledge of all of the uses and purposes to which it is adapted and for which it is capable of being used . . . [Consumers Power Co v Allegan State Bank, 20 Mich App 720, 744-745; 174 NW2d 578 (1970), quoting 55 CJS Market p 798]

There are no formulas or rules for determining value, and the determination should be based on the relevant facts presented at trial. Eilender, supra at 699. The award should be based on the "highest and best use" of the land, and the Court should consider every legitimate use. St Clair Shores v Conley, 350 Mich 458, 462; 86 NW2d 271 (1957).

The parties do not dispute that the "highest and best use" of the land, generally, would be residential development. What is at issue is the maximum density of residential development that was possible at the time of the taking. This determination hinges on two disputed issues: (i) whether a wetland on the property would be subject to regulation and

would preclude development of the wetland portion of the property; and (ii) given the zoning and conditions present at the property at the time of the taking, what was the total number of residential units that could be built on the property? The arguments and relevant evidence pertaining to these two issues are presented below.

A. Wetlands

Plaintiff claims that the value of the property is limited by the presence of a large wetland that would be subject to state regulation and would have precluded development of much of the southern portion of the property. Defendant admits to the existence of the wetland, but contests Plaintiff's assertion that wetland would be subject to regulation or would prevent development.

As an initial matter, Plaintiff asks this Court to reject Defendant's claim that the wetland is unregulated because Defendant did not timely inform Plaintiff of its intention to pursue this claim. Plaintiff asserts that its good faith offer was based on the assumption that approximately five acres of the property were regulated wetland, and this assumption was based on the 2000 assessments of both Plaintiff's and Defendant's wetland consultants. Plaintiff claims that Defendant was obligated to notify Plaintiff in writing of its intention to contend that the wetlands were not regulated, and that Defendant's failure to timely provide the notice precludes Defendant from now advancing this theory.

MCL 213.55(3) requires the owner to give written notice of the compensable property or damages for which he intends to seek compensation within ninety days after the governmental agency makes a good faith offer or sixty days after the agency files a complaint:

> If an owner believes that the good faith written offer made under subsection (1) did not include or fully include 1 or more items of compensable property or damage for which the owner intends to claim a right to just compensation, the owner shall, for each item, file a written claim with the agency. The owner's written claim shall provide sufficient information and detail to enable the agency to evaluate the validity of the claim and to determine its value. The owner shall file all such claims within 90 days after the good faith written offer is made pursuant to section 5(1) or 60 days after the complaint is filed, whichever is later. [MCL 213.55(3)]

Plaintiff cites City of Novi v Woodson, 251 Mich App 614; 651 NW2d 448 (2002) in support of its claim that Defendant should have notified it of Defendant's intention to dispute the regulation of the wetlands. In Woodson, the plaintiff sought to acquire the defendants' property for expansion of a road and submitted a good faith offer on May 19, 1997, which the defendants rejected. The plaintiff filed its complaint on July 30, 1997. On August 25, 1997, the defendants' attorney wrote the plaintiff stating that the defendants would be seeking business interruption or going concern damages. The plaintiff sought to bar the defendants from seeking anything other than fair market value for the property, based on the argument that the August 1997 letter did not qualify as a written notice of the defendants' damages claims under MCL 213.55(3) and the limitation period for filing that claim had expired. The trial court rejected the plaintiff's argument, but the Court of Appeals reversed, agreeing that the letter did not constitute a written notice of a claim under the statute because it did not provide the plaintiff with sufficient information to evaluate the claim. Id at 624. The Court further found that claims not timely filed under the statute are barred. Id at 626.

The Court rejects Plaintiff's claim that MCL 213.55(3) or the Woodson opinion bars Defendant from asserting that the wetlands on the property are not regulated. The statute only requires the owner to notify the agency where the good faith offer does not include compensable property or damages. The obvious intent is to alert the agency to the existence of special damages that it may have not considered in its good faith offer, such as the business interruption claim in Woodson. Plaintiff's offer in this case did include compensation for the value of the property. The dispute over the existence of regulated wetlands is not a separate compensable property or type of damages about which Defendant would have to notify Plaintiff in writing. Rather, it is a factor in the parties' dispute over the fair market value of the property. The Court concludes that Defendant's assertion that the wetlands are not subject to regulation is not barred by the limitations period of MCL 213.55(3).

Having determined that Defendant is entitled to dispute the regulatory status of the property's wetland, the Court must next determine the effect of the presence of the wetland on the market value of the property at the time of the taking. There is no authority that provides specific guidance on how the Court should determine the impact of a wetland and the possible regulation of that wetland on the value of property subject to a taking. Defendant urges this Court to apply the same standard that is applied where a property owner asserts that the value of the property could be higher if the zoning were changed. The test for a zoning consideration in determining property value is whether there was a reasonable possibility that the zoning classification would have been changed. Eilender, supra at 699. This rezoning possibility impacts the value of the property to the extent that

it "would have affected the price which a willing buyer would have offered for the property just prior to the taking." Id. In other words, "the possibility of rezoning must be real enough to have caused a prudent prospective buyer to pay more for the property than he or she would otherwise pay." M Civ JI 90.10.

Plaintiff argues that the Court should not adopt the "reasonable possibility" standard because there is no authority supporting Defendant's position. Plaintiff urges this Court, to decide as a matter of law and fact, that the wetland would be subject to regulation, arguing that the existence of a wetland that is, or could be, subject to regulation is a per se detriment to the value of the property. In essence, the parties agree that the regulatory status of this wetland should be considered – they simply disagree on how this Court should take this information into account.

In deciding the correct standard for evaluating the wetland evidence, the Court is guided by the definition of market value cited earlier: "the highest price estimated in terms of money that the land will bring if exposed for sale in the open market with a reasonable time allowed to find a purchaser buying with knowledge of all of the uses and purposes to which it is adapted and for which it is capable of being used." Consumer Power Co, supra at 744-745 (emphasis added). Given the presumption that the value is determined based on a buyer who knows all of the possible purposes for the land, the Court finds that the standard for evaluating possible changes in zoning provides an appropriate framework for how this disputed issue should be resolved. The impact of potential wetland regulation is not different, in principle, than regulation by zoning. The Court thus concludes that what is to be determined is whether there was a reasonable possibility that the wetland was not

subject to regulation in October 2001 such that a prospective buyer would be willing to pay more for the property.

This standard first requires that the Court determine the possibility of a determination that the property's wetland was subject to regulation. The Michigan Department of Environmental Quality (MDEQ) is the state agency charged with identifying and regulating protected wetlands. Not all wetland is subject to regulation. MCL 324.30301 provides the criteria for a wetland to fall within the agency's purview:

> As used in this part . . .
>
> (p) "Wetland" means land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh and which is any of the following:
>
> (i) Contiguous to the Great Lakes or Lake St. Clair, an inland lake or pond, or a river or stream.
>
> (ii) Not contiguous to the Great Lakes, an inland lake or pond, or a river or stream; and more than 5 acres in size; except this subparagraph shall not be of effect, except for the purpose of inventorying, in counties of less than 100,000 population until the department certifies to the commission it has substantially completed its inventory of wetlands in that county.
>
> (iii) Not contiguous to the Great Lakes, an inland lake or pond, or a river or stream; and 5 acres or less in size if the department determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the department has so notified the owner; except this subparagraph may be utilized regardless of wetland size in a county in which subparagraph (ii) is of no effect; except for the purpose of inventorying, at the time. [MCL 324.30301(p)]

MDEQ administrative rules provide a definition of the key term "contiguous":

> (b) "Contiguous" means any of the following:
>
> (i) A permanent surface water connection or other direct physical contact with an inland lake or pond, a river or stream, one of the Great Lakes, or Lake St. Clair.
>
> (ii) A seasonal or intermittent direct surface water connection to an inland lake or pond, a river or stream, one of the Great Lakes, or Lake St. Clair.
>
> (iii) A wetland is partially or entirely located within 500 feet of the ordinary high watermark of an inland lake or pond or a river or stream or is within 1,000 feet of the ordinary high watermark of one of the Great Lakes or Lake St. Clair, unless it is determined by the department, pursuant to R. 281.924(4), that there is no surface water or groundwater connection to these waters.
>
> (iv) Two or more areas of wetland separated only by barriers, such as dikes, roads, berms, or other similar features, but with any of the wetland areas contiguous under the criteria described in paragraph (i), (ii), or (iii) of this subdivision.
>
> The connecting waters of the Great Lakes, including the St. Marys, St. Clair, and Detroit rivers, shall be considered part of the Great Lakes for purposes of this definition. [1988 MR 6, R281.921(1)(b)]

If a wetland is subject to MDEQ regulation, the property owner cannot engage in certain activities that would alter the wetland without first obtaining a permit from the MDEQ:

> Except as otherwise provided in this part or by a permit issued by the department under sections 30306 to 30314 and pursuant to part 13, a person shall not do any of the following:
>
> (a) Deposit or permit the placing of fill material in a wetland.
>
> (b) Dredge, remove, or permit the removal of soil or minerals from a wetland.
>
> (c) Construct, operate, or maintain any use or development in a wetland.
>
> (d) Drain surface water from a wetland. [MCL 324.30304]

Thus, if the wetland on the property is subject to MDEQ regulations, the ability to develop the wetland portion of the property would be strictly limited by the agency's permit process, if not entirely proscribed.

Plaintiff's theory of regulation was two-fold: (i) the MDEQ had, at one time, determined the status of the property's wetland and found that it was subject to regulation; and (ii) the conditions of the property demonstrate that had the MDEQ assessed it in October 2001, the agency would have once again determined that it was regulated. The first part of that theory was premised on a July 14, 1989 letter in which the agency (f/k/a Michigan Department of Natural Resources or MDNR) determined that the wetland was protected. Mary Vanderlaan, District Supervisor of the Geological and Land Management Division of the MDEQ, testified that she located the letter at the request of Plaintiff's wetland expert Jaworski. Vanderlaan could not explain the basis for the 1989 determination because she was not with the agency at that time, but she testified that she was unable to locate any subsequent determinations rescinding the 1989 finding.

The second part of Plaintiff's theory was based on the third definition of "contiguous" in the MDEQ's rule R281.921 providing that a wetland is subject to regulation if it is located within 500 feet of and has a surface or groundwater connection to a "stream." In their initial May and June 2000 opinions, the parties' experts both concluded that the wetland's proximity to the Barnard drain would bring it within the MDEQ's jurisdiction. Jaworski testified that when he and Defendant's expert, Williamson, performed their assessments in May and June 2000, they both concluded, independently, that the wetland was regulated because it was within 500 feet of the Barnard drain, which they both agreed would qualify

as a stream.[4] Neither expert engaged in any assessment of the necessary surface or groundwater connection between the wetland and the drain in making their determination.

Williamson later questioned this determination in a May 2003 letter in which he opined that the wetland was not regulated. Williamson acknowledged that he initially found that the wetland fit the criteria for being regulated based solely on its proximity to the Barnard drain. But Williamson revised his opinion after conducting a review of MDEQ files regarding a development on an adjacent parcel, known as American House. Based on his review of the documents and his involvement in a floodplain permitting process for American House, wherein the MDEQ acknowledged that the wetland on that property was not regulated, he reconsidered his earlier position that the wetland would have been regulated in October 2001.

Ms. Vanderlaan confirmed that the MDEQ determined that a wetland on the adjoining American House property – originally part of the same wetland on the condemned property – was not subject to regulation. The evidence demonstrated that, in 1991, the MDEQ initially exercised jurisdiction over a wetland on the American House property. But Defendant produced evidence and elicited testimony from Ms. Vanderlaan that soon after this determination, the agency reconsidered its position and ultimately concluded that the American House wetland was not connected to the Barnard Drain and was not regulated. Plaintiff questioned the veracity of this determination because no

[4] Jaworski also testified that he had assessed the wetland on the property for a prior owner, the Uhelskis, in 1997 and had similarly concluded that it was a regulated wetland. But Ms. Vanderlaan acknowledged that the MDEQ promulgated new guidelines for determining regulatory status in 2001, prior to the taking. For this reason, the Court will not consider Jaworski's 1997 determination.

official letter or other notice had been sent to the owner of the adjoining property overruling the earlier determination. But Defendant introduced an attachment to the 1997 floodplain permit issued on the American House property indicating that the property contained unregulated wetlands. Ms. Vanderlaan also testified that the standard practices of the agency in 1991 did not require MDEQ to utilize a letter or other written statement when it made a determination of regulatory status.

Defendant also retained a hydrogeological expert, John Lamb of McDowell & Associates, who placed monitoring wells between the wetland and the Barnard drain in April 2004. Mr. Lamb concluded, based on data from the wells, that groundwater did not flow from the wetland to the drain. To the contrary, groundwater flowed away from the drain. Lamb further concluded that the water in the wetland was perched or trapped. Defendant claims that this groundwater testing demonstrated that the wetland cannot be considered contiguous with the Barnard drain.

Although Plaintiff did not concede the lack of a groundwater connection between the wetland and the Barnard drain, it refocused its contiguity theory on a connection between the wetland and the Spencer drain. Although the Spencer drain no longer drained water through the property, Plaintiff posited that surface water from the wetland flowed into a culvert on the eastern edge of the property and eventually connected to a still active portion of the Spencer drain on adjoining property. After receiving Williamson's May 2003 letter, Plaintiff asked its expert Jaworski to perform an additional assessment of the property's wetland. Jaworski went to the property on July 10, 2004, with Jennifer Lawson, an environmental specialist employed by Plaintiff. During that second assessment,

Jaworski and Lawson discovered a storm sewer culvert on the eastern edge of the property near an adjoining subdivision along Milverton Road. Jaworski speculated that this culvert could be a connection between the wetland and a drain further east of the property. After further investigation, Lawson concluded that this culvert connected to an open ditch east of Milverton Road that eventually connected to the Spencer drain, which used to flow through the southern portion of the property before the construction of the Barnard drain. Lawson testified that the Spencer drain connected to the Henry/Graham drain, which connected to the Red Run drain, which is a tributary of the Clinton River.

Plaintiff contacted Testing Engineers and Consultants, Inc. (TEC) in July 2004 to perform a dye test to confirm whether this surface water connection existed. During the test, employees of Plaintiff's department of public works ran a hose from a hydrant on Milverton to the wetland on the property to flood it.[5] Duncan Mein, an engineer from TEC, put a fluorescent green dye in the flooded wetland and observed the dyed water flow into the culvert and then into the open ditch east of Milverton Road. Based on this test, TEC concluded that a surface water connection existed between the property's wetland and the Henry/Graham drain. But Mein admitted that he could not confirm where the water flowed after it entered the ditch.

Defendant disputed Plaintiff's existing regulation theory by claiming that subsequent events on an adjoining parcel effectively rescinded the MDEQ's 1989 determination. As

[5] Plaintiff claimed that the water was added to simulate a flow, which did not exist at the time of the testing due to unseasonably dry conditions.

noted above, Defendant's expert Williamson ultimately concluded that the wetland was unregulated based on his review of MDEQ files pertaining to an adjoining parcel.

Defendant also disputed Plaintiff's theory of a connection between this wetland and anything that would qualify as a stream. Defendant relies on its groundwater well data as proof that no groundwater connection existed between the wetland and the Barnard drain.[6] Ms. Vanderlaan confirmed that under the standards for determining a groundwater connection in 2001, placement of such wells would provide evidence for the determination. Defendant also contended that Plaintiff's theory of a surface water connection to the Spencer drain was too tenuous to demonstrate the necessary contiguity to a stream. Williamson testified that he does not believe there is a surface water connection between the wetland and the Spencer Drain because the culvert is outside the wetland. He opined that the approximate two miles of piping, ditch, and drain that Plaintiff was relying on for its contiguity argument – i.e., the culvert to the open ditch to the Spencer Drain to the Henry/Graham Drain – was too distant to establish the necessary connection.[7] Ms Vanderlaan described Plaintiff's series of connecting culvert, ditch, and drain as "convoluted" and admitted that, in her experience, she had never seen the MDEQ find a surface water connection in similar circumstances.

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[6] It is undisputed that there is no surface water connection between the wetland and the Barnard drain.

[7] Williamson testified that he reviewed two administrative law judge opinions regarding wetland determination that found no connection under similar circumstances involving piping and ditches. The Court likewise reviewed these decisions, which were attached to Defendant's brief. Although the opinions are factually similar, the Court declines to base its decision on those opinions because both of them were issued before the MDEQ's current definition of "contiguous" in R281.921 was promulgated.

The Court rejects Plaintiff's claim that the wetland on the property is already subject to regulation. While there is evidence that the MDEQ made such a determination in 1989, Ms. Vanderlaan could not say with any degree of certainty that a similar determination would have been made in October 2001. In fact, she refused to express an opinion on the property's current wetland status without the benefit of a current assessment. The continued viability of the 1989 decision is also undermined by the fact that the 1989 letter does not provide a delineation of where the regulated wetland was located on the property and does not specifically state why it found that the wetland was regulated. As Ms. Vanderlaan's testimony demonstrates, the agency's criteria for making determinations has been altered frequently in the past. For instance, though the statute does not define contiguous, the agency's rules incorporate wetlands within 500 feet of a stream, but provide an exception where there is no a surface or groundwater connection to the stream. Ms. Vanderlaan admitted that there was no bright line rule for determining this connection, and that decisions were made based on oral or written internal guidelines, the evidence presented to the agency, and discussions among MDEQ staff.

The Court finds that there is a reasonable possibility that the MDEQ would have determined in October 2001 that the wetland was not subject to regulation. Although the wetland is within 500 feet of the Barnard drain, there is no evidence of a surface or groundwater connection between the wetland and the drain. Under the MDEQ's rules, proximity to a stream is insufficient to bring the wetland within the agency's jurisdiction. The Court also agrees with Ms. Vanderlaan that Plaintiff's theory of a surface water connection between the drain and the Henry/Graham drain is convoluted and finds it

unlikely that the MDEQ would agree with Plaintiff's connection theory. The MDEQ's finding of an unregulated wetland on an adjoining property – regarding a wetland that at one time was connected to the wetland at issue here – further supports the likelihood that the MDEQ would similarly find this wetland to be unregulated. Based on these factors, the Court finds that the possibility of an MDEQ finding of an unregulated wetland was sufficiently likely that a prospective buyer in October 2001 would have valued the property based on the assumption that the wetland portion of the property was open for development.

B. Development Density

Having addressed the wetlands issue, the Court now turns to the matter of placing a specific value on the property. Although the parties' appraisers reached two very different conclusions regarding the property's fair market value, the parties stipulated that the base value per residential unit in any development on the property would be $35,000.[8] The gap between the two appraisals is thus based on a difference in opinion as to how many units could be developed on the property.

As an initial matter, Defendant argues that there is a reasonable possibility that, but for Plaintiff's decision to take the property for public use, its request for rezoning would have been granted. Plaintiff responds that Defendant is precluded from arguing this point because the request for rezoning was denied before Plaintiff condemned the property. As

[8] Although both parties presented evidence in an apparent attempt to undermine this stipulation, the parties' appraisers independently reached the same determination – that the best price per unit is, more or less, $35,000. Further, the Court rejects Defendant's attempt to add a premium of $5,000 per unit for so-called development costs because Defendant failed to present sufficient evidence that it incurred these costs or that any such costs would have added $5,000 to the per unit value.

noted above, the test for determining this is whether, absent the condemnation, there is a reasonable possibility that the zoning would have been changed.

Plaintiff's claim that Defendant's rezoning request was denied before Plaintiff began the process of acquiring this property is not entirely accurate. Although the request for rezoning was denied in April 2000 and the actual condemnation proceedings did not occur until October 2001, Plaintiff's council announced its intention to "investigate" taking the property at the meeting in which it denied the rezoning request. Thus, Plaintiff's decision to deny rezoning is suspect and indisputably linked to its decision that the property should be used for park land. "Zoning may not be used as a method to depress property values so that at a future date property may be acquired for public purposes." Michaels v Village of Franklin, 58 Mich App 665, 674; 230 NW2d 273 (1975). Because the rezoning denial cannot be separated from Plaintiff's initiative to acquire the property, the Court will not consider the denial in determining whether there was a reasonable possibility, absent the threat of condemnation, that the rezoning request would have been granted.

What Defendant requested was that Parcel A be rezoned from R-1E (single family detached residential) to R-1T (one family attached residential) and that Parcel C be rezoned from R-1E to RM-1 (multiple family residential). The evidence demonstrates that Plaintiff's own city planner recommended that this rezoning request be granted in February 2000. Mr. Miller indicated that requests for rezoning from single family to multi-family is encouraged and is generally granted, provided it fits within Plaintiff's master use plan. Further, there is evidence that an adjoining parcel, the American House property, is zoned RM-2 (high rise residential), which allows a much higher density than any of the parcels

of this property. Based on this evidence, the Court finds that there is a reasonable possibility that, but for the condemnation, Plaintiff would have granted Defendant's rezoning request.

Plaintiff's expert appraiser, Mary Jane Anderson, opined that the property's fair market value in October 2001 was $1,783,000. In arriving at this decision, Ms. Anderson applied the market data approach because the property was vacant land and the other alternative approaches (cost approach, income approach) are not applicable to property that has not been developed. Ms. Anderson based her decision on several factors, including multiple site inspections, research of comparable residential developments in the vicinity, and the physical characteristics of the site. But she also took into consideration the 2000 wetland assessments of Jaworski and Williamson. Anderson also relied on the assessment of city planner Miller regarding the maximum density of the parcels on the property. In fact, Ron Figland of Plaintiff's planning department, under the direction and approval of Miller, prepared a drawing that Anderson incorporated into her appraisal. In that drawing, Plaintiff's planners estimated that Parcel A would support only 18 units, Parcel B would support 14 units, and the northerly portion of Parcel C would allow 20 units. Anderson did not engage in specific calculations of her own, but adopted Plaintiff's planners' conclusion that the property's maximum density was 52 units and that the wetland would preclude development of the southern end of Parcel C and all of Parcel D.

As an alternative to the per parcel assessment, Anderson also calculated the value of the property based on its price per acre by considering comparable properties. She compared this property with eight similar properties within Plaintiff's city limits. In comparing

similar properties, Anderson concluded that the range of price per acre would be $86,000 to $127,000 per acre, resulting in an appraised price of $1,316,500 to $1,943,800. Anderson acknowledged that this type of property is generally valued based on a price per residential unit.

Anderson's appraisal also took into account what was "legally permissible" in terms of the maximum development of the property. Anderson testified that this appraiser term of art refers to the highest and best use or most profitable and advantageous use of the land. In contrast to her ultimate conclusion that the property would only support 52 residential units, Anderson acknowledged in her appraisal that, under current zoning classifications, the property could be legally developed to a maximum density of 91 units. This is based on a maximum density of 4.2 units per acre for Parcels A, B and C, which are zoned R-1E and which comprise approximately 11.57 acres, and a maximum density of 12 units per acre for Parcel D, which is zoned RM-1 and contains approximately 3.71 acres.

Anderson also explored the effect of a zoning change for the 3.08 acres of Parcel A, based on the fact that Plaintiff's land use plan would allow for a higher density than the current R-1E zoning would allow. According to Anderson, the land use plan would allow for a maximum density of 6.2 units per acre for Parcel A, although R-1E zoning would only allow 4.2 units per acre. Anderson concluded that a zoning change in Parcels B and C would not impact their maximum density because she believed that both parcels were within a low density section of the master plan and were thus limited to 4.2 units per acre.

Based on the assumption of Plaintiff's zoning change occurring, Anderson estimated that the property could support 97 units for an overall density of 6.35 units per acre, including the entirety of Parcels C and D. Ultimately, Anderson's appraisal discounts these figures based on what she believed was physically possible on the site, given the assumption that the wetland was regulated, the bisecting drain and its easement, the current zoning, and various physical characteristics of the property. But Anderson does not offer a quantifiable explanation for how application of these factors allowed her to arrive at her ultimate conclusion of 52 units.

Defendant's expert appraiser, David Burgoyne, presented a vastly different portrait of the highest and best use of the property, concluding that the property could support at least 112 residential units and was worth $4,500,000.[9] Mr. Burgoyne's appraisal is premised on the assumptions that the wetlands would not be regulated and that the zoning could be altered to comport with the maximum densities for the property in Plaintiff's land use plan.

Burgoyne testified that the best use of this property would be a medium density condominium development with an average density of 7.3 units per acre, much higher than that projected by Anderson. In arriving at this conclusion, Burgoyne utilized comparables similar to Anderson, and also based his estimates on the current zoning and a zoning change compatible with Plaintiff's land use plan. But Burgoyne also researched Plaintiff's

[9] Although Burgoyne agreed that the base value per unit was $35,000, he added $5,000 to his calculation for "development costs." This resulted in a figure of $4,480,000 (112 units x $40,000), which he "rounded up" to $4,500,000. As noted above, the Court concludes that the parties stipulated to $35,000 per unit price, and rejects any attempt by Defendant to inflate this with costs that have no basis in the evidence presented at trial.

zoning history and development trends, which he believes encourage development of attached condominiums over single family detached housing.

Based on the current zoning, Burgoyne estimates that the property would support development of 93 to 122 units. He agrees with Anderson that Parcels A, B, and C, under their current zoning of R-1E, would only allow a maximum density of 4.2 units per acre. But his estimate of the number of units available on Parcel D (assuming no regulated wetland) would range from 12 to 20 units per acre. If the rezoning of Parcel A was approved as originally requested, Burgoyne agrees with Anderson that its density would increase to 6.2 units per acre. But Burgoyne is much more optimistic about the effect of rezoning on Parcel C, based on his assumption that Plaintiff's land use plan classifies it as high-density residential. He estimates that the density of Parcel C could increase to as much as 20 units per acre. Although Burgoyne speculated that with zoning compatible with the land use plan the property could support as many 130 to 192 units, he ultimately projected a more conservative range of 93 units (the minimum legally possible with no zoning change) to 130 units (the minimum legally possible with a zoning change). Burgoyne then settled on the median figure of 112.

Burgoyne testified that he did not consider price per acre in his appraisal of the property because, in his experience, developers do not care about the per acre price and focus exclusively on the per unit price. Anderson calculated that if Burgoyne's $4,500,000 estimate of the total value of the property is divided by the approximate 15.28 acres, his price per acre would be approximately $295,000. Anderson testified that she was not aware of any comparable residential property in the City of Troy that had sold for $295,000

per acre. Burgoyne disputed this, pointing to a condominium development on Big Beaver Road that he claims sold for $550,000 per acre. According to Burgoyne, this price was reasonable because it was a high-density development with 14 units per acre and a per unit cost of only $40,000.

Given the parties' stipulation regarding the value per unit, the only real dispute is the number of residential units the property will support. It is apparent that Plaintiff underestimates the property's development potential based on its assumption regarding the regulatory status of the wetland and its assumption that the zoning scheme would not change. Because the Court has found that there is a reasonable possibility that the wetland would be unregulated and the zoning would be changed, these two assumptions are invalid.

Beyond the obvious differences regarding zoning and the wetland, the other key difference appears to lie in the appraisers' disagreement regarding the development potential of Parcel C.[10] Anderson believes that Parcel C is within a low density portion of Plaintiff's land use plan, which would allow only 4.2 units per acre, and a change to a higher density zoning would not impact the maximum number of units that could be developed in Parcel C because a developer would still be obligated to comply with the dictates of the land use plan. By contrast, Burgoyne opined that Parcel C falls within a

[10] Defendant also argued for an increase in the maximum density of Parcel B, based on Burgoyne's belief that Parcel B could be rezoned. But Burgoyne admitted that Plaintiff's land use plan designates Parcel B as low density and that designation only allows 4.2 units per acre. The Court thus rejects Defendant's claim that rezoning of Parcel B would result in a higher density for the parcel.

high density district of Plaintiff's land use plan and thus concludes that a change in zoning for Parcel C would result in the ability to place as many as 20 units per acre on the parcel.

Considering the testimony of the two appraisers, the Court credits Burgoyne's testimony in this regard. Although Anderson testified both on direct and cross-examination that Parcel C was within the low density designation on the land use plan, Plaintiff states in its pre-trial proposed findings of fact that its land use plan designates Parcel C as high density residential with a maximum density of 12 units per acre. In fact, Plaintiff's own planners concluded that Parcel C is designated high density on the land use plan when they evaluated Defendant's zoning request in February 2000. Further, the sketch relied on by Anderson and prepared by Plaintiff's planning department shows a high-rise development on Parcel C, which also supports the conclusion that Parcel C would allow for high-density development. The Court thus finds that Anderson's claim that Parcel C falls within a low-density zone is not credible and that a zoning change of Parcel C, as requested by Defendant, would allow high-density development.

The Court thus finds that Burgoyne's opinion that the property would support development of 112 units is a reasonable assessment of the highest and best use of the land. Multiplying this figure by the agreed on per unit price of $35,000, the Court finds that the fair market value for the property is $3,920,000.

III. Conclusion

The Court finds that there is a reasonable possibility that on October 4, 2001, the wetland on the property was not subject to regulation and a prospective buyer would value the property on the assumption that the wetland portion could be developed. The Court

further finds that there is a reasonable possibility that, but for this condemnation, the property would have been rezoned as requested by Defendant in February 2000. Based on these findings and the evidence presented at trial, the Court also finds that the property would support a residential development with a maximum of 112 units and that this figure yields a fair market value of $3,920,000. Because Plaintiff has already paid Defendant $1,030,000.00 pursuant to its good faith offer, the Court concludes that Defendant is entitled to a judgment in the amount of $2,890,000. The Court directs the parties to submit a judgment in that amount, approved as to form, within seven days of the date of this opinion. If the parties are unable to agree on the form of a judgment, each party shall submit a proposed judgment within seven days and notice the matter for hearing.

IT IS SO ORDERED.

HON. MARK A. GOLDSMITH
CIRCUIT COURT JUDGE

Dated: FEB 0 3 2006

February 16, 2006

TO: John Szerlag, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration

SUBJECT: 2005-06 Budget Amendment No. 2

The following budget amendment is a result of the court order in the matter of Troy v. Premium Construction, L.L.C.

The court order values the property at $3,920,000 less payments to date of $1,783,000 (not including other expert fees), leaving a balance of $2,137,000 plus interest of $510,998.19, totaling $2,647,998.19. There will also be attorney fees added to this amount.

The $2,647,998.19 is the amount of the budget amendment to be funded from the Capital Fund Unreserved/Undesignated Fund Balance leaving an Unreserved/Undesignated Fund Balance of $216,504.81.

DATE: February 14, 2006

TO: John Szerlag, City Manager

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

SUBJECT: AGENDA ITEM – ANNOUNCEMENT OF PUBLIC HEARING (MARCH 6, 2006) – ZONING ORDINANCE TEXT AMENDMENT (ZOTA–218) – Article 10.30.03, Permit Child Care Centers by Special Use Approval in the R-1A through R-1E Zoning Districts.

RECOMMENDATION

The Planning Commission held a Public Hearing on this item at the September 13, 2005 Planning Commission Regular meeting, and recommended approval. City Management agrees with the Planning Commission recommendation and supports this proposed amendment. ZOTA 218 is tie-barred with ZOTA 214 (Group Day Care Homes) to eliminate confusion.

BACKGROUND

A Montessori school in the R-1C district has expressed interest in adding 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). Schools are not included, even though child care services are presently provided in all elementary schools within the Troy School District. The proposed amendment would permit child care centers in public and private schools in the R-1A through R-1E One Family Residential Districts.

Note that Article 10.30.03.B also requires that these uses shall not be permitted in the interior of any residential block. Public schools in Michigan are not required to comply with local zoning laws, consequently many public schools and their accessory day care centers in Troy are located in the interior of residential blocks. Private schools are not exempt from local zoning regulations, therefore accessory child care centers will be required to be located on a major thoroughfare.

Attachments:

1. Draft Zoning Ordinance Text Amendment, dated 01/10/06.
2. Minutes from September 13, 2005 Planning Commission Regular meeting.

cc: File/ZOTA 218

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CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 39 OF THE CODE
OF THE CITY OF TROY
ZOTA 218
CITY COUNCIL PUBLIC HEARING DRAFT

The City of Troy ordains:

Section 1. Short Title

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

Section 2 – Amendment to Article X of Chapter 39

Article X of Chapter 39 of the Code of the City of Troy is amended to permit child care centers, nursery schools or day nurseries by special use permit in public or private schools within the R-1A through R-1E One Family Residential Districts subject to specific standards.

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

10.30.03 Child Care Centers, Nursery Schools or Day Nurseries (not including dormitories, subject to the following conditions:

A) That for each child so maintained or cared for, there shall be provided and maintained a minimum of one hundred fifty (150) square feet of outdoor play area. Such play area shall have a total minimum area of not less than five thousand (5000) square feet and shall be visually screened from any adjoining lot in any residential District, in a manner acceptable to the Planning Commission.

B) Such uses shall not be permitted in the interior of any residential block. Such uses shall be located adjacent to a multiple family residential, office or commercial District, or within a previously established church complex or a public or private school utilized for the education of children, other than a home school.

C) Such uses shall, as transitional uses between non-residential and residential development, be so designed architecturally as to reflect the predominant architectural character of the residential District within which they are located.

Section 3. Savings

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

Section 4. Severability Clause

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

Section 5. Effective Date

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

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

_____
Louise Schilling, Mayor

_____
Tonni Bartholomew, City Clerk

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ZONING ORDINANCE TEXT AMENDMENT

10. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 218) – Article 10.30.03 Daycares in Schools within the R-1 Districts

Mr. Savidant presented a summary of the proposed zoning ordinance text amendment. He reported that the City's Planning Consultant and Assistant City Attorney agree with the proposed text amendment in concept. The Assistant City Attorney suggested and City Management agrees with revising the text to clarify what constitutes a school complex.

Mr. Miller noted that (1) public schools are exempt from municipal zoning; and (2) schools are permitted in the R-1A through R-1E zoning districts with the requirement that they located on major thoroughfares.

There was a brief discussion on the placement of definitions within the Zoning Ordinance.

Mr. Motzny confirmed that the definition of school is not currently inclusive of definitions listed in the Zoning Ordinance.

PUBLIC HEARING OPENED

Nichol Childs of 1931 Atlas, Troy, was present. Ms. Childs addressed the affect of potential traffic generated by child care centers in residential areas in relation to traffic generated by group day care centers in residential areas.

Sharon Schafer of 5593 Mandale Drive, Troy, was present. Ms. Schafer said she assumes, based upon the numbering system, that the proposed zoning ordinance text amendment relating to group day care homes in residential districts (ZOTA 214) has been under consideration longer than the ZOTA 218. Ms. Schafer said she supports the proposed zoning ordinance text amendment under consideration this evening because working families in Troy need every option available to them for child care. She stated child care centers in residential areas would not cause any less noise or traffic than group day care homes in residential areas, and she hopes the members remember that she brought that to their attention when ZOTA 214 is considered in a couple of weeks.

PUBLIC HEARING CLOSED

Resolution # PC-2005-09-144
Moved by: Wright
Seconded by: Schultz

RESOLVED**,** That the Planning Commission hereby recommends to the City Council that Article X, pertaining to Daycares in the R-1A through R-1E Zoning Districts, be amended as printed on the Proposed Zoning Ordinance Text Amendment received tonight, as follows:

> Section 10.30.03 (B) – Such uses shall not be permitted in the interior of any residential block. Such uses shall be located adjacent to a multiple family residential, office or commercial district, or within a previously established church complex or a public or private school utilized for the education of children, other than a home school.

Discussion on the motion.

Mr. Vleck asked if charter schools are exempt from municipal zoning.

Mr. Motzny replied that charter schools are considered public schools and the exemption would apply to them as well as public schools.

Mr. Miller confirmed that it was a Montessori school that prompted the proposed zoning ordinance text amendment.

Chair Strat suggested that the description of private schools should be included as part of a definition in Article IV.

Vote on the motion on the floor.

Yes: All present (8)
No: None
Absent: Khan

MOTION CARRIED

DATE: February 14, 2006

TO: John Szerlag, City Manager

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

SUBJECT: AGENDA ITEM – ANNOUNCEMENT OF PUBLIC HEARING (MARCH 6, 2006) – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 214) – Article IV and X, Group Child Care Homes in the R-1A through R-1E Districts

PLANNING COMMISSION RECOMMENDATION

At the December 13, 2005 Regular meeting, the Planning Commission approved the following resolution:

Resolution # PC-2005-12-197
Moved by: Vleck
Seconded by: Chamberlain

WHEREAS, The State of Michigan as provided by Public Act 207 of 1921 and Public Act 285 of 1931 and subsequent changes thereto provides for city planning and authorizes Planning Commissions and their powers; and

WHEREAS, The City of Troy Planning Commission is empowered by the City of Troy Zoning Ordinance to approve matters coming before it and to make recommendations to City Council, where the Council holds the approval power for themselves.

THEREFORE, IT IS RESOLVED, That the Planning Commission does not recommend to the City Council the changing of Articles IV and X, pertaining to Group Day Care Homes in the R-1A through R-1E Districts, for the following reasons:

WHEREAS, It has been demonstrated by public input, letters and photos that family and group day care homes do have a negative impact on the neighboring property owners.

WHEREAS, According to City of Troy Assistant Attorney, Allan Motzny, and City of Troy Director of Building & Zoning, Mark Stimac, any building or structure or portion thereof that is used for the education, supervision or personal care services for more than five (5) children older than 2-1/2 years of age would be classified as a Group E occupancy. This has significant implications on the ability of the structure to comply with

building code requirements such as automatic sprinklers in basements, Michigan barrier-free design and the Federal Americans with Disabilities Act.

WHEREAS, There is nothing within the child care licensing law that exempts these facilities from the Michigan Building Code provisions.

WHEREAS, The current ordinance allows for family day care homes but limits enrollment thus permitting a needed service while minimizing the intrusion and negative impact on neighboring properties.

BE IT ALSO ADVISED TO CITY COUNCIL, That if the current zoning is revised, the Planning Commission makes the following recommendations:

10.25.02 Family Day Care Homes, as defined in Section 04.20.60, subject to the following conditions:

A. The number of children so cared for who are not a part of the family residing in the subject dwelling unit shall not exceed six (6).
B. The conditions applicable to Home Occupations, as defined in Section 04.20.71 and as listed in Section 10.25.01 shall not apply to Family Day Care Homes.
C. The resident-operator of the Family Day Care Home shall be licensed in accordance with applicable State Law.
D. To maximize the safety and the privacy for the neighboring properties, there shall be no dropping off of children between the hours of 10:00 p.m. and 6:00 a.m.
E. To maximize the safety and the privacy for the neighboring properties, if the outdoor play area is located on the premises, the play area shall be fenced or screened with a 6-foot high privacy fence.
F. No structural changes or exterior alterations shall be made which would alter the residential character of the dwelling except as required by the State of Michigan licensing rules.
G. No sign shall be used on the premises to identify the Family Day Care Home.
H. Family Day Care Homes with vehicular access on a major or secondary thoroughfare shall be required to have a circular drive or an unobstructed turnaround to allow for the safe egress of vehicles.

10.30.10 Group Day Care Homes, as defined in Section 04.20.69, subject to the following conditions:

A. To maximize the safety and the privacy and to minimize noise for the neighboring properties, Group Day Care Homes shall be

allowed on properties greater than one-half acre in size and having a minimum side yard setback of 20 feet.

B. The number of children so cared for who are not a part of the family residing in the subject dwelling unit shall not exceed twelve (12).
C. The resident-operator of the Group Day Care Home shall be licensed in accordance with applicable State Law.
D. To maximize the safety and the privacy for the neighboring properties, there shall be no dropping off of children between the hours of 10:00 p.m. and 6:00 a.m.
E. No structural changes or exterior alterations shall be made which would alter the residential character of the dwelling except as required by the State of Michigan licensing rules.
F. No sign shall be used on the premises to identify the Group Day Care Home.
G. The conditions applicable to Home Occupations, as defined in Section 04.20.71 and as listed in Section 10.25.01, shall not apply to Group Day Care Homes.
H. Group Day Care Homes with vehicular access on a major thoroughfare shall be required to have a circular drive or an unobstructed turnaround area to allow for the safe egress of vehicles.
I. The Planning Director may waive any required site plan information provided it can be determined that the application meets the Group Day Care Home requirements of Section 10.30.10 and the general Special Use Approval standards of Section 03.31.05.
J. To maximize the safety and the privacy for the neighboring properties, if the outdoor play area is located on the premises, the play area shall be fenced or screened with a 6-foot high privacy fence.
K. The licensee shall register with the City upon commencing operation and on an annual basis each January thereafter, and the licensed premises shall be subject to a fire and building department inspection and shall provide a smoke detector in all daytime sleeping areas and otherwise comply with applicable building and fire codes.
L. The applicant shall identify the entrance(s) for drop-offs and pickups. The parking and drop-off areas shall be designed to maximize safety and privacy for the neighboring properties.
M. To prevent the commercialization of residential districts, Group Day Care Homes shall be not be located within 1,000 feet of another state licensed residential facility.

Discussion on the motion on the floor.

Mr. Miller questioned if the condition to require a circular drive or unobstructed turnaround area could be placed on Family Child Care Homes that have vehicular access on a major or secondary thoroughfare.

Mr. Motzny, upon further review, said he believed it is a valid condition should the Planning Commission reason that it is a public health, safety and welfare concern.

At the request of Ms. Drake-Batts, Mr. Vleck provided a brief overview of the motion.

Ms. Drake-Batts said the proposed requirements with respect to the one-half acre lot size and the 1,500-foot distance between licensed facilities would make the existence of Group Child Care Homes almost impossible. She said, however, that the Commission owes it to the residents to get the matter up to City Council for a final decision. Ms. Drake-Batts said she would vote in favor of the motion even though she does not agree with a lot of the proposed conditions.

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

MOTION CARRIED

CITY MANAGEMENT COMMENTS

City Management has not taken a position on the issue of Group Child Care Homes, based on an understanding that the regulation of Group Child Care Homes within single-family residential neighborhoods is a community values issue. Issues regarding community values should be made by City Council, following consideration of a recommendation by the Planning Commission. While not providing specific recommendations, City Management has a responsibility to consider options, cause and effect and home rule. The following issues related to the Planning Commission recommended draft of ZOTA 214 have been raised by City Management:

1. The Michigan Building Code should be changed to permit Family Child Care Homes with up to six children without requiring significant physical improvements to the home.
2. The requirement that Family and Group Child Care Homes require fenced or screened play areas could create equity issues for Group Child Care Homes within homes with deed restrictions or

neighborhoods with bylaws prohibiting fences. This would create legal non-conforming structures.

3. The requirement that Group Child Care Homes must register annually with the City seems unreasonable, since they require license renewal with the State of Michigan every two years. Few businesses in the City require annual registration.
4. Since every use in the City must comply with Michigan Building Code requirements, including requirements for fire and building department inspection is unnecessarily repetitive.
5. The requirement that a Group Child Care Home shall not be located within 1,000 feet of another state licensed residential facility would be impossible to meet for 12 of the 20 Group Child Care Homes presently licensed in the City (see attached table). This would create legal non-conforming structures.
6. The one-half acre minimum lot size requirement exceeds the minimum lot size requirements in all of the single-family residential zoning districts. This would be impossible to meet for 16 of the 20 existing Group Child Care Homes presently licensed in the City (see attached table). This would create legal non-conforming structures.
7. The 20-foot side yard setback requirement, which exceeds the minimum lot size requirement for all of the single-family residential zoning districts, would be difficult for many homes to meet. This would create legal non-conforming structures.

HISTORY OF ZOTA 214

ZOTA 214 was initiated by the Planning Commission during the May 4, 2004 Special/Study meeting, with the following resolution:

Resolution # PC-2004-05-052
Moved by: Shultz
Seconded by: Khan

RESOLVED, That the Planning Commission request from the Building Department a written confirmation that, based upon the Planning Commission's attempts to move forward with zoning ordinance changes, the notice of violation for the day care home located at 5593 Mandale Drive be held in abeyance, as was communicated to the homeowner.

Discussion on the motion.

Mr. Strat suggested that Ms. Schafer provide a written communication to the Building Department, with a copy to the Planning Department, detailing her interpretation of the Building Department's pending action.

Vote on the motion.

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

MOTION CARRIED

The Planning Commission began the process of considering a proposed text amendment following this meeting.

The attached Planning Commission Actions on ZOTA 214 lists the meetings at which ZOTA 214 was an agenda item. Note that four public hearings were held in 2005 to solicit public comment on the group day care home issue: August 9, September 27, October 25 and December 13. Minutes for these four meetings are attached.

On October 3, 2005, City Council adopted a resolution requesting that the Planning Commission set a public hearing to consider a proposed amendment that would allow for Group Child Care Homes in the R-1A through R-1E districts on a temporary basis. This would permit Group Child Care Homes on a temporary basis, until after the City Council conducts a public hearing on proposed ordinance revisions. City Council approved this text amendment on November 21, 2005. This temporary text amendment shall be rescinded at the same time that the new provisions related to Group Child Care Homes are adopted.

The following definitions are provided by the Family Independence Agency of the State of Michigan:

> Family Child Care Home – "A private residence that the child care provider lives in and cares for up to six unrelated children for more than 4 weeks in a year when the children's parents/guardians are not immediately available".
>
> Group Child Care Home – "A private residence that the child care provider lives in and cares for up to 12 unrelated children for more than 4 weeks in a year when the children's parents/guardians are not immediately available".
>
> Child Care Center - A facility, other than a private residence, where child care is provided for 1 or more children whose parents/guardians are not immediately available. Centers must be licensed if they provide care for more than 2 consecutive weeks per year. Centers include public and private preschools, nursery schools, parent cooperative preschools, full-day child care centers and drop in centers.

The text amendment approved by City Council on November 21, 2006 that permitted Group Day Care Homes on a temporary basis also included new definitions for Group Day Care Homes and Family Day Care Homes. The State licensing regulations were recently amended and the uses are now referred to as Group Child Care Homes and Family Child Care Homes. City Management recommends that the Zoning Ordinance be modified so that all references to these uses are consistent with State regulations.

Presently there are 42 Family Child Care Homes in Troy, which represents a capacity of 252 children (see table). There are 19 Group Child Care Homes, which represents a capacity of 228 children. There are 48 Child Care Centers with a capacity of 3,621 children. Combined, there is presently a capacity of 4,101 children in State licensed daycare facilities in the City of Troy. If Group Child Care Homes are not permitted, it would have the effect of eliminating licensed daycare capacity for 114 children, as each of the 19 Group Child Care Homes would only be able to accommodate 6 children rather than 12. The 2000 US Census indicated there were 4,991 children under 5 years of age in the City of Troy.

A City Council Public Hearing will be held on this item on March 6, 2006.

Attachments:

1. Planning Commission Actions on ZOTA 214.
2. Minutes from May 4, 2004 Planning Commission Special/Study meeting.
3. Minutes from August 9, 2005 Planning Commission Public Hearing.
4. Minutes from September 27, 2005 Planning Commission Public Hearing.
5. Minutes from October 25, 2005 Planning Commission Public Hearing.
6. Minutes from December 13, 2005 Planning Commission Public Hearing.
7. Minutes from November 21, 2005 City Council meeting.
8. Table: Existing Group Child Care Homes, dated 1/12/06.
9. Table: Child Care Centers and Child Care Homes in Troy.
10. Map of State licensed care facilities, dated January 9, 2006.

Prepared by RBS/MFM

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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

Planning Commission Actions on ZOTA 214 Group Daycare Homes in the R-1 Residential Zoning Districts

August 23, 2005	Study Meeting	During Good of the Order comments, Chair Strat notified members that City Manager notified him that the State legislature is not going forward with modifications regarding group day care homes in House Bill 4398 and that Mr. Szerlag requested they resume action on ZOTA 214
September 13, 2005	Regular Meeting	During Good of the Order comments, Mr. Miller notified members that City Council adopted a resolution requesting the Planning Commission take action on ZOTA 214 at the September 27, 2005 Public Hearing
September 27, 2005	Study Meeting	Resolution #PC-2005-09-150 rescinding resolution PC-2005-08-131, MOTION APPROVED. Planning Commission then held a Public Hearing followed by Resolution #PC-2005-09-152 that the Planning Commission hold a Public Hearing for ZOTA 214 at the Planning Commission Regular Meeting in December, MOTION APPROVED.
October 4, 2005	Study Meeting	Mr. Miller notified members that City Council adopted a resolution requesting the Planning Commission have a public hearing to consider an amendment that would **temporarily** allow for child group day care homes, which are State licensed, to be located in the R-1 Zoning Districts until 15 days after the Troy City Council has had the opportunity to conduct a public hearing on ZOTA 214. Discussion of ZOTA 214 B (Group Daycare Homes on a Temporary Basis) followed by Resolution #PC-2005-10-158, that a Public Hearing for ZOTA 214 B (Group Daycare Homes on a Temporary Basis) be held at the Planning Commission Study Meeting of October 25, 2005, MOTION APPROVED. Discussion of ZOTA 214, no resolution passed.
October 11, 2005	Regular Meeting	Discussion of ZOTA 214, no resolution passed.
October 25, 2005	Study Meeting	Public Hearing on ZOTA 214 B (Group Daycare Homes on a Temporary Basis) followed by Resolution #PC-2005-10-171, recommending approval of ZOTA 214 B - Group Daycare Homes on a Temporary Basis, MOTION APPROVED. Discussion of ZOTA 214, no resolution passed.

Planning Commission Actions on ZOTA 214 Group Daycare Homes in the R-1 Residential Zoning Districts

November 1, 2005	Study Meeting	Discussion of ZOTA 214, no resolution passed.
November 29, 2005	Regular Meeting	Discussion of ZOTA 214, no resolution passed.
December 13, 2005	Regular Meeting	Public Hearing, followed by Resolution #PC-2005-12-197, recommending denial of ZOTA 215 and furthermore recommending that if the City Council revises the Ordinance they consider a list of standards for Family Child Care Homes and Group Child Care Homes, MOTION APPROVED.

7. POTENTIAL ORDINANCE REVISION DISCUSSION – Group Day Care Homes in R-1 Districts

The potential ordinance revision relating to group day care homes and the Planning Commission discussion at its April 27, 2004 Special/Study Meeting were reviewed by Chair Waller and Mr. Miller.

Mr. Savidant briefly reviewed regulations of family day care homes and group day care homes in selected southeast Michigan communities.

Sharon Schafer of 5593 Mandale, Troy, was present.

Kim Duford, 3141 McClure, Troy, was present. Ms. Duford, President of the Oakland County Child Care Association (OCCCA), said she represents 400 children in day care homes licensed by the State of Michigan. Ms. Duford said she would like to see the City ordinance brought up-to-date from its inception in 1968/1970. Ms. Duford indicated that during her years with the OCCCA, there have been no home day care incidences relating to City regulations.

Chair Waller opened the floor for discussion. Information was shared on the following:

- Definitions of family day care and group day care
- Requirement(s) for the number of caregiver(s)
- Differences between city and township regulations
- State licensing and regulations
- State home inspections
- Traffic and parking concerns
- Restrictions (i.e., designated drop-off and pick-up times)
- Public education of day care in homes
- Accreditation from the National Association for Family Child Care
- Food program
- Hours of operation

Chair Waller asked Mses. Schafer and Duford to provide a written summary of tonight's discussion to the Planning Department as a reference for future discussion on the matter.

Mr. Schultz voiced concern with respect to legalizing boarding houses in which children would be boarded for more than a 24-hour period.

Chair Waller distributed copies of *Child Care Today*, a publication of the Oakland County Child Care Council provided by Ms. Schafer.

There was a brief discussion on the status of Ms. Schafer's notice of violation. Ms. Schafer said the Building Department indicated the notice of violation would be held in abeyance as long as she was diligently pursuing a change in the ordinance.

Mr. Motzny reported the Commission could pass a resolution to request an abeyance of the notice of violation, but noted the Building Department would not be obligated to honor the resolution.

Resolution # PC-2004-05-052
Moved by: Shultz
Seconded by: Khan

RESOLVED, That the Planning Commission request from the Building Department a written confirmation that, based upon the Planning Commission's attempts to move forward with zoning ordinance changes, the notice of violation for the day care home located at 5593 Mandale Drive be held in abeyance, as was communicated to the homeowner.

Discussion on the motion.

Mr. Strat suggested that Ms. Schafer provide a written communication to the Building Department, with a copy to the Planning Department, detailing her interpretation of the Building Department's pending action.

Vote on the motion.

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

MOTION CARRIED

7. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 214) – Article XXVIII, Group Day Care Homes in the R-1A through R-1E Districts

Mr. Miller outlined the material provided to the members in addition to their regular meeting packet information.

Chair Strat stated the intent of the Public Hearing and reported that notices of the Public Hearing were sent to residents within 300 feet of group day care home locations. Chair Strat announced guidelines that would be utilized for the Public Hearing due to the size of the audience and the possible number of people who might wish to speak: a time limit of 3 minutes would be set for each person who wishes to speak, repetitive comments would be discouraged, and no clapping. Chair Strat designated Vice Chair Schultz as the timekeeper.

Chair Strat asked the members for a vote of confidence on the guidelines established for the Public Hearing.

Roll Call

Yes: All present (9)
No: None

Mr. Khan provided an explanation and apologized for his lateness to the meeting. Mr. Khan said one of the purposes of the Public Hearing is to receive comments from neighbors of the existing 19 group day care homes to determine the impact, whether negative or positive, the homes might have on the neighbors.

PUBLIC HEARING OPENED

Nichol Childs of 1931 Atlas Court, Troy, was present. She said the issue is heartfelt because it is about our children. Ms. Childs is a group day care home provider and a parent of 3 small children under the age of 6. She said she is sad to see the “City of Tomorrow Today” taking a stance of not recommending such an important issue. She addressed the service provided and said it is from their hearts and not a money-making standpoint. She said child care providers must be patient, loving and kind and are tested on a daily basis. Providers must enjoy what they are doing. Ms. Childs has a degree in early childhood development. She said she called the City of Troy before opening her day care. The Zoning Department informed her that the City allows what the State requires. Ms. Childs said that either people in the office should have the knowledge to give correct information, or should be held accountable for information provided. Ms. Childs addressed the charts provided by the Planning Department that were included in their notebook under tab 2. The charts list which cities permit and do not permit group day care homes. Ms. Childs said she personally called the cities and received contrary information. She said there are 8 cities that allow group day care homes. Ms. Childs said group day care home providers have been in Troy

for 32 years, and the City has yet to formulate a real problem associated with the homes. She said she has a problem with members of the commission who appear not to be open-minded and have their minds made up. Ms. Childs referenced a conversation with Mr. Miller in which he said the City does not need to provide a service such as day care homes just because there is a need for it. Ms. Childs said children are not commodities, such as oil refineries to which Mr. Miller said would not be permitted in back yards should there be a need for them.

Don Dandenberghe of 4856 Kings Row, Shelby, was present. Mr. Dandenberghe, principal of Wass Elementary School, said he sees a need for more home care for children in the neighborhood because in this day and age both parents work outside of the home. Mr. Dandenberghe personally knows Sharon Schafer, a group day care home provider, and said she provides an excellent service. He asked the members to consider the needs of children and their parents, and to vote from their hearts in order to provide what is best for the children.

Ken Shepherd of 45538 Sterritt, Utica, was present. Mr. Shepherd is a former Council person and mayoral candidate for the City of Utica and an ordained minister. Mr. Shepherd's two children attend Sharon Schafer's day care home. He said they receive the best of care and learn more than they would if they were to attend a licensed day care facility that can care for more than 12 children. Mr. Shepherd said he and his wife looked very hard to find the best day care provider for their children. Mr. Shepherd said he understood the difficult choices the Planning Commission members face. He referenced a particular challenge that the City of Utica faced as relates to the safety of children. Mr. Shepherd asked that the members consider what is best for the both the children and the city.

Sharon Manning of 2651 E. Square Lake Road, Troy, was present. Ms. Manning has been a child care provider in the City of Troy for 12 years. She indicated Ms. Drake-Batts has been to her child group day care home. Ms. Manning addressed personal property taxes, and asked why the City would collect personal property taxes on her group child care home if they were opposed to the home-based business. Ms. Manning believes child care service should be grandfathered into the City ordinance. She said a child care provider service is no different than those services that sell computer services, hair services, flower services, lawn services, vehicle garage repairs, in-home maid services, etc. She asked if those services have a special ordinance and are monitored. She asked if the City collects personal property taxes on other home-based businesses. Ms. Manning said child care providers are in compliance, audited, monitored and licensed by the State of Michigan, as well as monitored and audited by Oakland County Child Care Association. She said additional taxes in a single dealt service would be additionally burdensome whereby the reduction to a family size home would substantially reduce and even eliminate some livelihoods, to a point where child care could not be provided. Ms. Manning asked the City to stand by their motto and not increase unemployment, or reduce or eliminate quality

educational child care for Troy's pre-schoolers and elementary age students after school.

Michael Upton of 1267 Hartland, Troy, was present. Mr. Upton addressed changing society and the economy with respect to working parents. He said the City would lose valuable, non-replaceable workers, business owners and residents by denying or limiting working parents' options for child care. Mr. Upton said group day care homes provide personalized child care that offers unmatched attention to a child's needs, individual stimulation, education and development. He said they offer more structured and disciplined programs and more flexibility for working parents (i.e., drop off/pick up times, special parental requests and special children needs). Mr. Upton said home child care providers have little or no staff changes and are able to bond with children on a consistent basis. Mr. Upton said home child care providers offer lower child care rates and focus more on the development of a child, instead of the physical care such as feeding, diaper changing, or sanitation. Mr. Upton said no one could replace the love he has for his daughter, and asked that the option be his to choose a day care provider that gives his daughter the next best thing, and that is his group day care home provider.

Jill Gelder of 152 MacLynn, Troy, was present. Ms. Gelder is a 15-year resident of Troy who worked at Honeybee Child Care for 7 years. She addressed the changing society and the closeness that is established in a group day care home for both children and parents. Ms. Gelder said she still talks to the parents and children that she cared for 7 years ago. Ms. Gelder said child care centers are sterile, cold and impersonal. She said group day care homes accommodate expectant mothers. She addressed pick-up/drop off times and noted the standard hours between 7:30 and 9:30 a.m. generate little traffic. Ms. Gelder said she loved working at Honeybee Child Care, she loved the parents and children, and asked the members to reconsider its decision.

F. M. Sheridan, M.D., of 1930 Atlas Court, Troy, was present. Dr. Sheridan is a retired Emeritus pediatrician on the staff of Beaumont Hospital. Dr. Sheridan lives across the street from Nichol Childs, a group day care provider. He said he knows Ms. Childs personally and knows the place she runs. Dr. Sheridan thinks it is great. He said he has dealt with kids for 45 years; he knows mothers and kids, and said group child care providers are a needed service.

Syed Mohiuddin of 6150 Country Ridge, Troy, was present. Mr. Mohiuddin and his wife operate a group day care center from their home. Mr. Mohiuddin submitted a petition of 22 neighbors in the Crescent Ridge West subdivision who attested they are aware of and are not adversely or negatively affected by the day care center at 6150 Country Ridge.

Angela Andrews of 13133 Concord, Sterling Heights, was present. Ms. Andrews stated that the group day care center operated by herself and her mother in

Sterling Heights received approval by the City's zoning board on June 3, 2004. She said the city recognizes its obligation to protect the availability of day care openings because of the increase in the number of families seeking day care. Ms. Andrews said they had no opposition from their neighbors, and indicated one neighbor considers it as a neighborhood watch. Ms. Andrews said the hours of operation at their day care are as early as 4:30 a.m. for parents working at factory positions, and later evening hours than provided at commercial centers to accommodate parents when necessary.

Bernie LaBute of 636 Vanderpool, Troy, was present. Mr. LaBute addressed the special needs of his daughter. He chose to move to Troy from Ohio because of the excellent school system and child care providers. He said after a short period of time at Mrs. Kay's child care facility, his daughter's skills improved. His daughter is able to sign several sentences, her wants and needs, and is a happier child. Mr. LaBute said his daughter has reached levels of development that were once thought unapproachable, and he attributes it to the warm and caring environment of the child care provider.

Shannon Hougenid of 1715 Gardenia, Royal Oak, was present. Ms. Hougenid is a child care provider and the daughter of a child care provider. Ms. Hougenid's mother stayed home during her father's illness to help put her and her sister through school, as well as provide care for 12 children. Ms. Hougenid said home day centers provide good values and morals to children of dual income parents and separated families. Ms. Hougenid said employees at corporate day care centers are not allowed to hug children under their care. She addressed the delight that many neighbors experience with children in the neighborhood; i.e., Halloween parade, dandelion bouquets, etc.

Kathleen Peterson of 1175 Garwood, Troy, was present. Ms. Peterson has been a group day care provider for over 12 years and a family day care provider for 6 years. She said the difference between group day care and family day care is phenomenal. Ms. Peterson said there is a waiting list for parents seeking home child day care because providers have a proven track record, are licensed by the State and are competitive with commercial providers. She cited businesses such as Ford, Visteon, and EDS who utilize their services. Ms. Peterson referenced an e-mail message she received from a parent voicing the negative impact should the City not allow group child care providers. Ms. Peterson said she has lived in three different homes in Troy and has never had any complaint from a neighbor.

Kevin Brown of 1079 Rochelle Park, Rochester, was present. Mr. Brown works in Troy. He addressed commercial day care centers with respect to the inconsistency of care, employee turnover, and violations. He encouraged the members to compare the violations cited against commercial day care providers and group and family day care providers. Mr. Brown said home day care providers accommodate the siblings; commercial day care does not. He said Ms.

Duford of Honeybee Child Care creates and maintains a file on each child in terms of development, interaction with other children, following directions, etc.; commercial day care do no child evaluations.

Amanda Sanday of 51472 Merowske, Shelby Twp, was present. Ms. Sanday has been a group day care employee in Troy for approximately three years. She said the low employee turnover rate of group day care homes provide a comfort to the children. The kids come in every morning and know Ms. Amanda, Ms. Nicole and Mr. Curtis are there to take care of them. Ms. Sanday said child care homes are the eyes and ears of the neighbors who are at work and, in essence, provide a neighborhood watch. Ms. Sanday asked what the members would tell the 100 plus families should day care homes not be permitted, and where would the families go for child care.

Hung Dam of 4104 Livernois, Troy, was present. Mr. Dam is currently a group day care provider in Centerline and would like to open a group day care home in Troy. The home would specialize in the care of children who cannot speak English.

Roberta Rapp of 930 John R, Troy, was present. Ms. Rapp addressed the change in society and her reaction to news stories of children who are unsupervised and uncared for. Ms. Rapp said day care providers who are willing to give children the type of care similar to what they receive at home should be supported. She is very much in favor of group day care homes.

Karen M. Kriscovich-Mukalla of 3784 Forge Drive, Troy, was present. Ms. Kriscovich-Mukalla operates Mrs. Kay's group day care home and has been in business for 26 years. She asked the record to reflect that she never had a complaint from any of her neighbors; neighbors located on either side of her, older neighbors, or newer neighbors. Ms. Kriscovich-Mukalla said the operative word in day care is "care" and asked the City to look at the real issue -- the care of our children. She asked the rationale in not permitting group day care homes because of one complaint related to traffic, whereas a biting dog is given three chances before action is taken. Ms. Kriscovich-Mukalla said child care providers answer to parents and must always put forth their best. She said good care cannot be faked, and if a provider were not good at what he/she does, then parents would opt to go elsewhere, or the State would close down the home.

Lenique Gibson of 685 E. Maple, Troy, was present. Ms. Gibson operates God's Precious Creations group day care. She is married with 5 children, and has been in business for approximately one year. Ms. Gibson says she provides child care because that is where her heart is, and not for the money. Ms. Gibson relayed a story of a client whose child suffers epileptic seizures triggered from stress. The child's parent has seen an improvement in the child's behavior and amount of seizures. Ms. Gibson said the children of today are going to be sitting in the

seats of the members in a few years. She fully supports group day care and asked the members to allow it.

Suzanne and Chris DeNeen of 3639 Coseyburn, Waterford, were present. A Troy group day care provider cares for Mr. and Mrs. DeNeen's son. Mrs. DeNeen asked if an actual study has been undertaken on traffic in areas where there are group day care homes. Mr. DeNeen said he drops off and picks up his son and has never experienced any problems relating to parking or traffic. Mr. DeNeen is a teacher in Troy, and Mrs. DeNeen is a General Motors employee. Mrs. DeNeen said they do their jobs well because their son is in a good day care home.

Chair Strat asked the audience, by a show of hands, (1) how many people in the audience would approach the podium with similar comments as those that have been heard so far; (2) how many in attendance live in Troy; and (3) how many in attendance do not live in Troy. Chair Strat said the Planning Commissioners recognize the value and importance of day care whether it is limited to 6 children or 12 children.

Curtis Childs of 1931 Atlas Court, Troy, was present. Mr. Childs addressed the "cons" of group day care that were identified by City Management, as follows: (1) Additional Neighborhood Traffic - There might be an increase in traffic but it is a public road, and the public has a right to use those roads. (2) Potential Parking Problems – There has been one parking complaint, the one that started this issue. (3) Increase in Non-residential Activity in Neighborhoods – What is more residential than caring for children? (4) Potential Increase in Traffic on Major Thoroughfares – Public roads cannot be regulated and the public has the right to use them. (5) Result from Freedom of Information Act (FOIA) Request related to 19 Group Day Care Homes – One barking dog complaint, which could apply to any house.

Mr. Childs addressed the City of Troy's Vision and Value Statement, as follows: (1) "Externally focused on customers" – Child care providers are your customers. (2) "Aggressive in our efforts to improve service delivery by using the best means available" – Group day care is one of the best means available. (3) "We value honesty, courtesy, responsiveness, diversity, lifelong learning, ethical behavior, quality, cooperation, accessibility, dedication, loyalty and excellence." Individual terms addressed were: "Honesty" – Ms. Childs called Troy and was told group day care was permitted. "Diversity" – Group day care is an option. "Lifelong Learning" – Starts in a home and continues in group day care. "Accessibility" – If you eliminate group day care as an option, you are not providing access. "Dedication", "Loyalty", and "Excellence" – Each child care provider here tonight is dedicated and loyal to the families and children and provides an excellent service.

Mr. Childs said the Michigan Municipal League (MML) strongly supports House Bill 4398, and provided a list of communities and contact persons from communities that permit group day home providers. Mr. Childs believes that incorrect information was provided to the members on both respects. Mr. Childs said the members should consider the needs of the City and the residents, and the issue should not be a personal preference.

Sharon Schafer of 5593 Mandale, Troy, was present. Ms. Schafer said group day care homes are not usually full and that gives flexibility to family day care providers should a mother become pregnant. Ms. Schafer clarified that she did not knowingly or intentionally open her group day care home without contacting the City. In 1990, when she applied for her license, the State did not say anything about making contact with the municipality, and Internet access was not available at that time. Ms. Schafer referenced an acceptance speech given by President Bush in New York City on September 2, 2004, and quoted a phrase made in the statement: "To build a more hopeful America, we must help our children as far as their vision and character can take them." Ms. Schafer said she believes the service provided to working families by day care homes helps the children and their parents reach as far as their vision and character can take them. She asked for support of group day care in the "City of Tomorrow Today". She asked that Troy give working families all the options available so children of today will have a sound foundation to build a better tomorrow for Troy. Ms. Schafer said a copy of the book prepared by child day care providers and distributed to Planning Commissioners would be available in the City library.

Walter Ladouceur of 3376 Alpine Drive, of Troy, was present. Mr. Ladouceur is a parent of three children and his wife is a day care home provider. Mr. Ladouceur addressed the concerns of parking and traffic. He noted that Alpine is used for easier egress around Somerset Collection, and curious people are attracted to the monster garage site. The people have free access to "his" street and there is nothing he can do to stop it. Mr. Ladouceur encouraged members to visit a day care home provider. An employee of his wife's child care home, and one of three teenagers in her family, said there is constant activity at her house with cars pulling in and out and parking on site. Mr. Ladouceur asked the members to balance traffic and parking from child care home providers with other home-based activities, such as prayer groups, bible studies, accountants, and monster garages.

Michelle Sinutko of 2331 Cumberland Drive, Troy, was present. Ms. Sinutko is a licensed family day care home provider. She is the parent of three children under the age of 7 and occasionally cares for her two nieces and nephew. Ms. Sinutko brought to the attention of the members that, according to State law and licensing rules, she could have a total of 9 children under her care. The State does not include in their total count children under the age of 7 who are related to the family day care home provider. Ms. Sinutko also addressed traffic with respect to the location of the day care home provider.

Deborah Reynolds of 1285 W. Wattles, Troy, was present. Ms. Reynolds was a group day home provider in Troy for over 20 years. She believes group day care homes are the best option for children outside of the home. Ms. Reynolds completed her Master's Degree in Special Education at Wayne State University and is pursuing a specialty in early childhood autism. She offered her professional perspective on the positives of group day care home providers and cited several quotes. Ms. Reynolds concluded that a move to prohibit group day care homes in the City would violate the expressed mission of the City and its dedication and commitment to children and their families.

Michelle Lambert of 1903 Alexander Drive, Troy, was present. Ms. Lambert is a stay-at-home mom who uses a group day care home. She lives within 300 feet of the group day care home operated by Nicole Childs. Ms. Lambert said she was not aware of Ms. Childs' group day care home until after one year of living in the neighborhood. She did not notice any extra traffic as a result of the home, and said she is outside with her two children most of the day.

George Porretta of 3583 Bellows Court, Troy, was present. Mr. Porretta's two children attended group day care homes for a combined 8 years. He addressed the members as a businessman, not a child care home provider or resident living within 300 feet of one. Mr. Porretta said the Troy School District does an outstanding job in promoting its schools, and attracting and retaining new families to Troy. Mr. Porretta said Troy's population and tax base would be affected should group day care homes be prohibited, and asked the members to do what is right for the children and future citizens of Troy.

Mary Ellen Ladouceur of 3376 Alpine Drive, Troy, was present. Ms. Ladouceur has been a family care provider for 4 years. She has a Master's Degree in early childhood education. Ms. Ladouceur challenged the members to read 300 to 400 pages of research on early childhood, brain development, attachment issues, and the higher occurrence of autism in children who are warehoused versus children who are cared for in homes. She said State law requires her to have an assistant because 100% of the children she cares for are under the age of 2. Ms. Ladouceur said they are minutes away from foreclosure if they do not provide care for children in their home. Ms. Ladouceur's credits the training and education of her 12-year old daughter to the family environment provided her by Honeybee Child Care. Ms. Ladouceur is a convert from commercial child care providers to the family environment provided by home child care providers. She considers the parking concern is a non-issue. Ms. Ladouceur said her staff takes early childhood classes at Athens High School, and have indicated a preference to send their children to home day care providers.

Ms. Kriscovich-Mukalla addressed the City Management's "con" that group day care homes result in an increased use of emergency services. She cited one incident in which she used emergency services.

Kim Duford of 3141 McClure, Troy, was present. Ms. Duford has operated Honeybee Child Care for 13 years and has lived on McClure for 22 years. She has the sponsorship of Ford Motor Company, an accreditation received by meeting a standard of excellence in providing care to children. Ms. Duford stated that Oakland County is the third highest county in Michigan for the number of parents in the work force, and Troy is the largest city in Oakland County with an employment population of approximately 100,000 people. Ms. Duford said Troy is out of date with its child care choices, noting that parents of young children need to have more than two options for child care. Studies have proven that the first five years of a child's life are the most important years. She quoted a statement made by Mark Sullivan, Executive Director of the Michigan Child Care Council: "When parents can't find child care, they can't work." Ms. Duford referenced a common phrase: Michigan works when child care works. Ms. Duford cited an article published in the summer 2004 edition of the Planning Commission Journal that addressed child care solutions for a growing city and family child care homes as a key element in strengthening a neighborhood. Ms. Duford said locating child care homes near areas of high employment centers could contribute to reduce commutes and cross town traffic. Ms. Duford cited the growing numbers of best companies to work for that offer in-house child care (statistics obtained from Fortune Magazine). She asked that the Planning Department be creative in providing day care options as it has been in providing the City with housing, restaurants, places to worship, shopping and education. In conclusion, she said there would not be a traffic problem if the City would stop taking away lots that formerly housed single family residences and putting up developments that house 500 people.

Tony Anderanin of 3777 Root, Troy, was present. Mr. Anderanin asked the members' consideration in allowing group day care homes. He and his wife both work, and said it was difficult to find a child care provider who provides the love that he cannot give while he is at work. He said it is not fair to not have an opportunity to choose. Mr. Anderanin addressed neighborhood security and the open door policy of a child care home provider.

Jacqueline Taliaferro of 2714 Dover Drive, Troy, was present. Ms. Taliaferro's three grandchildren are cared for in a group day care home. Ms. Taliaferro said her grandchildren receive quality individual care, and languages and computer skills are among many subjects taught. She said it is her children's prerogative to place their children in a group environment. Ms. Taliaferro said her lifestyle would change should group day care homes not be permitted. She has worked hard all of her life and raised her children and now wants to live her own life.

Chris Thornton of 2978 Wessels, Troy, was present. Mr. Thornton formerly lived at 1590 Crestline and 1821 Flemington. He said that a visit to a group day care center would let one see that it provides the best of both worlds. They provide structure and consistency in its employees. Mr. Thornton encouraged members to look at every option. He said every child and every parent who has a child

attending group day care would inevitably be ousted should the homes not be permitted,

Barbara Webb of 787 Marengo Drive, Troy, was present. Ms. Webb, a recent retiree from the Troy School District, has a degree in elementary education with a specialty in early childhood. Ms. Webb asked that group day care homes be allowed to exist in Troy. She said that would allow the professionally trained people who love to care for children the opportunity to do so. Ms. Webb said she would be pleased if someone bought the house that is for sale next to her and opened a child care home. She would rather have the traffic and noise that would be generated from the day care home as opposed to the semi's and trucks that currently go up and down her street – the street that she and her neighbors paid to have paved 15 years ago.

Justina Dixon of 4791 Liberty Court, Sterling Heights, was present. Ms. Dixon was a group day care provider for 13 years. Ms. Dixon indicated she started as a family day care provider until the number of children increased with the care of siblings. Ms. Dixon currently works for the food program that monitors and regulates the food provided in day care homes. As coordinator from Macomb County Child Care Providers Association, Ms. Dixon was present to show support to the Troy group. She commented that Mr. Chamberlain has been sleeping and should be paying more attention, and corrected the reference to "centers" as opposed to child care home providers. Ms. Dixon indicated that the State of Michigan recognizes family and group day care homes as residential use of property. She noted that there are several agency representatives present should the members have any questions of them.

David Schafer of 5593 Mandale, Troy, was present. Mr. Schafer addressed the "cons" listed by City Management; i.e., traffic, noisy children, increase need for emergency services, and called them a red herring. Mr. Schafer noted that there have been group day cares homes in Troy for decades, and the number of family and group day care homes and the number of commercial day care centers has each been determined by the marketing dynamics of supply and demand. He said to suggest there is a pent-up demand for more of any one of the kinds of day care and that traffic and noise would increase is not logical. He said their research disclosed that there were no noise or traffic complaints of any kind. Mr. Schafer said it is logical that there would be fewer calls from day care homes for emergency services because of the State requirements; smoke detectors, fire extinguishers, fire drills, first aid and CPR training. Mr. Schafer said the real question is whether or not the members support the children of Troy. Mr. Schafer said that tonight's comments exhibited facts, emotion, persuasion and personal experiences and he believes that any of the commissioners listening tonight with an honest open mind would feel that approval of the Zoning Ordinance text amendment is right for the City of Troy.

Chair Strat requested a recess at 10:00 p.m.

The meeting reconvened at 10:08 p.m.

Sue O'Connor of 2104 Lakeside Drive, Troy, was present. Ms. O'Connor said there would be no place to care for mentally disabled children should child day care homes not be permitted. She stated commercial day care centers do not accommodate the mentally disabled. Ms. O'Connor said Sharon Schafer cared for her daughter two days a week so she could work.

Mark Swolem of 23832 Palace, Hazel Park, was present. He said the next best thing to being cared for by mom and dad is being cared for by a child care home provider. He said the City has a jewel and he cannot imagine why the City would think of taking it away.

PUBLIC HEARING CLOSED

Mr. Schultz offered the following resolution based upon the pending House Bill 4398 and the volume and input, both fact and opinion, provided by the public this evening and in the past. Mr. Schultz said he felt it would be premature and inappropriate to put a recommendation forward to City Council at this time.

Resolution # PC-2005-08-131
Moved by: Schultz
Seconded by: Wright

RESOLVED**,** That the City of Troy Planning Commission shall take no further action related to group day care homes until such time as both houses of the State legislature and the Governor's office has taken final action on House Bill 4398, or its corresponding Senate Bill.

Discussion on the motion on the floor.

Ms. Drake-Batts addressed concern in taking no action should the passage of the House Bill be detained. She asked if day care providers would be allowed to continue in the interim. Ms. Drake-Batts suggested that the Resolution be tabled to a certain date so the item could come back to the Commission should the House Bill be delayed or not passed.

Mr. Khan suggested the 19 group day care home providers currently operating in the City should maintain status quo but no new group day care providers should be permitted.

Chair Strat said it is his understanding that the existing day care home providers have been notified that it is a status quo situation.

Mr. Miller confirmed that the Building Department sent notifications to the existing group day care homes informing them of the current situation and that active enforcement would not be occurring. Mr. Miller provided clarification of the Zoning Ordinance with respect to family day care homes and group day care homes. He noted that group day care homes are not being withdrawn from the ordinance, but they have never been included in the ordinance and therefore not permitted. Mr. Miller said a newly initiated group day care home provider would not be in compliance with the current Zoning Ordinance.

A brief discussion followed on the closing of current, existing child day care homes.

Mr. Miller said it is his understanding that City Management would not be providing full enforcement. He said, however, that he does not make the enforcement decision, so he would have to clarify City Management's position at a later date.

Mr. Littman explained the procedure followed for proposed zoning ordinance text amendments. City Council would have final approval, at which time the public would have another opportunity to speak. Mr. Littman said there has been no proposed language drafted for a vote at this time. He noted that should the proposed zoning ordinance text amendment go before City Council, a recommendation from City Management would accommodate the City Council report. Mr. Littman said it is on record that City Management is opposed to any text change. Mr. Littman expects the House Bill to pass and he feels it would be advantageous for the City to be prepared for it.

Mr. Khan said approximately 36 people spoke tonight in favor of group day homes. He said there appears to be a misconception that the members are trying to close group day care homes. Mr. Khan said from the onset of Ms. Schafer's approach, the Planning Commission requested additional information before taking any action. He said he does not remember anyone on the board requesting to close group day care homes.

Mr. Wright questioned the inconsistencies between the two lists provided by the Planning Department as relates to the regulations of group day care homes in neighboring communities. He asked for a definitive resolution on the lists.

Mr. Miller explained that the most recent list comprises the research and actual reading of ordinance language from neighboring communities. The first list comprised of information received over the phone.

Vote on the motion on the floor.

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

MOTION CARRIED

Ms. Drake-Batts said she has publicly supported group day care homes. She said she would have preferred a date on the Resolution to protect the group day care home providers. She said if the State does not pass the Bill, or the Bill gets stuck some place, then group day care homes would be in limbo. Ms. Drake-Batts said it is important to start working on the language now.

Mr. Littman said his previous comments expressed why he voted no on the Resolution. He stated that City Manager and staff work for City Council.

Chair Strat provided an explanation of the Resolution passed this evening. He said nothing would happen to existing day care home providers but new day care home providers would have to adhere by the current Zoning Ordinance; in essence not be permitted. Chair Strat said that Ms. Schafer would be okay.

Ms. Schafer said she would like to hear from Mark Miller that she would not be cited with another violation until passage of the Bill. Ms. Schafer noted that there are members on the Planning Commission who said they were dead set against group day care homes.

Mr. Miller said he unfortunately could not give Ms. Schafer the assurance for which she is asking because the Planning Department does not have jurisdiction on enforcement issues. He said he would guarantee to get an opinion and direction from City Management based upon tonight's decision. Mr. Miller provided clarification with respect to a City Council action relating to day care centers in the O-S-C, R-C and O-M districts.

ZONING ORDINANCE TEXT AMENDMENT

7. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 214) – Articles 04.20.00 and 10.30.00, Group Day Care Homes in the R-1A through R-1E Districts

Resolution # PC-2005-09-150
Moved by: Vleck
Seconded by: Schultz

RESOLVED, That the Planning Commission hereby rescinds Resolution #PC-2005-08-131, which resolved that the Planning Commission take no further action on ZOTA 214 until the State Legislature and the Governor have taken final action on HB 4398.

Yes: All present (8)
No: None
Absent: Littman

MOTION CARRIED

Ms. Drake-Batts questioned proposed language relating to a minimum square footage requirement for outdoor play areas.

Chair Strat said the members have not had an opportunity to discuss in detail the proposed verbiage provided by the Planning Department.

Mr. Vleck explained the procedure normally followed by the Planning Commission to reach consensus on proposed zoning ordinance text amendments. Mr. Vleck said the members have not had time to reach a consensus on proposed verbiage for consideration and approval by the City Council, and noted that tonight's Public Hearing was at the request of the City Council.

Chair Strat addressed the chart of Planning Commission actions, prepared by the Planning Department. He said the chart could be misleading to the City Council in that it appears the Planning Commission studied the verbiage in detail and at great length.

A brief discussion continued on the time the Planning Commission studied proposed verbiage.

Mr. Khan asked why City Management changed its stance to a position of neutrality on group day care homes.

Mr. Miller said initially City Management recommended that group day care homes not be permitted in residential areas because traffic statistics indicate that

the impact of traffic generated from the number of trips to/from a group day care home would be beyond what normally occurs in a residential area. After further study, City Management determined that although the traffic would have an affect on the health, safety and welfare of residents, it would not be an immediate or dangerous affect. City Management decided group day care homes is a community value that needs to be determined via a recommendation from the Planning Commission and an ultimate decision by the City Council.

Mr. Schultz said it is unfortunate that City Management had not shared their change of position on the matter prior to this evening in which the Planning Commission was dictated to have a Public Hearing and requested to send a recommendation to the City Council.

Mr. Khan agreed.

Mr. Miller reviewed the number of responses received by the Planning Department in favor and in opposition to the proposed zoning ordinance text amendment since the August 9, 2005 Regular Meeting.

Mr. Vleck emphasized the procedure followed by the Planning Commission for proposed zoning ordinance text amendments, and indicated the members have not had sufficient time to discuss the proposed text on group day care homes. Mr. Vleck said, in his opinion, the members can either table the matter for further discussion and draft proposed text or send to the City Council a recommendation of no change to the Zoning Ordinance. He stated he has read all the public comment provided to him by the Planning Department, and will read all public comment received thereafter.

Mr. Schultz concurred with Mr. Vleck's comments, and asked speakers at tonight's Public Hearing to not repeat the same comments and information that was heard at the previous Public Hearing.

Chair Strat announced guidelines that would be utilized for the Public Hearing due to the size of the audience and the possible number of people who might wish to speak: (1) a time limit of 3 minutes for each speaker and limited to speaking once; (2) repetitive comments are discouraged; (3) maintain professional image; and (4) no clapping. Chair Strat designated Vice Chair Schultz as the timekeeper.

Chair Strat asked the members for a vote of confidence on the guidelines established for the Public Hearing.

Resolution # PC-2005-09-151
Moved by: Wright
Seconded by: Waller

RESOLVED, To approve the procedures set forth for the Public Hearing.

Yes: All present (8)
No: None
Absent: Littman

MOTION CARRIED

Mr. Khan asked speakers to address specifically the proposed options and text prepared by City Management.

Mr. Waller asked everyone to consider that tonight's Public Hearing was called by City Management, not the Planning Commission; and reminded everyone that it was discussed at the August 9, 2005 Regular Meeting how the Planning Commission members were not prepared to vote on any proposed text.

Chair Strat commented on the professional booklet received by child care providers and the information received both in support and opposition of the proposed zoning ordinance text amendment. He said it is his opinion that the Zoning Ordinance would be amended, but it is necessary to review in detail the options prepared by City Management and regulations as relates to group day care homes. Chair Strat asked speakers to address those issues.

PUBLIC HEARING OPENED

David Schafer of 5593 Mandale, Troy, was present. Mr. Schafer noted that the Planning Commission members have asked speakers to limit their comments to the proposed language, with no assurances that the proposed amendment would go forward. He said that it is most likely that the Planning Commission members would still hear comments from speakers on the efficacy, validity and value of day care in Troy.

Nichol Childs of 1931 Atlas Court, Troy, was present. Ms. Childs highlighted statistics obtained from surveys distributed to group day care homes in Troy with respect to the number of families utilizing group day care, Troy residency, proximity to residency, and outdoor play areas. Ms. Childs said the State requires a total of 400 square feet for outdoor play areas, not 400 square feet per child. She cited several quotes of the Mayor relating to existing and future jobs, future plans and redevelopment and diversification of existing land uses.

Curtis Childs of 1931 Atlas Court, Troy, was present. Mr. Childs highlighted a recent U.S. Department of Treasury report relating to the composition of the labor force. He addressed a Public Hearing held by the City of Farmington Hills Planning Commission with respect to day care providers, and quoted a comment from the City of Farmington Hills chairman, "Child care truly is not a business, it

is a requirement of modern society." Mr. Childs commented on the City Management options as follows: Option 2 is good; Option 3 is reasonable other than the required 400 square feet of outdoor play area per child; and Option 4 should not even be an option. Mr. Childs cited statistics from the Michigan State Police relating to crashes on major thoroughfares within the City of Troy.

Kelsey Ciccone of 1336 Lamb Drive, Troy, was present. Ms. Ciccone, 12 years old, and her sister attended the group day care home operated by Sharon Schafer, from birth to a year ago. She asked the City to not take away the opportunity from other kids to have the love and attention that she and her sister had growing up at the Schafer home.

Tom Mason of 929 E. Third Street, Royal Oak, was present. Mr. Mason spoke in support of group day care homes. His children attend a home day care in Troy, and he and his wife are considering moving to Troy to be closer to the day care provider.

Sharon Schafer of 5593 Mandale, Troy, was present. Ms. Schafer addressed the options prepared by City Management, and noted that Option 1 is to stay "status quo" which would mean that group day care homes would be closed down. She shared the accomplishments of her three children that she believes is a reflection to friends, neighbors, day care families and the Troy school district. Ms. Schafer asked the City of Troy to have the vision to be leaders in the State of Michigan and show other cities that group day care homes are good for the State.

Patricia Rencher of 208 Mack Avenue, Detroit, was present. Ms. Rencher is the Vice President of Programs with the Detroit Urban League. Ms. Rencher said the program is administered by the State of Michigan through the U.S. Department of Agriculture to insure proper nutrition is followed by the 200-plus licensed day care providers. She noted that it is also their obligation to observe and report through announced and un-announced visits any violation of health and safety. Ms. Rencher expressed support for group day care homes as a viable choice to parents.

April Orselli of 894 Sylvanwood, Troy, was present. Ms. Orselli spoke in favor of group day care homes. She said allowing group day care homes would promote the City's motto.

Kim Duford of 3141 McClure, Troy, was present. Ms. Duford addressed the original proposed zoning ordinance text amendment, and said it was simple and should remain simple. Ms. Duford said child care providers responded to the Planning Commission's request for information in the form of a booklet based on facts and statistics that answered most of the Commission's questions and concerns. She noted that the Commission has heard from Troy residents who use child care services, Troy businesses, teachers, doctors and neighbors.

Kara White of 22640 Wildwood, St. Clair Shores, was present. Ms. White, Vice President of a Troy business, said it is very important for the City of Troy to have group day care providers as a day care option for businesses. She indicated parents like to have their children cared for near their workplace.

Syed Mohiuddin of 6150 Country Ridge Drive, Troy, was present. Mr. Mohiuddin spoke in support of home day care providers. He said home day care providers are not like typical commercial businesses, and have been recognized as legitimate home businesses by both the State and Federal governments.

Sharon Manning of 2651 E. Square Lake Road, Troy, was present. Ms. Manning said there is a need for quality day care, and suggested that existing group day care homes be grandfathered in. Ms. Manning asked that the proposed language address personal property taxes. She informed the members that she is the only group day care provider who is assessed personal property taxes.

Kathy McDonald of 196 Birchwood, Troy, was present. Ms. McDonald addressed group day care homes in comparison to adult foster care homes with respect to traffic, employees, and noise.

Deane Castilloux of 90 Chopin, Troy, was present. Ms. Castilloux, a family day care provider, is strongly against grandfathering in existing group day care homes because it would eliminate her option to expand into a group day care provider, and could potentially jeopardize her business with respect to fees charged for care.

Chris Komasara of 5287 Windmill, Troy, was present. Mr. Komasara compared traffic concerns related to group day care homes to the traffic generated from public schools located within residential subdivisions. Mr. Komasara spoke in support of group day care homes.

[Mr. Wright stated that the City has no control over public schools and cannot control the locations of public schools.]

[Mr. Miller noted that the Zoning Ordinance requires schools to be located on major thoroughfares, but public schools are exempt from the Zoning Ordinance.]

Barb Webb of 787 Marengo, Troy, was present. It is her understanding that there is a 14% greater demand for infant child care in Oakland County than there are centers to care for infants. Ms. Webb asked that the members vote in favor of group day care homes.

Ramzi Daloo of 2016 Connolly Drive, Troy, was present. Mr. Daloo informed the members that his niece and nephew operate a day care center for approximately 110 children in Farmington Hills. His niece and nephew are very much in support

of group day care homes. Mr. Daloo asked that consideration be given to the young families moving into the City of Troy, as older residents choose to leave.

John Bjelobrk of 5581 Mandale Drive, Troy, was present. Mr. Bjelobrk, a neighbor of a home day care provider, asked that home day care providers respect the space, feelings, lifestyle and freedom of their neighbors.

PUBLIC HEARING CLOSED

Mr. Vleck indicated he is not in receipt of information he requested from the State Building Department and Human Resources Department, and would like to study the item further. Mr. Vleck said a Study Session, not a formal Public Hearing, is the proper format for review and discussion of the item.

Mr. Khan addressed concerns with proposed language with respect to the requirement for outdoor play areas, employees, and site plan waivers. Mr. Khan said he is not ready to vote on the item.

Chair Strat said he personally is in favor of group day care homes, but recognizes that regulations must be stipulated in the Zoning Ordinance. Chair Strat said the item is of priority and would be more appropriately studied at an informal Study Session.

Resolution # PC-2005-09-152
Moved by: Vleck
Seconded by: Wright

WHEREAS, The State of Michigan as provided in Public Act 207 of 1921 and Public Act 285 of 1931 and subsequent changes thereto provides for city planning and authorizes Planning Commissions and their powers; and

WHEREAS, The City of Troy Planning Commission is empowered by the City of Troy Zoning Ordinance to approve matters coming before it and recommend to City Council, where City Council holds that approval power for themselves.

THEREFORE BE IT RESOLVED, To hold a Public Hearing for ZOTA 214 at the Planning Commission Regular Meeting in December and to expedite necessary actions to study this item in the next Planning Commission Study Session in October due to the following reasons:

WHEREAS, This Public Hearing was not initiated by the Planning Commission.

WHEREAS, This Planning Commission is not ready to send any recommendations to the City Council regarding ZOTA 214.

WHEREAS, Staff prepared the verbiage for the proposed ZOTA and the Planning Commission has had very limited discussion on the verbiage of the proposed ZOTA and a consensus as to any necessary changes to the ordinance language has not yet been reached by the Planning Commission.

WHEREAS, Although there may be intent, the status of House Bill No. 4398 has not changed.

WHEREAS, The previous Public Hearing held for by this Body was to get public information from both group day care operations and the neighbors within 300 feet from the existing group day care homes and use that information to help in the formation of any proposed ZOTA language.

WHEREAS, According to the City of Troy Assistant Attorney, Allan Motzny, City of Troy Director of Building and Zoning, Mark Stimac, and the State of Michigan Construction Codes and Fire Safety Department, any building or structure or portion thereof that is used for education, supervision or personal care services for more than five children older than 2-1/2 years of age would be classified as a Group E occupancy and would require the inspection by a State or City Building Inspector before that building could be used for that purpose.

WHEREAS, There is nothing within the child care licensing law that exempts these facilities from the Michigan Building Code provisions.

AND WHEREAS, we would request that the Building Department will hold in abeyance any enforcement of the zoning laws regarding the existence of the group day care homes that are currently licensed and operating in the City until this matter has been resolved by the Planning Commission and the City Council.

<u>Discussion on the motion on the floor.</u>

Mr. Waller stated for clarification that the Public Hearing in December would be a new Public Hearing because the Chair tonight officially closed the Public Hearing.

Chair Strat said the intent of the Public Hearing would be to get public input on detailed items relating to the proposed language.

Mr. Waller said publication of the Public Hearing notice should carry with it all the language that has been developed to that point by the Planning Commission in their Study Sessions.

Vote on the motion on the floor.

Yes: All present (8)
No: None
Absent: Littman

MOTION CARRIED

Chair Strat explained the procedure that would be followed by the Planning Commission for its Study Session and Public Hearing in December. He said the proposed draft language would be prepared in advance of the December Public Hearing so the public could comment on the proposed language. Chair Strat asked that public comment be limited at the Study Session so members can focus on the proposed language.

Chair Strat opened the floor for comments and questions. He addressed specific questions and comments posed by Syed Mohiuddin of 6150 Country Ridge, Troy; Curtis and Nichol Childs of 1931 Atlas Court, Troy; and Michael Upton of 1267 Hartland, Troy.

Mr. Miller said the proposed draft language that is arrived at by a consensus of the Planning Commission would be made available to those who request it prior to the Public Hearing in December.

Mr. Schultz addressed the two Public Comment portions listed on every Planning Commission agenda.

ZONING ORDINANCE TEXT AMENDMENT

9. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 214-B) – Articles 04.20.00 and 10.30.00, Group Day Care Homes in the R-1A through R-1E Districts on a Temporary Basis

Mr. Miller reviewed the Resolution adopted by City Council on October 3, 2005 that requested the Planning Commission to set a Public Hearing on a proposed zoning ordinance text amendment that would allow group day care homes in the R-1A through R-1E districts on a temporary basis. He said the amendment would essentially legalize the approximate 20 group day care homes currently licensed and existing at the time the amendment is adopted by City Council.

Discussed at length were the following two conditions of the proposed amendment:

- The date of final action by City Council that would affect the existing group day care homes.
- The timeframe the temporary basis would be in affect after City Council takes final action.

Mr. Motzny said consideration and approval of the proposed amendment should be based on whether the members believe a public purpose would be served.

PUBLIC HEARING OPENED

John Bjelobrk of 5581 Mandale, Troy, was present. Mr. Bjelobrk asked how many members of the Planning Commission live next door to or within 300 feet of a family or group day care home. He also asked if any member of the Planning Commission has a friend or relative who operates a day care center. Mr. Bjelobrk said he would be willing to swap houses with Chair Strat so he would have the opportunity to experience living next to a group day care home. He voiced concern with the City procedure to notify only those residents living within 300 feet of existing group day care homes, and said the issue should be placed on a city-wide ballot. Mr. Bjelobrk voiced concern that a fire in a group day care home would jeopardize his family's safety and affect the cost of his insurance coverage. He asked that group day care homes not be grandfathered. Mr. Bjelobrk addressed traffic, noise, and parking concerns, and encouraged parents to raise their own children.

Curtis Childs of 1931 Atlas Court, Troy, was present. Mr. Childs said approximately 800 homes have been receiving the Public Hearing notices and very few negative responses have come forward.

PUBLIC HEARING CLOSED

Resolution # PC-2005-10-
Moved by: Drake-Batts
Seconded by: Littman

RESOLVED, That the Planning Commission hereby recommends to the City Council that Articles IV and X, pertaining to Group Day Care Homes in the R-1A through R-1E Zoning Districts on a Temporary Basis, be amended as follows:

1. To remove "[Date of Final Action by City Council]" and replace and substitute it with "[The Approval of ZOTA 214-B by City Council]".

Discussion on the motion on the floor.

Mr. Waller asked that the Resolution be amended to change all entries of 10 days to 100 days, with reference to the timeframe of the temporary basis after the Troy City Council has had the opportunity to conduct a Public Hearing and take final action.

A brief discussion followed on the wording of the zoning ordinance text amendment.

Mr. Motzny suggested a recess to prepare the appropriate wording of the Resolution.

Chair Strat requested a recess at 8:50 p.m.

The meeting reconvened at 9:02 p.m.

Ms. Drake-Batts withdrew the motion on the floor. Mr. Littman was in agreement with the withdrawal.

Resolution # PC-2005-10-171
Moved by: Drake-Batts
Seconded by: Littman

RESOLVED, That group day care homes as defined in Section 04.20.69, licensed by the State of Michigan and in operation as of *the date of approval of ZOTA 214-B by City Council*, shall be permitted to continue on a temporary basis not to exceed thirty (30) days after the Troy City Council has had the opportunity to conduct a Public Hearing and take final action on any proposed revisions to Charter 39, Article X, related to the regulation of group day care homes as set forth in ZOTA 214.

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

MOTION CARRIED

Mr. Wright said the Planning Department has received several letters from neighbors who are opposed to group day care homes because of traffic, parking, and noise. Mr. Wright said he personally thinks a group day care home is a commercial enterprise that should not exist in a residential zone.

ZONING ORDINANCE TEXT AMENDMENT

8. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 214) – Article 10.25.02 and 10.30.10, Family Child Care Homes and Group Child Care Homes in the R-1A through R-1E Districts

Mr. Miller reported City Management is neutral on the issue and has not issued a recommendation. Mr. Miller said City Management has the responsibility to consider options, recognize certain cause and effect, and insure that the Planning Commission makes a recommendation to City Council, who in turn will make the community value decision regarding Group Child Care Homes.

Mr. Miller briefly discussed four items in the proposed zoning ordinance text amendment: (1) Fencing or screening regulations; (2) Registration with the City Clerk's office; (3) Compliance with Michigan Building Code; and (4) a 1,500-foot distance requirement from any State residential licensed facility. He displayed a map that demonstrated the 1,500-foot distance requirement and noted that only 5 of the 20 existing group child care homes would meet the requirement. Mr. Miller referenced the list of existing licensed group child care homes which are less than 1,500 feet from a State licensed residential facility.

Brief discussion followed on:

- 1,500-foot distance requirement in relation to the City and Village Zoning Act.
- Anticipated legislative action.
- Michigan Building Code inspections.

Chair Strat announced guidelines that would be utilized for the Public Hearing; specifically, a time limit of 3 minutes per speaker, no redundancy, and comments limited to the four points discussed by the Planning Director. Chair Strat designated Mr. Savidant as the timekeeper.

PUBLIC HEARING OPENED

David Schafer of 5593 Mandale, Troy, was present. Mr. Schafer addressed the proposed requirements with respect to fencing, license registration, and a 1,500-foot distance from other State residential licensed facilities. He concurs with City Management that the requirements are not necessary. Mr. Schafer said that should the City determine a distance is necessary between licensed facilities, a reduction in the distance should be considered. He encouraged the members to send a recommendation to the City Council so the matter could be resolved.

An attorney was present to represent Chan Chung of 1189 Garwood, Troy. The attorney addressed concerns of Mr. Chung as a neighbor of a group child care home facility. A handout was distributed to the members that detailed concerns of noise, privacy, aesthetics, traffic, parking and safety. Mr. Chung, a professor

at Lawrence Tech University, teaches in the evening and is home during the day. The attorney pointed out that 50% of the residents in the subdivision are Oriental and because of the language barrier, they might be intimidated to voice their opinions on the matter.

Syed Mohiuddin of 6150 Country Ridge, Troy, was present. Mr. Mohiuddin addressed the proposed requirements on fencing and a 1,500-foot distance between licensed facilities. He noted that his subdivision does not allow fences. Mr. Mohiuddin supports the position of City Management.

Curtis Childs of 1931 Atlas, Troy, was present. Mr. Childs agrees with City Management that the proposed requirements should be eliminated. Mr. Childs addressed State inspections, the intent of proposed language in House Bill 4398, traffic, and noise. He said group child care homes are not commercializing neighborhoods; they look like residential homes. Referencing a comment that some residents might not voice their opinions, Mr. Childs, a police officer by profession, said people are not afraid to make complaints.

Carol McBratnie of 1130 Larkmoor Blvd., Berkley, was present. Ms. McBratnie asked for clarification on the type of fencing that would be required. Ms. McBratnie addressed the 1,500-foot distance between licensed facilities and asked if a grandfather clause would be considered for the group child care homes currently in existence.

Barbara Webb of 787 Marengo, Troy, was present. Ms. Webb agrees with the comments of City Management. Ms. Webb asked that the members take into consideration individuals who care for one or two children of a friend or relative and individuals who receive assistance from the State (FIA).

Tony Anderanin of 3777 Root, Troy, was present. Mr. Anderanin asked for a favorable recommendation to change the zoning ordinance language to allow group child care homes in residential areas.

Nancy Regan of 120 Gordon, Troy, was present. Ms. Regan spoke in support of group child care homes.

PUBLIC HEARING CLOSED

Mr. Miller clarified the difference between the Michigan Building Code requirements and the State licensing requirements.

Mr. Wright said it appears that the State is not enforcing some of its own requirements; i.e., the 1,500-foot distance between licensed facilities. Mr. Wright said he is not in favor of recommending any changes to City Council to the Zoning Ordinance to allow commercial enterprises to operate in residential

zoning. Mr. Wright addressed the State requirement of additional employee(s) for the operation of a group child care home. He said a change like that would place the City's home occupation ordinance in jeopardy. Mr. Wright said he could hire someone to help him prepare tax returns in his home, or his neighbor could hire a secretary to assist him in his law practice in his home, and either one of those operations would generate less traffic and noise than a group child care home. Mr. Wright said an ordinance change to allow group child care homes could have a devastating impact on the City's residential zoning ordinance.

Mr. Chamberlain said public hearings sometimes draw only the people who are in support of a particular ordinance change. Mr. Chamberlain said he feels the Planning Commission owes it to the residents who bought a home in a residential neighborhood to keep the residential character of that neighborhood.

Mr. Vleck said his concern is not the traffic that is generated in the neighborhood, but the potential impact that a group child care home has on the direct neighboring properties. Mr. Vleck said his goals are to get a recommendation to City Council and to provide City Council with as much information as possible on the research undertaken by the Planning Commission.

Resolution # PC-2005-12-197
Moved by: Vleck
Seconded by: Chamberlain

WHEREAS, The State of Michigan as provided by Public Act 207 of 1921 and Public Act 285 of 1931 and subsequent changes thereto provides for city planning and authorizes Planning Commissions and their powers; and

WHEREAS, The City of Troy Planning Commission is empowered by the City of Troy Zoning Ordinance to approve matters coming before it and to make recommendations to City Council, where the Council holds the approval power for themselves.

THEREFORE, IT IS RESOLVED, That the Planning Commission does not recommend to the City Council the changing of Articles IV and X, pertaining to Group Day Care Homes in the R-1A through R-1E Districts, for the following reasons:

WHEREAS, It has been demonstrated by public input, letters and photos that family and group day care homes do have a negative impact on the neighboring property owners.

WHEREAS, According to City of Troy Assistant Attorney, Allan Motzny, and City of Troy Director of Building & Zoning, Mark Stimac, any building or structure or portion thereof that is used for the education, supervision or personal care services for more than five (5) children older than 2-1/2 years of age would be

classified as a Group E occupancy. This has significant implications on the ability of the structure to comply with building code requirements such as automatic sprinklers in basements, Michigan barrier-free design and the Federal Americans with Disabilities Act.

WHEREAS, There is nothing within the child care licensing law that exempts these facilities from the Michigan Building Code provisions.

WHEREAS, The current ordinance allows for family day care homes but limits enrollment thus permitting a needed service while minimizing the intrusion and negative impact on neighboring properties.

BE IT ALSO ADVISED TO CITY COUNCIL, That if the current zoning is revised, the Planning Commission makes the following recommendations:

10.25.02 Family Day Care Homes, as defined in Section 04.20.60, subject to the following conditions:

A. The number of children so cared for who are not a part of the family residing in the subject dwelling unit shall not exceed six (6).
B. The conditions applicable to Home Occupations, as defined in Section 04.20.71 and as listed in Section 10.25.01 shall not apply to Family Day Care Homes.
C. The resident-operator of the Family Day Care Home shall be licensed in accordance with applicable State Law.
D. To maximize the safety and the privacy for the neighboring properties, there shall be no dropping off of children between the hours of 10:00 p.m. and 6:00 a.m.
E. To maximize the safety and the privacy for the neighboring properties, if the outdoor play area is located on the premises, the play area shall be fenced or screened with a 6-foot high privacy fence.
F. No structural changes or exterior alterations shall be made which would alter the residential character of the dwelling except as required by the State of Michigan licensing rules.
G. No sign shall be used on the premises to identify the Family Day Care Home.
H. Family Day Care Homes with vehicular access on a major or secondary thoroughfare shall be required to have a circular drive or an unobstructed turnaround to allow for the safe egress of vehicles.

10.30.10 Group Day Care Homes, as defined in Section 04.20.69, subject to the following conditions:

A. To maximize the safety and the privacy and to minimize noise for the neighboring properties, Group Day Care Homes shall be allowed on

properties greater than one-half acre in size and having a minimum side yard setback of 20 feet.

B. The number of children so cared for who are not a part of the family residing in the subject dwelling unit shall not exceed twelve (12).
C. The resident-operator of the Group Day Care Home shall be licensed in accordance with applicable State Law.
D. To maximize the safety and the privacy for the neighboring properties, there shall be no dropping off of children between the hours of 10:00 p.m. and 6:00 a.m.
E. No structural changes or exterior alterations shall be made which would alter the residential character of the dwelling except as required by the State of Michigan licensing rules.
F. No sign shall be used on the premises to identify the Group Day Care Home.
G. The conditions applicable to Home Occupations, as defined in Section 04.20.71 and as listed in Section 10.25.01, shall not apply to Group Day Care Homes.
H. Group Day Care Homes with vehicular access on a major thoroughfare shall be required to have a circular drive or an unobstructed turnaround area to allow for the safe egress of vehicles.
I. The Planning Director may waive any required site plan information provided it can be determined that the application meets the Group Day Care Home requirements of Section 10.30.10 and the general Special Use Approval standards of Section 03.31.05.
J. To maximize the safety and the privacy for the neighboring properties, if the outdoor play area is located on the premises, the play area shall be fenced or screened with a 6-foot high privacy fence.
K. The licensee shall register with the City upon commencing operation and on an annual basis each January thereafter, and the licensed premises shall be subject to a fire and building department inspection and shall provide a smoke detector in all daytime sleeping areas and otherwise comply with applicable building and fire codes.
L. The applicant shall identify the entrance(s) for drop-offs and pickups. The parking and drop-off areas shall be designed to maximize safety and privacy for the neighboring properties.
M. To prevent the commercialization of residential districts, Group Day Care Homes shall be not be located within 1,000 feet of another state licensed residential facility.

<u>Discussion on the motion on the floor.</u>

Mr. Miller questioned if the condition to require a circular drive or unobstructed turnaround area could be placed on Family Child Care Homes that have vehicular access on a major or secondary thoroughfare.

Mr. Motzny, upon further review, said he believed it is a valid condition should the Planning Commission reason that it is a public health, safety and welfare concern.

At the request of Ms. Drake-Batts, Mr. Vleck provided a brief overview of the motion.

Ms. Drake-Batts said the proposed requirements with respect to the one-half acre lot size and the 1,500-foot distance between licensed facilities would make the existence of Group Child Care Homes almost impossible. She said, however, that the Commission owes it to the residents to get the matter up to City Council for a final decision. Ms. Drake-Batts said she would vote in favor of the motion even though she does not agree with a lot of the proposed conditions.

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

MOTION CARRIED

Mr. Littman agreed that a recommendation should go to the City Council. Mr. Littman said Group Child Care Homes should be provided for, and the basic part of the Resolution is a recommendation against them.

C-4 Zoning Ordinance Text Amendment (ZOTA 214-B) – Article IV and X, Approval of Group Child Care Homes on a Temporary Basis in the R-1A through R-1E Districts

Resolution #2005-11-521
Moved by Broomfield
Seconded by Fleming

RESOLVED, That Article IV (DEFINITIONS) and Article X (ONE FAMILY RESIDENTIAL DISTRICTS) of the City of Troy Zoning Ordinance, be **AMENDED** to read as written in the proposed Zoning Ordinance Text Amendment (ZOTA 214-B: Temporary Approval of Group Child Care Homes), as recommended by the Planning Commission and City Management.

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

Existing Group Child Care Homes

Parcel NO.	FACILITY	Address	Parcel Size in Acres	Site Able to Meet Proposed Requirements	Parcel 1/2 Acre or Less	Within 1000 ft. of Group Daycare Home	Within 1000 ft. of Family Daycare Home	Within 1000 ft. of Adult Foster Care Family Home	Within 1000 ft. of Adult Foster Care Home Small Group
88-20-01-476-088	MANNING GROUP DAY CARE HOME	2651 E SQUARE LAKE	0.39	NO	X				
88-20-03-226-037	ZIEHM, JENNIFER	731 LOVELL	1.34	NO			X		X
88-20-05-353-012	SUNSHINE HOME DAY CARE	6150 COUNTRY RIDGE	0.31	NO	X				
88-20-08-104-005	DOYLE, JOYCE	1834 FARMBROOK	0.34	NO	X		X		X
88-20-10-308-002	COLLINS, JUDITH	5410 HERTFORD	0.31	NO	X				
88-20-12-152-027	SCHAFER, SHARON	5593 MANDALE	0.19	NO	X				
88-20-14-226-004	DEPAUW, MARLA	1830 E LONG LAKE	1.11	YES					
88-20-14-351-072	PETERSON, KATHLEEN	1175 GARWOOD	0.23	NO	X				
88-20-17-276-047	HAQUE, TALAT ARA	1033 REDDING	0.55	NO					X
88-20-20-226-090	REYNOLDS, DEBORAH	1285 W WATTLES	0.97	YES					
88-20-20-227-032	JOHNSTON, BONNIE	1510 BOULAN	0.50	NO	X		X		
88-20-20-402-030	DUFORD, KIMBERLY	3141 MCCLURE	0.83	NO			X	X	
88-20-22-401-083	BEST OF CARE	543 VANDERPOOL	0.45	NO	X		X	X	
88-20-23-430-016	SAIDE, JANICE	1865 CRIMSON	0.26	NO	X		X		X
88-20-24-180-001	KRISCOVICH, KAREN	3784 FORGE	0.23	NO	X		X		
88-20-25-179-010	GEORGIYEVA, NATALIYA & VALENTINA	2320 ISABELL	0.24	NO	X		X		
88-20-25-402-029	CHILDS, CURTIS & NICHOL	1931 ATLAS	0.21	NO	X				X
88-20-27-451-056	GOD'S PRECIOUS CREATIONS	685 E MAPLE	0.50	NO			X		X
88-20-35-352-037	KIECA, DOREEN	151 KENYON	0.14	NO	X	X			
88-20-35-355-020	FULLER, PAULETTE	301 REDWOOD	0.14	NO	X	X			

Prepared by City of Troy Planning Department 1/12/2006

CHILD CARE CENTERS AND CHILD CARE HOMES IN TROY		
Facility	**Number**	**Capacity**
Child Care Centers	48	3,621
Group Child Care Homes	19	228
Family Child Care Homes	42	252
Total	109	4,101

Source: State of Michigan, Department of Human Services (website), January 24, 2006.

Child Day Care

Day Care Family Home

"Family day care home" means a private home in which 1 but fewer than 7 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

Day Care Group Home

"Group day care home" means a private home in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

Child Day Care Center

"Child care center" or "day care center" means a facility, other than a private residence, receiving 1 or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day.

Adult Foster Care

Adult Foster Care - Family Home - Capacity1 - 6 licensee resides on-site

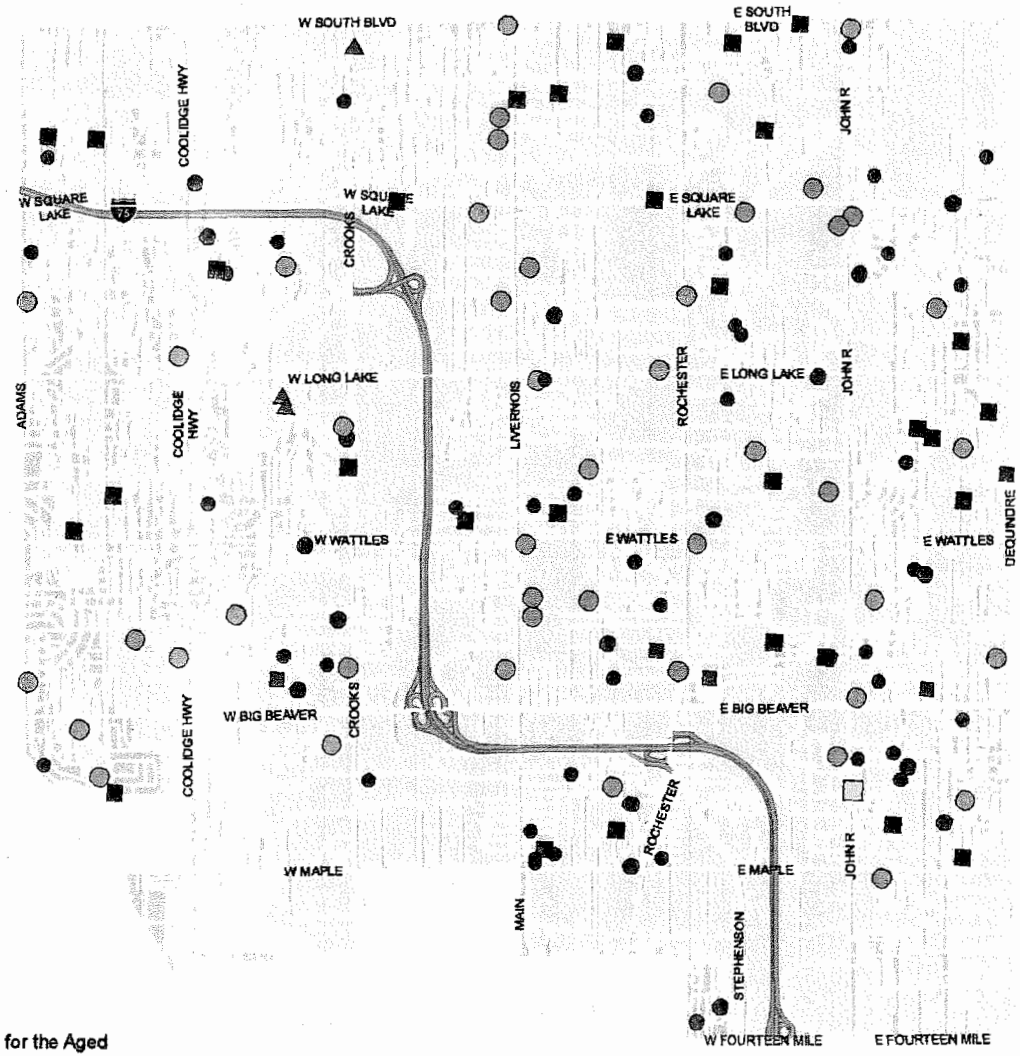
Adult Foster Care - Small Group - Capacity 1 - 6 may reside off-site

Adult Foster Care - Large Group - Capacity 13 - 20

Home for the Aged

A supervised personal care facility, that provides room, board, and supervised personal care to 21 or more unrelated non-transient, individuals 60 years of age or older.

Source: Michigan Department of Human Services



Legend

- Day Care Family Home
- Day Care Group Home
- Day Care Center
- Adult Foster Care Family Home
- Adult Foster Care Small Group Home
- Adult Foster Care Large Group Home
- Home for the Aged

January 9, 2006

DATE: February 14, 2006

TO: John Szerlag, City Manager

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

SUBJECT: Application of the Michigan Building Code
Pertaining to Day Care Group Homes

In order to understand the building code implications of allowing Day Care Group Homes (7-12 children) in single-family residential structures, it is imperative to understand the theory behind the development of the requirements of the building codes as they relate to the different uses of buildings and structures.

The Michigan Building Code is adopted by the State of Michigan and per the requirements of Public Act 230 of 1972, as amended, applies throughout the State without exception. This code is based primarily on requirements of the International Building Code. The International Building Code is promulgated by the International Code Council (ICC) through a consensus process and is published every three years. The current edition is the 2003 edition with the 2006 edition soon to be published.

The requirements of the Building Code are developed on the theory of, as I call it, “an equivalent level of minimum safety” in all buildings. That is to say that depending on the types of construction materials used, the use of the building, and other factors such as the availability of fire suppression, fire detection, and fire alarm systems, that all buildings will meet a minimum level of safety for the occupants. In order to establish this equivalent level, the size of buildings and number of stories are regulated by the code based upon these variables. The two most important factors in determining this minimum level of safety are the construction type of the building and the occupancy group of the uses that will take place inside.

Certain building materials have an inherently greater resistance to the effects of fire than other materials. Reinforced concrete is less likely to fail under exposure to fire than ordinary lumber. Building materials can also have additional protection applied to them to increase their resistance to the effects of fire. Steel, sprayed with a fire resistant coating, or encased in layers of gypsum board, has shown through testing to have a resistance to fire equal to that of concrete.

These “types of construction” are broken down into nine different categories 1A through 5B. Type 1A construction is one where the structural members are designed and tested to withstand a fire for up to three hours. Type 5B construction, at the other end of the spectrum, includes unprotected wood frame construction typically found in single-family homes. With buildings used for the same purpose, as the fire resistance of the structure increases, the allowable size for the building increases as well.

The other factor greatly affecting the allowable size for a building is what the building is going to be used for. Certain uses, because of the number of people involved and the activities that they are engaged in, are more hazardous than others. In others, the condition of the occupants, such as being asleep, anesthetized, restrained or having reduced mobility because of age or mental capacity affects the level of safety of the building. The Building Code divides the different uses of a building into ten basic use group categories. It further breaks those categories down into 26 sub-categories.

In establishing this equivalent level of safety the building code looks at a combination of the construction type of the building and the use group classification for the intended uses of the building. It then establishes a maximum height and area for those buildings also taking into account the availability of fire suppression, as well as the provision for access to the building for fire fighting purposes. In buildings constructed of heavily protected construction the areas and heights are unlimited. Other uses are not permitted at all in the unprotected wood frame buildings.

In terms of the question directly at hand, a single-family residence is classified as an occupancy group R-3 (Residential). A building in this occupancy group can be built of unprotected wood frame construction to an unlimited size up to three stories in height. A child day care facility for up to five children also fits within this same group and restrictions. When a day care facility provides care for more than five children then it is classified as an occupancy group E (Educational). Under this occupancy group in order to obtain that same “equivalent level of minimum safety” the code limits the area of the building built of unprotected wood construction to 9,500 square feet and limits the height to a maximum of one story above grade. The area can be increased to 28,500 square feet and the height can be increased to two stories if the building is provided with a fire suppression (commercial fire sprinkler) system.

If the children cared for are very young (under 2 ½ years of age) and not capable of self-preservation, the code places the facility into a higher group classification of an I-4 (Institutional) use group. These uses are limited to one story and 9,000 square feet and are required to have fire suppression. However, there is an exception if all of the rooms used for the day care are on the ground floor and have a door directly to the outside. Under those conditions the facility would still be classified as an E use group.

If these facilities include rooms or spaces that are below grade (basements) that are used as part of the child care facility, those basements must be provided with an exterior stairway leading to the ground, or openings on at least one side of the building

that are above the ground and at least 20 square feet of area, or they must be provided with a fire suppression system.

While the typical single family home is not subject to the requirements for handicap accessibility, facilities that care for more than five children are. The code does not require that the entire home be designed to meet these standards, but it does require that the portion of the home used for day care meet the accessibility standards. This would include accessible parking spaces (the signs are not required for five or fewer parking spaces), accessible building approach, accessible entrances, accessible hardware and accessible plumbing facilities. The City of Troy does not enforce the requirements of the American's with Disabilities Act (ADA), but the ADA does indicate that a day care center is a public accommodation covered under that act.

There is another code that has been adopted by the State of Michigan that may have some application in these cases. The State has developed and adopted the Michigan Rehabilitation Code for Existing Buildings. This code has provisions that could be used for reviewing applications for the alteration of existing buildings. The establishment of a Day Care Group Home in an existing single-family residence is considered to be a change of occupancy classification. As previously discussed, the occupancy classification for at least a portion of the structure will change from an R-3 to an E classification. Chapter 8 of the Rehabilitation Code establishes the minimum requirements when such a change takes place.

The application of this code requires a case-by-case analysis of the structure and the areas involved. While the use of this code may eliminate the need for a fire suppression system or modifications to existing stairways, it still would require that the building comply with the general height and area limitations of the Michigan Building Code as well as the accessibility requirements for the areas involved.

Prepared by: Mark Stimac, Director of Building and Zoning

February 16, 2006

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, City Manager

SUBJECT: Tentative Agreements with the Following Collective Bargaining Units: Troy Command Officers Association (TCOA); Troy Fire Staff Officers Association (TFSOA); AFSCME (Public Works/ Parks and Recreation/Engineering Employees)

As you know, I was asked to attempt to reach settlement with the above-referenced bargaining units prior to my departure for Sunny Isles Beach, Florida. And I am happy to report that this has been achieved thanks to the reasonable expectations and good will between management and union representatives.

In addition to 3% wage increases for each of the three units (which is pretty much standard), of salience is that new hires for AFSCME and the TFSOA will have retiree health care predicated on a health savings plan (which operates similar to a defined contribution system). Simply put, this means that there will be no future health care liability for these new hires because funds will be set aside by the employee and employer for health insurance and related expenses. Thus eventually there will no longer be health premium costs borne by the employer as a result of this change. Please know that we have previously established a defined contribution system for pensions and this puts us well ahead of the curve compared to other municipal and private sector organizations relative to pension and health care obligations.

A more detailed explanation of contractual changes for each bargaining unit is attached.

As always, please feel free to contact me should you have any questions.

Date: February 14, 2006

To: John Szerlag, City Manager

From: John M. Lamerato, Assistant City Manager/Finance

Peggy E. Clifton, Human Resources Director

Re: Tentative Agreement Between Troy Command Officers Association (TCOA) and City of Troy

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On February 14, 2006 the City and TCOA bargaining committees reached a tentative agreement for a three-year collective bargaining agreement. This agreement would replace the contract that expired June 30, 2005. The TCOA membership plans to conduct a ratification meeting within the next few weeks.

This agreement is the 11th collective bargaining agreement to be achieved using the Interest-Based Bargaining method in which both sides discuss possible solutions to "issues" rather than holding to "positions" or "demands".

This tentative agreement provides a mutually satisfactory solution to the issues raised by both parties in negotiations, and serves to bring more consistency in benefits among employee groups, including implementation of cost-saving measures, consistent with our stated goals. And, while it includes increases in some areas, these are in keeping with maintaining a competitive position with our comparable communities, as well as contributing toward our achieving our goal in other areas. A summary of the tentative agreement is attached for your review.

We support and recommend approval of this tentative agreement at the next regular session of Council, and of course are available to discuss or provide any additional information you may require.

PEC/bjm

Attachment

PC06M.007

TENTATIVE AGREEMENT SUMMARY
City of Troy and TCOA
2006-2009 Collective Bargaining Agreement

ISSUE	SOLUTION
Wages	7/01/05 3% 7/01/06 3% 7/01/07 3%
Pension	a. Defined Contribution Plan: 1. Employees who promote into the unit with a DC pension retain the contribution rates they had prior to promotion 2. If a Lt. or Capt. in the DC plan retires by Dec. 31, 2006, DC participants will receive $5,000 b. Defined Benefit Plan: Multiplier changed to 2.8% (from 2.5%, 2.25% at age 62) and employee contribution increased to 4% (from 3%), contingent on one DB employee retiring by July 1, 2006
Hospitalization/Medical Insur.	a. The cash-in-lieu amount currently paid to employees who opt out of health insurance will be frozen at the current level. Employees who decide to opt out after July 1, 2006 will receive $250 (reduced from approximately $420). b. $5/$10 drug rider replaces $5 for all employees. c. MMC-PC rider added to active employee health insurance, consistent with what is provided to TPOA members d. Employee portion of premium sharing increased from $10 per month to $20 per month. e. If two full-time employees are married to each other, one must opt out of health insurance and dental insurance and elect to receive the cash-in-lieu payment referenced above.
Retiree Medical Insur.	a. For employees retiring after ratification date, $5/$10 drug rider replaces $5 drug rider. b. Dental insurance for retirees eliminated for employees promoting into the unit after date of ratification

c. Signing up for Medicare Part B is voluntary, but employee must notify the City if they do sign up

d. Officers retiring after ratification date who are eligible for retiree health insurance coverage, whether they participate in the Defined Benefit or Defined Contribution Pension Plan, will have available to them, in addition to the BCBS DRI plan, other health insurance plans with a $5/$10 drug rider, including PPO, HAP, or Blue Care Network plans made available by the City.

b. Clarified eligibility for retiree health insurance and definition of “two person coverage”

Clothing & Cleaning Allowance

a. Amount of additional clothing allowance allotted for transfers in/out of non-uniform divisions increased from $75 to $150

b. Specific uniform items to be provided by the City to Police Sergeants promoted to Police Lieutenant.

Shift Bonus

Effective upon ratification date, increased shift bonus to $.60 per hour for afternoons and $.80 per hour for midnights (from $.25 and $.35 respectively), consistent with TPOA.

Tuition Reimbursement

Annual maximum reduced to $2500 from $4000 effective date of ratification.

Language Revisions

1. Discipline: Permit a steward (instead of legal advisor) to be present when officer is required to make a verbal or written statement; record retention time limits for oral and written reprimands changed to be consistent with the TPOA record retention requirements.
2. Vacation: Redefined criteria for use of vacation on a one-day-at-a-time basis, established a mandatory minimum annual usage, prohibited carryover to the next year except under exigent circumstances.
3. Promotions: Rotating list of three psychological testing facilities reduced to two due to one facility no longer being available.
4. Grievance Procedure: Grievances must be submitted within 14 days instead of five days.
5. Funeral Leave: Added language stating that funeral leave may be used for bereavement; added ‘stepchild’ to definition of family.
6. Holidays: Clarified the conditions under which an officer working on a holiday is paid at straight time or time and one-half.

Date: February 15, 2006

To: John Szerlag, City Manager

From: James Nash, Financial Services Director

Peggy E. Clifton, Human Resources Director

Re: Tentative Agreement Between Troy Fire Staff Officers Association (TFSOA) and City of Troy

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On February 9, 2006 the City and TFSOA bargaining committees reached a tentative agreement for a three-year collective bargaining agreement. This agreement would replace the contract that will expire June 30, 2006, and as of this date is one of two contracts settled prior to the expiration date. The TFSOA membership plans to conduct a ratification meeting within the next two weeks.

This agreement is the 9th collective bargaining agreement to be achieved using the Interest-Based Bargaining method in which both sides discuss possible solutions to "issues" rather than holding to "positions" or "demands". This process has enabled the parties to settle contracts in considerably less time and while improving and maintaining excellent relationships with the employees and their bargaining representatives.

This tentative agreement provides a mutually satisfactory solution to the issues raised by both parties in negotiations, and continues to bring more consistency in benefits among employee groups, including implementation of cost-saving measures, consistent with our stated goals. We have succeeded in adopting some significant cost savings in health insurance, retiree medical insurance and pension areas. The proposed wage increase is consistent with both the external market and internal employee group adjustments, and permits us to maintain a competitive position with our comparable communities. A summary of the tentative agreement is attached for your review.

We support and recommend approval of this tentative agreement at the next regular session of Council and, of course, are available to discuss or provide any additional information you may require.

PEC/bjm

Attachment

TENTATIVE AGREEMENT SUMMARY
City of Troy and TFSOA
2006-2009 Collective Bargaining Agreement

ISSUE	SOLUTION
Wages	3% per year, 3 year contract
Retiree Medical Insur.	a. Clarified eligibility for retiree health insurance and definition of “two person coverage” b. For employees hired after 7/1/06, retiree health insurance replaced with a Retirement Health Savings (RHS) plan; contribution rates: employer - 4%, employee - 2%
Hospitalization/Medical Insur.	a. Cash payment to employees who opt out of health insurance reduced to $250/mo. from $420 b. Eliminated dual coverage for employees who are married to each other, and the spouse who opts out of health insurance is in not eligible for cash-in-lieu payment (with the exception of current employees receiving the cash-in-lieu payment). c. Co-payment for prescription drug rider (PDR) increased from $5 (for all drugs) to $5/$10 (for generic/brand name drugs) for all employees.
Retirement	a. Reduce employer contribution for the DC plan for new hires by 1% (from 11% to 10%) b. Clarified application of disability plan for participants in a defined contribution plan
Tuition Reimbursement	Amount of tuition reimbursement increased to 100% (from 50%) up to a maximum of $2500 per fiscal year (changed from an unlimited amount), for any Associates or Bachelors degree that is organizationally related

Added Entry Level Classification Fire Staff Technician

a. Minimum requirement: currently active member with at least 5 years volunteer department service

b. Salary Schedule:

Start:	$38,000
Step 1	$43,000
Step 2	$48,000
Step 3	$53,000
Step 4	$58,000

Date: February 13, 2006

To: John Szerlag, City Manager

From: Brian Murphy, Assistant City Manager/Services

Peggy E. Clifton, Human Resources Director

Re: Tentative Agreement Between AFSCME (Hourly Employees) and City of Troy

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On February 10, 2006, the City and AFSCME bargaining committees reached a tentative agreement for a three-year collective bargaining agreement. This agreement would replace the contract that expires June 30, 2006. The AFSCME membership plans to conduct a ratification meeting within the next two weeks.

This agreement is the 10th collective bargaining agreement to be achieved using the Interest-Based Bargaining method in which both sides discuss possible solutions to "issues" rather than holding to "positions" or "demands".

This tentative agreement provides a mutually satisfactory solution to the issues raised by both parties in negotiations, continues to bring more consistency in benefits among employee groups, and includes cost-saving measures, consistent with our stated goals. We have succeeded in agreeing on a significant cost savings measure in retiree medical insurance, and a reasonable wage increase that is competitive both internally and externally. A summary of the tentative agreement is attached for your review.

We support and recommend approval of this tentative agreement at the next regular session of Council and, of course, are available to discuss or provide any additional information you may require.

PEC/bjm

Attachment

PC06M.015

TENTATIVE AGREEMENT SUMMARY
City of Troy and AFSCME
2006-2009 Collective Bargaining Agreement

ISSUE	SOLUTION
Wages	3% per year, 3 year contract
Retiree Medical Insur.	a. For employees hired after 7/1/06, retiree health insurance replaced with a Retirement Health Savings (RHS) plan; contribution rates: employer - 4%, employee - 2% b. Clarified eligibility for retiree health insurance and definition of “two person coverage”
Hospitalization/Medical Insur.	a. Eliminated dual coverage for employees who are married to each other; that employee not eligible for cash-in-lieu payment (with the exception of current employees receiving the cash-in-lieu payment) b. Employee portion of cost for family continuation to be deducted bi-weekly instead of monthly
Overtime	Agreement that City will attempt to post overtime on a daily basis will continue until the automated system is operational

A Meeting of the Civil Service Commission (Act 78) was held Tuesday, August 10, 2004, at Troy City Hall, 500 W. Big Beaver Road in the Lower Level Conference Room. Chairman McGinnis called the meeting to order at 7:00 PM.

ROLL CALL

PRESENT: Chairman Donald E. McGinnis, Jr.
Commissioner Patrick Daugherty (Absent/Excused)
Commissioner David Cannon ~~(Absent/Excused)~~

ALSO PRESENT: Lori Bluhm - City Attorney, Peggy Clifton - Human Resources Director, Police Chief Charles Craft, Captain Edward Murphy, Sgt. Michael Bjork, Sgt. Thomas Gordon, Sgt. John Schaufler, Barbara A. Holmes - Deputy City Clerk, Greg Schultz – Lange & Cholack, P.C., Christine Felts – Court Reporter – Christine Felts & Associates, Petitioner Jamie Hill

Approval of Minutes of February 26, 2004

Resolution #CSC-2004-02-008
Moved by McGinnis
Seconded by Cannon

RESOLVED, That the Minutes of the meeting of January 22, 2004 be **APPROVED** as presented.

Yes: McGinnis, Cannon
No: None
Absent: Daugherty

Petitions and Communications

(a) Request for an Act 78 Appeal Hearing – Jamie Hill

Chair McGinnis asked the petitioner if he would prefer to postpone the hearing until there is a full complement of the Commission.

Mr. Hill replied that he would waive that right at this time.

Chair McGinnis asked the petitioner if he had any evidence to present.

Mr. Hill replied that he did not have any evidence, but that he did have mostly questions that he would like to raise.

Greg Schultz, legal counsel from Lange & Cholack, P.C., distributed documentation relative to the petitioner's hearing.

The hearing **RECESSED** at 7:08 PM to allow time for review of the documentation presented by Mr. Schultz.

The hearing **RECONVENED** at 7:16 PM.

Chair McGinnis advised that this is the first time any documentation was presented to the Commission relative to the petitioner's hearing.

Mr. Hill noted that this is the first time he has seen any kind of documentation of this kind also. He added that he requested copies of his employment file, but the document presented tonight was not in his file.

Chair McGinnis advised the petitioner that based upon what the petitioner has read tonight, that he may request a postponement to review the documentation and come back before the Commission at a later date. He further noted that the petitioner cannot challenge the documentation based upon what he thinks, but rather he must return with evidence.

Chair McGinnis questioned whether the petitioner had the appropriate documentation in terms of his defense of the allegations.

Mr. Schultz noted that the summary appears on page five of the document and that the first four pages only serve as background information.

Chair McGinnis asked Mr. Hill to be prepared to address all the allegations in an orderly way with evidence of why he believes the city has done something improperly.

Commissioner Cannon agreed that the petitioner must make his case.

Mr. Hill believes he needs additional documentation regarding the investigation.

Chair McGinnis responded that there may or may not be more documentation.

Commissioner Cannon would like to hear what the petitioner's claim is.

Mr. Hill questioned how he could prove his point.

Chair McGinnis explained that the hearing is not conducted as a jury trial. He added that the petitioner could represent himself and ask questions directly, or hire an attorney as to why the city is denying him employment.

Chair McGinnis asked the petitioner how much time he will need to make his case.

Mr. Hill responded that he would need at least a week.

Chair McGinnis asked the petitioner to contact the City Attorney's office in writing as soon as possible so that the matter may be concluded.

Lori Bluhm requested that the petitioner prepare a list of what he is looking for.

Chair McGinnis agreed adding that it would provide the city with an opportunity to look at the matter more thoroughly and faster.

Mr. Schultz noted that he understands that Sgt. Gordon provided the petitioner with the opportunity to meet with him.

Chair McGinnis restated that the petitioner has not seen this document until tonight and should have at least been given the summary to review. He noted that the documents could be reviewed on camera.

Chief Craft advised that they will provide all documentation that the decision was based upon if requested.

Chair McGinnis believes the documentation can be limited to the summary and added that the decision is ultimately up to the department.

Chair McGinnis and Commissioner Cannon agreed that any information deemed confidential could be struck from the summary.

Chair McGinnis asked if the petitioner was going to hire an attorney.

Mr. Hill replied that he would.

Chair McGinnis noted that at this time, the appeal hearing is postponed to date to be determined.

Chair McGinnis further noted that the documents presented by Lange & Cholack, P.C. were returned to Mr. Schultz at this time.

New Business: None presented

Old Business: None presented

Adjournment: The meeting was adjourned at 7:36 PM.

Donald E. McGinnis, Jr., Chairman

Barbara A. Holmes, Deputy City Clerk

A meeting of the **Troy Local Development Finance Authority (LDFA)** was held on Monday, May 9, 2005 at 3:00 P.M., at City Hall in the Council Board Room. Mayor Pro Tem Beltramini called the meeting to order at 3:00 p.m.

PRESENT: Robin Beltramini, Mayor Pro Tem
Mike Adamczyk
Keith Pretty
Doug Smith, Real Estate & Development Director
John Szerlag, City Manager

ABSENT: Dennis Toffolo

ALSO PRESENT: Lori Grigg-Bluhm, City Attorney
Laura Fitzpatrick, Assistant to the City Manager
Tom Anderson, Director of Technology Center

ROLL CALL

VOTE TO EXCUSE ABSENT MEMBER

Resolution # LD-2005-05-002

Moved by Pretty
Seconded by Szerlag

RESOLVED, That Dennis Toffolo is excused.

Yes: All - 5
No: None
Absent: Toffolo

VOTE TO APPROVE OF MINUTES FROM PREVIOUS MEETING

Resolution # LD-2005-05-003
Moved by Pretty
Seconded by Szerlag

RESOLVED, That the minutes of April 25, 2005 be approved.

Yes: All - 5
No: None
Absent: Toffolo

OLD BUSINESS

A. 2005/06 Budget: Explanation by Doug Smith
B. Signage for Automation Alley Technology Park Property: Update by Doug Smith

VOTE TO APPROVE EXPENDITURE FOR AUTOMATION ALLEY SIGN

Resolution # LD-2005-05-004

Moved by Szerlag
Seconded by Adamczyk

RESOLVED, That the Troy LDFA contribute 50% of Automation Alley Sign project cost up to $45,000 over the next two years.

Yes: All - 5
No: None
Absent: Toffolo

VOTE TO APPROVE 2005/06 BUDGET

Resolution # LD-2005-05-005

Moved by Smith
Seconded by Adamczyk

RESOLVED, That the Troy LDFA approves the 2005/06 Budget with $224,100 in revenues and expenditures to balance.

Yes: All - 5
No: None
Absent: Toffolo

NEW BUSINESS: None

PUBLIC COMMENT

The meeting adjourned at 3:37 p.m.

_____
Mayor Pro Tem Robin Beltramini, Meeting Chair

_____
Laura Fitzpatrick, Assistant to the City Manager

A Meeting of the Civil Service Commission (Act 78) was held Monday, October 17, 2005, at Troy City Hall, 500 W. Big Beaver Road in the Lower Level Conference Room. Chairman McGinnis called the meeting to order at 7:30 AM.

ROLL CALL

PRESENT: Chairman Donald E. McGinnis, Jr.
Commissioner Patrick Daugherty
Commissioner David Cannon

ALSO PRESENT: Lori Bluhm - City Attorney, Peggy Clifton - Human Resources Director, Police Chief Charles Craft

Approval of Minutes of August 10, 2004

Resolution #CSC-2005-10-001
Moved by Daugherty
Seconded by Cannon

RESOLVED, That the Minutes of the meeting of August 10, 2004 be **APPROVED** as presented.

Yes: All-3

Petitions and Communications: None

New Business:

Approval of Job Qualifications, Posting and Test Battery for Recruitment of Police Officers

Resolution #CSC-2005-10-002
Moved by Cannon
Seconded by Daugherty

RESOLVED, That the Civil Service Commission (Act 78) hereby **APPROVES** the job qualifications, the posting and the test battery for the recruitment of Police Officers as presented.

Yes: All-3

Old Business: None presented

Adjournment: The meeting was adjourned at 7:40 AM.

Donald E. McGinnis, Jr., Chairman

Peggy Clifton, Human Resources Director

TROY CAC ADVISORY COMMITTEE – FINAL October 20, 2005

Call to Order

The regular meeting was called to order at 7 p.m. at Troy City Hall.

Roll Call

Present:	Penny Marinos	Bryan Wehrung
	Richard Hughes	Lisa Martinico
	Kent Voigt	Alan Manzon
	Robert Lin	Cindy Stewart

Absent: Jerry Bixby

Approval of Minutes

Motion to approve minutes of August 18, 2005. Motion by Voigt, seconded by Manzon. Approved unanimously.

New Business

Oliver Visperas, Comcast – Has been the Governmental Affairs Rep for the past 5 years. Future projections: The Comcast CEO has pledged to roll out one new product each year. Digital cable products rolled out in recent years. Multiple increases in speed for the Internet, video on-demand movies like rental VCR are popular. Video On Demand has seen 560 million hits in 2004 and one billion hits to date 2005.

HDTV (High Definition TV) – high resolution picture image, CD-quality sound and wide screen display.

Digital Television – new type of broadcasting technology. Target date of 12/31/06 for rollout. DTV will offer TV with movie quality and sound. Clearer signal, more programming. Converting to DTV will also free up parts scarce and valuable broadcast spectrum. Those portions of the spectrum can then be used for other important services such as advanced wireless (cellular) and public safety services (police, fire, rescue).

Other new future products could be video conferencing, interactive TV/computer. Overtime will all analog TV will go away? Eventually those old models will become obsolete.

Cable is not a utility/lifeline service. People choose to have cable. Seniors who have been told they have to upgrade to digital can just upgrade to Enhanced Basic.

Troy Area – 10% off cable plus is offered to seniors 62 and older.

What Comcast would like the city to do?

Phone companies have expressed great interest into having their own video products. Asking support that like services treated alike. If SBC wants to come in with video they should enter into a franchise agreement with the City like Comcast and WOW.

Just ask support from a regulatory standpoint like cable companies do.

MI Telecommunication Act – issue in Lansing now hopefully franchising won't be gone. The Michigan Chamber took no position asking local chambers to do the same.

Is Comcast entering into phone area? Yes. Comcast digital voice rolled out in Flint, Macomb County. No date yet for Troy. They will most likely offer a bundled package.

Question – if we lose cable service, will phones go out? You will have backup battery power built in (minimum 8 hrs).

Backbone for WOW is fiber and copper into house. The backbone for Comcast is hybrid – still running copper in many areas.

What about when server goes down and lose signal, will phones go out? Yes if lose connection w/network will lose service. Valid concern for residents – losing phone service.

Does using phone over Internet set you up to be a common carrier? Probably not since it's our own managed network. Comcast digital voice would have caller ID go through TV.

Board members commend Comcast – few years ago when they talked about offering so many high quality services it seemed far-fetched but has come to fruition. Stewart reported that in the last few weeks both WOW and Comcast customers have been calling the City with complaints they can't get through. Increase of services – more calls, longer phone calls/customers.

Comcast's solutions: increased staffing 15%. Looking to expand Macomb Call Center, which handles Troy, calls – completion 2006. 18,000 square feet $4.5 mil expansion in Sterling Heights. Call Centers in Sterling Heights & Plymouth. Internet support center is in Ann Arbor.

Question: Internet Service - Customers having problem with virus. Any virus protection service? Yes, provide McAfee is free but you have to register for service information on Comcast.net.

Troy – Oakland County going wireless – any comments? Comcast met with IT staff from Oakland County but have decided not to participate in process as a provider.

Customers interested in new cable channels – that other providers have – how do they submit these ideas? Submit to marketing department at Comcast. It is difficult to determine demographics and factors in adding new channels. They consider negotiation factor and cost. Most expensive channel to offer is ESPN.

Commend Comcast for offering recent channels additions in other languages. First in nation to offer Call Center workers who speak Arabic and Spanish. JD Powers customer satisfaction showed Comcast on bottom third of list.

Comcast has launched local customer satisfaction program "Think Customer First" campaign. Just hired regional vice president for customer service Kate Nottman. Comcast records all calls coming in now with upgrade in technology, can assist when customers complain. Comcast has 3300 employees in Michigan.

Correspondence

1. Comcast - Cable Line Up Adjustments – August 10, 2005: Court TV will remain on channel 47/B4.
2. WOW - JD Powers Rankings – Sept. 2, 2005: #1 in overall customer satisfaction. WOW ranked highest in 3 of 6 factors – customer service performance, reliability and billing. Satellite TV service increasing 27%
3. Comcast - Cable Lineup Adjustments – Sept. 12, 2005: Adding Japanese, Latino, Black family channel, Arabic, Italian programming.

Articles

Comcast Expands, Will Add New Jobs – Detroit news – October 6, 2005

Old Business

Report on web publications - continue to search for anything new in the cable industry. Cindy has provided a large number of articles, but members should try and supplement for the group. Upcoming information on telecommunication franchising.

Staff Report

Email member listing and WTRY cable guide to members each meeting. Schedule a WOW representative at the January meeting.

Adjournment

Motion to adjourn by Voigt, second by Manzon. Meeting adjourned 8:38 pm.

_____

Bryan Wehrung, CAC Chairman

_____

Cindy Stewart, Recording Secretary

TROY HISTORIC COMMISSION MINUTES – FINAL **OCTOBER 25, 2005**

A Regular Meeting of the Troy Historic Commission was held Tuesday, October 25, 2005 at the Troy Museum & Historic Village. Rosemary Kornacki called the meeting to order at 7:35 P.M.

ROLL CALL PRESENT: Rosemary Kornacki
Remedios Solarte
Terry Navratil
Kevin Lindsey
Brian Wattles
Vera Milz
Loraine Campbell, Museum Manager
Brian Stoutenburg, Library Director

ABSENT: Roger Kaniarz

Resolution #HDC-2005-10-001
Moved by Navratil
Seconded by Lindsey

RESOLVED, That the absence of Roger Kaniarz be approved
Yes: 6 —Kornacki, Bortner, Navratil, Lindsey, Wattles and Milz
No: 0

MOTION CARRIED

Resolution #HDC-2005-10-002
Moved by Lindsey
Seconded by Solarte

RESOLVED, That the minutes of September 27, 2005 be approved
Yes: 6 —Kornacki, Bortner, Navratil, Lindsey, Wattles and Milz
No: 0

MOTION CARRIED

OLD BUSINESS

Capital Projects:

Slate Roof Repairs
The Butcher and Baeker Construction Co. began work on the roof Monday, October 24. The Pioneer Room Roof is over half done. They found copper fasteners and roof boards and slates in good condition. Badly chipped slates and

soft slates were replaced. New flashings, soffits vents and snow guards put in place. Work is progressing well.

Masonry repairs to Township Hall
Poe Restoration and Waterproofing Co. completed most of their work. The front steps will be reinstalled to conform to code. The railings will be installed within a week.

Fencing
The City has installed a second culvert, graded and hydro seeded the east setback to provide a smoother grade for the fence installation. Future Fence is scheduled to complete final field measurements for the fence fabrication. Fence will be installed in the spring.

Pioneer Room and Town Hall floors
Murphy Floors sanded and refinished these hardwood floors on October 24 and 25. The finish is drying and the floors will be in use at the end of the week.

A. Programs

Attendance reports have been reformatted to conform to comprehensive data supplied in the annual report.

Winter Program calendar has been submitted to Troy Today.

NEW BUSINESS

A. Grants

The Museum, Troy Historical Society, and Troy School District will partner in the development and implementation of a Troy Community Oral History Project. Loraine completed and submitted a grant application to Save Our History for $9,500 for this project. If funded the project will be completed between February and may of 2006.

B. MAP Activity

The Commission members completed the Board Profile Activity for the Museum Assessment Program. The completed Museum self-evaluation will be presented at the January Commission meeting.

C. New Acquisitions:

See attached reports.

D. Troy Historical Society Liaison Report

Committee Work:
The Letter of Agreement between the City and the Historical Society is now scheduled for presentation to City Council on November 14.

Arcadia Book- Sales have net $10,000 for the campaign.

Beaver Tales- The auction will be November 5 at Somerset North. Invitations were sent. Tickets cost $50.

The Troy Historic Commission Meeting was adjourned at 9:40 p.m. The next regular meeting will be held Tuesday, January 24, 2006 at the Troy Museum & Historic Village.

Rosemary Kornacki
Chairman

Loraine Campbell
Recording Secretary

TROY HISTORIC DISTRICT COMMISSION MINUTES–FINAL NOVEMBER 15, 2005

A meeting of the Troy Historic District Commission was held Tuesday, November 15, 2005 at City Hall. Ann Partlan called the meeting to order at 7:35 P.M.

ROLL CALL	PRESENT	Ann Partlan Barbara Chambers Muriel Rounds Marjorie Biglin Paul Lin Loraine Campbell, Museum Manager
	ABSENT	Robert Hudson
	GUESTS	Kevin Lindsey, Chair, Historic District Study Committee Brian Wattles Mary Jean Skiba Kathy Troshynski, Real Estate One Wilfred Bedford, Homeowner Helen Kieba-Tolksdorf, Walsh College

Resolution #HDC-2005-11-001
Moved by Chambers
Seconded by Biglin

RESOLVED, That the absence of Hudson be excused.
Yes: 5— Partlan, Chambers, Rounds, Biglin and Lin
No: 0

MOTION CARRIED

Resolution #HDC-2005-11-002
Moved by Biglin
Seconded by Rounds

RESOLVED, That the minutes of the October 18, 2005 meeting be approved.
Yes: 5— Partlan, Chambers, Rounds, Biglin and Lin
No: 0

MOTION CARRIED

PUBIC HEARING.
Approval of the Preliminary Report to amend the boundaries of 3864 Livernois

The Public Hearing was called to order at 7:40 p.m.

Kevin Lindsey, Chairman of the Historic District Study Committee presented the Preliminary Report to amend the boundaries of the district at 3864 Livernois, commonly referred to as the Wattles House. The report recommends that the eastern portion of the property, called Parcel B be deleted from the district. Mr. Lindsey stated that there is no opposition from the State Historic Preservation Review Board, the Michigan Historic Commission, or the Troy Planning Commission to this action. The public attending the hearing and the owner of the property support the amendment

Resolution #HDC-2005-11-002
Moved by Biglin
Seconded by Rounds

RESOLVED, That the Preliminary report to amend the boundaries of the Historic District at 3864 Livernois be recommended to City Council for approval.

Yes: 5— Partlan, Chambers, Rounds, Biglin and Lin
No: 0

MOTION CARRIED
The Public hearing was adjourned at 7:59 p.m.

OLD BUSINESS

A. Plaque Program

Barb Chambers provided information on historic designation plaques from Whitehall Custom Plaques. Loraine will provide her with the drawing developed by Dean Blythe and the Commission last year to get a quote from this company to produce homeowner plaques.

B. Report from the Study Committee

Kevin Lindsey reported that the photo surveys of the district are complete. The committee will begin to update the Field Surveys in January.

NEW BUSINESS

A. Home Owners Packet

Ann Partlan would like copies of the completed Field Surveys and photos to include in homeowner packets to be developed in 2006.

B. Representatives to Park Committee

Barb Chambers and Muriel Rounds volunteered to serve on the committee to discuss the potential use of the site of the old Fire Station #2 on November 30.

C. Report from Paul Lin

Mr. Lin reported that he had submitted the entry to the contest by the History Channel in cooperation with Parade Magazine to recognize the Yamasaki Building as a significant U.S. structure. Paul also advised the Commission that he had submitted a preliminary questionnaire to the State Historic Preservation Office to have this building considered for inclusion on the National Register of Historic Places.

The Troy Historic District Committee Meeting was adjourned at 9:00 p.m. The next regular meeting will be held Tuesday, January 17, 2006 at 7:30 p.m. at City Hall Conference Room C.

Anne Partlan
Chairperson

Loraine Campbell
Recording Secretary

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:30 A.M., on Wednesday, December 7, 2005 in the Lower Level Conference Room of the Troy City Hall.

PRESENT: Ted Dziurman
Rick Kessler
William Nelson
Tim Richnak
Frank Zuazo

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Marlene Struckman, Housing & Zoning Inspector Supervisor
Pamela Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES – MEETING OF NOVEMBER 2, 2005

Motion by Kessler
Supported by Richnak

MOVED, to approve the minutes of the meeting of November 2, 2005 as written.

Yeas: All - 5

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – VARIANCE REQUESTED. MONDRIAN PROPERTIES, WESTON DOWNS CONDOMINIUM, SOUTHEAST CORNER OF WATTLES AND FINCH, for relief of Chapter 85 to erect a second 99 square foot ground sign.

Mr. Stimac explained that the petitioner is requesting relief of the Sign Ordinance to erect a second 99 square foot ground sign. Section 85.02.05, C, 2 of Chapter 85 limits signs in Multiple Family Housing or Cluster Housing Developments to one sign that will not exceed 100 square feet in area and one additional sign not to exceed 36 square feet in area. A permit has already been issued for a 99 square foot ground sign at the southeast corner of Wattles and Finch. A second sign is proposed for the northeast corner of the intersection of Finch and the new private street Seabiscuit. The proposed sign exceeds the 36 square foot limit on the second ground sign per Chapter 85.

This item first appeared before this Board at the meeting of November 2, 2005 and was postponed to allow the Building Department to publish a new Public Hearing. It was discovered that the Parcel I.D. number on the original Public Hearing notice was incorrect and a new Public Hearing notice was required. The corrected Public Hearing notice was sent out in accordance with the requirements of the Sign Ordinance.

Mr. Joe Maniaci of Mondrian Properties was present and said that this proposed sign would be identical to the ground sign at Wattles and Finch. The sign would consist of

ITEM #2 – con't.

metal sign letters on a rock wall. Because the wall is considered to be part of the sign, it exceeds the size of a second sign as allowed by the Ordinance.

Mr. Stimac said that the wall that supports the lettering is counted as part of the allowable signage.

Mr. Dziurman asked if this sign would be the same as the other sign and Mr. Maniaci said that the raised lettering will be the same on both walls.

Mr. Richnak stated that six (6) objections have been received regarding this request, although most of the objections were regarding the flags and the lights. The proposed sign would have letters that are 10' wide and 1 ½' high for a total of 15 square feet.

Mr. Stimac stated that the wall that the letters would be placed on is 5' high and 18' long. The Ordinance states that the sign is what differentiates it from the background. Mr. Stimac also stated that the petitioner could come back to the Board and ask for a variance for the wall, as Chapter 83 states that a fence in the front setback could only be 30" in height. If a variance was granted for the height of the wall, the petitioner could put the sign lettering on it and they would comply with the Ordinance. Either way a variance would be required from this Board

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are six (6) written objections on file. There are no written approvals on file.

Mr. Maniaci stated that he would be more than willing to put a dimmer switch on the lighting for the flagpoles to try and eliminate some of the objections by the neighbors.

Mr. Richnak stated that he was hoping that the people that objected to this request would have come to the meeting to express their opinions, because he does not believe the wall or the sign are the problem. He believes it is the flags and the lighting.

Mr. Dziurman asked what recourse the petitioner would have if this request was denied. Mr. Maniaci said that he would probably come back to the Board asking for a variance regarding the brick wall. Mr. Maniaci also said that he feels that they have tried their best to work with the neighbors by adding more tress and putting in a landscape barrier between their property and the property in this petition. Mr. Maniaci said that they have exceeded the landscape requirements and this would be a natural rock wall. He is more than willing to put the lights on a timer and would also be willing to put in lower wattage light bulbs.

Mr. Richnak said that sometimes when there is nothing in an area, and all of a sudden there is a new development, the neighbors don't always feel that this is an

ITEM #2 – con't.

improvement. Mr. Richnak also said that he did not believe this second sign would be objectionable to people driving in the area.

Motion by Richnak
Supported by Nelson

MOVED, to grant Mondrian Properties, Weston Downs Condominium, southeast corner of Wattles and Finch, relief of Chapter 85 to erect a second 99 square foot ground sign at the intersection of Finch and Seabiscuit.

- Petitioner adjusts the lighting of the flagpoles in consideration of the surrounding neighbors.
- Variance would not have an adverse effect to surrounding property.
- Variance would not be contrary to public interest.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #3 – VARIANCE REQUESTED. BASEMENT EXPERTS, 4451 REILLY DR., for relief of the 2003 Michigan Residential Code to convert a basement to habitable area.

Mr. Stimac explained that the petitioner is requesting relief of the 2003 Michigan Residential Code to convert the basement at 4451 Reilly to habitable area. The plans submitted indicate installation of a suspended ceiling over a majority of the basement with a 6'-10" finished ceiling height and a ceiling dropped to a height of 6'-3" under existing ductwork. Section R 305 of the 2003 Michigan Residential Code, requires a 7' minimum ceiling height in habitable rooms and 6'-6" minimum ceiling height for dropped areas under ductwork and beams.

David Shipley of Basement Experts was present and stated that this is the same concept as presented in other variance requests. The present basement is 7' from floor to the bottom of the floor joists. There is an existing I-beam that they are planning to cover with ½" finished grade plywood. They will attempt to snug everything up as much as possible.

Mr. Kessler asked why they needed to put in a suspended ceiling rather than a drywall ceiling. Mr. Shipley stated that the Corning system is designed to hold a suspended ceiling and a dry walled ceiling would not allow access to gas lines or water lines. Basically there is a 1" difference between dry wall and the dropped ceiling.

Mr. Kessler asked if they could design something where they would not require a dropped ceiling and Mr. Shipley said that the owner wants part of this basement to used as a craft room for his wife, and the other part of the basement would accommodate his

ITEM #3 – con't.

pool table. Mr. Shipley also said that they will elevate the ceiling into the stairway and will maintain clearance at the bottom of the stairs.

Mr. Dziurman asked if the homeowner could be present the next time such a variance is sought and Mr. Stimac indicated that staff could not mandate that the homeowner attend the meeting, however, Building Department staff would strongly urge them to attend. Mr. Shipley also stated that they try to convince them to come also.

Mr. Stimac asked if the petitioner had talked to Owens Corning about the possibility of submitting to have this part of the State Code changed. Mr. Shipley said that Owens Corning had changed the State Law in Ohio regarding ceiling height of basements and presently are trying to change the Ordinance in the State of Michigan.

Motion by Nelson
Supported by Richnak

MOVED, to approve the request of Basement Experts, 4451 Reilly Dr., for relief of the 2003 Michigan Residential Code to convert a basement to habitable area, which will result with a 6'-10" finished ceiling height and a ceiling dropped to height of 6'-3" under existing ductwork.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Variance applies only to the property described in this petition.

Yeas: All – 5

MOTION TO GRANT REQUEST CARRIED

Mr. Dziurman wished everyone a Happy Holiday.

The Building Code Board of Appeals meeting adjourned at 8:52 A.M.

_____
Ted Dziurman, Chairman

_____
Pamela Pasternak, Recording Secretary

Call to Order

The regular meeting was called to order at 7:04 pm in Conference Room C at Troy City Hall

Roll Call

Present: Kelly Gu, Lulu Guo, Michelle Haight, Anju Brodbine, Malini Sarma, Tom Kaszubski, Reuben Ellis, Padma Kuppa, Mark Pritzlaff, Cindy Stewart, Staff Liaison

Absent: Oniell Shah

Approval of Minutes

Minutes from November 7, 2005 – Motion by A. Brodbine, second by P. Kuppa. Approved unanimously.

Correspondence / Articles

a. Diversity Ordinance Debated – Free Press 11/22/05
b. We Need to Confront Our Racial Problems – Troy Eccentric 12/01/05
c. Hmong Ring in the New Year – Detroit news 11/14/05
d. A Season of Shared Faith by Padma Kuppa – Metro Parent – December 2005
e. "First People" Carry on Native Tradition by Padma Kuppa – Metro Parent November 2005

Old Business

A. NCCJ and LINC update

Working on getting money to bring the LINC program promoting racial harmony, justice and tolerance into the Troy Schools. National City Bank's Foundation donated $10,000 to Community Foundation of Troy. Foundation will fund a youth leadership program level one ($5,000) in Troy schools. Tom will meet with Troy schools and NCCJ on Thursday, January 5 to work on a three-year program. National City's foundation mission is to promote diversity within communities where they do business.

B. EIAB goals

Revised Mission Statement:

"The City of Troy Ethnic Issues Advisory Board further enriches harmonious relationships and open communication in our diverse community through education and multicultural exchange."

Goals:

1. Work in cooperation with our School Districts to facilitate programs that promote diversity and multi-culturalism within our educational communities.
2. Support the Troy Daze Festival Committee in relation to planning and executing the Ethnicity component of the Troy Daze Festival by encouraging the participation among the many ethnic communities.

Objectives – brainstorming ideas

Work with the schools to coordinate a "Sights & Sounds" program at the schools. Perhaps get 2-3 elementary schools to organize with a Middle School in the area. Encourage international week – fashion shows, food from around the world, musical performances.

Next meeting February 7, 2006 continue goals discussion and add Ethnicity to the agenda.

C. Resource List - Make available to schools and copies for Kaleidoscope.

D. Community Kaleidoscope - January 29, 2006 from 12 – 4 pm at Community Center. Idea to combine Ethnic Issues Advisory Board with EthniCity. Padma will be contact/Malini as alternate.

11 am - Set up	Padma/Michelle
12 - l pm	Padma, Michelle
1 - 2 pm	Malini & Mark
2 - 3 pm	Oniell, Mark, Kelly & Lulu
3 – 4 pm	Reuben, Kelly & Lulu

Display – TV/VCR – Globes - Anju
Misc knickknacks – Padma
World map - Michelle
EIA Info flyer, Sights and sounds flyer - Cindy
Ethnic City brochures & Sign-in sheet - Cindy
Resource lists & Sights and sounds promo video - Cindy

New Business

A. Sights and Sounds of the World – Saturday, March 11

No one has committed to date. Will send letters to contacts. Looking for some new countries (Japan, France, Norway, Finland, Sweden, Africa, Spain, Cuba, etc.) Email form letter for involvement to Board.

B. Senior Citizen Project

Scheduled for Thursdays, April 6, 13, 20, 27 @ 12:30 p.m. Room 303. Idea for several generations of people to speak to the group: India, China, Middle East, and Jewish religion.

Public Participation

Victor Lenivov, Troy resident asked if it is possible that this Board would re-look at their previous idea for a Unity Plaza. Since City is putting in paths throughout the Civic Center, this could be a good time to re-look at the Unity Plaza idea and perhaps bring to Parks and Recreation Department or City Council.

Bring plan back to Board @ future meeting.

Adjournment

Motion to adjourn at 9:02 p.m. by Malini Sarma, Seconded by Michelle Haight. Approved unanimously.

_____
Tom Kaszubski, Chairman

_____
Cindy Stewart, Recording Secretary

ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES – DRAFT – JANUARY 4, 2006

A Regular Meeting of the Troy Advisory Committee for Persons with Disabilities was held Wednesday, January 4, 2006, at the lower level conference room at City Hall. Angela Done called the Meeting to order at 7:07 P.M.

Present:	C. Buchanan, member	A. Done, member
	A. Fuhrman, alternate	P. Hammond, member
	T. House, member	P. Manetta, member
	D. Pietron, member	J. Stewart, member
	S. Werpetinski, member	

Present: M. Grusnick, staff
K. Jearls, staff

Absent: S Burt, member EA
Pritzlaff, Mark , alternate EA

ITEM B – APPROVAL OF MINUTES OF MEETING OF DECEMBER 7, 2005
Buchanan made a motion that the minutes of December 7, 2005 be approved as amended. Supported by Fuhrman. All voted in favor.

ITEM C – VISITORS, DELEGATIONS AND GENERAL PUBLIC
Kathy and Steve Laudicina, Troy residents, were our guests.

ITEM D – NEW BUSINESS
Committee member goals for 2006 were discussed as follows:

Angela Done:	Keep Committee member line of communication open – ideas from new people Stay in contact with City Council Involvement with young people with cognitive disabilities
Sue Werpetinski:	Networking to involve the younger disabled persons Implement a Boundless Playground in Troy Arrange a screening for the “Kid and I” to seniors and the Community
Pauline Manetta:	Arrange for City Council and City Staff to have sensitivity training for a greater understanding of disabilities
Dorothy Pietron:	Review ADA guidelines for any new developments
Jeff Stewart:	Continue with adaptive recreation activities and encourage participation by members of this Committee Involvement in Troy Futuring Process – Lifestyles Implement a Boundless Playground in Troy Encourage this Committee’s input into City projects

	Organize a disability fair Continue involvement with activities for special needs youth and adults at Troy Daze
Adam Fuhrman	See young disabled people more integrated into general society
Cynthia Buchanan	Emergency Preparedness – Reach out to disabled individuals and assist them in making a personal plan for themselves, possibly with help of trained Fire or Police Dept. personnel
Peggy Hammond:	Better accessibility to older buildings Closer handicapped parking
Dori House:	Request sensitivity training for City Council and City Staff Review public handicapped parking areas Continue dialogue with Michigan Municipal League – developing a presentation on sensitivity training

The existing brochure "Advisory Committee for Persons With Disabilities" was re-evaluated for content, Buchanan moved to accept it as is, Manetta supported. All voted in favor. Done will contact Troy Library for permission for placement of brochures and Grusnick will contact the Community Center

Kathy Laudicina explained she was a part-time employee at the Troy Library and that there were some disputes during her employment and termination. These issues were not made clear and it was suggested that it would be appropriate for her to consult with the Troy Human Resource Department.

We would like to formally invite a representative from the Troy Special Services PTO to attend one of our meetings in the future.

ITEM E – REGULAR BUSINESS
Manetta will attend the City Council meeting on 1/9/06 and House on 1/23/06. Furhman will not be able to attend Council meetings on Monday during his winter/spring school semester as he is enrolled in a Monday evening class.

ITEM F – OLD BUSINESS
Buchanan will contact Carla Vaughan to request our Committee's participation in the Senior Health Fair scheduled March 21, 2006.

This Committee continues to request early review of plans for City facilities and participation including renovations and new construction.

There was discussion of Council's inquiry for the need of closed captioning for City cable broadcasts. Early indication is the installation and operation of this system could be quite costly. The Committee agreed to table this item until resident response is available from the questionnaire that will be sent with their next water bill.

ITEM G - INFORMATIONAL ITEMS
The MS Wheelchair Michigan Board of Directors is now seeking candidates for the Ms. Wheelchair Michigan 2006 Pageant. The deadline for applications is February 28, 2006.

ITEM H – CITY COUNCIL MEETING
No new business.

ITEM I – ADJOURN
House made a motion to adjourn at 9:18 which was seconded by Pietron.

_____
Angie Done, Chairperson

_____
Kathy Jearls, Recording Secretary

ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES – FINAL – JANUARY 4, 2006

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T. House, member
D. Pietron, member
S. Werpetinski, member
A. Done, member
P. Hammond, member
P. Manetta, member
J. Stewart, member

Present: M. Grusnick, staff
K. Jearls, staff

Absent: S Burt, member EA
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Involvement with young people with cognitive disabilities

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Implement a Boundless Playground in Troy
Arrange a screening for the “Kid and I” to seniors and the Community

Pauline Manetta:
Arrange for City Council and City Staff to have sensitivity training for a greater understanding of disabilities

Dorothy Pietron:
Review ADA guidelines for any new developments

Jeff Stewart:
Continue with adaptive recreation activities and encourage participation by members of this Committee
Involvement in Troy Futuring Process – Lifestyles
Implement a Boundless Playground in Troy
Encourage this Committee’s input into City projects

	Organize a disability fair Continue involvement with activities for special needs youth and adults at Troy Daze
Adam Fuhrman	See young disabled people more integrated into general society
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_____
Angie Done, Chairperson

_____
Kathy Jearls, Recording Secretary

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:30 A.M., on Wednesday, January 4, 2006 in the Lower Level Conference Room of the Troy City Hall.

PRESENT: Ted Dziurman
Rick Kessler
Richard Sinclair
Tim Richnak
Frank Zuazo

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Marlene Struckman, Housing & Zoning Inspector Supervisor

ITEM #1 – APPROVAL OF MINUTES – MEETING OF DECEMBER 7, 2005

Motion by Kessler
Supported by Richnak

MOVED, to approve the minutes of the meeting of December 7, 2005 as written.

Yeas: All - 5

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – VARIANCE REQUESTED. DEMPSTER DESIGNS ON BEHALF OF THE MEADOW BROOK PLAZA, 5047-5137 ROCHESTER, for relief of Chapter 85 to erect a new 130 square foot ground sign.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 85, the Sign Ordinance to erect a new ground sign, 130 square feet in area, 13' in height and setback 17' from the ultimate right of way line of Rochester Road. Section 85.02.02 (4a), requires ground signs of this size to be at least 30' from the ultimate right of way line. This sign would replace an existing ground sign at the same location that is 150' in area and 30' in height.

Mr. Stimac said that the sign would be a reduction in size as well as height. Mr. Stimac also stated that the right of way line has changed since the original sign was erected.

Mr. Dempster from Dempster Designs was present and said that the proposed sign would be in the same location as the existing sign and they would utilize the pole of the existing sign for the installation of the new sign.

Mr. Richnak stated the new sign would be quite a reduction in size and height from the existing ground sign.

ITEM #2 – con't.

Mr. Dziurman asked if the property owner would agree to move the sign at a later date if the City of Troy acquired additional right of way. He stated the City of Troy would not want to pay to have the sign relocated.

Mr. Dempster stated that he believes the owner would be in agreement to assume the costs for moving the sign if need be. He stated the reason the property owner is erecting a new sign is to improve his property.

Mr. Zuazo asked if the location of the sign would have any impact on southbound Rochester Road traffic seeing the sign on the adjacent property. Mr. Dempster stated the location would be fine. He said the trees on the property have more of an impact than the sign would.

Mr. Stimac provided a photo of the existing sign for the board to review.

Mr. Dziurman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Mr. Zuazo asked if the sign would be illuminated. Mr. Dempster stated that it would be illuminated from the inside.

Motion by Richnak
Supported by Sinclair

MOVED, to approve the request of Dempster Designs, to erect a new ground sign, 130 square feet in area, 13' in height, setback 17' from the ultimate right of way of Rochester Road.

- The property owner will be responsible for all costs of relocating the sign if additional right of way is acquired in the future.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Variance applies only to the property described in this petition.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #3 – VARIANCE REQUESTED. LARRY FARIDA, OF STONE AGE INVESTMENTS, 1613 LIVERNOIS, for relief of Chapter 85 to expand a legal non-conforming sign.

ITEM #3 – con't.

Mr. Stimac explained that the petitioner is requesting relief of the Sign Ordinance for a sign that is located on the northwest corner of Livernois and W. Maple. The petitioner is requesting relief to expand a legal non-conforming sign. Section 85.01.07 B3 states that a non-conforming sign may be continued as long as it is not expanded. The current sign is 78 square feet in area and 25' high. The petitioner is requesting to add an additional 24 square foot electronic changeable message board to the bottom of the sign.

Mr. Dziurman asked if the sign was in the City right of way and Mr. Stimac confirmed that the existing sign is located in the future right of way.

The petitioner stated that he would rather have the additional signage on the ground sign instead of the wall of the building, as it would be difficult to read the message if it were placed on the building. He also stated that the sign would still be high enough not to block the view of any traffic at the corner.

Mr. Zuazo asked at what time frame would the message change. The petitioner stated it would change once every 30 minutes.

Mr. Dziurman asked if the owner would assume responsibility and costs if in the future the right of way was expanded. The petitioner said that he would and also stated that any further purchase of right of way at this location would probably eliminate the business.

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 Richnak

MOVED, to grant Larry Farida, of Stone Age Investments, relief of Chapter 85 to install an additional 24 square foot electronic changeable message board to the bottom of the existing ground sign.

- Petitioner agrees to move sign if the right of way is increased in the future.
- Variance would not have an adverse effect to surrounding property.
- Variance would not be contrary to the public interest.

Yeas: All –5

MOTION TO GRANT VARIANCE CARRIED

ITEM #4 – VARIANCE REQUESTED. METRO DETROIT SIGNS, 3129 – 3149 CROOKS, for relief of Chapter 85 to erect a 198 square foot ground sign.

The petitioner asked that this request be moved to the end of the Agenda as his architect was not in the room.

The Chairman moved this request to Item #6.

ITEM #5 – VARIANCE REQUESTED. GARDNER SIGNS, 801-803 W. BIG BEAVER, for relief of Chapter 85 to erect (4) wall signs at the above location.

Mr. Stimac explained that the petitioner is requesting relief of the Sign Ordinance to erect (3) wall signs, 189.43 square feet each and one additional wall sign 133 square feet in area. Section 85.02.05 3(a) permits one wall sign for each building not to exceed 10% of the front of the structure to a maximum size of 200 square feet in area. The proposed signs exceed the number and the amount of wall signage as permitted by the Sign Ordinance.

Mr. Stimac explained that an additional document that was left out of the Board's packet was provided to the board today to show the placement of the proposed signs on the building.

Mr. Dziurman asked if the total area of all of the signs permitted was 200 square feet. Mr. Stimac explained that only one sign was permitted and based on the square footage of the front of the structure could not exceed 200 square feet in area.

Chris Snyder of Huntington Bank was present along with Scott Gardner and Jeff Gardner of Gardner Signs. Mr. Snyder stated that the bank has been in business for 22 years at this location. His request is to improve and enhance the signage at this building. The bank is changing its name from Huntington Banks to Huntington Bank and has modified its logo for the company.

Mr. Scott Gardner stated that the request for the signs will provide visibility from I-75, Crooks, and Big Beaver. He stated that the signage is less than 4% of the square footage of the front of the building.

Mr. Richnak asked if this was one or two buildings. Mr. Stimac stated it was a single building.

Mr. Dziurman had a question on the location of the signs as depicted on the drawings and what was shown in the site plan. Mr. Gardner stated the signs could be altered.

Mr. Kessler asked if the letters on the plans were to scale and why they were requesting larger letters. Mr. Gardner stated they needed the larger letters for visibility from northbound and southbound I-75 traffic. Mr. Kessler stated he recently checked the site

ITEM #5 – con't.

and had no problem identifying the building. Mr. Kessler also asked if this was a multi-tenant building and Mr. Gardner said that it was. Mr. Kessler stated the other tenants in the building would not be able to provide signage to identify their location to the I-75 traffic.

Mr. Stimac stated that there was a variance granted by Troy City Council on February 13, 1992 for the second wall sign that is currently on the building. The signs approved by City Council were each 164 square feet in area. Mr. Stimac explained that the signs were box style signs instead of individual letters as currently requested by the petitioner. Mr. Stimac also explained that the box for the existing sign is 4' high and the letters in the box were probably 3' high.

Mr. Richnak stated that he also checked the site and did not see any problem with visibility.

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 Richnak
Supported by Sinclair

MOVED, to grant Gardner Signs, relief of Chapter 85 for 801-803 W. Big Beaver to erect 3 wall signs on the upper levels of the building and to ***deny*** the request or the wall sign requested on the north elevation of the 803 W. Big Beaver.

- Location is clearly visible.
- Sign on north elevation is not necessary for visibility of 803 W. Big Beaver.

Yeas: All – 5

MOTION TO APPROVE 3 WALL SIGNS AND ***DENY*** THE SIGN ON THE NORTH ELEVATION OF 803 W BIG BEAVER CARRIED

Mr. Sinclair left the meeting after item #5 was completed.

ITEM #6 (ITEM #4) – VARIANCE REQUESTED. METRO DETROIT SIGNS, 3129 – 3149 CROOKS, for relief of Chapter 85 to erect a 198 square foot ground sign with a 26' setback from the public rights of way of both Crooks Road and Wilshire Boulevard.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 85 to erect a 198 square foot sign. Section 85.02.05 of the Sign Ordinance requires that a sign of this size be placed at a 30' minimum setback from the public right-of-way. The site plan

ITEM #6 – con't.

submitted shows a 26' setback from the public rights of way of both Crooks Road and Wilshire Blvd. Mr. Stimac stated that section 85.02.05 of the Sign Ordinance requires signs over 100 square feet must have a 30' setback from the public right of ways.

The owner, Mr. Mike Boggio stated that because of the size of the site and all of the easements on the property it would be difficult to meet the required setbacks. He also stated if they would be allowed this size of a sign they would not request the additional 36 square foot ground sign that would be permitted because they are on a major thoroughfare.

He also stated he revised the site plan and is requesting to install the sign at a 24' setback from the Wilshire Blvd right of way and 16' setback from the Crooks right of way.

Mr. Stimac stated that he would have to stay at the 26' setback if he wished to continue with this variance. He stated the change would require the Building Department to re-advertise the request based on the new dimensions.

Mr. Dziurman asked if there was anyone present that wished to speak.

Mr. Friedman from Finsilver Management was present. He stated he managed the building northwest of this site. He objected to the variance because he felt that it would affect the visibility to northbound Crooks Rd. traffic and also traffic on Wilshire Blvd. He stated he did not see the hardship required for the variance.

Mr. Dziurman asked if we rescheduled the hearing would Mr. Friedman still object to the variance? Mr. Stimac advised that Mr. Friedman could still make his objections at the next scheduled meeting in February.

Mr. Kessler stated that the corner clearance would have to be maintained. He also indicated there are a lot of easements on the property and that may be more of a hardship.

The petitioner stated there is a traffic light at this intersection.

Mr. Dziurman stated that this item would have to be postponed until the next regularly scheduled meeting of February 1, 2006 to allow the Building Department to re-publish the Public Hearing Notice with the new setback as proposed by the petitioner.

Motion by Richnak
Supported by Kessler

ITEM #6 – con't.

MOVED, to postpone the request of Metro Detroit Signs, 3129 – 3149 Crooks, for relief of Chapter 85 to erect a 198 square foot ground sign with a 26' setback from the public rights of way of both Crooks Road and Wilshire Boulevard until the meeting of February 1, 2006.

- Petitioner to submit new site plans to indicate where sign will be erected.
- To allow the Building Department the opportunity to publish a new Public Hearing Notice indicating the location of the proposed sign.

Yeas: All – 4

MOTION TO POSTPONE THIS ITEM UNTIL THE FEBRUARY 1, 2006 MEETING CARRIED

The Building Code Board of Appeals meeting adjourned at 9:44 A.M.

Ted Dziurman, Chairman

Marlene Struckman,
Housing & Zoning Inspector Supervisor

Advisory Committee for Senior Citizens

A regular meeting of the Advisory Committee for Senior Citizens was held on Thursday, Jan. 5 2006 at the Troy Community Center. Chair JoAnn Thompson called the meeting to order at 1 PM.

Present: JoAnn Thompson, Chair
Bud Black, Member
Merrill Dixon, Member
Carla Vaughan, Staff
David Ogg, Member
James Berar, Member
Pauline Noce, Member

Absent: Jo Rhoads, Member, excused

Visitors: Paula Fleming, Barbara Fowler, Sue Werpetinski

Approval of Minutes

Resolution # SC-2006-1-001
Moved by Merrill Dixon
Seconded by James Berar

RESOLVED, That the Minutes of Dec. 1, 2005 be approved as submitted.

Yes: 6
No: 0

MOTION CARRIED

Visitor Comments

Barbara Fowler introduced herself and discussed a few of the special programs offered by the Troy School District.

Paula Fleming reported on some upcoming Troy School District programs.

Sue Werpetinski introduced herself as a member of the Advisory Committee for persons with disabilities.

Old Business

Shuffleboard and Bocce Ball: Merrill reported that the budget has been approved and now the bid award has to be approved by City Council – probably in April - for two shuffleboard and two bocce courts to be constructed this year.

Catering Service at the Community Center: Carla reported that staff is working on a proposal that the caterer offer a discount to non-profit groups. Jo Ann reported that the committee has made staff and city council aware of their concerns and their recommendation that non-profit groups be allowed to bring refreshments into any room at the Community Center.

Visits to Other Community Centers: Jo Ann reported that Bill Weisgerber visited the Royal Oak Center and had passed some information on to her.

New Business

Troy Visions Task Force: David Ogg is on the Troy Vision 2020 Task Force - Lifestyle Subcommittee, and he asked Committee members for their input about what they would like to see in Troy to improve their lifestyle.

Reports

Park Board: Merrill Dixon reported that the Park Board did not meet in December. Their meeting date has been changed to the third Thursday.

Medi-Go: No report

Senior Program: Carla reported that there will be a Medicare Prescription Drug enrollment day at the Troy Community Center on January 31. The U of D Mobile Law Office will visit the Community Center on the second Tuesday of each month beginning January 10.

OLHSA: No report

Oakland County Senior Advisory Board: No report

Suggestion Box: Carla reported that there was one comment that a senior is stealing exercise equipment during chair exercise and stretch and tone. Unfortunately, the suggestion was not signed, but the instructors will be asked to keep an eye out for the alleged perpetrator.

Comments:

JoAnn commented about having her driveway plowed in when the streets are plowed. Others have this problem, too, and some are physically unable to remove the snow. Carla will check with the Streets Department to confirm their policy on this.

The meeting was adjourned at 2:05 p.m.

Respectfully submitted,

JoAnn Thompson, Chair

Carla Vaughan, Secretary

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:31 p.m. on January 10, 2006, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:
Lynn Drake-Batts
Mary Kerwin
Lawrence Littman
Robert Schultz
Thomas Strat
Mark J. Vleck
Wayne Wright

Absent:
Fazal Khan
David T. Waller

Also Present:
Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Allan Motzny, Assistant City Attorney
Christopher Kulesza, Student Representative
Kathy Czarnecki, Recording Secretary

Resolution # PC-2006-01-001
Moved by: Wright
Seconded by: Schultz

RESOLVED, That Members Khan and Waller are excused from attendance at this meeting for personal reasons.

Yes: All present (7)
No: None
Absent: Khan, Waller

MOTION CARRIED

2. APPROVAL OF AGENDA

Mr. Miller said Agenda item #5, Planning and Zoning Report, is normally discussed at a study session and suggested it be removed from tonight's Agenda.

Resolution # PC-2006-01-002
Moved by: Schultz
Seconded by: Wright

RESOLVED, That the Agenda be approved with the removal of Agenda item #5.

Yes: All present (7)
No: None
Absent: Khan, Waller

MOTION CARRIED

3. MINUTES

Resolution # PC-2006-01-003
Moved by: Schultz
Seconded by: Wright

RESOLVED, To approve the November 29, 2005 Regular Meeting minutes as published.

Yes: Drake-Batts, Kerwin, Schultz, Strat, Vleck, Wright
No: None
Abstain: Littman
Absent: Khan, Waller

MOTION CARRIED

Resolution # PC-2006-01-004
Moved by: Littman
Seconded by: Vleck

RESOLVED, To approve the December 6, 2005 Special/Study Meeting minutes as published.

Yes: Kerwin, Littman, Strat, Vleck
No: None
Abstain: Drake-Batts, Schultz, Wright
Absent: Khan, Waller

MOTION CARRIED

Resolution # PC-2006-01-005
Moved by: Wright
Seconded by: Littman

RESOLVED, To approve the December 13, 2005 Regular Meeting minutes as published.

Yes: Drake-Batts, Kerwin, Littman, Strat, Vleck, Wright
No: None
Abstain: Schultz
Absent: Khan, Waller

MOTION CARRIED

Mr. Motzny confirmed that members could approve minutes for meetings in which they were not in attendance.

4. PUBLIC COMMENT – Items not on the Agenda

There was no one present who wished to speak.

5. PLANNING AND ZONING REPORT *(Item removed; see Approval of the Agenda)*

TABLED ITEM

6. SITE PLAN REVIEW (SP 920) – Proposed Troy Retail Center, North side of Maple, West side of Dequindre, Section 25 – Zoned B-2 (Community Business) District

Mr. Savidant reported that at the request of the applicant, it is the recommendation of the Planning Department to postpone the item to a future Planning Commission meeting.

Resolution # PC-2006-01-006
Moved by: Littman
Seconded by: Wright

RESOLVED, To postpone Agenda item #6 to a future date.

Yes: All present (7)
No: None
Absent: Khan, Waller

MOTION CARRIED

REZONING REQUESTS

7. PUBLIC HEARING – PROPOSED REZONING (Z 372-B) – Proposed Industrial Use of Existing Building, North side of Fourteen Mile Road, East of John R (977 E. Fourteen Mile Road), Section 36 – From B-2 (Community Business) to M-1 (Light Industrial) District

Chair Strat advised the petitioner that five (5) affirmative votes are required for a recommendation of approval of the rezoning request, and the petitioner has the option to postpone the item prior to the presentation to the Planning Commission.

The petitioner, John Secco of 1040 Devonshire, Grosse Pointe, was present and indicated he would like to go forward with the proceeding.

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

Mr. Secco said the subject property that is zoned commercial and industrial must be zoned completely industrial in order for the prospective user to occupy the space legally.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2006-01-007
Moved by: Schultz
Seconded by: Vleck

RESOLVED, That the Planning Commission hereby recommends to the City Council that the B-2 to M-1 rezoning request, located on the north side of Fourteen Mile, east of John R, within Section 36, being approximately 4.25 acres in size, be granted.

Yes: All present (7)
No: None
Absent: Khan, Waller

MOTION CARRIED

8. PUBLIC HEARING – PROPOSED REZONING (Z 286-B) – Proposed Medical Office in Existing Building, Southeast corner of Maple Road and Stephenson Hwy (1420-1450 Stephenson Hwy), Section 35 – From R-C (Research Center) to O-M (Office Mid-rise) District

Chair Strat advised the petitioner that five (5) affirmative votes are required for a recommendation of approval of the rezoning request, and the petitioner has the option to postpone the item prior to the presentation to the Planning Commission.

Mr. Miller provided further clarification on the approval process, at the request of the petitioner.

Mr. Savidant presented a summary of the Planning Department report for the proposed rezoning request and reported that it is the recommendation of City Management to recommend approval of the rezoning request.

Mark Adams, Attorney, 201 W. Big Beaver Road, Troy, was present to represent the petitioner, and indicated the petitioner would continue with the proceeding. Mr. Adams said the University Physician Group plans to invest an additional $47 million in the project that would provide over 150 new jobs at the site. He said it is an incredible opportunity for both the owner and the City, and asked for favorable approval of the request. Mr. Adams offered to share presentational material on the proposed development.

Cynthia Sikina, Chief Financial Officer for University Physician Group, 550 E. Canfield, Detroit, was present also. Ms. Sikina said the investment is an effort to develop an ambulatory care facility that would better serve their patients. She said the University Physician Group currently practices medicine at 135 sites in the tri-county area, and the new development would benefit patients in the area as well as make their presence in the community more logical.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2006-01-008
Moved by: Wright
Seconded by: Schultz

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-C to O-M rezoning request, located on the southeast corner of Maple Road and Stephenson Highway, within Section 35, being approximately 11.5 acres in size, be granted.

Yes: All present (7)
No: None
Absent: Khan, Waller

MOTION CARRIED

SPECIAL USE REQUESTS

9. PUBLIC HEARING – PROPOSED SPECIAL USE REQUEST (SU 332) – Proposed Aston Martin Dealership, South side of Maplelawn, West of Crooks, Section 29, Zoned M-1 (Light Industrial) District

Chair Strat advised the petitioner that five (5) affirmative votes are required for a Special Use approval, and the petitioner has the option to postpone the item prior to the presentation to the Planning Commission.

The petitioner indicated he would like to proceed with the approval process.

Mr. Savidant presented a summary of the Planning Department report for the proposed Special Use Approval and reported that it is the recommendation of City Management to approve the Special Use Request and Site Plan as submitted with two conditions; that a 5-foot wide concrete connecting sidewalk from the sidewalk on Maplelawn Road to the front building entrance is provided and that one (1) tree per 30 linear feet of frontage is provided.

Mr. Schultz asked if the required sidewalk could be of another material other than concrete; i.e., cobblestone or brick paver.

Mr. Savidant replied the City Engineer has authority to approve a material other than standard concrete.

The petitioner, Tony Dellicolli of Cityscape Architects, 25100 Sullivan Lane, Novi, was present. Mr. Dellicolli agreed to meet the conditions required by the Planning Department. He displayed a rendering of the proposed development and circulated relative text. Mr. Dellicolli said the facility would be for automobile sales only and automobile storage would be at the adjacent Jaguar facility.

Mr. Schultz questioned the proximity of the dumpster location to the storage of the new automobiles.

Mr. Dellicolli said provisions were made for the dumpster at the request of the Planning Department, and a second look would be given to the orientation of the dumpster location.

Mr. Miller clarified that the Zoning Ordinance does not require a dumpster on the site, but it requires the screening of a dumpster if provided.

Mr. Schultz said it would be more appropriate to have a dumpster on site because of future changes in property ownership and uses.

Chair Strat complimented the petitioner on the presentation and site plan and said the development would be an excellent addition to the City.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2006-01-009
Moved by: Schultz
Seconded by: Wright

RESOLVED, That the Special Use Approval and Site Plan Approval, pursuant to Section 28.30.05 of the Zoning Ordinance, as requested for the proposed Aston Martin Dealership, located on the south side of Maplelawn, west of Crooks, Section 29, within the M-1 Zoning District, be granted, subject to the following conditions:

1. Provide a 5-foot wide concrete connecting sidewalk from the sidewalk on Maplelawn Road to the front entrance of the building.
2. The applicant is required to add 1 tree per 30 linear feet of frontage as per Section 39.70.02.

Yes: All present (7)
No: None
Absent: Khan, Waller

MOTION CARRIED

10. PUBLIC HEARING – PROPOSED SPECIAL USE REQUEST (SU IN SP 683-B) – Proposed Commercial and Recreational Vehicle Storage at existing Mini U Storage Facility, South side of Maple, East of Livernois (262 E. Maple Road), Section 34, Zoned M-1 (Light Industrial) District

Mr. Miller presented a summary of the Planning Department report for the proposed Special Use Request and reported that it is the recommendation of City Management to approve the Special Use Request and Site Plan as submitted.

[Chair Strat exited; Vice Chair Schultz resided.]

Stephen Estey of Dykema Gossett PLLC, 39577 Woodward Avenue, Bloomfield Hills, was present on behalf of the petitioner. Mr. Estey introduced Chris Weber, Executive Vice President of Dahn Corporation, Irvine, California, and managing agent of the property owner.

Mr. Estey concurred with City Management's review and recommendations. He explained that approval of the Special Use Request would provide an opportunity to the Mini U Storage facility to remain competitive with similar uses.

PUBLIC HEARING OPENED

Cynthia Wilsher of 369 E. Maple Road, Troy, was present. Ms. Wilsher asked what hours the facility would be open and if the proposed use would generate an increase in traffic.

Mr. Estey said it is his understanding that the facility would comply with the City ordinances and there is no plan to change the hours of operation.

Mr. Weber said the facility is not a 24-hour a day operation. He said the hours are from 6 a.m. to 9 p.m., and extended hours have been allowed to some tenants at certain locations should the need arise.

PUBLIC HEARING CLOSED

Resolution # PC-2006-01-010
Moved by: Littman
Seconded by: Wright

RESOLVED, That the Special Use Approval and Site Plan Approval, pursuant to Section 28.30.02.E of the Zoning Ordinance, as requested for the proposed commercial and recreational vehicle storage, located on the south side of Maple, east of Livernois, Section 34, within the M-1 Zoning District, be granted, subject to:

1. An intended operating period of 6 a.m. to 9 p.m. with occasional changes to that if necessary.

Discussion.

Mr. Vleck pointed out that the Planning Department received and included in the Planning Commission packet one letter of objection to the Special Use Request from Mike Biondo.

[Chair Strat returned.]

Vote on the motion on the floor.

Yes: All present (7)
No: None
Absent: Khan, Waller

MOTION CARRIED

STREET VACATION

11. PUBLIC HEARING – STREET VACATION REQUEST (SV 134-B) – Cherry Street east of Livernois, approximately 173 feet abutting Lots 6 and 7, Greenough Heights Subdivision, East of Livernois, South of I-75, Section 27 – Zoned O-1 (Low Rise Office) and R-1E (One Family Residential) Districts (the abutting parcels)

Chair Strat advised the petitioner that five (5) affirmative votes are required for a recommendation of approval of the Street Vacation Request, and the petitioner has the option to postpone the item prior to the presentation to the Planning Commission.

The petitioners, James Klemanski of 2240 Livernois, Troy, and Al King of 2212 Livernois, Troy, were present. Mr. Klemanski asked for an adjournment of the request. He further indicated his desire to discuss an alternative cul de sac proposal with the Planning Department. Mr. Klemanski said a March adjournment date would be preferable.

Mr. Miller explained that the City would require a terminus that meets the City's development standards to vacate the street. He said the City would need the dedicated land to allow for a standard cul de sac and whether the cul de sac is located in a residential or commercial area is inconsequential.

Resolution # PC-2006-01-011
Moved by: Schultz
Seconded by: Wright

RESOLVED, That Street Vacation Request SV 134-B, the west portion of Cherry Street, east of Livernois, abutting lots 6 and 7, (2212 and 2240 Livernois), Greenough Heights Subdivision, Section 27, be tabled to the Regular Meeting in March 2006.

Yes: All present (7)
No: None
Absent: Khan, Waller

MOTION CARRIED

SITE PLAN REVIEW

12. SITE PLAN REVIEW (SP 927) – Proposed Troy Gymnastics in existing building, North side of Maple, West of Blaney (1600 W. Maple Road), Section 29 – Zoned B-3 (General Business) District

Mr. Miller presented a summary of the Planning Department report for the proposed Troy Gymnastics and reported that it is the recommendation of City Management to

approve the site plan and parking space reduction as submitted, with the condition that a 5-foot wide concrete right-of-way sidewalk on the south side of Blaney Road is provided.

The owner, Toby Buechner of 2411 Hampton, Troy, was present. Mr. Buechner said he thoroughly researched the development of a gymnastics facility and believes it would benefit the City and its residents.

Ms. Drake-Batts said her experience with her children attending classes at the Gymnastics Training Center (GTC) in Rochester has not been good because they do not have enough parking. Ms. Drake-Batts said the concept of a gymnastics facility in Troy is good, but she is concerned if the proposed development has enough parking. She asked for comparisons between the two facilities as relates to building square footage, parking spaces, and size of classes.

Mr. Buechner said the building is approximately 22,000 square feet and the 50 to 60 parking spaces would provide adequate parking, in his opinion. Mr. Buechner said it is difficult at this time to project the number of students who would be attending the facility, but noted that class times would be staggered. He said he is familiar with the parking problem at GTC, and realizes the peak traffic times would be in the evenings. Mr. Buechner said he has discussed shared parking with Belle Tire and the automotive restoration shop.

Mr. Littman said he experienced a parking problem also when his daughters attended the Rochester gymnastics facility. He thought some of the problem related to parents staying at the facility to watch their children perform. Mr. Littman said the proposed gymnastics facility would be a benefit to the City, and asked if the petitioner would be willing to obtain a formal agreement with neighboring property owners stating their consent to shared parking.

Mr. Schultz agreed there is a traffic problem at the Rochester gymnastics facility. He suggested that the petitioner discuss shared parking with the neighboring property owners and clearly designate where overflow parking would be available.

Mr. Buechner said the proposed gymnastics facility would be providing approximately 60% more parking than the Rochester facility. Mr. Buechner said there currently is not a user for the vacant building space, and he is researching the option of holding fitness classes in that space for parents of gymnastics students.

Mr. Miller asked if the petitioner would be willing to come back to the Planning Commission for review of the parking should the vacant building space be leased. Mr. Miller noted that a fitness use would be ancillary to the main use.

Mr. Buechner said there are no offers on the table at this point for the vacant building space. He said getting approvals from adjacent neighbors for overflow parking or keeping all the parking for the gymnastics use only are both viable options.

The petitioner, Chris Enright of Christopher Enright Architects, 155 South Bates, Birmingham, was present. Mr. Enright provided an overview of the parking situation. He addressed the triangular area located on the northwest portion of the site that is owned by Mr. Buechner and currently utilized by Belle Tire for parking. Mr. Enright said the area does not yield enough parking spaces for the proposed gymnastics facility. An arrangement with Belle Tire is being negotiated for the use of their parking spaces during the day, and Mr. Enright noted that there could easily be a reciprocal agreement during the evening hours. Mr. Enright said Belle Tire is open on Saturdays until 5 p.m. and closed on Sundays.

Mr. Buechner said the auto restoration shop has plenty of parking to share and is open only during the week from 8 a.m. to 4 p.m. Mr. Buechner said he is receptive to utilizing the facility only for the gymnastics use and getting a special land use approval in the future for the vacant space should it be leased. Mr. Buechner said he is also receptive to obtaining letters of intent or commitment from the neighboring property owners with respect to shared parking.

Mr. Vleck asked if the Planning Commission could approve the entire site as a gymnastics facility only. Mr. Vleck said there would be 72 parking spaces for the 27,000 square foot gymnastics facility. He said the Rochester gymnastics facility is 25,000 square feet. Mr. Vleck noted the proposed development has two entrance/exit points that might facilitate traffic flow better than the Rochester gymnastics facility, which he believes has only one entrance/exit point.

Mr. Miller said the Planning Commission has discretionary authority to reduce the number of parking spaces, and therefore provide reasonable limits on the site; i.e., a gymnastics facility and related ancillary uses. He said the Commission could further stipulate that the petitioner must come back to the Commission for approval of any additional uses.

Mr. Wright asked if the normal procedure of shared parking arrangements requires the City to have letters on file to guarantee the arrangements.

Mr. Miller explained that shared parking arrangements are considered at the City Council level and letters of intent and/or commitment are required. Mr. Miller said an easement or similar document required at the time of Preliminary Site Plan Approval is reviewed administratively prior to receiving Final Site Plan Approval. Mr. Miller said the petitioner at this point has not provided a concept of shared parking for the proposed development.

Mr. Buechner said he was under the impression that the proposed 72 parking spaces were enough for the proposed use. Mr. Buechner asked to go on record that he would use the facility for only gymnastics, should that be the desire of the Planning Commission for preliminary site plan approval. He said he would obtain letters of agreement for shared parking and come back before the Planning Commission for special use approval should the vacant space be leased in the future. Mr. Buechner said the gymnastics facility is very important to him and his

family, and he is trying to turn an eyesore into something of which everyone can be proud.

Mr. Littman said he is comfortable with the facility being used for gymnastics only, and would want the petitioner to come back to the Planning Commission should the vacant space be used for another use in the future. Mr. Littman said he would like to see any shared parking agreements in writing should the vacant space get leased in the future.

Mr. Schultz said he would like to see the gymnastics facility go forward and be successful, but he does not want the facility to become a burden on the neighboring properties.

Mr. Buechner said the proposed gymnastics facility, similar in square footage to the Rochester gymnastics facility, provides an additional 20 parking spaces. He compared parking ratios of other gymnastics facilities (Bloomfield Gymnastics and Novi Gymnastics).

Ms. Kerwin said the City would be very happy to see the gymnastics facility go in. Ms. Kerwin said the members are being cautious with the parking provisions because of their experiences, as well as her own, with the Rochester gymnastics facility. She said a lot of cooperation is necessary from different elements for a business to be profitable.

Ms. Drake-Batts would like to see the entire building used for gymnastics and similar accessories, subject to the petitioner obtaining a shared parking agreement with one of the neighboring properties.

Mr. Vleck said he would be more comfortable with written consent from neighboring properties to utilize their parking spaces for overflow parking. He said people would park at neighboring properties, with or without permission, and that is what the members would like to avoid.

There was a brief discussion on drafting a Resolution. At the request of the Planning Commission, a recess was called for the purpose of preparing a draft Resolution.

Chair Strat requested a recess at 8:50 p.m.

The meeting reconvened at 9:05 p.m.

Mr. Savidant presented to the Commission the following proposed draft Resolution.

RESOLVED, That Preliminary Site Plan Approval, as requested for the proposed Troy Gymnastics, located on the north side of Maple, west of Blaney, located in Section 29, on approximately 1.6 acres, within the B-3 zoning district, is hereby granted, subject to the following condition:

1. Provide a 5-foot wide concrete sidewalk on the south side of Blaney Road within the Blaney Road right-of-way.

FURTHER RESOLVED, all leasable area will be used for gymnastics or exercise-related uses. No other uses are permitted unless granted by the Planning Commission.

FINALLY RESOLVED, the Planning Commission approves a parking space reduction of 478 spaces by providing 72 parking spaces where 550 are required by Zoning Ordinance, as per Section 40.20.12.

Mr. Savidant said it might appear that an extremely high parking requirement standard was used because the Zoning Ordinance has no specific standard for a gymnastics facility.

Resolution # PC-2006-01-012
Moved by: Schultz
Seconded by: Wright

RESOLVED, To move the Resolution that Mr. Savidant just read.

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

MOTION CARRIED

Mr. Vleck said he wanted to see an additional condition to the approval that the neighboring properties understood the type of business going in and that neighboring parking spaces might be used by the gymnastics facility for overflow parking. Mr. Vleck wished the petitioner luck with his business.

OTHER ITEMS

13. ELECTION OF PLANNING COMMISSION OFFICERS - 2006

Ms. Drake-Batts announced a proposal to elect as the Chairperson, Bob Schultz; the Vice Chair, Wayne Wright; the BZA representative, Mary Kerwin; and the alternative BZA representative, Larry Littman.

Mr. Littman said he would second it.

Chair Strat called for a Roll Call.

Discussion.

At the request of Mr. Vleck, Ms. Drake-Batts repeated her nominations.

Ms. Kerwin asked if the nominated members had any interest in the positions for which they were nominated.

Mr. Schultz said he would have no problem being Chair. Mr. Schultz said early last year there were discussions outside of an official meeting format on maintaining officers for two-year periods for the purpose of consistency and longevity. He personally would prefer two-year terms, but said he would be happy to serve as Chair should the members choose.

Mr. Vleck said it is his experience that the person in office no sooner learns and understands the workings of the position, that a new person takes office. Mr. Vleck said he would be more comfortable with the positions of Chair and Vice Chair serving more than one year.

Ms. Drake-Batts thinks one-year terms are sufficient. Ms. Drake-Batts said the Vice Chair position is a learning period, and she knows the current Chair and Vice Chair have worked closely together. Ms. Drake-Batts feels Mr. Schultz is ready to take over the Chair position.

Mr. Littman said there was discussion about changing the Bylaws to require two-year terms, and legal representation informed the members that term requirements are not addressed in the Bylaws.

Ms. Kerwin asked the election procedure followed by the Commission as relates to acceptance of additional nominations and closing of nominations.

Mr. Miller replied that the draft Resolution provided by the Planning Department indicates to close the nominations and to elect the officers and recommend the representatives as offered. Mr. Miller said that portion of the Resolution has not been read up to this point.

Ms. Drake-Batts said to put it at the end.

Ms. Kerwin said it appears that the Resolution is not complete and an offering of other candidates for the positions could be made.

Ms. Drake-Batts said she would add that section to the end of the Resolution she made.

Mr. Schultz said he believes anyone on the board can put forth a substitute resolution should they choose and are welcome to do so. He said in the past, if a Resolution on the floor passed, it passed; if it failed, a new Resolution was then entered for a different slate of officers. He said a vote would be taken on the substitute Resolution and then they would go back to the main motion.

Mr. Vleck asked the Assistant City Attorney if he could put a substitute Resolution on the floor at this point in time, or if a vote must be taken on the Resolution on the floor.

Mr. Motzny replied that a substitute Resolution could be moved at this time, and a second to that motion would be necessary. Mr. Motzny indicated it would be the final decision of the Commission should the substitute motion pass and the Resolution reads that the nominations are closed and the officers be elected and representatives be recommended as offered.

Mr. Vleck put the following alternate Resolution on the table.

Resolution # PC-2006-01-013
Moved by: Vleck
Seconded by: Kerwin

RESOLVED, That Tom Strat and Robert Schultz be nominated to serve as Chair and Vice Chair of the Planning Commission, respectively, for 2006, and that Wayne Wright and Larry Littman be recommended to the City Council as the Commissioner's Board of Zoning Appeals representative and alternate, respectively, for 2006.

BE IT FURTHER RESOLVED, that nominations be closed and that these officers be elected and representatives recommended, as indicated.

Discussion.

Mr. Kulesza asked what happened to the first Resolution. He said an amendment was going to be made to the first Resolution to close the nominations and the Resolution was ignored from that point on. Mr. Kulesza said roll call was called on the first Resolution, and a vote must be taken according to Robert's Rules of Order.

Mr. Motzny said if the Resolution made by Mr. Vleck was indicated as a substitute Resolution, that Resolution would replace the initial Resolution and would be voted on.

Mr. Kulesza said an amendment to a Resolution could be made as long as it has not been voted upon, and he thought there was a motion to amend the initial Resolution to close the nominations.

Mr. Motzny said a provision that the nominations be closed has not been voted upon. Mr. Motzny said that should the substitute Resolution not pass, another Resolution could be voted upon.

Ms. Drake-Batts asked what happened to the first Resolution she made. She asked if the Resolution would be ignored because she didn't add those words.

Mr. Motzny replied that Ms. Drake-Batts would have to make another Resolution in place of the initial Resolution should the substitute Resolution be approved.

Mr. Schultz said it is his understanding that Mr. Motzny is saying that should the substitute Resolution pass, the first Resolution dies; if the substitute Resolution does not pass, the original Resolution is voted on.

Mr. Motzny said that is his interpretation.

Ms. Kerwin addressed a "point of order" in terms of discussion and asked if it would have been appropriate to have discussion if she had begun with a "point of order".

Mr. Motzny replied in the affirmative. He said there are only certain types of motions in which there is no discussion allowed under Robert's Rules of Order, such as a motion to table.

Vote on the substitute motion on the floor.

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

MOTION CARRIED

Mr. Motzny confirmed a simple majority is sufficient and the motion passed.

Mr. Littman said he is a believer in the one-term concept for the Chair. Mr. Littman said he does not think any one of the members is any better or smarter than the other. He shared that he was asked to relinquish the Chair position when he was next in line because Mr. Chamberlain wanted to chair an additional year in order to continue working on various projects.

Mr. Wright agreed with the comments of Mr. Littman.

Ms. Drake-Batts said she did not know about the reappointments prior to tonight's meeting and thought the officer positions would have been discussed as a group before the meeting. Ms. Drake-Batts said there was no discussion and no time to review the matter.

14. ESTABLISHMENT OF MEETING SCHEDULE - 2006

Resolution # PC-2006-01- *(motion withdrawn)*
Moved by: Wright
Seconded by: Vleck

RESOLVED, That the Troy City Planning Commission hereby establishes the following schedule for their meetings during the calendar year 2006:

1. Regular Meetings will be held on the second Tuesday of each month.
2. Special/Study Meetings will be held on the first and fourth Tuesday of each month, as necessary, with the exception of January 3rd, June 27th, July 4th, July 25th, August 22nd, September 5th and December 26th.
3. If additional Special/Study Meetings become necessary, Alternate Special/Study Meeting dates may be set at the discretion of the Commission.

Discussion.

There was a brief discussion on the meeting dates of June 27, July 25 and August 22.

Mr. Wright withdrew the motion on the floor. Mr. Vleck had no objection.

Resolution # PC-2006-01-014
Moved by: Wright
Seconded by: Vleck

RESOLVED, That the Troy City Planning Commission hereby establishes the following schedule for their meetings during the calendar year 2006:

1. Regular Meetings will be held on the second Tuesday of each month.
2. Special/Study Meetings will be held on the first and fourth Tuesday of each month, as necessary, with the exception of January 3rd, July 4th, September 5th and December 26th.
3. If additional Special/Study Meetings become necessary, Alternate Special/Study Meeting dates may be set at the discretion of the Commission.

Yes: All present (7)
No: None
Absent: Khan, Waller

MOTION CARRIED

15. PUBLIC COMMENT – For Items on the Agenda

There was no one present who wished to speak.

GOOD OF THE ORDER

Mr. Miller provided an update on the Big Beaver Road and Maple Road corridor studies. He informed Mr. Wright that his appointment to the Board of Zoning Appeals (BZA) would not happen prior to the next BZA meeting.

Mr. Schultz thanked fellow commissioners for their confidence in his ability to perform as Vice Chair. He said he is confident a good team is in place for 2006. Mr. Schultz asked members to compile a list of Planning Commission objectives for the purpose of discussion at the next meeting.

Ms. Kerwin said it is an honor to join the Planning Commission and expressed her appreciation for the Mayor's nomination and support of City Council. Ms. Kerwin also thanked the City staff for the orientation and relevant materials. She said the members could count on her to be fair, impartial and to always to work in accordance of the Open Meetings Act. Ms. Kerwin addressed two Agenda items and suggested (1) the election process and term lengths be discussed at a future study meeting and (2) determination of the meeting schedule to take place in September.

Mr. Schultz said approval of the meeting schedule was modified in the proposed new Bylaws.

Mr. Wright welcomed Ms. Kerwin.

Ms. Drake-Batts welcomed Ms. Kerwin. Ms. Drake-Bates asked the recording secretary to capture everything she said during the discussion of the election of officers. She said she would like to review that item offline with the powers that be.

Mr. Kulesza welcomed Ms. Kerwin. He provided a brief status of his research on State legislation, Bylaws and rules of procedure. Mr. Kulesza addressed discussion on Agenda items as relates to Robert's Rules of Order.

Chair Strat thanked members for their confidence in electing him as Chairman. He said he and Mr. Schultz would do everything possible to expedite items and be efficient. Chair Strat said he would like to review, define and outline the Planning Commission objectives and goals at the next study 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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The Regular Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:31 p.m. on January 10, 2006, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:
Lynn Drake-Batts
Mary Kerwin
Lawrence Littman
Robert Schultz
Thomas Strat
Mark J. Vleck
Wayne Wright

Absent:
Fazal Khan
David T. Waller

Also Present:
Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Allan Motzny, Assistant City Attorney
Christopher Kulesza, Student Representative
Kathy Czarnecki, Recording Secretary

Resolution # PC-2006-01-001
Moved by: Wright
Seconded by: Schultz

RESOLVED, That Members Khan and Waller are excused from attendance at this meeting for personal reasons.

Yes: All present (7)
No: None
Absent: Khan, Waller

MOTION CARRIED

2. APPROVAL OF AGENDA

Mr. Miller said Agenda item #5, Planning and Zoning Report, is normally discussed at a study session and suggested it be removed from tonight's Agenda.

Resolution # PC-2006-01-002
Moved by: Schultz
Seconded by: Wright

RESOLVED, That the Agenda be approved with the removal of Agenda item #5.

Yes: All present (7)
No: None
Absent: Khan, Waller

MOTION CARRIED

3. MINUTES

Resolution # PC-2006-01-003
Moved by: Schultz
Seconded by: Wright

RESOLVED, To approve the November 29, 2005 Regular Meeting minutes as published.

Yes: Drake-Batts, Kerwin, Schultz, Strat, Vleck, Wright
No: None
Abstain: Littman
Absent: Khan, Waller

MOTION CARRIED

Resolution # PC-2006-01-004
Moved by: Littman
Seconded by: Vleck

RESOLVED, To approve the December 6, 2005 Special/Study Meeting minutes as published.

Yes: Kerwin, Littman, Strat, Vleck
No: None
Abstain: Drake-Batts, Schultz, Wright
Absent: Khan, Waller

MOTION CARRIED

Resolution # PC-2006-01-005
Moved by: Wright
Seconded by: Littman

RESOLVED, To approve the December 13, 2005 Regular Meeting minutes as published.

Yes: Drake-Batts, Kerwin, Littman, Strat, Vleck, Wright
No: None
Abstain: Schultz
Absent: Khan, Waller

MOTION CARRIED

Mr. Motzny confirmed that members could approve minutes for meetings in which they were not in attendance.

4. PUBLIC COMMENT – Items not on the Agenda

There was no one present who wished to speak.

5. PLANNING AND ZONING REPORT *(Item removed; see Approval of the Agenda)*

TABLED ITEM

6. SITE PLAN REVIEW (SP 920) – Proposed Troy Retail Center, North side of Maple, West side of Dequindre, Section 25 – Zoned B-2 (Community Business) District

Mr. Savidant reported that at the request of the applicant, it is the recommendation of the Planning Department to postpone the item to a future Planning Commission meeting.

Resolution # PC-2006-01-006
Moved by: Littman
Seconded by: Wright

RESOLVED, To postpone Agenda item #6 to a future date.

Yes: All present (7)
No: None
Absent: Khan, Waller

MOTION CARRIED

REZONING REQUESTS

7. PUBLIC HEARING – PROPOSED REZONING (Z 372-B) – Proposed Industrial Use of Existing Building, North side of Fourteen Mile Road, East of John R (977 E. Fourteen Mile Road), Section 36 – From B-2 (Community Business) to M-1 (Light Industrial) District

Chair Strat advised the petitioner that five (5) affirmative votes are required for a recommendation of approval of the rezoning request, and the petitioner has the option to postpone the item prior to the presentation to the Planning Commission.

The petitioner, John Secco of 1040 Devonshire, Grosse Pointe, was present and indicated he would like to go forward with the proceeding.

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

Mr. Secco said the subject property that is zoned commercial and industrial must be zoned completely industrial in order for the prospective user to occupy the space legally.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2006-01-007
Moved by: Schultz
Seconded by: Vleck

RESOLVED, That the Planning Commission hereby recommends to the City Council that the B-2 to M-1 rezoning request, located on the north side of Fourteen Mile, east of John R, within Section 36, being approximately 4.25 acres in size, be granted.

Yes: All present (7)
No: None
Absent: Khan, Waller

MOTION CARRIED

8. PUBLIC HEARING – PROPOSED REZONING (Z 286-B) – Proposed Medical Office in Existing Building, Southeast corner of Maple Road and Stephenson Hwy (1420-1450 Stephenson Hwy), Section 35 – From R-C (Research Center) to O-M (Office Mid-rise) District

Chair Strat advised the petitioner that five (5) affirmative votes are required for a recommendation of approval of the rezoning request, and the petitioner has the option to postpone the item prior to the presentation to the Planning Commission.

Mr. Miller provided further clarification on the approval process, at the request of the petitioner.

Mr. Savidant presented a summary of the Planning Department report for the proposed rezoning request and reported that it is the recommendation of City Management to recommend approval of the rezoning request.

Mark Adams, Attorney, 201 W. Big Beaver Road, Troy, was present to represent the petitioner, and indicated the petitioner would continue with the proceeding. Mr. Adams said the University Physician Group plans to invest an additional $47 million in the project that would provide over 150 new jobs at the site. He said it is an incredible opportunity for both the owner and the City, and asked for favorable approval of the request. Mr. Adams offered to share presentational material on the proposed development.

Cynthia Sikina, Chief Financial Officer for University Physician Group, 550 E. Canfield, Detroit, was present also. Ms. Sikina said the investment is an effort to develop an ambulatory care facility that would better serve their patients. She said the University Physician Group currently practices medicine at 135 sites in the tri-county area, and the new development would benefit patients in the area as well as make their presence in the community more logical.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2006-01-008
Moved by: Wright
Seconded by: Schultz

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-C to O-M rezoning request, located on the southeast corner of Maple Road and Stephenson Highway, within Section 35, being approximately 11.5 acres in size, be granted.

Yes: All present (7)
No: None
Absent: Khan, Waller

MOTION CARRIED

SPECIAL USE REQUESTS

9. PUBLIC HEARING – PROPOSED SPECIAL USE REQUEST (SU 332) – Proposed Aston Martin Dealership, South side of Maplelawn, West of Crooks, Section 29, Zoned M-1 (Light Industrial) District

Chair Strat advised the petitioner that five (5) affirmative votes are required for a Special Use approval, and the petitioner has the option to postpone the item prior to the presentation to the Planning Commission.

The petitioner indicated he would like to proceed with the approval process.

Mr. Savidant presented a summary of the Planning Department report for the proposed Special Use Approval and reported that it is the recommendation of City Management to approve the Special Use Request and Site Plan as submitted with two conditions; that a 5-foot wide concrete connecting sidewalk from the sidewalk on Maplelawn Road to the front building entrance is provided and that one (1) tree per 30 linear feet of frontage is provided.

Mr. Schultz asked if the required sidewalk could be of another material other than concrete; i.e., cobblestone or brick paver.

Mr. Savidant replied the City Engineer has authority to approve a material other than standard concrete.

The petitioner, Tony Dellicolli of Cityscape Architects, 25100 Sullivan Lane, Novi, was present. Mr. Dellicolli agreed to meet the conditions required by the Planning Department. He displayed a rendering of the proposed development and circulated relative text. Mr. Dellicolli said the facility would be for automobile sales only and automobile storage would be at the adjacent Jaguar facility.

Mr. Schultz questioned the proximity of the dumpster location to the storage of the new automobiles.

Mr. Dellicolli said provisions were made for the dumpster at the request of the Planning Department, and a second look would be given to the orientation of the dumpster location.

Mr. Miller clarified that the Zoning Ordinance does not require a dumpster on the site, but it requires the screening of a dumpster if provided.

Mr. Schultz said it would be more appropriate to have a dumpster on site because of future changes in property ownership and uses.

Chair Strat complimented the petitioner on the presentation and site plan and said the development would be an excellent addition to the City.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2006-01-009
Moved by: Schultz
Seconded by: Wright

RESOLVED, That the Special Use Approval and Site Plan Approval, pursuant to Section 28.30.05 of the Zoning Ordinance, as requested for the proposed Aston Martin Dealership, located on the south side of Maplelawn, west of Crooks, Section 29, within the M-1 Zoning District, be granted, subject to the following conditions:

1. Provide a 5-foot wide concrete connecting sidewalk from the sidewalk on Maplelawn Road to the front entrance of the building.
2. The applicant is required to add 1 tree per 30 linear feet of frontage as per Section 39.70.02.

Yes: All present (7)
No: None
Absent: Khan, Waller

MOTION CARRIED

10. PUBLIC HEARING – PROPOSED SPECIAL USE REQUEST (SU IN SP 683-B) – Proposed Commercial and Recreational Vehicle Storage at existing Mini U Storage Facility, South side of Maple, East of Livernois (262 E. Maple Road), Section 34, Zoned M-1 (Light Industrial) District

Mr. Miller presented a summary of the Planning Department report for the proposed Special Use Request and reported that it is the recommendation of City Management to approve the Special Use Request and Site Plan as submitted.

[Chair Strat exited; Vice Chair Schultz resided.]

Stephen Estey of Dykema Gossett PLLC, 39577 Woodward Avenue, Bloomfield Hills, was present on behalf of the petitioner. Mr. Estey introduced Chris Weber, Executive Vice President of Dahn Corporation, Irvine, California, and managing agent of the property owner.

Mr. Estey concurred with City Management's review and recommendations. He explained that approval of the Special Use Request would provide an opportunity to the Mini U Storage facility to remain competitive with similar uses.

PUBLIC HEARING OPENED

Cynthia Wilsher of 369 E. Maple Road, Troy, was present. Ms. Wilsher asked what hours the facility would be open and if the proposed use would generate an increase in traffic.

Mr. Estey said it is his understanding that the facility would comply with the City ordinances and there is no plan to change the hours of operation.

Mr. Weber said the facility is not a 24-hour a day operation. He said the hours are from 6 a.m. to 9 p.m., and extended hours have been allowed to some tenants at certain locations should the need arise.

PUBLIC HEARING CLOSED

Resolution # PC-2006-01-010
Moved by: Littman
Seconded by: Wright

RESOLVED, That the Special Use Approval and Site Plan Approval, pursuant to Section 28.30.02.E of the Zoning Ordinance, as requested for the proposed commercial and recreational vehicle storage, located on the south side of Maple, east of Livernois, Section 34, within the M-1 Zoning District, be granted, subject to:

1. An intended operating period of 6 a.m. to 9 p.m. with occasional changes to that if necessary.

Discussion.

Mr. Vleck pointed out that the Planning Department received and included in the Planning Commission packet one letter of objection to the Special Use Request from Mike Biondo.

[Chair Strat returned.]

Vote on the motion on the floor.

Yes: All present (7)
No: None
Absent: Khan, Waller

MOTION CARRIED

STREET VACATION

11. PUBLIC HEARING – STREET VACATION REQUEST (SV 134-B) – Cherry Street east of Livernois, approximately 173 feet abutting Lots 6 and 7, Greenough Heights Subdivision, East of Livernois, South of I-75, Section 27 – Zoned O-1 (Low Rise Office) and R-1E (One Family Residential) Districts (the abutting parcels)

Chair Strat advised the petitioner that five (5) affirmative votes are required for a recommendation of approval of the Street Vacation Request, and the petitioner has the option to postpone the item prior to the presentation to the Planning Commission.

The petitioners, James Klemanski of 2240 Livernois, Troy, and Al King of 2212 Livernois, Troy, were present. Mr. Klemanski asked for an adjournment of the request. He further indicated his desire to discuss an alternative cul de sac proposal with the Planning Department. Mr. Klemanski said a March adjournment date would be preferable.

Mr. Miller explained that the City would require a terminus that meets the City's development standards to vacate the street. He said the City would need the dedicated land to allow for a standard cul de sac and whether the cul de sac is located in a residential or commercial area is inconsequential.

Resolution # PC-2006-01-011
Moved by: Schultz
Seconded by: Wright

RESOLVED, That Street Vacation Request SV 134-B, the west portion of Cherry Street, east of Livernois, abutting lots 6 and 7, (2212 and 2240 Livernois), Greenough Heights Subdivision, Section 27, be tabled to the Regular Meeting in March 2006.

Yes: All present (7)
No: None
Absent: Khan, Waller

MOTION CARRIED

SITE PLAN REVIEW

12. SITE PLAN REVIEW (SP 927) – Proposed Troy Gymnastics in existing building, North side of Maple, West of Blaney (1600 W. Maple Road), Section 29 – Zoned B-3 (General Business) District

Mr. Miller presented a summary of the Planning Department report for the proposed Troy Gymnastics and reported that it is the recommendation of City Management to

approve the site plan and parking space reduction as submitted, with the condition that a 5-foot wide concrete right-of-way sidewalk on the south side of Blaney Road is provided.

The owner, Toby Buechner of 2411 Hampton, Troy, was present. Mr. Buechner said he thoroughly researched the development of a gymnastics facility and believes it would benefit the City and its residents.

Ms. Drake-Batts said her experience with her children attending classes at the Gymnastics Training Center (GTC) in Rochester has not been good because they do not have enough parking. Ms. Drake-Batts said the concept of a gymnastics facility in Troy is good, but she is concerned if the proposed development has enough parking. She asked for comparisons between the two facilities as relates to building square footage, parking spaces, and size of classes.

Mr. Buechner said the building is approximately 22,000 square feet and the 50 to 60 parking spaces would provide adequate parking, in his opinion. Mr. Buechner said it is difficult at this time to project the number of students who would be attending the facility, but noted that class times would be staggered. He said he is familiar with the parking problem at GTC, and realizes the peak traffic times would be in the evenings. Mr. Buechner said he has discussed shared parking with Belle Tire and the automotive restoration shop.

Mr. Littman said he experienced a parking problem also when his daughters attended the Rochester gymnastics facility. He thought some of the problem related to parents staying at the facility to watch their children perform. Mr. Littman said the proposed gymnastics facility would be a benefit to the City, and asked if the petitioner would be willing to obtain a formal agreement with neighboring property owners stating their consent to shared parking.

Mr. Schultz agreed there is a traffic problem at the Rochester gymnastics facility. He suggested that the petitioner discuss shared parking with the neighboring property owners and clearly designate where overflow parking would be available.

Mr. Buechner said the proposed gymnastics facility would be providing approximately 60% more parking than the Rochester facility. Mr. Buechner said there currently is not a user for the vacant building space, and he is researching the option of holding fitness classes in that space for parents of gymnastics students.

Mr. Miller asked if the petitioner would be willing to come back to the Planning Commission for review of the parking should the vacant building space be leased. Mr. Miller noted that a fitness use would be ancillary to the main use.

Mr. Buechner said there are no offers on the table at this point for the vacant building space. He said getting approvals from adjacent neighbors for overflow parking or keeping all the parking for the gymnastics use only are both viable options.

The petitioner, Chris Enright of Christopher Enright Architects, 155 South Bates, Birmingham, was present. Mr. Enright provided an overview of the parking situation. He addressed the triangular area located on the northwest portion of the site that is owned by Mr. Buechner and currently utilized by Belle Tire for parking. Mr. Enright said the area does not yield enough parking spaces for the proposed gymnastics facility. An arrangement with Belle Tire is being negotiated for the use of their parking spaces during the day, and Mr. Enright noted that there could easily be a reciprocal agreement during the evening hours. Mr. Enright said Belle Tire is open on Saturdays until 5 p.m. and closed on Sundays.

Mr. Buechner said the auto restoration shop has plenty of parking to share and is open only during the week from 8 a.m. to 4 p.m. Mr. Buechner said he is receptive to utilizing the facility only for the gymnastics use and getting a special land use approval in the future for the vacant space should it be leased. Mr. Buechner said he is also receptive to obtaining letters of intent or commitment from the neighboring property owners with respect to shared parking.

Mr. Vleck asked if the Planning Commission could approve the entire site as a gymnastics facility only. Mr. Vleck said there would be 72 parking spaces for the 27,000 square foot gymnastics facility. He said the Rochester gymnastics facility is 25,000 square feet. Mr. Vleck noted the proposed development has two entrance/exit points that might facilitate traffic flow better than the Rochester gymnastics facility, which he believes has only one entrance/exit point.

Mr. Miller said the Planning Commission has discretionary authority to reduce the number of parking spaces, and therefore provide reasonable limits on the site; i.e., a gymnastics facility and related ancillary uses. He said the Commission could further stipulate that the petitioner must come back to the Commission for approval of any additional uses.

Mr. Wright asked if the normal procedure of shared parking arrangements requires the City to have letters on file to guarantee the arrangements.

Mr. Miller explained that shared parking arrangements are considered at the City Council level and letters of intent and/or commitment are required. Mr. Miller said an easement or similar document required at the time of Preliminary Site Plan Approval is reviewed administratively prior to receiving Final Site Plan Approval. Mr. Miller said the petitioner at this point has not provided a concept of shared parking for the proposed development.

Mr. Buechner said he was under the impression that the proposed 72 parking spaces were enough for the proposed use. Mr. Buechner asked to go on record that he would use the facility for only gymnastics, should that be the desire of the Planning Commission for preliminary site plan approval. He said he would obtain letters of agreement for shared parking and come back before the Planning Commission for special use approval should the vacant space be leased in the future. Mr. Buechner said the gymnastics facility is very important to him and his

family, and he is trying to turn an eyesore into something of which everyone can be proud.

Mr. Littman said he is comfortable with the facility being used for gymnastics only, and would want the petitioner to come back to the Planning Commission should the vacant space be used for another use in the future. Mr. Littman said he would like to see any shared parking agreements in writing should the vacant space get leased in the future.

Mr. Schultz said he would like to see the gymnastics facility go forward and be successful, but he does not want the facility to become a burden on the neighboring properties.

Mr. Buechner said the proposed gymnastics facility, similar in square footage to the Rochester gymnastics facility, provides an additional 20 parking spaces. He compared parking ratios of other gymnastics facilities (Bloomfield Gymnastics and Novi Gymnastics).

Ms. Kerwin said the City would be very happy to see the gymnastics facility go in. Ms. Kerwin said the members are being cautious with the parking provisions because of their experiences, as well as her own, with the Rochester gymnastics facility. She said a lot of cooperation is necessary from different elements for a business to be profitable.

Ms. Drake-Batts would like to see the entire building used for gymnastics and similar accessories, subject to the petitioner obtaining a shared parking agreement with one of the neighboring properties.

Mr. Vleck said he would be more comfortable with written consent from neighboring properties to utilize their parking spaces for overflow parking. He said people would park at neighboring properties, with or without permission, and that is what the members would like to avoid.

There was a brief discussion on drafting a Resolution. At the request of the Planning Commission, a recess was called for the purpose of preparing a draft Resolution.

Chair Strat requested a recess at 8:50 p.m.

The meeting reconvened at 9:05 p.m.

Mr. Savidant presented to the Commission the following proposed draft Resolution.

RESOLVED, That Preliminary Site Plan Approval, as requested for the proposed Troy Gymnastics, located on the north side of Maple, west of Blaney, located in Section 29, on approximately 1.6 acres, within the B-3 zoning district, is hereby granted, subject to the following condition:

1. Provide a 5-foot wide concrete sidewalk on the south side of Blaney Road within the Blaney Road right-of-way.

FURTHER RESOLVED, all leasable area will be used for gymnastics or exercise-related uses. No other uses are permitted unless granted by the Planning Commission.

FINALLY RESOLVED, the Planning Commission approves a parking space reduction of 478 spaces by providing 72 parking spaces where 550 are required by Zoning Ordinance, as per Section 40.20.12.

Mr. Savidant said it might appear that an extremely high parking requirement standard was used because the Zoning Ordinance has no specific standard for a gymnastics facility.

Resolution # PC-2006-01-012
Moved by: Schultz
Seconded by: Wright

RESOLVED, To move the Resolution that Mr. Savidant just read.

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

MOTION CARRIED

Mr. Vleck said he wanted to see an additional condition to the approval that the neighboring properties understood the type of business going in and that neighboring parking spaces might be used by the gymnastics facility for overflow parking. Mr. Vleck wished the petitioner luck with his business.

OTHER ITEMS

13. ELECTION OF PLANNING COMMISSION OFFICERS - 2006

Ms. Drake-Batts announced a proposal to elect as the Chairperson, Bob Schultz; the Vice Chair, Wayne Wright; the BZA representative, Mary Kerwin; and the alternative BZA representative, Larry Littman.

Mr. Littman said he would second it.

Chair Strat called for a Roll Call.

Discussion.

At the request of Mr. Vleck, Ms. Drake-Batts repeated her nominations.

Ms. Kerwin asked if the nominated members had any interest in the positions for which they were nominated.

Mr. Schultz said he would have no problem being Chair. Mr. Schultz said early last year there were discussions outside of an official meeting format on maintaining officers for two-year periods for the purpose of consistency and longevity. He personally would prefer two-year terms, but said he would be happy to serve as Chair should the members choose.

Mr. Vleck said it is his experience that the person in office no sooner learns and understands the workings of the position, that a new person takes office. Mr. Vleck said he would be more comfortable with the positions of Chair and Vice Chair serving more than one year.

Ms. Drake-Batts thinks one-year terms are sufficient. Ms. Drake-Batts said the Vice Chair position is a learning period, and she knows the current Chair and Vice Chair have worked closely together. Ms. Drake-Batts feels Mr. Schultz is ready to take over the Chair position.

Mr. Littman said there was discussion about changing the Bylaws to require two-year terms, and legal representation informed the members that term requirements are not addressed in the Bylaws.

Ms. Kerwin asked the election procedure followed by the Commission as relates to acceptance of additional nominations and closing of nominations.

Mr. Miller replied that the draft Resolution provided by the Planning Department indicates to close the nominations and to elect the officers and recommend the representatives as offered. Mr. Miller said that portion of the Resolution has not been read up to this point.

Ms. Drake-Batts said to put it at the end.

Ms. Kerwin said it appears that the Resolution is not complete and an offering of other candidates for the positions could be made.

Ms. Drake-Batts said she would add that section to the end of the Resolution she made.

Mr. Schultz said he believes anyone on the board can put forth a substitute resolution should they choose and are welcome to do so. He said in the past, if a Resolution on the floor passed, it passed; if it failed, a new Resolution was then entered for a different slate of officers. He said a vote would be taken on the substitute Resolution and then they would go back to the main motion.

Mr. Vleck asked the Assistant City Attorney if he could put a substitute Resolution on the floor at this point in time, or if a vote must be taken on the Resolution on the floor.

Mr. Motzny replied that a substitute Resolution could be moved at this time, and a second to that motion would be necessary. Mr. Motzny indicated it would be the final decision of the Commission should the substitute motion pass and the Resolution reads that the nominations are closed and the officers be elected and representatives be recommended as offered.

Mr. Vleck put the following alternate Resolution on the table.

Resolution # PC-2006-01-013
Moved by: Vleck
Seconded by: Kerwin

RESOLVED, That Tom Strat and Robert Schultz be nominated to serve as Chair and Vice Chair of the Planning Commission, respectively, for 2006, and that Wayne Wright and Larry Littman be recommended to the City Council as the Commissioner's Board of Zoning Appeals representative and alternate, respectively, for 2006.

BE IT FURTHER RESOLVED, that nominations be closed and that these officers be elected and representatives recommended, as indicated.

Discussion.

Mr. Kulesza asked what happened to the first Resolution. He said an amendment was going to be made to the first Resolution to close the nominations and the Resolution was ignored from that point on. Mr. Kulesza said roll call was called on the first Resolution, and a vote must be taken according to Robert's Rules of Order.

Mr. Motzny said if the Resolution made by Mr. Vleck was indicated as a substitute Resolution, that Resolution would replace the initial Resolution and would be voted on.

Mr. Kulesza said an amendment to a Resolution could be made as long as it has not been voted upon, and he thought there was a motion to amend the initial Resolution to close the nominations.

Mr. Motzny said a provision that the nominations be closed has not been voted upon. Mr. Motzny said that should the substitute Resolution not pass, another Resolution could be voted upon.

Ms. Drake-Batts asked what happened to the first Resolution she made. She asked if the Resolution would be ignored because she didn't add those words.

Mr. Motzny replied that Ms. Drake-Batts would have to make another Resolution in place of the initial Resolution should the substitute Resolution be approved.

Mr. Schultz said it is his understanding that Mr. Motzny is saying that should the substitute Resolution pass, the first Resolution dies; if the substitute Resolution does not pass, the original Resolution is voted on.

Mr. Motzny said that is his interpretation.

Ms. Kerwin addressed a "point of order" in terms of discussion and asked if it would have been appropriate to have discussion if she had begun with a "point of order".

Mr. Motzny replied in the affirmative. He said there are only certain types of motions in which there is no discussion allowed under Robert's Rules of Order, such as a motion to table.

Vote on the substitute motion on the floor.

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

MOTION CARRIED

Mr. Motzny confirmed a simple majority is sufficient and the motion passed.

Mr. Littman said he is a believer in the one-term concept for the Chair. Mr. Littman said he does not think any one of the members is any better or smarter than the other. He shared that he was asked to relinquish the Chair position when he was next in line because Mr. Chamberlain wanted to chair an additional year in order to continue working on various projects.

Mr. Wright agreed with the comments of Mr. Littman.

Ms. Drake-Batts said she did not know about the reappointments prior to tonight's meeting and thought the officer positions would have been discussed as a group before the meeting. Ms. Drake-Batts said there was no discussion and no time to review the matter.

14. ESTABLISHMENT OF MEETING SCHEDULE - 2006

Resolution # PC-2006-01- *(motion withdrawn)*
Moved by: Wright
Seconded by: Vleck

RESOLVED, That the Troy City Planning Commission hereby establishes the following schedule for their meetings during the calendar year 2006:

1. Regular Meetings will be held on the second Tuesday of each month.
2. Special/Study Meetings will be held on the first and fourth Tuesday of each month, as necessary, with the exception of January 3rd, June 27th, July 4th, July 25th, August 22nd, September 5th and December 26th.
3. If additional Special/Study Meetings become necessary, Alternate Special/Study Meeting dates may be set at the discretion of the Commission.

Discussion.

There was a brief discussion on the meeting dates of June 27, July 25 and August 22.

Mr. Wright withdrew the motion on the floor. Mr. Vleck had no objection.

Resolution # PC-2006-01-014
Moved by: Wright
Seconded by: Vleck

RESOLVED, That the Troy City Planning Commission hereby establishes the following schedule for their meetings during the calendar year 2006:

1. Regular Meetings will be held on the second Tuesday of each month.
2. Special/Study Meetings will be held on the first and fourth Tuesday of each month, as necessary, with the exception of January 3rd, July 4th, September 5th and December 26th.
3. If additional Special/Study Meetings become necessary, Alternate Special/Study Meeting dates may be set at the discretion of the Commission.

Yes: All present (7)
No: None
Absent: Khan, Waller

MOTION CARRIED

15. PUBLIC COMMENT – For Items on the Agenda

There was no one present who wished to speak.

GOOD OF THE ORDER

Mr. Miller provided an update on the Big Beaver Road and Maple Road corridor studies. He informed Mr. Wright that his appointment to the Board of Zoning Appeals (BZA) would not happen prior to the next BZA meeting.

Mr. Schultz thanked fellow commissioners for their confidence in his ability to perform as Vice Chair. He said he is confident a good team is in place for 2006. Mr. Schultz asked members to compile a list of Planning Commission objectives for the purpose of discussion at the next meeting.

Ms. Kerwin said it is an honor to join the Planning Commission and expressed her appreciation for the Mayor's nomination and support of City Council. Ms. Kerwin also thanked the City staff for the orientation and relevant materials. She said the members could count on her to be fair, impartial and to always to work in accordance of the Open Meetings Act. Ms. Kerwin addressed two Agenda items and suggested (1) the election process and term lengths be discussed at a future study meeting and (2) determination of the meeting schedule to take place in September.

Mr. Schultz said approval of the meeting schedule was modified in the proposed new Bylaws.

Mr. Wright welcomed Ms. Kerwin.

Ms. Drake-Batts welcomed Ms. Kerwin. Ms. Drake-Bates asked the recording secretary to capture everything she said during the discussion of the election of officers. She said she would like to review that item offline with the powers that be.

Mr. Kulesza welcomed Ms. Kerwin. He provided a brief status of his research on State legislation, Bylaws and rules of procedure. Mr. Kulesza addressed discussion on Agenda items as relates to Robert's Rules of Order.

Chair Strat thanked members for their confidence in electing him as Chairman. He said he and Mr. Schultz would do everything possible to expedite items and be efficient. Chair Strat said he would like to review, define and outline the Planning Commission objectives and goals at the next study 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, January 11, 2006, at Troy City Hall, 500 W. Big Beaver Rd., Troy, MI. The meeting was called to order at 12:10 p.m.

TRUSTEES PRESENT:	Mark Calice Michael Geise Thomas Houghton, Chair John M. Lamerato William R. Need Steven A. Pallotta John Szerlag
ABSENT:	Louise Schilling
ALSO PRESENT:	Steve Gasper, UBS Financial Services

EXCUSE ABSENT MEMBERS

Resolution # ER – 2006 – 01 - 001
Moved by Houghton
Seconded by Szerlag

RESOLVED, That Louise E. Schilling be excused.

Yeas: All 6
Absent: Schilling

MINUTES

Resolution # ER – 2006 – 01 - 002
Moved by Szerlag
Seconded by Pallotta

RESOLVED, That the minutes of the December 14, 2005 meeting be approved.

Yeas: All 6
Absent: Schilling

OTHER BUSINESS – RETIREMENT REQUESTS

Resolution # ER – 2006 – 01 - 003
Moved by Calice
Seconded by Lamerato

RESOLVED, That the board approve the following retirement requests:
Patricia Samuilow, DB, 4/01/06, 37 years 6 months
Jacqueline Sherwin-Wright, DB, 1/28/06, 26 years 4 months
Gisela Beier, DB, 1/20/06, 10 years 3 months

Yeas: All 6
Absent: Schilling

OTHER BUSINESS – INVESTMENT POLICY REVIEW

The Board will review it's current Investment Policy at its February 8, 2006 Board Meeting.

OTHER BUSINESS – RETIREE NEWSLETTER

The Board reviewed the final draft of the retiree newsletter and will forward a copy to all retirees in January.

OTHER BUSINESS – FORD & EARL PROPERTY UPDATE

The Board was informed that the Ford and Earl property sale was completed on January 10, 2006. The Board was also made aware of Victor Lenivov's reluctance to apologize to the Retirement Board regarding remarks made relative to the sale of the Ford and Earl property. It was the consensus of the Board to have the Law Firm of Van Overbeke, Michaud & Timmony, P.C. review the tape containing the remarks made by Victor Lenivov.

OTHER BUSINESS – ELECTION OF CHAIRMAN AND VICE-CHAIRMAN

Resolution # ER – 2006 – 01 - 004
Moved by Szerlag
Seconded by Geise

RESOLVED, That Thomas Houghton and Steven Pallotta be appointed to service as Chair and Vice-Chair through 12/31/06.

Yeas: All 6
Absent: Schilling

OTHER BUSINESS – INVESTMENT PERFORMANCE REVIEW – SEPTEMBER 30, 2005

Steve Gasper, UBS Financial Services, reviewed the 9/30/05 Investment Performance Report.

INVESTMENTS

Resolution # ER – 2006 – 01 - 005
Moved by Pallotta
Seconded by Geise

RESOLVED, That the Board sell and purchase the following securities:

Sell: Skywest, Skyworks

Purchase: $1,000,000 SLMA Ed Notes, 6.00%, due 3/15/09; and $500,000 Certificate of Deposit for 90 days.

Yeas: All 6
Absent: Schilling

The next meeting is February 8, 2006 at 12:00 p.m. at City Hall, Conference Room C, 500 W Big Beaver, Troy, MI.

The meeting adjourned at 1:27 p.m.

Thomas Houghton, Chairman

John M. Lamerato, Secretary

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TROY CABLE ADVISORY COMMITTEE – DRAFT JANUARY 19, 2006

Call to Order

The regular meeting was called to order at 7:09 p.m. at Troy City Hall.

Roll Call

Present:	Richard Hughes	Bryan Wehrung
	Robert Lin	Lisa Martinico
	Jerry Bixby	Alan Manzon
	Cindy Stewart	
Absent:	Kent Voigt	Penny Marinos

Approval of Minutes

Motion to approve minutes of October 20, 2005 with one change – 3rd paragraph letter "t" should be for. Motion by Martinico, seconded by Manzon, Approved unanimously.

New Business

Kathy Kiste, Wide Open West – Spoke about future products and information.

Rate increases are usually due to support increased operations.

WOW pricing – bundled rates are guaranteed until 2008. There are four levels for Internet service. Value: 112 kbps, Basic: 500 kbps, Advanced: 4 mbps and Ultra Internet: 6 mbps.

Newly added Channels are: Digital tier - Fine Living, Fox Reality, NFL Net, TNT, and OLN (older living). Bridges ($14.99) but in Feb. will be added to digital tier. Looking @ a family tier package.

Ala carte services – will consider this in the future.

They will not go all digital until FCC forces them to. They like being able to offer basic along with digital for people to have a choice.

Super Bowl - NFL Network – Jan. 23 – Feb. 6 to watch super bowl

What's Next:

It is hard to predict but her prediction is: VOD – video on demand all digital.

Question: Costs continue to rise. What about seniors? Any consideration for them?

Currently WOW offers seniors – 10% discount for basic $39.15 (regular price $43.50). Limited basic $13.99 for 22 channels.

Wehrung: It would be nice if added CNN to limited basic for seniors.

There is also a basic service seasonal rate for seniors who are only in Michigan for part of the year ($4.99/month) and seasonal rate for phone $19.99.

WOW has been acquired by Avista. The transition will be seamless for customers. The WOW name stays same along with billing and customers email addresses.

ICCA is working on the approval of the 394 Transfer. After receiving all of the information from WOW, they will make a recommendation to all ICCA councils/commissions. They in turn have to approve the transfer.

WOW is not looking at any more expansion at this time. They want to take care of all current customers before adding new ones.

Correspondence

1. *Comcast:* New features and services – December 28, 2005
   New prices for some services effective February 1, 2006. Basic services, digital packages, on-demand digital packages and individual programs (HBO, Showtime, TMC, Cinemax, Starz). Comcast is rolling out a high quality alternative to the local phone company, saving customers up to 25% on their phone bill. When combined with video or high-speed Internet services, customers receive even more services and a better value.

2. *WideOpenWest*: Customer Notices Level of Service – Nov. 14, 2005
   WOW continues to deliver on their pledge to enhance the quality of life for Troy residents through increased competition in the broadband communications space. Monthly rates will be adjusted beginning with Jan. 1, 2006 billing cycle (6% increase).

3. *WideOpenWest:* Cable Price Changes – Nov. 9, 2005

4. *WideOpenWest*: Acquisition by Avista – discussed under new business

Articles

A. *Coming Soon to TV Land: The Internet, Actually* – NY Times, 1/6/06. At the consumer electronics show in Las Vegas – what is coming in the future? Internet protocol TV – TV over the internet. There are companies like Apple, Google, Intel, Microsoft, Yahoo beginning to make available an ever-widening array of video content that looks more like a world of five million channels rather than 50 or even 500. Last fall both AT & T and Verizon began limited introductions of Microsoft's Version of IPTV.

B. *Study backs a la carte cable TV* – Detroit News, 11/30/2005 Former FCC Chairman Kevin Martin said consumers could save money and get more of the television programming they want if they are allowed to buy cable channels individually instead of in packages according to a new study by the FCC.

B. *MI spared Comcast hike* – Detroit News, 12/5/05. Competition keeps prices down. Most markets will pay 6% more for cable package.

C. *Local Cable Channel reaching out to middle east, world* – Troy Eccentric – 12/8/05. TV orient, now MBN America, reflects the network's increased coverage area and its desire to "build a bridge" between Arabic communities in the US and throughout the world. The channel is currently 2/3 broadcast in Arabic languages. They are working toward being 50/50 in English.

D. *Editorial: A little competition could make world of difference in cable bills* – Oakland Press 12/8/95.

Old Business

A. Report on web publications from members - Wireless Oakland update: Oakland County is working to get the seven pilot cities up and running with Wireless connections. They held a press conference in Troy December, 2005 as they installed the first piece of equipment. Currently service is not available, hopefully later this spring.

Staff Report

A. WTRY Cable Guide
B. CAC Member Listing – note: Jerry Bixby is not seeking reappointment to the CAC.
C. ICCA Meeting Notes – Final – November 16, 2005
D. Next Meeting: Thursday, April 27, 2006

Adjournment

Motion to adjourn by Bixby, seconded by Martinico. Meeting is adjourned at 8:38 p.m.

_____
Bryan Wehrung, Chairman

_____
Cindy Stewart, Staff Liaison

J-01q

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:32 p.m. on January 24, 2006 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:
Lynn Drake-Batts
Mary Kerwin
Fazal Khan
Lawrence Littman
Robert Schultz
Thomas Strat
Mark J. Vleck
David T. Waller
Wayne Wright

Also Present:
Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Allan Motzny, Assistant City Attorney
Tonni Bartholomew, City Clerk
Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

Ms. Drake-Batts requested to add the Election of Officers on the Agenda.

Chair Strat said the item would be number 4 on the Agenda.

Resolution # PC-2006-01-015
Moved by: Wright
Seconded by: Vleck

RESOLVED, To approve the amended Agenda as recommended by the Chair.

Yes: All present (9)
No: None

MOTION CARRIED

3. PUBLIC COMMENTS (Items not on the Agenda)

There was no one present who wished to speak.

4. ELECTION OF OFFICERS

Ms. Drake-Batts addressed the procedure that was followed for the election of officers at the January 10, 2006 Regular Meeting. She asked that the floor be open to discuss the procedures and a potential motion to rescind the election outcome due to irregular procedures followed during the election process.

Mr. Motzny referred to his memorandum that was distributed to the members, and said it is his opinion there is no basis for calling into question the final results of the election. He said, however, that a motion to rescind the election results could be made and seconded, should that be the decision of the members.

Ms. Drake-Batts cited Robert's Rules of Order as relates to election procedures and nominations. Ms. Drake-Batts said the slate of candidates she put forth at the January Regular Meeting was not discussed or voted on and a substitute motion took precedence.

Chair Strat introduced Tonni Bartholomew, City Clerk, and asked Ms. Bartholomew to address the matter as the City's parliamentarian.

Ms. Bartholomew, upon her review of the January 10, 2006 Regular Meeting videotape, said it appears that the first slate of candidates were nominated in the course of a casual conversation and handled as a motion. Ms. Bartholomew agrees with the City Attorney that the second motion, as a substitute motion, and approved by a majority of the Planning Commission, stands. She said it appears the election process was legal and the proper procedure was followed. Ms. Bartholomew provided explanations on a motion to rescind and a motion to reconsider.

Mr. Vleck apologized for any confusion that occurred at the January Regular Meeting when he put a substitution motion on the floor for the election of officers. He said the election procedure should be clear so there is no question or confusion in the future.

Brief comments on the election process were made from around the table.

Resolution # PC-2006-01-016
Moved by: Drake-Batts
Seconded by: Wright

RESOLVED, To rescind the election outcome due to irregular procedures followed during the process.

Discussion on the motion on the floor.

Ms. Kerwin asked what practice has been followed by the Planning Commission regarding the changing of the Chair position at elections.

Mr. Wright said one-year terms and an upward rotation of officer positions have been the practice. Mr. Wright said it has been a practice that the newest member would be the alternate representative on the Board of Zoning Appeals (BZA). He noted that there has never been a Chair or Vice Chair who has not served on the BZA.

Mr. Schultz said rotation of officer positions does not work when there are members who choose not to hold those positions, and noted that has been the case in recent years.

Mr. Vleck said hot issues sometimes throw normal planning items on the back burner, and one-year terms might not provide the time an officer would wish to accomplish planning matters. He said Mr. Chamberlain and Ms. Beltramini served as Chair for more than one year. Mr. Vleck said he would not be able to offer the dedicated time to a Chair position.

Mr. Miller said the election process for the past 4.5 years he has been Planning Director has remained essentially the same. Mr. Miller said under the City and Village Zoning Act an officer term is for one year only, even though the member's appointment to the Planning Commission is three years.

Mr. Khan said term limitations have been discussed because some members have expressed that one year is not enough time to work on various projects.

Mr. Littman said this year was the first time the Commission had competing slates for the officer positions. Mr. Littman shared some history from his years on the Commission. He said it appears that "going through the Chairs" sequence might not work in the future given there are members who might not have an interest in being an officer.

Ms. Kerwin said civility and no surprises are important, and people learn and grow in different positions. Ms. Kerwin shared her experience of officer positions from the Board of Education. She said the Resolution on the floor is an uncivil one because she does not want any hurt feelings or anyone not feeling valued for their contributions.

Mr. Schultz said there was no lack of civility or any surprises at the last Regular Meeting. He said the process followed for the election of officers was the same process used by the Planning Commission for more than a decade. Mr. Schultz pointed out that the Election of Officers was an Agenda item and a proposed Resolution was distributed in the agenda packet. Mr. Schultz said the Bylaws specifically state that the election is held at the first Regular Meeting of each year.

Mr. Khan said he is not interested in an officer position because of lack of time and other commitments.

Vote on the motion on the floor.

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

MOTION FAILED

Mr. Khan said he voted no because he did not think there was any irregularity in the election process.

Mr. Schultz said the election process was the same process followed by the Commission for years. Mr. Schultz did not vote in favor of the motion because both legal counsel and the parliamentarian said the election was open, above board and correct.

Mr. Vleck said he sought advice from legal counsel at the time he put forth his substitution motion and thought the voting process was clear to all members. Mr. Vleck said both legal counsel and the parliamentarian said the election was proper. He would like to see the Bylaws revised to assure that a specific election process is in place.

Ms. Kerwin said the motion to rescind was a mistake, and a motion to reconsider would have been more appropriate.

Mr. Littman said he accepts the parliamentarian's ruling that the election was legal. Mr. Littman said the matter could have been handled better. He thinks the Commission should have backed off and approached the matter differently when it was clear that there were competing slates.

Chair Strat agreed with all the comments.

5. BOARD OF ZONING APPEALS (BZA) REPORT

Mr. Wright reported on the January 17, 2006 Board of Zoning Appeals (BZA) meeting. An item of interest was the request for interpretation on the validity of site plan approval for Briggs Park Condominium development. The BZA took no action because it was the City Attorney's determination that the BZA had no jurisdiction to act on the request.

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There was a brief discussion on the number of cancelled DDA meetings and components of downtown development authorities established in other communities.

7. PLANNING AND ZONING REPORT

Mr. Motzny reported on the following litigation matters:

- Rathka -v- City of Troy
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- Big Beaver Corridor Study Update – Vision Fair held on January 18, 2006; Future meetings to include stakeholders and experts.
- Maple Road Corridor Study Update.
- Troy Futures Update.

Members who attended the Big Beaver Corridor Vision Fair shared positive comments.

Chair Strat requested a recess at 8:40 p.m.

The meeting reconvened at 8:48 p.m.

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8. PLANNING COMMISSION GOALS AND OBJECTIVES

Mr. Miller identified projects that the City Council directed the Planning Commission to act upon, as well as other projects currently under study. He noted that Mr. Littman forwarded a suggestion to implement sub-committees for planning projects. Mr. Miller referenced the City's strategic planning process and the 2004 Planning Commission work program. Mr. Miller reported that City Management advised him to budget funds for the Master Plan/Comprehensive Plan update.

Chair Strat presented a list of goals and objectives he prepared and solicited additional comments and suggestions from members. The following is a comprehensive list of goals, objectives and tasks to be reviewed in depth and prioritized at a future meeting.

- Revise Bylaws.
- Procedures.
- Establish degree of respect among all parties and governmental agencies; i.e., management, mayor, city council, boards.
- Distribute goals and objectives to all parties and governmental agencies.
- Update Master Plan/Comprehensive Plan.
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- Establish Planning Design Standards.
- Promote ingenuity.
- Promote private government development.
- Maintain project log; track and chart activity and status of projects.
- Redirect approval process of Vehicular Appeals from City Council to BZA.
- Gain knowledge of, and advocate to City Management and City Council, conditional rezoning and new commercial improvement districts.
- Raise standards in developments.
- Promote / encourage green development.
- Promote form based coding.
- Review special use considerations.
- Implement sub-committees.
- Determine appropriate parking requirements for facilities such as Troy Gymnastics.
- Streamline PUD approval process; i.e., conceptual approval by Planning Commission and City Council.
- Implement requirements for shared access between commercial properties.
- Require connectivity of developments.

[Mr. Waller exited at 9:25 p.m. Mr. Waller thanked everyone for their support, thoughts and prayers.]

Other discussion and comments:

- Site plan approval process and BZA variances; which comes first?
- Mr. Khan received conditional rezoning approval in Sterling Heights.
- Mr. Miller addressed PUD approval process in terms of document preparation.
- Mr. Miller recommended that the Master Plan be updated before rewriting the Zoning Ordinance. Mr. Vleck suggested time be allocated to individual goals and objectives at each study meeting.

ZONING ORDINANCE TEXT AMENDMENT

9. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215-A) – Article 04.20.00 and Articles 40.55.00-40-59.00, pertaining to Accessory Buildings Definitions and Provisions

Mr. Miller reviewed the status of ZOTA 215-A and the recommendation that was forwarded by the Planning Commission to the City Council. He explained that a Public Hearing must be conducted at the Planning Commission level should the members choose to send the same recommendation to City Council.

After discussion, the majority of members agreed that the same recommendation should be forwarded to the City Council.

The Planning Department was directed to schedule a Public Hearing on February 14, 2006 and to add the item to the February 7, 2006 Special/Study meeting agenda for review and discussion.

10. PUBLIC COMMENTS – For Items on the Agenda

Tom Krent of 3184 Alpine, Troy, was present. Mr. Krent addressed accessory buildings (ZOTA 215-A). He agreed with the majority of members that the original recommendation forwarded to the City Council was an excellent one and encouraged the members to forward the same recommendation to City Council. Mr. Krent emphasized that aesthetics could be very critical in amending the ordinance and distributed a short list of aesthetics currently defined in the City's ordinance.

Chris Komasara of 5287 Windmill, Troy, was present. Mr. Komasara addressed accessory buildings (ZOTA 215-A). He said it appears that the lot sizes of newer developments would not accommodate monster garages. Mr. Komasara said aesthetics of the house and accessory structure should match. He said the original recommendation of the Planning Commission is a good one and should be sent back to the City Council.

GOOD OF THE ORDER

Mr. Schultz welcomed Ms. Kerwin. Mr. Schultz thanked Mr. Chamberlain for his decades of service to the Commission. He said Mr. Chamberlain's enormous source of dedication and knowledge would be missed.

Mr. Khan welcomed Ms. Kerwin and said he would miss Mr. Chamberlain also.

Mr. Littman welcomed Ms. Kerwin again. Mr. Littman asked if a retirement gathering is being planned for Mr. Chamberlain.

Mr. Schultz replied that a retirement gathering is in the planning stages.

Mr. Savidant said the Planning Department is in receipt of a rezoning request for property abutting and owned by Walsh College that is slated for the February 14th Regular Meeting agenda. He said the proposed addition is inclusive of a lecture facility and library. Mr. Savidant said it is the intention of the college to meet Bronze LEED certification. Mr. Savidant attended a charrette at the college to discuss the proposed addition, and he thinks the members will be excited about the proposal.

Mr. Miller encouraged the members, as well as residents, to submit comments and input on the Troy Futures, Big Beaver Corridor Study and Maple Road Corridor Study.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 10:04 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 7:32 p.m. on January 24, 2006 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:
Lynn Drake-Batts
Mary Kerwin
Fazal Khan
Lawrence Littman
Robert Schultz
Thomas Strat
Mark J. Vleck
David T. Waller
Wayne Wright

Also Present:
Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Allan Motzny, Assistant City Attorney
Tonni Bartholomew, City Clerk
Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

Ms. Drake-Batts requested to add the Election of Officers on the Agenda.

Chair Strat said the item would be number 4 on the Agenda.

Resolution # PC-2006-01-015
Moved by: Wright
Seconded by: Vleck

RESOLVED, To approve the amended Agenda as recommended by the Chair.

Yes: All present (9)
No: None

MOTION CARRIED

3. PUBLIC COMMENTS (Items not on the Agenda)

There was no one present who wished to speak.

4. ELECTION OF OFFICERS

Ms. Drake-Batts addressed the procedure that was followed for the election of officers at the January 10, 2006 Regular Meeting. She asked that the floor be open to discuss the procedures and a potential motion to rescind the election outcome due to irregular procedures followed during the election process.

Mr. Motzny referred to his memorandum that was distributed to the members, and said it is his opinion there is no basis for calling into question the final results of the election. He said, however, that a motion to rescind the election results could be made and seconded, should that be the decision of the members.

Ms. Drake-Batts cited Robert's Rules of Order as relates to election procedures and nominations. Ms. Drake-Batts said the slate of candidates she put forth at the January Regular Meeting was not discussed or voted on and a substitute motion took precedence.

Chair Strat introduced Tonni Bartholomew, City Clerk, and asked Ms. Bartholomew to address the matter as the City's parliamentarian.

Ms. Bartholomew, upon her review of the January 10, 2006 Regular Meeting videotape, said it appears that the first slate of candidates were nominated in the course of a casual conversation and handled as a motion. Ms. Bartholomew agrees with the City Attorney that the second motion, as a substitute motion, and approved by a majority of the Planning Commission, stands. She said it appears the election process was legal and the proper procedure was followed. Ms. Bartholomew provided explanations on a motion to rescind and a motion to reconsider.

Mr. Vleck apologized for any confusion that occurred at the January Regular Meeting when he put a substitution motion on the floor for the election of officers. He said the election procedure should be clear so there is no question or confusion in the future.

Brief comments on the election process were made from around the table.

Resolution # PC-2006-01-016
Moved by: Drake-Batts
Seconded by: Wright

RESOLVED, To rescind the election outcome due to irregular procedures followed during the process.

Discussion on the motion on the floor.

Ms. Kerwin asked what practice has been followed by the Planning Commission regarding the changing of the Chair position at elections.

Mr. Wright said one-year terms and an upward rotation of officer positions have been the practice. Mr. Wright said it has been a practice that the newest member would be the alternate representative on the Board of Zoning Appeals (BZA). He noted that there has never been a Chair or Vice Chair who has not served on the BZA.

Mr. Schultz said rotation of officer positions does not work when there are members who choose not to hold those positions, and noted that has been the case in recent years.

Mr. Vleck said hot issues sometimes throw normal planning items on the back burner, and one-year terms might not provide the time an officer would wish to accomplish planning matters. He said Mr. Chamberlain and Ms. Beltramini served as Chair for more than one year. Mr. Vleck said he would not be able to offer the dedicated time to a Chair position.

Mr. Miller said the election process for the past 4.5 years he has been Planning Director has remained essentially the same. Mr. Miller said under the City and Village Zoning Act an officer term is for one year only, even though the member's appointment to the Planning Commission is three years.

Mr. Khan said term limitations have been discussed because some members have expressed that one year is not enough time to work on various projects.

Mr. Littman said this year was the first time the Commission had competing slates for the officer positions. Mr. Littman shared some history from his years on the Commission. He said it appears that "going through the Chairs" sequence might not work in the future given there are members who might not have an interest in being an officer.

Ms. Kerwin said civility and no surprises are important, and people learn and grow in different positions. Ms. Kerwin shared her experience of officer positions from the Board of Education. She said the Resolution on the floor is an uncivil one because she does not want any hurt feelings or anyone not feeling valued for their contributions.

Mr. Schultz said there was no lack of civility or any surprises at the last Regular Meeting. He said the process followed for the election of officers was the same process used by the Planning Commission for more than a decade. Mr. Schultz pointed out that the Election of Officers was an Agenda item and a proposed Resolution was distributed in the agenda packet. Mr. Schultz said the Bylaws specifically state that the election is held at the first Regular Meeting of each year.

Mr. Khan said he is not interested in an officer position because of lack of time and other commitments.

Vote on the motion on the floor.

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

MOTION FAILED

Mr. Khan said he voted no because he did not think there was any irregularity in the election process.

Mr. Schultz said the election process was the same process followed by the Commission for years. Mr. Schultz did not vote in favor of the motion because both legal counsel and the parliamentarian said the election was open, above board and correct.

Mr. Vleck said he sought advice from legal counsel at the time he put forth his substitution motion and thought the voting process was clear to all members. Mr. Vleck said both legal counsel and the parliamentarian said the election was proper. He would like to see the Bylaws revised to assure that a specific election process is in place.

Ms. Kerwin said the motion to rescind was a mistake, and a motion to reconsider would have been more appropriate.

Mr. Littman said he accepts the parliamentarian's ruling that the election was legal. Mr. Littman said the matter could have been handled better. He thinks the Commission should have backed off and approached the matter differently when it was clear that there were competing slates.

Chair Strat agreed with all the comments.

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ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 10:04 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 on Wednesday, February 1, 2006 at 8:30 A.M. in the Lower Level Conference Room of the Troy City Hall.

PRESENT: Ted Dziurman
Rick Kessler
William Nelson
Tim Richnak
Frank Zuazo

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Marlene Struckman, Inspector Supervisor
Pamela Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES – MEETING OF JANUARY 4, 2006

Motion by Richnak
Supported by Kessler

MOVED, to approve the minutes of the meeting of January 4, 2006 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES CARRIED

ITEM #2 – VARIANCE REQUEST. METRO DETROIT SIGNS, 3129-3149 CROOKS, for relief of Chapter 85 to erect a 198 square foot ground sign, with a 16' setback from the public right of way of Crooks Road and a 20' setback from the public right of way of Wilshire Boulevard.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 85 to erect a 198 square foot sign. Section 85.02.05 of the Sign Ordinance requires that a sign of this size be placed at a 30' minimum setback from the public right-of-way. The site plan submitted shows a 16' setback from the public right of way of Crooks Road and a 20' setback from the public right of way of Wilshire Blvd.

This item first appeared before this Board at the meeting of January 4, 2006 and at that time the petitioner was asking for a setback of 26' from both the public right of way of Crooks and Wilshire Boulevard. This request was postponed to this meeting to allow the Building Department the opportunity to publish a new Public Hearing with the revised setbacks. Accordingly, a new Public Hearing notice has been sent out to the appropriate surrounding property owners based upon the revised plans.

Harvey Weiss was present and stated that they had tried to place this sign in another location, however, because of underground utilities and easements there is only a small area that could accommodate a sign. The only curb cut is south of this property and Mr.

ITEM #2 – con't.

Weiss does not believe this sign will affect visibility to oncoming traffic. Presently there is a traffic light at Wilshire and Crooks and there is No Left Turn allowed. Mr. Weiss further stated that this building has frontage on two (2) streets and they plan to have a 10,000 square foot retail space and also plan to construct a 30,000 square foot of office space. This sign will accommodate both uses and they will not require another ground sign.

The Chairman opened the Public Hearing.

Mr. Flaggman from Finsilver Management was present. He stated he managed the building northwest of this site. He objected to the variance because he felt that it would affect the visibility to northbound Crooks Rd. traffic and also traffic on Wilshire Blvd. He stated he did not see the hardship required for the variance and felt that because the sign was closer than originally requested it would create more of a problem. Mr. Flaggman also said that they would approve this request if the size of the sign was smaller.

Mr. Richnak asked if the petitioner would be allowed to put up two (2) signs at this location and Mr. Stimac said that because the property has frontage on a major road they would be allowed one additional 36 square foot ground sign as well as the one monument sign. Mr. Richnak also asked if the Sign Ordinance allows for an additional sign if they put up the 30,000 square foot office building and Mr. Stimac said that there is nothing in the Ordinance that automatically grants another sign.

Mr. Kessler stated that at the time of site plan approval the impact of a sign on traffic visibility at the corner is also studied. Mr. Stimac stated that the proposed sign complies with the requirements involving corner clearance. The proposed sign does not encroach into the corner clearance.

Mr. Richnak asked if this Board could grant the variance with the stipulation that the petitioner would not be able to add an additional sign. Mr. Stimac said that the Board could put that stipulation in their motion; however, since the final development of this property could involve a Planned Unit Development (PUD) the Planning Commission or City Council can create new sign requirements.

Mr. Weiss stated that although they would probably not ask for another ground sign, they would want to put up additional wall signage.

Mr. Dziurman asked if there was any other place they could put this sign and the petitioner stated that they have created an island and moved a parking space to put the sing in this location. The underground utilities and easement make it impossible to move the sign anywhere else.

ITEM #2 – con't.

Mr. Richnak asked if there was some type of sign that could be erected in this location and still comply with the Ordinance. Mr. Stimac explained that the petitioner could put up a sign that was not more than 10' in height and not more than 50 square feet in area at the 0 to 10' setback line, in the 20'-30' setback line, they could put up a sign that was 20' in height and 100 square feet in area.

Mr. Matt Farrell asked if the restrictions placed on signage were different between the retail space and the proposed office building. Mr. Stimac stated that the regulations regarding limits for ground signs apply both to commercial and office property.

Mr. Nelson asked about the dimensions of the actual sign and the petitioner stated that one-half of the size of this sign is actually architectural design. It will be constructed of the same brick and stone of the building. Mr. Stimac asked if the "starburst" design depicted on the sign will convert to actual verbiage. The petitioner stated that this panel could be used as the name of the project in the future.

No one else wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Motion by Kessler
Supported by Richnak

MOVED, to grant Metro Detroit Signs, 3129-3149 Crooks, relief of Chapter 85 to erect a 198 square foot ground sign, which will result in a 16' setback from the public right of way of Crooks Road and a 20' setback from the public right of way of Wilshire Boulevard, where Section 85.02.05 of the Sign Ordinance requires that a sign of this size be placed at a 30' minimum setback from the public right of way.

- No other ground signs will be allowed at this location.
- Existing utilities and easements make conformance difficult.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: All – 5

MOTION TO GRANT REQUEST CARRIED

ITEM #3 – VARIANCE REQUEST. MARK MOSED, OF GREAT LAKES SIGN & ELECTRICAL, 888 W. BIG BEAVER, for relief of Chapter 85 to install a 75 square foot wall sign.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 85 to install a 75 square foot wall sign for Morton's Steak House. Section 85.02.05 3(d) of the Sign

ITEM #3 – con't.

Ordinance limits the size of tenant wall signs in office districts to not more than 20 square feet in area.

Mr. James Jonas, of 888 W. Big Beaver was present and stated that they are asking for this variance to increase visibility to traffic along Big Beaver Road. Mr. Jonas stated that after looking at the competition in this area this sign would be smaller than other signs and would be at the corner of the building. Mr. Jonas also said that they had included the possibility of adding this sign at the time they submitted their plans as part of the signage master plan.

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 Nelson
Supported by Richnak

MOVED, to grant Mark Mosed, of Great Lakes Sign & Electrical, 888 W. Big Beaver, relief of Chapter 85 to install a 75 square foot wall sign for Morton's Steak House, where Section 85.02.05 3(d) of the Sign Ordinance limits the size of tenant wall signs in office districts to not more than 20 square feet in area.

- 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: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #4 – VARIANCE REQUEST, SCOTT GARDNER, GARDNER SIGNS, 2600 W. BIG BEAVER, for relief of Chapter 85 to install a third 80 square foot wall sign.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 85 to install a third 80 square foot wall sign. Only one major wall sign is permitted for each office building up to maximum of 200 square feet in accordance with Section 85.02.05, A3 of the Sign Ordinance. The Board of Appeals on July 6, 2005 already approved a second 80 square foot wall sign for this building. The petitioners are now asking for a third sign. This proposal exceeds the number of signs and area permitted.

Scott Gardner of Gardner Signs, and Tom Darling of 2600 W. Big Beaver were present.

ITEM #4 – con't.

Mr. Gardner explained that they are requesting this third wall sign mainly to increase visibility for westbound traffic on Big Beaver. This sign would be strictly for identification purposes and would aid people in finding the entrance to this Building.

Mr. Darling said that traffic is often past the drive before you can see the identification. They are trying to bring attention to the building and the sign will resemble the logo of LaSalle Bank.

Mr. Dziurman asked if this sign would be the same size as the other signs on the building and Mr. Gardner said that it would be the same size. Mr. Dziurman asked if these signs would be in compliance with the 10% allowable area. Mr. Stimac said that 10% would allow them the maximum of 200 square feet. Presently the existing two signs are 160 square feet and this sign would bring the square footage up to 240 square feet.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written complaints or approvals on file.

Motion by Kessler
Supported by Nelson

MOVED, to grant Scott Gardner, Gardner Signs, 2600 W. Big Beaver, relief of Chapter 85 to install a third 80 square foot wall sign where Section 85.02.05, A3 of the Sign Ordinance allows only one major wall sign for each office building up to a maximum of 200 square feet.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #5 – VARIANCE REQUESTED. BASEMENT EXPERTS, 4451 REILLY DR., for relief of the 2003 Michigan Residential Code to convert a basement to habitable area.

Mr. Stimac explained that the petitioner is requesting relief Section R305 of the 2003 Michigan Residential Code to convert a basement to habitable area. On December 7, 2005 the petitioner was granted a variance to convert a basement to habitable area, resulting in a finished ceiling height of 6'-3" under existing ductwork. Section R305 of the Michigan Residential Code requires a minimum 6'-6" ceiling height under beams and ductwork. Upon rough inspection it was discovered that the height of the ceiling

ITEM #5 – con't.

under the ductwork was only 6' – 1 ¾" instead of the 6'-3" height as approved. Petitioners are now requesting relief to complete this project with a ceiling dropped to the height of 6'-1 ¾" under the existing ductwork.

Mr. Steve Attar was present and stated the basement floor slopes dramatically and although there are sections of the basement that are 6'-3" in height, there are also areas that have resulted in a ceiling height of 6'-1 ¾". These particular problems come up with older homes. They always try to gain as much ceiling height as possible, which allows them to put plywood on ceiling so that it is flat and level. Mr. Dziurman asked if the ceiling was level across the basement. Mr. Attar said that it is, but the I-beam runs right through this area.

Mr. Kessler asked what type of material is used on the ceiling and Mr. Attar said that they put up ½" plywood. Mr. Kessler asked the petitioner how tight the plywood is to the ductwork and Mr. Attar said that they cannot raise the ceiling any higher and the plywood is pretty tight. Mr. Kessler then asked what is between the plywood and the ductwork and the petitioner said that they use a ½" furring strip. Mr. Kessler then asked how they plan to finish the corner where the ceiling goes back up. The petitioner said that it was probably mitered and goes right to the wall. They also use a white board with a laminate cover so that no rough-cut plywood is visible.

Mr. Kessler said that he has always had an issue with this dropped ceiling height and asked if rather then make it a finished part of the basement, turn it into either a storage area or a hallway connecting the two rooms. He went on say that there are a lot of tall people and there is the possibility that they will bank their heads on the lowered ceiling. Mr. Kessler also said that in his opinion a ceiling height of 6'-1" or 6'-2" is too low and is not functional.

Mr. Attar said that he believes the unfinished area of the basement is only 6'-2 ¼" so he did not think this ceiling height would make a difference. He also said that he does not think he could turn this area into a storage space as there would be no way to make them accessible to each other. There are areas throughout the entire basement that the ceiling height varies from 6'-2" or 6'-2 ¼" because of the way the floor slopes. Mr. Kessler said that he would like to see this request postponed to allow the petitioner the opportunity to revise his plans to see if something else could be done.

Mr. Attar said that there are no other options available as the floor is too uneven and he does not think they could straighten it out. Mr. Kessler asked if they could pull the plywood up tighter and use glue to keep it in place and Mr. Attar said that he did not believe it would stay in place.

Mr. Richnak said that the petitioner indicated that there is a floor drain in this area and asked what the height of the ceiling was from the floor drain to the ductwork. Mr. Attar said that the floor drain is not under the ductwork. Mr. Richnak asked how much the

ITEM #5 – con't.

floor slopes and the petitioner said it was probably 2" or 3". Mr. Richnak said that it was possible to grind the cement down to make the floor level. Mr. Richnak also asked if there was a requirement in the Building Code that would determine the slope of the basement floor.

Mr. Stimac said that there is no slope required on a basement floor. He didn't know the overall size of the house but if there was an 1/8" per foot slope that would be more than what you would typically see in the area. Mr. Stimac also said that he didn't know if the floor was bare or if it was going to be covered, which would also affect the ceiling height. Mr. Attar said that he does believe the floor drain is related to the fact that the floor slopes; he thinks it was just a matter of poor construction.

The homeowner, Mr. Geering, was present and stated that they have had the basement waterproofed, and have done a number of repairs to the home. He said his family has no problem with the height of the ceiling and do not plan to move anytime soon so he does not feel this should be a problem. Mr. Dziurman said that eventually the house would probably be sold to someone else and that is the factor the Board has to consider.

Mr. Richnak explained that they are looking at the future of this building as far as the larger picture goes. Mr. Attar said that when people are looking to purchase a home he believes they look at all of these factors, and a tall person would find that this would not be the house for them because of the ceiling height. Even if this area is left unfinished the ceiling height would still be under the 6'-3" requirement.

Mr. Kessler stated that the Residential Code calls for a ceiling height of 6'-6" and going down to 6'-3" would be the maximum he would be comfortable with. Going any lower would create a hazard and they could finish off the other area of the basement, which would result in a good sized room and would be code compliant.

Motion by Kessler
Supported by Richnak

MOVED, to deny the request of Basement Experts, 4451 Reilly Dr., for relief of the 2003 Michigan Residential Code to convert a basement to habitable area that will result with a ceiling dropped to the height of 6'-1 ¾" under the existing ductwork.

- Lower ceiling height would create a hazard for people walking through the basement.
- Lower ceiling height areas could be walled off or converted to closet space.
- Other area of the basement could be finished and would be code compliant.

Yeas: 3 – Kessler, Richnak, Zuazo
Nays: 2 – Dziurman, Nelson

ITEM #5 – con't.

MOTION TO DENY REQUEST CARRIED

ITEM #6 – VARIANCE REQUESTED. BASEMENT EXPERTS, 1493 OAKCREST DR., for relief of Section R305 of the 2003 Michigan Residential Code to convert a basement to habitable area.

Mr. Stimac explained that the petitioner is requesting relief of the 2003 Michigan Residential Code to finish a basement that includes the installation of a suspended ceiling with finished ceiling heights of 6'-9" and 6'-11". The plans also indicate a dropped ceiling for ductwork with a 6'-4" ceiling height. The 2003 Michigan Residential Code, Section R305, requires a 7' minimum ceiling height in finished basements and 6'-6" for dropped ceilings under beams and ductwork.

Mr. Kessler asked what the ceiling height was from the floor to the floor joist. Mr. Attar said that they can get a ceiling height of 6'-11" by the stairs. Mr. Kessler confirmed that they wish to bring the ceiling height down to 6'-9" in the recreation room and Mr. Attar said that this drop is needed because the plumbing lines run in this area, and consist mainly of shut off valves.

Mr. Kessler also said that he would like to see more detailed plans showing where the ductwork and plumbing lines are located. He would also like to see photographs, as he believes the ceilings could be dry walled, which would eliminate the need for a variance. The first few requests that appeared before this Board were because the homeowners had allergies and this type of laminate would help to alleviate some of the symptoms of these allergies. Now the petitioner is coming to the Board without showing any type of hardship that would require a variance.

Mr. Attar said that they are requesting relief of today's construction codes for homes that were built in the past. People want to create additional living space in their homes and he does not believe they are being allowed to do that because of an arbitrary number that should not apply to their homes. The petitioner is trying to accommodate the homeowner's wishes and keep it cost effective. Mr. Attar said that in his opinion the City of Troy does not believe basements are usable space and all they are trying to do is create additional space so that the homeowner can stay in the City. Mr. Attar said that they would be willing to submit extra paperwork but there is nothing he can do to comply with the 7' ceiling height. He does not believe that drywall on the ceiling would provide the access the homeowner needs for plumbing shut off valves.

Mr. Kessler said that he did not believe this was a valid argument and Mr. Attar said that if there is water damage, it is much easier to remove a suspended ceiling than one that has been dry walled. Mr. Attar said that although the new homes have the required 7' ceiling height, the majority of homes in Troy are less than 7'.

ITEM #6 – con't.

Mr. Kessler asked what the cost of the ceiling was in this area of the basement and Mr. Attar said that he didn't know. Mr. Attar advised that the cost of this job was $21,843.00 and also included an egress window. Mr. Kessler said that people are counting on this Board to make sure these home are built to minimum code. Mr. Kessler also asked if there were any deviations in the floor of this home. Mr. Attar assured the Board that there were not and they made more measurements to make sure that the problem with the floor would not happen again.

Motion by Kessler
Supported by Richnak

MOVED, to postpone the request of Basement Experts, 1493 Oakcrest Dr., for relief of Section R305 of the 2003 Michigan Residential Code to convert a basement to habitable area that will result in finished ceiling heights of 6'-9" and 6'-11" where 7' is required; and, for a dropped ceiling for ductwork with a 6'-4" ceiling height.

- To allow the petitioner to draw up additional plans showing the location of ductwork and plumbing lines.
- To allow the petitioner to explore the possibility of another option to finish this basement with a code compliant height for the ceiling.

Yeas: 4 – Nelson, Richnak, Zuazo, Kessler
Nays: 1 – Dziurman

MOTION TO POSTPONE THIS REQUEST UNTIL THE MEETING OF MARCH 1, 2006 CARRIED

The Building Code Board of Appeals meeting adjourned at 9:33 A.M.

_____
Ted Dziurman, Chairman

_____
Pamela Pasternak, Recording Secretary

Advisory Committee for Senior Citizens

A regular meeting of the Advisory Committee for Senior Citizens was held on Thursday, Feb. 2 2006 at the Troy Community Center. Chair JoAnn Thompson called the meeting to order at 1 PM.

Present: JoAnn Thompson, Chair
Bud Black, Member
Merrill Dixon, Member
Jo Rhoads, Member, excused
David Ogg, Member
James Berar, Member
Pauline Noce, Member
Carla Vaughan, Staff

Absent: None

Visitors: None

Approval of Minutes

Resolution # SC-2006-2-001
Moved by Jo Rhoads
Seconded by David Ogg

RESOLVED, That the Minutes of Jan. 5, 2006 be approved as submitted.

Yes: 7
No: 0

MOTION CARRIED

Visitor Comments

None

Old Business

Shuffleboard and Bocce Ball: Merrill reported that the budget has been approved and the bid award will probably go before City Council in April. The Committee reiterated that there should be shade over the bench area. Carla will check the bid specifications.

Catering Service at the Community Center: Carla reported that staff is working on a proposal that the caterer offer a discount to non-profit groups. They will meet with the caterer in February 22.

New Business

Medicare Part D Enrollment: Joann suggested that this be added as a regular item under reports and that members should bring information about this subject to share. The Committee discussed some of the ongoing concerns about the complexity of the program.

Reports

Park Board: Merrill Dixon reported that the Park Board discussed possible development of several parcels of land. He also asked that Carla make copies of the Community Center annual report for all Advisory Committee members.

Medi-Go: Jo Rhoads reported that Medi-Go is doing great.

Senior Program: Carla reported that low-income seniors can have their taxes done by AARP volunteers any Friday through April 14 at the Community Center. Appointments are not required. Last year, 364 seniors participated in this program. The number of seniors receiving the senior newsletter via email has increased 49% over the past year. There are now 342 seniors on our e-mailing list. Check out the Woodcarving Club's exhibit of beautiful carvings in the Community Center display case. This committee's own Joann Thompson won the Troy spelling bee and will be advancing to the county bee in February along with the two runners-up from Troy. Congratulations Joann!

OLHSA: No report

Oakland County Senior Advisory Board: Jo Rhoads reported that they discussed resources to help keep seniors in their own homes.

Suggestion Box: There was one new suggestion that a copy machine be installed at the Community Center for seniors to use. Carla reported that there was a machine at the old center, but it was not being used enough and the vendor removed it.

Comments:

Joann Thompson reported on the upcoming Troy High Stroll and Roll on March 4 and the State of the City Luncheon on February 9.

The meeting was adjourned at 2:30 p.m.

Respectfully submitted,

JoAnn Thompson, Chair

Carla Vaughan, Secretary

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:30 p.m. on February 7, 2006 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:
Lynn Drake-Batts
Mary Kerwin
Fazal Khan
Robert Schultz
Thomas Strat
Mark J. Vleck (arrived 7:32 p.m.)
David T. Waller

Absent:
Lawrence Littman
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-2006-02-017
Moved by: Khan
Seconded by: Schultz

RESOLVED, That Members Littman and Wright are excused from attendance at this meeting for personal reasons.

Yes: All present (6)
No: None
Absent: Littman, Vleck (arrived 7:32 p.m.), Wright

MOTION CARRIED

2. APPROVAL OF AGENDA

Resolution # PC-2006-02-018
Moved by: Khan
Seconded by: Schultz

RESOLVED, To approve the Agenda as published.

Yes: All present (7)
No: Littman, Wright

MOTION CARRIED

3. MINUTES

Resolution # PC-2006-02-019
Moved by: Schultz
Seconded by: Khan

RESOLVED, To approve the January 10, 2006 Regular Meeting minutes as published.

Yes: Drake-Batts, Kerwin, Khan, Schultz, Strat, Vleck
No: None
Abstain: Waller
Absent: Littman, Wright

MOTION CARRIED

Resolution # PC-2006-02-020
Moved by: Kerwin
Seconded by: Schultz

RESOLVED, To approve the January 24, 2006 Special/Study Meeting minutes as published.

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

MOTION CARRIED

4. PUBLIC COMMENT (Items Not on the Agenda)

There was no one present who wished to speak.

5. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

The Downtown Development Authority (DDA) did not meet in January.

Mr. Miller provided a status report on the Big Beaver Road Corridor Study.

6. PLANNING AND ZONING REPORT

Mr. Miller reported on the following items:

- ZOTA 201 - Commercial Indoor Recreation in M-1 – City Management has requested Planning Commission to reconsider ZOTA 201 as relates to specific development criteria. The matter will be placed on the February 14, 2006 Regular Meeting agenda for discussion and review.
- City Council appointed John Lamerato, Assistant City Manager, Finance and Administration, as Interim Acting City Manager effective upon John Szerlag's departure.
- Status of Maple Road Corridor Study.
- Boards and Commissions Appreciation Banquet – February 11, 2006.

7. PLANNING COMMISSION GOALS AND OBJECTIVES

After a thorough discussion on the 2006 Planning Commission goals, objectives and tasks, sub-committees were established for priority objectives and various tasks were appropriately assigned.

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

Mr. Miller reported that a Public Hearing on ZOTA 215-A is scheduled at the February 14, 2006 Regular Meeting, and that City Council postponed action on the item to a date after the Planning Commission makes its recommendation to City Council.

Mr. Miller reviewed the only difference between the recommendations of the Planning Commission and City Management. The Planning Commission would like to restrict the door height of an accessory structure, and City Management would like no restriction on the door height. After discussion, the members agreed that it would be preferable to forward one recommendation to City Council and to reach an agreement with City Management on the door height restriction issue. Mr. Miller said he would address the matter with City Management and report back to the members.

9. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215-C) – Article 43.74.00, Article 40.65.02 and Article 44.00.00, pertaining to Commercial Vehicle Parking Appeals

Mr. Miller addressed Commercial Vehicle Parking Appeals and the authority to hear commercial vehicle parking appeals as a Special Use Approval by the Planning Commission. Preliminary draft provisions were provided by the Planning Department. Mr. Miller said a Public Hearing on the proposed zoning ordinance text amendment could be scheduled for the March 14, 2006 Regular Meeting.

After a lengthy discussion and comments from around the table, it was determined that the Planning Department would research the matter further and report back at the March 28, 2006 Special/Study Meeting. Research would comprise learning from neighboring municipalities the process used for commercial vehicle appeals, definition of commercial vehicle, and designation of Special Use Approval.

10. PUBLIC COMMENTS (Items on Current Agenda)

Tom Krent of 3184 Alpine, Troy, was present. Mr. Krent addressed one of the Planning Commission's goals and objectives relating to presentations at Regular Meetings. He shared the presentation format used at the City of Farmington Hills. Mr. Krent also addressed ZOTA 215-C. He distributed information compiled from neighboring communities on the methodology used for commercial vehicle appeals and copies of Bloomfield Township zoning ordinance that relates to the authority of its Board of Zoning Appeals with respect to use limitations. Mr. Krent said the City Council limited the door height on attached accessory structures to maintain the character of the neighborhood.

Chris Komasara of 5287 Windmill, Troy, was present. Mr. Komasara said he is looking forward to the conclusions of the Commission's goals and objectives. Mr. Komasara addressed ZOTA 215-A with respect to the legal maximum height of a vehicle and the door height of an accessory building. Mr. Komasara suggested a maximum door height of 12 feet.

GOOD OF THE ORDER

Ms. Drake-Batts asked for an update on the K-Mart property and the date of the Public Hearing for the proposed zoning ordinance text amendment related to Group Day Care Homes.

Mr. Miller said no official plans have been submitted for the K-Mart site, and noted K-Mart personnel have occupancy of the building for another year. Mr. Miller said the developer, Madison Marquette, is involved in the Big Beaver Corridor Study.

Mr. Miller reported a Public Hearing for Group Day Care Homes (ZOTA 214) is scheduled for the March 6, 2006 City Council meeting. He informed the members a Public Hearing on the proposed zoning ordinance text amendment on Child Care Centers by Special Use Approval in residential districts (ZOTA 218) is also scheduled for that evening.

Mr. Khan thanked Messrs. Krent and Komasara for their input and information on accessory buildings and commercial vehicles.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 9:55 p.m.

Respectfully submitted,

_____
Thomas Strat, Chair

_____
Kathy L. Czarnecki, Recording Secretary

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A Meeting of the Civil Service Commission (Act 78) was held Monday, February 13, 2006, at Troy City Hall, 500 W. Big Beaver Road in the Lower Level Conference Room. Chairman McGinnis called the meeting to order at 7:31 AM.

ROLL CALL

PRESENT: Chairman Donald E. McGinnis, Jr.
Commissioner David Cannon
Commissioner Patrick Daugherty

ALSO PRESENT: Lori Bluhm - City Attorney, Peggy Clifton - Human Resources Director, Police Chief Charles Craft, Captain Edward Murphy, Barbara A. Holmes – Deputy City Clerk

Approval of Corrected Minutes of August 10, 2004

Resolution #CSC-2006-02-001
Moved by Daugherty
Seconded by Cannon

RESOLVED, That the Minutes of the meeting of August 10, 2004 be **APPROVED** as corrected.

Yes: All-3

Approval of Minutes of October 17, 2005

Resolution #CSC-2006-02-002
Moved by Daugherty
Seconded by Cannon

RESOLVED, That the Minutes of the meeting of October 17, 2005 be **APPROVED** as presented.

Yes: All-3

Petitions and Communications:

Approval of Eligibility List – Police Officer

Resolution #CSC-2006-02-003
Moved by Daugherty
Seconded by Cannon

RESOLVED, That the *Eligible List for Classification: Police Officer* established on February 3, 2006 be **APPROVED** as presented.

Yes: All-3

New Business: None presented

Old Business: None presented

Adjournment: The meeting was adjourned at 7:41 AM.

Donald E. McGinnis, Jr., Chairman

Barbara A. Holmes, Deputy City Clerk

DATE: February 2, 2006

TO: John Szerlag, City Manager
FROM: Mark Stimac, Director of Building & Zoning
SUBJECT: Permits issued during the Month of January 2006

	NO.	VALUATION	PERMIT FEE
INDUSTRIAL			
Add/Alter	6	$599,450.00	$4,933.00
Parking Lot	1	$95,050.00	$817.00
Sub Total	**7**	**$694,500.00**	**$5,750.00**
COMMERCIAL			
Tenant Completion	2	$70,000.00	$780.00
Add/Alter	20	$3,463,170.00	$26,934.00
Sub Total	**22**	**$3,533,170.00**	**$27,714.00**
RESIDENTIAL			
New	12	$2,284,423.00	$17,763.00
Add/Alter	7	$321,641.00	$3,068.00
Wreck	1	$0.00	$50.00
Sub Total	**20**	**$2,606,064.00**	**$20,881.00**
TOWN HOUSE/CONDO			
Add/Alter	3	$25,429.00	$435.00
Sub Total	**3**	**$25,429.00**	**$435.00**
INSTITUTIONAL/HOSPITAL			
Add/Alter	4	$379,000.00	$3,247.00
Sub Total	**4**	**$379,000.00**	**$3,247.00**
MISCELLANEOUS			
Satellite/Antennas	1	$35,000.00	$390.00
Signs	54	$0.00	$6,180.00
Fences	5	$0.00	$80.00
Sub Total	**60**	**$35,000.00**	**$6,650.00**
TOTAL	**116**	**$7,273,163.00**	**$64,677.00**

PERMITS ISSUED DURING THE MONTH OF JANUARY 2006

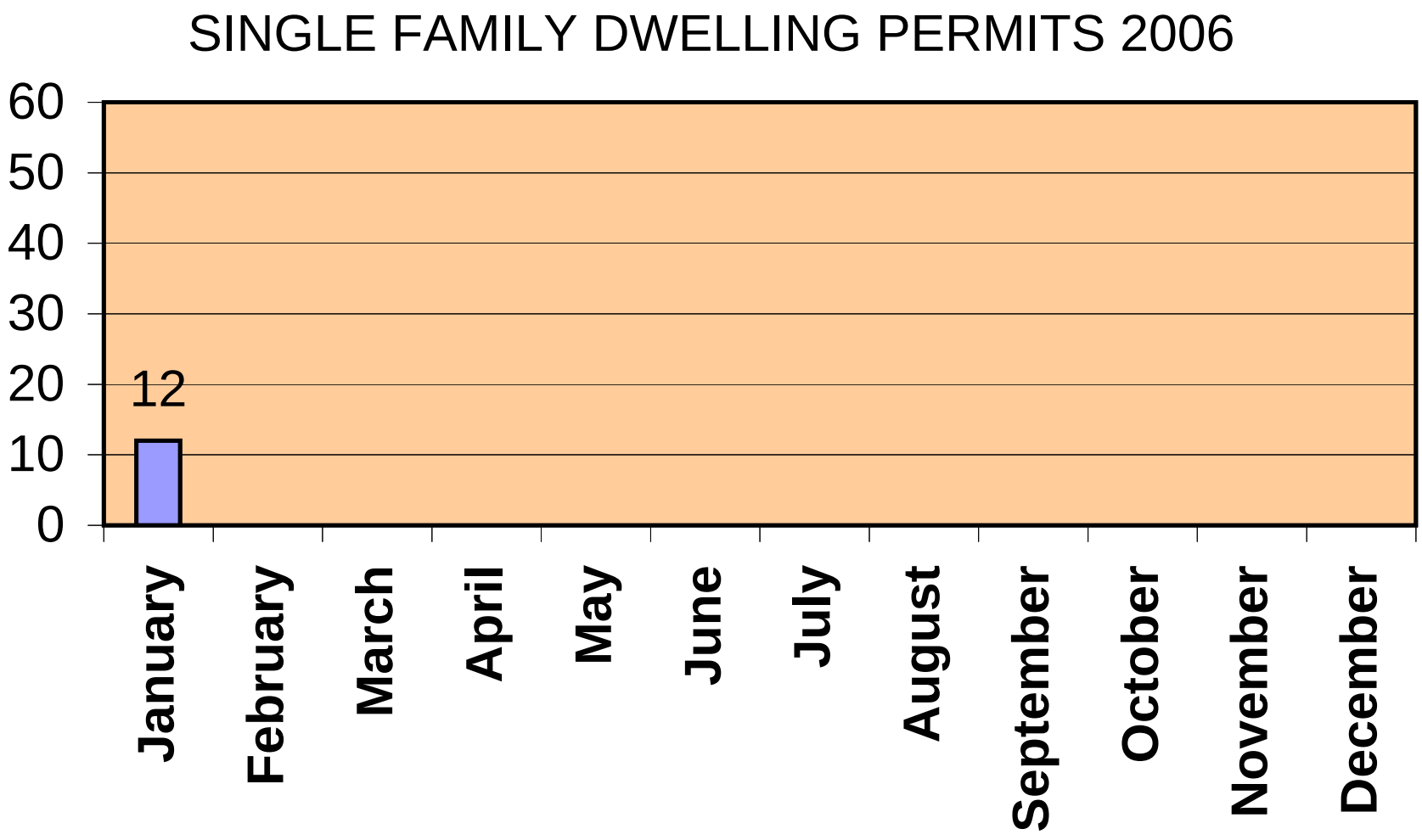
	NO.	PERMIT FEE
Cert. of Occupancy	40	$2,461.35
Plan Review	108	$6,564.68
Microfilm	33	$245.00
Building Permits	116	$64,677.00
Electrical Permits	179	$13,979.00
Heating Permits	144	$9,018.00
Air Cond. Permits	53	$2,730.00
Plumbing Permits	73	$9,608.00
Storm Sewer Permits	20	$624.00
Sanitary Sewer Permits	15	$521.00
Sewer Taps	16	$4,340.00
TOTAL	**797**	**$114,768.03**

LICENSES & REGISTRATIONS ISSUED DURING THE MONTH OF JANUARY 2006

	NO.	LICENSE FEE
Mech. Contr.-Reg.	27	$135.00
Elec. Contr.-Reg.	70	$1,050.00
Master Plmb.-Reg.	14	$14.00
Sewer Inst.-Reg.	1	$50.00
Sign Inst. - Reg.	2	$20.00
E. Sign Contr-Reg.	9	$135.00
Fence Inst.-Reg.	2	$20.00
Bldg. Contr.-Reg.	6	$60.00
F.Alarm Contr.-Reg.	5	$75.00
TOTAL	**136**	**$1,559.00**

BUILDING PERMITS ISSUED

	BUILDING PERMITS 2005	PERMIT VALUATION 2005	BUILDING PERMITS 2006	PERMIT VALUATION 2006
JANUARY	93	$6,617,765.00	116	$7,273,163.00
FEBRUARY	133	$8,586,755.00	0	$0.00
MARCH	143	$19,405,253.00	0	$0.00
APRIL	234	$16,039,899.00	0	$0.00
MAY	229	$8,974,377.00	0	$0.00
JUNE	207	$14,432,280.00	0	$0.00
JULY	176	$7,490,327.00	0	$0.00
AUGUST	202	$13,132,327.00	0	$0.00
SEPTEMBER	207	$11,424,698.00	0	$0.00
OCTOBER	169	$12,606,760.00	0	$0.00
NOVEMBER	137	$9,014,642.00	0	$0.00
DECEMBER	91	$13,489,338.00	0	$0.00
TOTAL	**2021**	**$141,214,421.00**	**116**	**$7,273,163.00**


SINGLE FAMILY DWELLING PERMITS 2006
60
50
40
30
20
10
0
12
January
February
March
April
May
June
July
August
September
October
November
December

BRIEF BREAKDOWN OF NON-RESIDENTIAL BUILDING PERMITS ISSUED DURING THE MONTH OF JANUARY 2006

Type of Construction	Builder or Company	Address of Job	Valuation
Commercial, Add/Alter	J.S. VIG CONSTRUCTION	1919 TECHNOLOGY	375,000.00
Commercial, Add/Alter	GALE CONSTRUCTION CO.	800 TOWER	500,000.00
Commercial, Add/Alter	ICON BUILDING II CO., INC	130 TOWN CENTER 106	515,000.00
Commercial, Add/Alter	SCOTT KREUTZER	130 TOWN CENTER 102	1,000,000.00
Commercial, Add/Alter	HUNTINGTON CONSTRUCTION	200 KIRTS	586,000.00
Total Commercial, Add/Alter			2,976,000.00
Industrial, Add/Alter	CHARLES BENNETT	1785 MAPLELAWN	200,000.00
Industrial, Add/Alter	GARY BURKHART	1250 MAPLELAWN	300,000.00
Total Industrial, Add/Alter			500,000.00
Inst./Hosp., Add/Alter	BARTON MALOW COMPANY	44201 DEQUINDRE 1ST FL	129,000.00
Total Inst./Hosp., Add/Alter			129,000.00

Records 9

Total Valuation: 3,605,000.00

January 31,2006

TO: John Szerlag, City Manager

FROM: Brian Murphy, Assistant City Manager/Services
John Lamerato, Assistant City Manager/Finance
Carol K. Anderson, Parks and Recreation Director

SUBJECT: Aquatic Center Fee Recommendation for 2006

RECOMMENDATION

Staff recommends that the City Manager approve the Troy Family Aquatic Center admission fees at the same rates charged for the 2005 season. As previously authorized, the City Manager can establish fees for services in the Recreation Program Division (Resolution #2003-11-596).

The proposed fees for the 2006 Troy Family Aquatic Center are below.

	Proposed 2006 Fee
Daily Passes	
Resident	$ 7.50
Non-Resident Employee	$ 9.25
Non-Resident	$ 10.75
Season Passes	
Resident	$ 73.50
Resident Additional Family Member	$ 42.00
Non-Resident Employee	$ 89.25
Non-Resident Employee Additional Family Member	$ 52.50
Non-Resident	$ 102.50
Non-Resident Additional Family Member	$ 59.00
Punch Card Options (Good for 8 admissions)	
Resident	$ 49.25
Non-Resident Employee	$ 61.00
Non-Resident	$ 70.50

BACKGROUND

If approved there will be no changes to the daily, punch card and season rates for the 2006 season.
For each of the last three years, one or more rates were increased.
In 2003, all fees were increased between 14 and 31 percent.
In 2004, pass fees were raised 5 percent.
In 2005, daily passes and punch card rates were increased 7 to 10 percent.

BUDGET IMPACT

If all projections are met, the budget impact is:

Estimated Year End 2005 - 2006

Revenues	$445,260
Expenditures less Depreciation	432,670
Balance	**$ 12,590**
Capital	20,000

Proposed Budget 2006 - 2007

Revenues	$458,710
Expenditures less Depreciation	456,774
Balance	**$ 1,916**
Capital	89,000

Approved: _____
John Szerlag, City Manager

Prepared by: Ann Blizzard, Recreation Supervisor

J-02c

February 2, 2006

TO: John Szerlag, City Manager

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

SUBJECT: Federal Aid Funding for Major Roads – FY 2009

The Oakland County Federal Aid Funding Committee held their annual meeting on February 1, 2006. The purpose of the meeting was to select projects for federal aid funding in FY 2009. The following projects in the City of Troy received funding and/or increases to current funding amounts:

Project Name	Limits	Agency	Federal Amount	Local Match	Year	Phase
Rochester	Torpey to Barclay	Troy	$8,400,000 [1]	$2,100,000	2009	CON
Crooks	Square Lake to Auburn	RCOC	$1,000,000 [2]	$250,000	2006	ROW

1 – The $8,400,000 received by the City of Troy for the Rochester, Torpey to Barclay project represents approximately 89% of the total federal aid funding amount requested for the construction phase. The estimated cost for the construction phase is $11,750,000, with $9,400,000 of this amount to be federal aid funding. The corresponding local match by the City will be $2,350,000. We will be requesting the remaining $1,000,000 in federal aid funds in 2010.

2 – The additional $1,000,000 in federal aid funding received by the RCOC will cover the increased cost of right-of-way that was previously acquired for the project.

The Crooks, Square Lake to Auburn project is anticipated to begin construction this summer and is currently funded for the construction phase in 2006. The estimated cost for the construction phase is $16,540,000, with $13,232,000 of this amount to be federal aid funding with a corresponding local match to be split by the RCOC, City of Troy and City of Rochester Hills of $3,308,000. Approximately 1/3 of the project is in Troy with the remaining 2/3 in the City of Rochester Hills. The local match for Troy is estimated to be approximately $900,000 of which 2/3 will be paid for via our 2003 and 2004 Tri Party fund allocations reserved in previous years for this project. A cost participation agreement with the RCOC will be presented for consideration at a later date for the purposes of fixing the rights and obligations of each party relative to the Crooks Road construction phase once the project has been approved for an MDOT bid letting.

Attached is a matrix detailing the currently funded major road projects, by phase, within the City of Troy for the years 2006-2009.

Prepared by: William J. Huotari, Deputy City Engineer
G:\Funding Issues\TIP Submittals\FY 2009\Memo to CC re Funding Received_2009_r2.doc

MAJOR ROAD FEDERAL FUNDS 2006 - 2009

February 2, 2006

Agency	Project	Phase	Federal	Local	Source
	2006				
TROY	Wattles, EB & WB RTL's @ Coolidge	CON	138,000	138,000	CMAQ
TROY	SB Dequindre RTL & EB Square Lake RTL's	CON	233,000	233,000	CMAQ
TROY	EB & WB Square Lake @ John R RTL's	CON	106,000	106,000	CMAQ
TROY	NB & SB Square Lake @ John R RTL's	CON	106,000	106,000	CMAQ
TROY	Rochester, Torpey to Barclay	ROW	5,120,000	1,280,000	STP
TROY	Wattles, East & West of Rochester	ROW	1,600,000	400,000	STP
RCOC	Crooks, Square Lake to Auburn	ROW	1,000,000	250,000	C
RCOC	Crooks, Square Lake to Auburn	CON	13,232,000	3,308,000	C
	2006 TOTAL		**21,535,000**	**5,821,000**	
	2007				
TROY	Rochester, Barclay to Trinway	ROW	3,200,000	800,000	C
	2007 TOTAL		**3,200,000**	**800,000**	
	2008				
RCOC	Dequindre, Long Lake to Auburn	ROW	3,200,000	800,000	C
	2008 TOTAL		**3,200,000**	**800,000**	
	2009				
TROY	Rochester, Torpey to Barclay	CON	8,400,000	2,100,000	C
	2009 TOTAL		**8,400,000**	**2,100,000**	
	TOTALS		**36,335,000**	**9,521,000**	

(**Note:** Federal FY 2006-09 are October 1 - September 30)

*** Subject to change based on State/Federal funding changes ***

PHASE

PE - Preliminary Engineering (Design)
ROW - Right-of-Way
CON - Construction

SOURCE

STP - Surface Transportation Program - projects improving safety more so than capacity
EDFC - Economic Development Category "C" - projects to increase capacity and reduce congestion
RRR - Resurfacing, Restoration and Rehabilitation - projects designed to address deteriorating roadway surface conditions
CMAQ - Congestion Mitigation and Air Quality - smaller scale projects to reduce congestion and improve air quality

G:\\Funding Issues\Budget Files\Major Road TIP 2006 to 2009.xls

J-02d

February 14, 2006

TO: John Szerlag, City Manager

FROM: Mark Miller, Planning Director
Doug Smith, Real Estate and Development Director DS

SUBJECT: AGENDA ITEM - Monarch Project

Attached is a letter from Matt Rossetti regarding recent modifications to the Monarch project that was required by an FAA ruling.

After careful review by staff of the primary changes, which reduced the taller 22-story tower to 18 stories, we find that there are no material changes to the site plan and therefore, consistent with the development agreement articles:

ARTICLE II

2.1 Any material changes to such site plan shall be approved in accordance with the City's Zoning Ordinance

ARTICLE III

3.5(d) In the event it becomes impracticable due to market conditions or other reasons to build both the Monarch and The Villas, subject to the terms of Section 1.4 above Developer will diligently and in good faith initiate and conduct the negotiations with the City to amend the PUD, extend its term or otherwise seek a solution to whatever obstacles are preventing the completion of the Development and the buildings shown in the PUD, as it may be amended, in a manner acceptable to the City in its sole discretion.

No further Council action is required.

ARCHITECTURE • INTERIORS • GRAPHICS • PLANNING

rossetti

February 3, 2006

Mr. John Szerlag
City Manager
City of Troy
500 Big Beaver Road
Troy, MI 48084

Dear John:

On behalf of Joseph Freed & Associates, Whitehall Real Estate Interests, and Rossetti, I am submitting the enclosed proposed minor modifications to the character of the conceptual design for the Monarch project, for your review.

The reason we have been required to modify the project is due to the ruling by the FAA. This ruling has required us to lower the tallest tower (East Tower) to a maximum of 18 stories including the mechanical penthouse. In order to maintain the architectural integrity of the current approved design, we also lowered the West Tower to 11 stories to coincide with the 18 story East Tower.

Market and economic conditions dictate that we maintain 155 units for the project. In order to maintain the 155 units within the new height restrictions, we have enlarged the footprint of the floor plates of both towers. The enclosed drawing illustrates the expansion of the floor plate in the north/south direction only. The east/west direction remains the same. The building footprint remains within the existing site setbacks as the site plan illustrates.

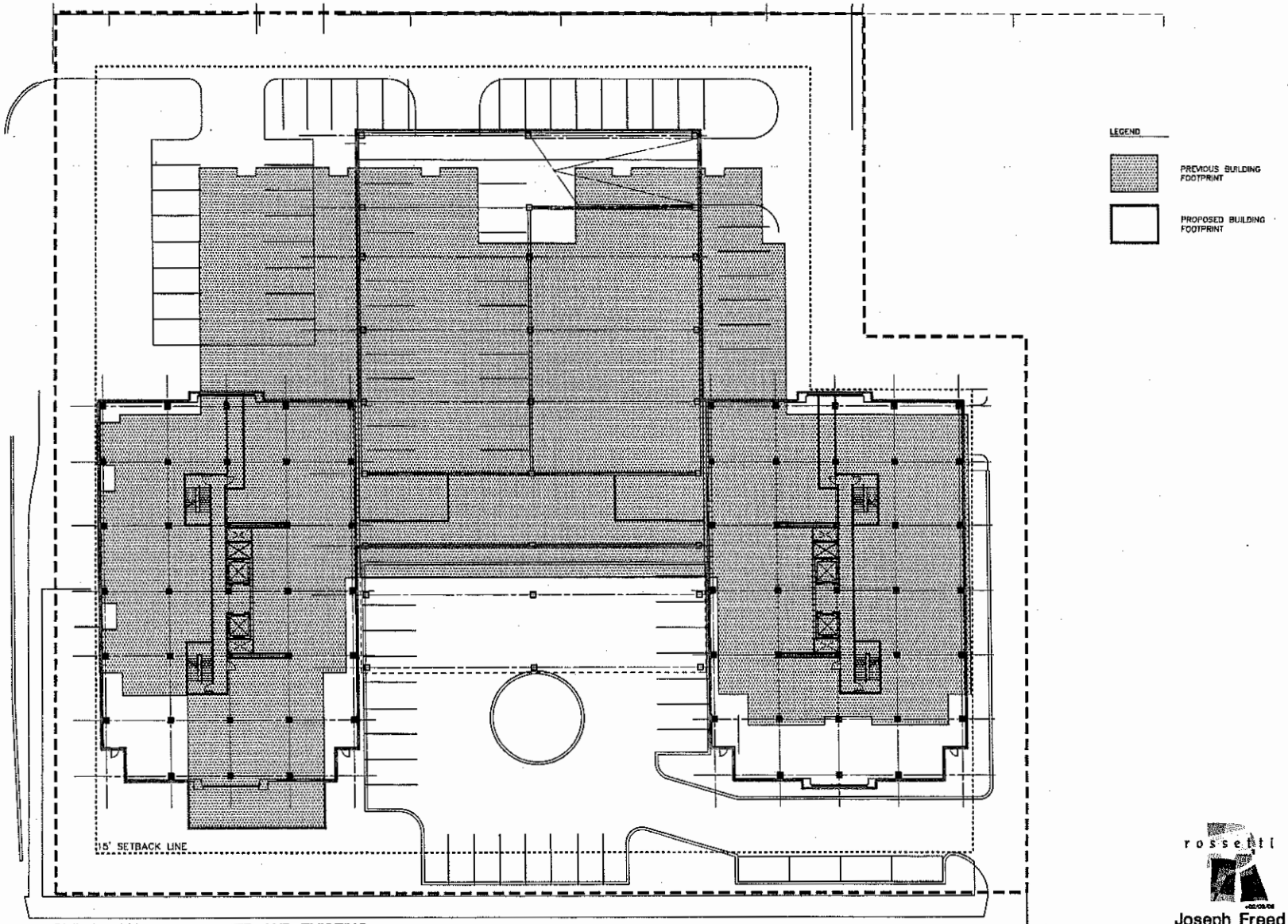
The north/south tower elevations remain the same for the current approved PUD elevations. The east/west tower elevations are similar to the existing; only one bay larger. The character will be the same as the current elevations, as shown in the enclosed renderings. As you can see from the approved and proposed renderings, the building looks virtually identical.

John, please let us know what additional steps, if any, will be required as a result of these minor modifications to the character of the design.

Sincerely,

Matthew L. Rossetti, AIA
President

TWO TOWNE SQUARE SUITE 200 SOUTHFIELD, MICHIGAN 48076 / T. 248.262.8300 / F. 248.262.8360 / www.rossetti.com



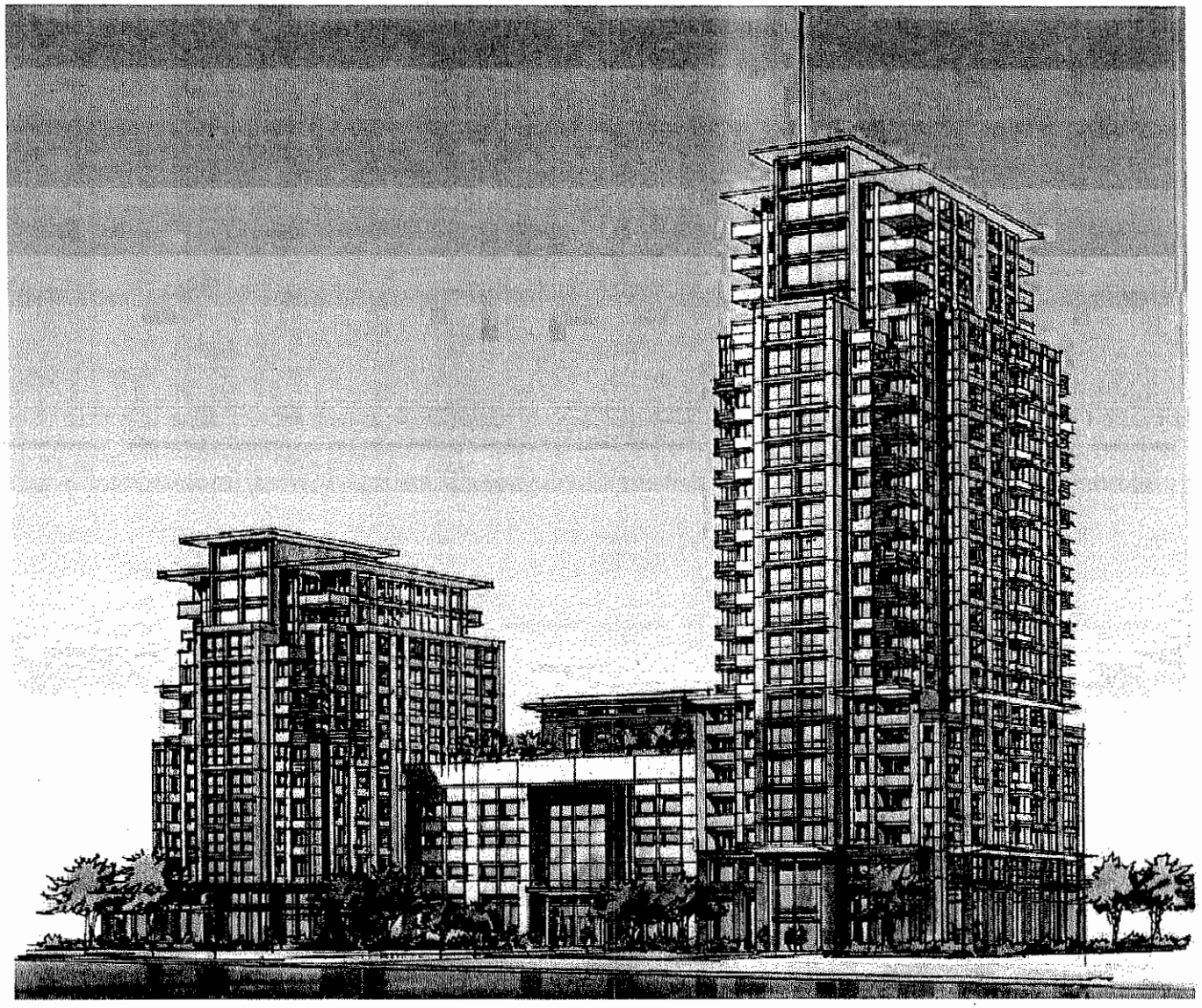
SITE LAYOUT- PROPOSED AND EXISTING

TROY MONARCH TOWERS

TROY, MICHIGAN

rossetti

Joseph Freed Associates LLC.
Whitehall Real Estate Interests



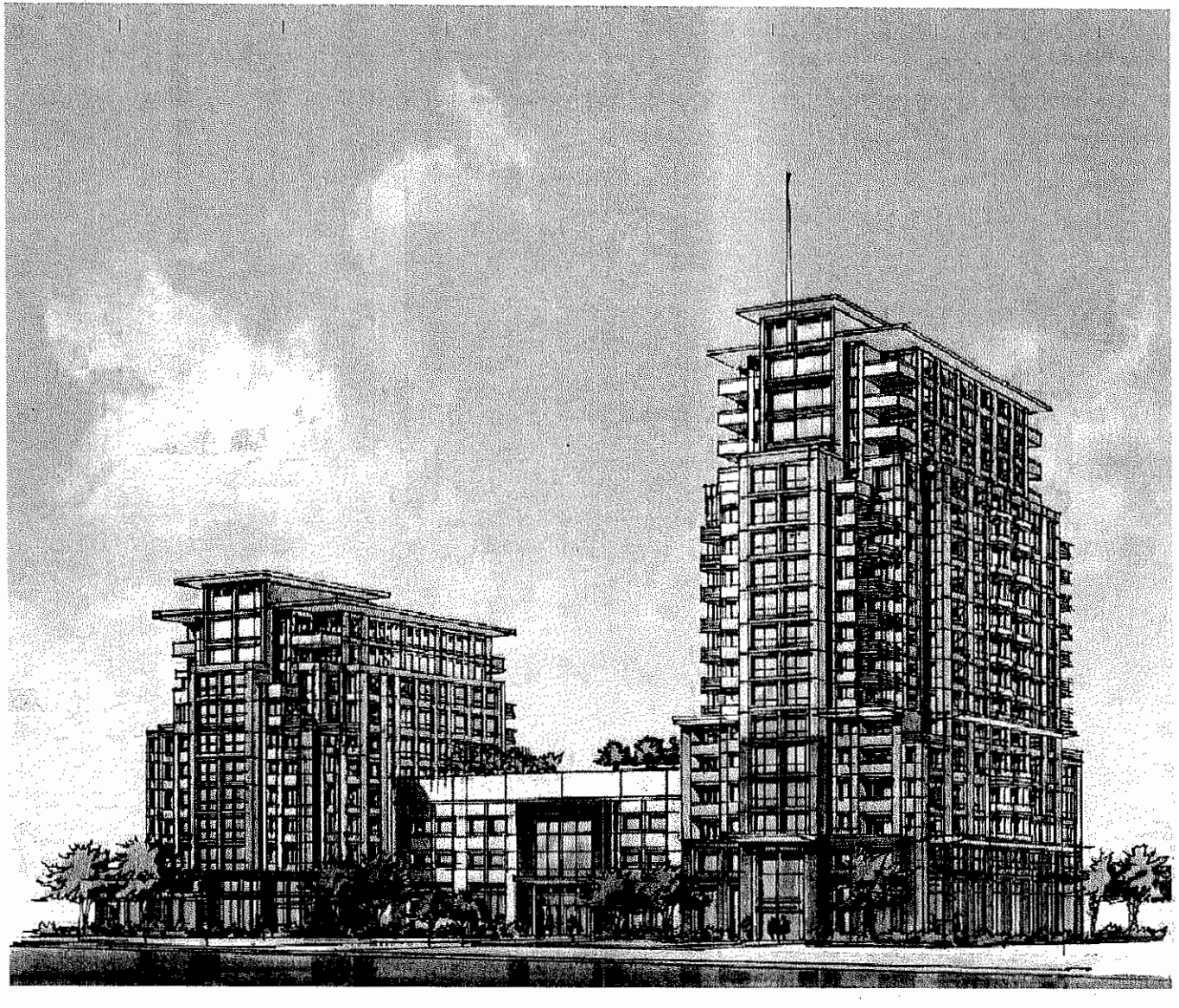
EXISTING ELEVATION

TROY MONARCH TOWERS

TROY, MICHIGAN

rossetti

Joseph Freed
Associates LLC.
Whitehall Real
Estate Interests



PROPOSED ELEVATION

TROY MONARCH TOWERS

TROY, MICHIGAN

rossetti

Joseph Freed
Associates LLC.
Whitehall Real
Estate Interests

J-02e

CITY OF TROY

MONTHLY FINANCIAL REPORT

31-Jan-06

CITY OF TROY
Monthly Financial Report
General Fund
For the Period Ending January 31, 2006

CITY OF TROY GENERAL FUND

Description	Last Year Actual	2005-06 Budget	Current Month	Year To Date	%
GENERAL FUND REVENUES					
TAXES	32,300,413	34,351,690	988,828	34,802,799	101.31
BUSINESS LICENSES & PERMITS	40,294	38,000	8,343	30,934	81.41
NON-BUS. LICENSES & PERMITS	1,567,149	1,974,500	114,591	998,784	50.58
FEDERAL GRANTS	126,091	32,320	0	12,756	39.47
STATE AGENCIES	7,072,396	6,658,000	1,225,311	2,578,904	38.73
CONTRIBUTIONS-LOCAL	165,154	135,000	11,941	61,766	45.75
CHARGES FOR SERVICES - FEES	1,338,922	1,203,000	220,664	527,081	43.81
CHARGES FOR SERVICES - REND.	1,549,128	1,616,000	112,582	645,471	39.94
CHARGES FOR SERVICES - SALES	137,888	140,000	3,704	68,916	49.23
CHARGES FOR SERVICES - REC	3,377,440	3,010,200	350,956	1,902,605	63.21
FINES & FORFEITS	973,526	995,000	111,697	588,227	59.12
INTEREST AND RENTS	1,350,075	1,110,300	117,062	693,299	62.44
OTHER REVENUE	1,755,220	479,780	8,351	137,031	28.56
OTHER FINANCING SOURCES	7,508,876	8,333,200	0	1,750,940	21.01
TOTAL GENERAL FUND REVENUE	59,262,572	60,076,990	3,274,030	44,799,513	74.57
EXPENDITURES					
LEGISLATIVE	1,980,389	2,077,060	154,150	1,014,506	48.84
FINANCE	4,419,523	4,706,650	330,323	2,606,651	55.38
OTHER GEN GOVERNMENT	2,578,758	2,638,720	194,934	1,380,465	52.32
POLICE	21,192,309	22,618,610	1,933,220	12,566,490	55.56
FIRE	4,071,775	4,092,750	226,440	2,682,411	65.54
BUILDING INSPECTION	1,938,958	2,105,420	148,602	1,120,777	53.23
STREETS	5,074,869	5,303,780	453,816	2,729,965	51.47
ENGINEERING	2,780,647	2,996,560	210,938	1,574,907	52.56
RECREATION	8,331,857	8,454,160	516,732	4,800,774	56.79
LIBRARY	4,758,581	4,973,280	346,607	2,591,082	52.10
TRANSFERS OUT	10,000	110,000	0	0	.00
TOTAL GEN FUND EXPENDITURES	57,137,666	60,076,990	4,515,762	33,068,028	55.04

CITY OF TROY
Monthly Financial Report
Refuse Fund
For the Period Ending January 31, 2006

REFUSE FUND

Description	Last Year Actual	2005-06 Budget	Current Month	Year To Date	%
REVENUES					
TAXES	4,010,718	4,108,500	55,534	4,193,401	102.07
CHARGES FOR SERVICES - REND.	0	0	0	43,378	.00
CHARGES FOR SERVICES - SALES	1,410	1,500	87	734	48.93
INTEREST AND RENTS	74,280	70,000	17,437	77,743	111.06
OTHER FINANCING SOURCES	0	345,650	0	0	.00
TOTAL REVENUE	4,086,408	4,525,650	73,058	4,315,256	95.35
EXPENDITURES					
CONTRACTORS SERVICE	4,268,532	4,355,000	112,568	2,042,517	46.90
OTHER REFUSE EXPENSE	36,672	52,180	1,145	16,958	32.50
RECYCLING	127,637	118,470	15,652	60,219	50.83
TOTAL EXPENDITURES	4,432,841	4,525,650	129,365	2,119,694	46.84

CITY OF TROY
Monthly Financial Report
Capital Fund
For the Period Ending January 31, 2006

CAPITAL FUND

Description	Last Year Actual	2005-06 Budget	Current Month	Year To Date	%
REVENUES					
TAXES	9,036,196	8,019,000	108,392	8,184,710	102.07
FEDERAL GRANTS	20,550	305,000	0	10,000	3.28
STATE AGENCIES	3,498,065	1,621,000	0	271,092	16.72
CHARGES FOR SERVICES - REND.	178,301	167,000	59,669-	43,141	25.83
INTEREST AND RENTS	700,855	400,000	141,203	555,076	138.77
OTHER REVENUE	88,073	800,000	600	868,044	108.51
OTHER FINANCING SOURCES	2,150,000	21,274,320	0	479,333	2.25
TOTAL REVENUE	15,672,040	32,586,320	190,526	10,411,396	31.95
EXPENDITURES					
FINANCE	32,516	144,340	0	29,260	20.27
OTHER GEN GOVERNMENT	3,524,419	5,230,810	4,238	2,525,427	48.28
POLICE	318,080	586,680	8,871	76,630	13.06
FIRE	86,267	839,230	130,560	798,627	95.16
BUILDING INSPECTION	2,088	20,000	205	1,365	6.83
STREETS	9,539,256	16,436,740	542,861	5,263,945	32.03
ENGINEERING	8,331	0	0	0	.00
RECREATION	2,630,558	4,990,940	200,054	1,179,296	23.63
LIBRARY	232,529	47,620	15,290	91,852	192.89
MUSEUM	246,984	624,370	78,035	118,651	19.00
STORM DRAINS & RET PONDS	1,086,501	2,797,750	27,426	336,133	12.01
INFORMATION TECHNOLOGY	75,763	867,840	0	0	.00
TOTAL EXPENDITURES	17,783,292	32,586,320	1,007,540	10,421,186	31.98

CITY OF TROY
Monthly Financial Report
Sanctuary Lake Golf Course
For the Period Ending January 31, 2006

SANCTUARY LK GOLF COURSE FUND

Description	Last Year Actual	2005-06 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - SALES	30,674	42,000	0	16,810	40.02
CHARGES FOR SERVICES - REC	931,301	1,901,380	3,050	647,809	34.07
INTEREST AND RENTS	457	22,000	0	791	3.60
OTHER REVENUE	31-	0	0	903	.00
OTHER FINANCING SOURCES	0	0	0	0	.00
TOTAL REVENUE	962,401	1,965,380	3,050	666,313	33.90
EXPENDITURES					
SANCTUARY LAKE GREENS	974,918	832,730	31,572	405,869	48.74
SANCTUARY LAKE PRO SHOP	773,060	1,104,210	8,672	464,489	42.07
SANCTUARY LAKE CAPITAL	2,420	0	0	4,606	.00
TOTAL EXPENDITURES	1,750,398	1,936,940	40,244	874,964	45.17

CITY OF TROY
Monthly Financial Report
Golf Course
For the Period Ending January 31, 2006

SYLVAN GLEN GOLF COURSE FUND

Description	Last Year Actual	2005-06 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - SALES	36,425	41,000	0	18,589	45.34
CHARGES FOR SERVICES - REC	1,067,896	1,133,370	0	600,121	52.95
INTEREST AND RENTS	145,742	173,000	23,127	156,259	90.32
OTHER REVENUE	377-	0	0	17-	.00
OTHER FINANCING SOURCES	0	206,770	0	0	.00
TOTAL REVENUE	1,249,686	1,554,140	23,127	774,952	49.86
EXPENDITURES					
SYLVAN GLEN GREENS	747,474	822,320	42,128	478,057	58.14
SYLVAN GLEN PRO SHOP	317,853	326,050	19,425	194,882	59.77
SYLVAN GLEN CAPITAL	43,238	405,770	368	44,490	10.96
TOTAL EXPENDITURES	1,108,565	1,554,140	61,921	717,429	46.16

CITY OF TROY
Monthly Financial Report
Aquatic Center
For the Period Ending January 31, 2006

AQUATIC CENTER FUND

Description	Last Year Actual	2005-06 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - REC	415,224	428,000	6,168	184,532	43.11
INTEREST AND RENTS	22,793	27,300	0	20,846	76.36
OTHER REVENUE	36-	0	0	1	.00
TOTAL REVENUE	437,981	455,300	6,168	205,379	45.11
EXPENDITURES					
AQUATIC CENTER	560,211	596,100	17,185	358,953	60.22
CAPITAL	0	15,000	0	9,845	65.63
TOTAL EXPENDITURES	560,211	611,100	17,185	368,798	60.35

CITY OF TROY
Monthly Financial Report
Sewer Fund
For the Period Ending January 31, 2006

SEWER FUND

Description	Last Year Actual	2005-06 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - FEES	202,747	200,000	8,390	101,111	50.56
CHARGES FOR SERVICES - REND	9,420,758	9,695,000	660,622	4,746,324	48.96
INTEREST AND RENTS	481,995	310,000	112,780	413,933	133.53
OTHER REVENUE	359,038	0	0	0	.00
TOTAL REVENUE	10,464,538	10,205,000	781,792	5,261,368	51.56
EXPENDITURES					
ADMINISTRATION	8,378,129	8,108,990	941,612	5,384,800	66.41
MAINTENANCE	1,433,241	1,445,700	39,729	510,417	35.31
CAPITAL	0	4,835,000	1,576	27,417	.57
TOTAL EXPENDITURES	9,811,370	14,389,690	982,917	5,922,634	41.16

CITY OF TROY
Monthly Financial Report
Water Fund
For the Period Ending January 31, 2006

WATER FUND

Description	Last Year Actual	2005-06 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - FEES	1,086,665	995,000	62,506	592,436	59.54
CHARGES FOR SERVICES - SALES	12,337,081	14,171,000	943,542	7,204,641	50.84
INTEREST AND RENTS	508,320	350,000	64,529	408,701	116.77
OTHER REVENUE	266,765	0	0	14,226	.00
TOTAL REVENUE	14,198,831	15,516,000	1,070,577	8,220,004	52.98
EXPENDITURES					
ADMINISTRATION	11,420,270	11,233,860	1,260,636	6,917,799	61.58
TRANS AND DISTRIBUTION	158,767	200,090	17,532	54,450	27.21
CUSTOMER INSTALLATION	66,356	114,830	5,813	39,592	34.48
CONTRACTORS SERVICE	166,181	228,240	14,290	91,810	40.23
MAIN TESTING	44,667	195,040	2,945	25,575	13.11
MAINTENANCE OF MAINS	293,214	353,770	16,871	158,759	44.88
MAINTENANCE OF SERVICES	188,039	210,060	11,081	107,043	50.96
MAINTENANCE OF METERS	285,835	233,650	14,504	173,975	74.46
MAINTENANCE OF HYDRANTS	228,767	336,580	9,416	152,913	45.43
METERS AND TAP-INS	245,045	347,270	13,499	198,845	57.26
WATER METER READING	105,362	93,000	18,602	108,043	116.18
ACCOUNTING AND COLLECTING	74,125	77,900	12,127	68,990	88.56
CAPITAL	28,835	4,090,000	87,864	1,763,769	43.12
TOTAL EXPENDITURES	13,305,463	17,714,290	1,485,180	9,861,563	55.67

CITY OF TROY
Monthly Financial Report
Motor Pool
For the Period Ending January 31, 2006

MOTOR POOL FUND

Description	Last Year Actual	2005-06 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - REND	0	5,000	0	0	.00
INTEREST AND RENTS	3,693,243	3,669,300	293,626	2,238,352	61.00
OTHER REVENUE	302,329	394,000	53,937	221,748	56.28
OTHER FINANCING SOURCES	0	2,110,570	0	0	.00
TOTAL REVENUE	3,995,572	6,178,870	347,563	2,460,100	39.81
EXPENDITURES					
ADMINISTRATION	495,493	536,530	35,734	288,412	53.76
OPERATION AND MAINTENANCE	2,912,203	3,133,410	232,442	1,759,428	56.15
DPW FACILITY MAINTENANCE	327,461	389,640	21,216	177,215	45.48
CAPITAL	28,965	2,119,290	66,694	626,445	29.56
TOTAL EXPENDITURES	3,764,122	6,178,870	356,086	2,851,500	46.15

Fund	Mat Yr.	Mat Mo.	Mat Day	Type	Loc	Pur Yr.	Pur Mo.	Pur Day	Rate	Name	Face	Accrue 6/30	Book
112	2006	2	2	7	FITB	2005	10	7	4.040	CD	2,052,901		2,052,901.24
	2006	2	2	7	CITIZENS	2005	12	2	3.850	CD	1,028,966		1,028,966.28
	2006	2	2	7	HUNT BANK	2005	12	2	4.440	CD	1,010,998		1,010,997.77
	2006	2	2	7	TCF BANK	2005	12	2	4.250	CD	2,018,367		2,018,366.67
	2006	2	2	7	HUNT BANK	2005	12	16	4.460	CD	2,116,543		2,116,542.99
	2006	2	2	7	TCF BANK	2005	12	29	4.350	CD	2,022,672		2,022,672.22
	2006	2	3	7	HUNT BANK	2005	9	20	4.030	CD	2,000,000		2,000,000.00
	2006	2	9	9	ML	2005	11	3	3.950	TBILL	2,597,000		2,569,697.17
	2006	2	9	7	FLAGSTAR	2005	12	16	4.470	CD	2,107,332		2,107,332.45
	2006	2	10	7	CITIZENS	2005	9	20	3.900	CD	2,000,000		2,000,000.00
	2006	2	10	7	FLAGSTAR	2005	9	20	3.970	CD	2,000,000		2,000,000.00
	2006	2	10	7	FITB	2005	9	20	3.900	CD	2,000,000		2,000,000.00
	2006	2	16	7	TCF	2005	10	4	4.100	CD	1,018,530		1,018,529.51
	2006	2	16	7	REPUBLIC	2005	11	10	4.100	CD	1,077,910		1,077,910.01
	2006	2	16	9	ML	2005	11	17	3.990	TBILL	2,328,000		2,305,049.81
	2006	2	16	7	CITIZENS	2005	12	6	4.400	CD	1,011,400		1,011,400.00
	2006	2	16	7	HUNT BANK	2005	12	9	4.500	CD	2,020,053		2,020,053.33
	2006	2	16	7	PRIV BANK	2005	12	9	4.400	CD	500,000		500,000.00
	2006	2	23	7	FLAGSTAR	2005	11	10	4.410	CD	2,084,077		2,084,076.62
	2006	2	23	9	ML	2005	12	2	3.910	TBILL	2,088,000		2,069,586.45
	2006	2	23	7	FLAGSTAR	2005	12	9	4.500	CD	2,078,250		2,078,250.29
	2006	2	23	7	HUNT BANK	2005	12	9	4.510	CD	2,023,249		2,023,249.43
	2006	3	2	9	ML	2005	12	2	3.970	TBILL	2,223,000		2,201,409.11
	2006	3	2	7	HUNT BANK	2005	12	22	4.510	CD	2,021,833		2,021,833.33
	2006	3	2	7	FLAGSTAR	2005	12	29	4.570	CD	2,024,637		2,024,636.67
	2006	3	9	9	ML	2005	12	15	3.870	TBILL	2,270,000		2,249,946.82
	2006	3	9	7	REPUBLIC	2005	12	22	4.250	CD	2,022,292		2,022,291.67
	2006	3	16	9	ML	2006	1	5	4.110	TBILL	2,628,000		2,607,406.70
	2006	3	16	7	FLAGSTAR	2006	1	6	4.580	CD	2,038,165		2,038,164.97
	2006	3	16	7	FITB	2006	1	12	4.410	CD	1,027,973		1,027,972.78
	2006	3	16	7	FITB	2006	1	13	4.410	CD	2,026,298		2,026,297.78
	2006	3	16	7	FLAGSTAR	2006	1	26	4.630	CD	2,087,031		2,087,031.20
	2006	3	20	7	FLAGSTAR	2006	1	6	4.580	CD	2,125,375		2,125,374.69
	2006	3	23	7	FLAGSTAR	2006	1	6	4.580	CD	2,026,366		2,026,365.56
	2006	3	23	9	ML	2006	1	12	4.250	TBILL	3,848,000		3,816,873.95
	2006	3	23	7	REPUBLIC	2006	1	19	4.300	CD	2,106,833		2,106,832.54
	2006	3	28	8	NATL CITY	2005	12	22	3.000	FHLM	1,047,000		1,035,273.60
	2006	3	30	7	FLAGSTAR	2006	1	19	4.640	CD	2,186,639		2,186,639.03
	2006	3	30	7	FITB	2006	1	19	4.460	CD	1,133,301		1,133,300.65
	2006	3	30	9	ML	2006	1	19	4.250	TBILL	2,197,000		2,179,228.71
	2006	3	31	8	NAT CITY	2005	9	29	4.020	FHLM	1,000,000		980,175.00
	2006	4	6	7	CITIZENS	2006	1	6	4.550	CD	2,024,278		2,024,277.79
	2006	4	6	9	ML	2006	1	26	4.320	TBILL	3,107,000		3,081,444.93
	2006	4	20	7	LA SALLE	2006	1	19	4.350	CD	2,873,914		2,873,914.33
	2006	4	20	7	TCF BANK	2006	1	20	4.550	CD	2,039,717		2,039,717.21
	2006	4	27	7	FLAGSTAR	2006	1	20	4.700	CD	2,027,662		2,027,662.22
	2006	5	4	7	CITIZENS	2006	1	26	4.600	CD	2,041,986		2,041,986.29

7 = CD 8 = Paper 9 = T-Bills

Fund	Mat Yr.	Mat Mo.	Mat Day	Type	Loc	Pur Yr.	Pur Mo.	Pur Day	Rate	Name	Face	Accrue 6/30	Book
112	2006	5	11	7	HUNT BANK	2006	1	26	4.670	CD	2,031,825		2,031,825.34
	2006	5	18	7	HUNT BANK	2006	1	27	4.690	CD	1,077,631		1,077,631.10
	2006	5	18	7	FITB	2006	1	27	4.550	CD	2,043,973		2,043,973.33
	2006	6	30	8	FITB	2003	2	27	4.000	MAX SAVER	6,705,072		6,705,071.85
	2006	6	30	8	FITB	2003	5	19	5.000	FHLMC95237	1,000,000		606,570.01
	2006	6	30	8	FITB	2003	7	30	3.600	FHR03 2640	900,000		499,962.09
	2006	6	30	8	FITB	2004	1	1	3.500	MM	644,572		644,571.75
	2006	6	30	8	FITB	2004	1	30	4.250	FHR 2537LA	2,000,000		221,189.07
	2006	6	30	8	FITB	2004	1	30	4.000	FHR 2535LK	3,500,000		1,820,365.50
	2006	6	30	8	FITB	2004	7	26	1.200	FNR03 24GA	550,000		151,500.72
	2006	6	30	8	HUNT BANK	2004	8	27	4.053	MM	539,244		539,244.11
	2006	6	30	8	FITB	2004	10	7	2.250	FHR 2625QX	800,125		519,446.26
	2006	6	30	8	FITB	2004	10	8	3.000	FHR 2564CN	1,841,000		1,120,923.64
	2006	6	30	8	FITB	2004	10	12	4.000	FHR 2617BG	3,730,000		2,903,932.16
	2006	6	30	8	FITB	2004	11	16	3.500	FHLM 2586	500,000		309,462.81
	2006	6	30	8	FITB	2005	1	11	4.000	FNMA 42	1,700,000		1,687,700.00
	2006	6	30	8	FITB	2005	8	26	2.500	31	1,500,000		1,381,019.17
	2006	6	30	8	FITB	2005	8	30	4.000	2545	615,000		497,321.35
	2006	6	30	8	MBIA	2005	11	18	4.130	MBIA	504,169		504,168.82
	2006	11	15	8	FITB	2005	7	27	4.500	FHLM 2687	2,350,000		2,346,000.00
	2006	11	15	8	FITB	2005	11	30	5.000	2802	2,250,000		1,003,396.03
	2006	12	15	8	FITB	2005	5	25	5.000	FHLM 2808	1,200,000		442,511.37
	2006	12	30	8	FITB	2004	3	25	4.500	FHR 2669DT	700,000		696,000.00
	2007	3	16	8	FITB	2005	2	9	3.550	FHLB 3133	1,000,000		975,250.00
	2007	6	30	8	FITB	2005	9	29	4.500	FHLM 2618	775,000		775,000.00
	2007	6	30	8	FITB	2006	1	30	4.500	FHLM 2557	1,000,000		1,000,656.25
											TOTAL		123,606,332.50
591	2006	3	7	8	NATL CITY	2005	12	6	4.140	FHLM	1,500,000		1,484,454.17
	2006	4	3	7	REPUBLIC	2006	1	3	4.300	CD	144,095		144,094.80
	2006	4	3	7	HUNT BANK	2006	1	3	4.570	CD	157,263		157,263.40
	2006	4	20	7	LA SALLE	2006	1	19	4.350	CD	2,796,601		2,796,601.34
	2006	6	30	7	COMERICA	1997	7	1	4.210	GOV'T POOL	1,911,282		1,911,281.91
	2006	6	30	8	FITB	2004	2	2	3.750	FNR03 24MN	1,015,000		470,626.27
	2006	6	30	8	FITB	2005	8	31	1.000	MM	281,788		281,788.09
	2006	6	30	8	FITB	2005	9	29	4.500	FHLM 2618	325,000		325,000.00
	2006	10	15	8	FITB	2004	4	14		FHLB 3133	1,000,000		988,000.00
	2006	11	15	8	FITB	2005	8	26	4.500	FHLM 2687	1,000,000		995,000.00
											TOTAL		9,554,109.98
688	2006	6	30	7	BANK ONE	1997	7	1	4.060	GOV'T POOL	1,351,243		1,351,243.15
											TOTAL		1,351,243.15
											TOTAL		134,511,685.63

7 = CD 8 = Paper 9 = T-Bills

Memorandum

To: John Szerlag, City Manager
From: John M Lamerato, Assistant City Manager/Finance and Administration
Gertrude Paraskevin, Information Technology Director
Barbara A. Holmes, Deputy City Clerk
Date: February 15, 2006
Subject: **Agenda Item**: Report & Communication: Automated Visitor Information System (AVIS) Methodology

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In response to City Council's request, the following summary clarifies the methodology behind the Automated Visitor Information System (AVIS) that was developed by the Information Technology Department and implemented by the City Clerk's office to assist in the enforcement of Council Rules regarding Public Comment at City Council meetings.

- The public is directed to sign-in electronically under any agenda item for which they wish to comment on. The kiosk is located outside the Council Chamber entrance and visible to anyone entering the Council Chamber. In addition, a staff member is available to assist when necessary.

- The Mayor calls upon a member of the audience in the order they appear electronically on the Mayor's version of AVIS. The City Clerk does not begin the timer until the speaker begins to address their agenda item of interest. The timer is paused whenever a speaker responds to questions brought forward by City Council. The timer resumes only when the speaker continues to comment without interruption.

- When the Mayor calls upon a member of the audience to speak who has not previously signed up on AVIS, the Clerk will add the name if it is known and begin the timer. Unknown speakers are designated as "unknown."

- Council Members appear as speakers due to the request that AVIS be utilized to record Council's comments. This practice was used for a very short period of time and has since been discontinued.

- Multiple variations of a name may appear due to the inconsistency of how a speaker is listed from meeting to meeting.

- Discrepancies in total speaking time can be attributed to the timer not being turned on and because of difficulties experienced with the AVIS software.

Consequently, the total speaking time as it currently appears may actually be somewhat low due to these circumstances. Further, a question was raised questioning the accuracy of the amount of time for certain speakers. Therefore, there is an attachment generated by AVIS illustrating the history of one speaker, date of meeting, agenda item and time in seconds.

Since the implementation of the Automated Visitor Information System in 2001, the Information Technology Department and City Clerk's office have refined the software and the overall process so that the data on the AVIS report will provide a consistent and accurate representation of public comment at City Council meetings.

Automated Visitors Information System
Public Comment History - Sample

Speaker	Meeting Date	Item #	Name of Item	Seconds
Husk, Randy	September 17, 2001	F-2	Closed Session	0
Husk, Randy	September 17, 2001	v1	Misc. Happenings	419
Husk, Randy	February 4, 2002	v1	Visitor Comment	0
Husk, Randy	February 4, 2002	F-13	Proposed Consent Judgment - Telly	653
Husk, Randy	February 18, 2002	G-20	Memorandum: Re: Telly	367
Husk, Randy	February 18, 2002	G-21	Memorandum: Re: Request for Study Session to Discuss Use of SOCRRA	199
Husk, Randy	February 18, 2002	C-2	Proposed Rezoning - Boys and Girls Club of Troy, Southeast Corner of Long Lake and John R, Section 13, R-1C to B-3 & E-P	174
Husk, Randy	February 18, 2002	F-14	Proposed Agreement - Peacock Poultry	301
Husk, Randy	February 18, 2002	G-5	Proposed Proclamations/Resolutions from Other Organizations:	0
Husk, Randy	March 4, 2002	G-8	Memorandum: Re: City Council	132
Husk, Randy	March 4, 2002	v3		28
Husk, Randy	March 4, 2002	B-21	Memorandum: Re: Request for Study Session to Discuss Use of SOCRRA	266
Husk, Randy	March 4, 2002	F-7	Traffic Committee Recommendations	84
Husk, Randy	March 4, 2002	F-13	Peacock Farms	55
Husk, Randy	March 4, 2002	G-8	Memorandum: Re: City Council	132
Husk, Randy	March 4, 2002	v3		28
Husk, Randy	March 4, 2002	B-21	Memorandum: Re: Request for Study Session to Discuss Use of SOCRRA	266
Husk, Randy	March 4, 2002	F-7	Traffic Committee Recommendations	84
Husk, Randy	March 4, 2002	F-13	Peacock Farms	55
Husk, Randy	July 8, 2002	G-16	Memorandum - Re: Aquatic Center Pass Sales/Usage	329
Husk, Randy	May 24, 2004	J-9	Re-Zoning Protest Petition	565
Husk, Randy	June 7, 2004	D-3	Reconsideration of the Approval of City Council Minutes: Regular Meeting of May 10, 2004	106
Husk, Randy	June 7, 2004	J-7	Memorandum, Re: Protest Petition Procedures	238
Husk, Randy	July 19, 2004	D-1	PUBLIC HEARING: Rezoning Application Z-582 – Section 25 – B-3 to H-S	300
Husk, Randy	May 10, 2004	C-2	Rezoning Application (Z-582 – Northeast Corner of Maple Road and John R Road – Section 25 – B-3 to H-S)	297

City Council Meeting Speakers

August 2001 - January 2006

Speaker Name	Number of Items	Total Speaking Time (hh:mm:ss)
Lenivov, Victor	314	18:39:43
Hughes, Richard	311	13:21:36
Petitioner,	101	7:22:04
Savage, James	106	5:17:04
Bernardi, Mary Ann	66	4:05:24
Krent, Tom	32	1:30:57
Unknown,	42	1:28:03
Husk, Randy	25	1:24:43
Minnick, Dick	27	1:20:17
Wattles, Brian	18	0:53:00
Ullmann, Ron	13	0:52:04
Ashland, David	22	0:51:24
Zembruski, Audrey	36	0:49:35
DeBacker, Deborah	21	0:48:15
Bloom, Jerry	18	0:45:15
Bogush, Mary	9	0:41:19
Cricket Assoc.,	1	0:39:17
Bendzinski, Bob	2	0:37:40
Hunt, Eric	11	0:35:48
Thielfoldt, Linda	13	0:35:16
Francuck, Melania	28	0:33:46
Wilson, Ted	12	0:32:21
Brubaker, Michael	11	0:31:55
Krall, David R.	14	0:31:37
koerber, Ralph	9	0:31:04
Reina, Steve	10	0:30:40
Baron, Bart	6	0:30:20
Delaforte, Antoine	6	0:30:18
Bloomingdale, Bruce	4	0:29:49
Papadelis, George	8	0:29:28
Rusciano, Anthony	11	0:28:34
Kennis, Bill	9	0:28:23
petitioners,	7	0:28:21
Weber, Marie	5	0:28:03
Schepke, Gordon	13	0:27:40
Bertin, Leonard	18	0:27:38
Hodges, Michele	17	0:27:22
Krall, David P.	5	0:27:19
Silverstein, Michael	7	0:26:55
sav,	18	0:26:48
McCormick, Cat;hy	2	0:26:19
Wagner, Lori	6	0:25:58
sawyer, Tom	3	0:25:47
Gosselin, Robert	6	0:25:21
Carlisle, John,	1	0:24:42
Turner, Jack	6	0:24:40
Schilling, Louise	14	0:23:57
Merana, Dolly	3	0:23:44
Ode, Phil	3	0:21:43
Eisenbacher, David	13	0:21:14
Rivard, Dennis	7	0:20:18
Pylat, John	5	0:19:55
Pryor, Matt	14	0:19:41
Luis Bevilacqua,	1	0:19:38
Peters, Richard	8	0:19:35
Briscoe, Kathy	6	0:18:40

City Council Meeting Speakers

August 2001 - January 2006

Speaker Name	Number of Items	Total Speaking Time (hh:mm:ss)
Blakely, Dave	3	0:18:21
Garrett, Dale	5	0:18:07
Martinses, Linda	3	0:18:06
Brodbine, Mike	8	0:18:06
Howrylak, Martin,	7	0:17:38
Nayer, Seymour	2	0:16:39
Theuer, Rick	1	0:16:26
Haas, Helen	2	0:16:18
Solberg, Mary Ann	2	0:16:15
Rocchio, James	5	0:16:11
Chamberlain, Janet	7	0:16:06
Nelson, David	3	0:16:01
Jopke, Dr.	2	0:16:01
peacock, Richard	3	0:16:00
Green, Wolenda	7	0:15:51
Ohman, Phil	10	0:15:51
Deagle, Murray	4	0:15:37
Appleby, Andy,	1	0:15:26
Robele, Nadine	3	0:15:25
Broomfield, Christina	3	0:15:13
Jackson, Barbara	6	0:15:06
Rogers, Ken	2	0:14:56
Neustomeyer, Jim,	1	0:14:30
Somerville, Pat	2	0:14:19
clark, glenn	4	0:14:18
Moore, Ron	1	0:14:18
Thiel, Laurie	2	0:13:44
Broomfield, Harry	2	0:13:26
Farrell, Matthew	3	0:13:23
Cruz, Tony,	2	0:13:15
Ullmann, Lon	3	0:13:10
Ullman, Patricia	8	0:13:07
Weyhrawch, John	3	0:12:56
Johnson, Ivan	6	0:12:43
Kiriluk, Alan	5	0:12:38
Kochanski, Michael	3	0:12:35
Dudek, John	2	0:12:35
Dennis, Howard	2	0:12:32
Stine, Jeanne	11	0:12:30
Mr. Waller,	1	0:12:28
Dodoro, Donna	2	0:12:25
Dutko, Bob	2	0:11:59
Papadelis, Gust	3	0:11:46
Dugener, Matt	1	0:11:43
Lin, Paul	1	0:11:40
Moran, James	1	0:11:40
Gidel, Lori	1	0:11:33
Maiuri, Anna	4	0:11:32
Binder, Fred,	2	0:11:23
Resident- Senior Volleyball,	1	0:11:19
Jaffrey, Margaret	1	0:11:14
Whyrock, John	3	0:11:04
Bronzetti, Frank	1	0:11:00
Shucard, Sharon	3	0:10:47
Grigg, Charles	2	0:10:45
Essad, Ernest	1	0:10:42

City Council Meeting Speakers

August 2001 - January 2006

Speaker Name	Number of Items	Total Speaking Time (hh:mm:ss)
Manzon, Alan	7	0:10:35
neighbor ,	6	0:10:23
Dennis, Nelson	1	0:10:17
Bernardi,	4	0:10:17
Thomas, Hugh	2	0:10:15
Barlow, Ed,	1	0:10:15
Kuppa, Padma	2	0:10:03
Fuller, Bob	3	0:09:59
lobbestael, Charles	2	0:09:56
Brown, J. Mark	3	0:09:56
,	10	0:09:54
Liss, Mark	2	0:09:52
Scott, Murray	3	0:09:41
Clarke, Jim	5	0:09:35
GLENN, GARY	2	0:09:33
Hughes ,	3	0:09:29
Fuhrman, Daniel	1	0:09:28
Mills, Don	1	0:09:21
Kozlowski, Michael	5	0:09:21
Markoff, Mary	1	0:09:19
Slywka, Jerry	2	0:09:18
Goesslin, Robert,	1	0:09:17
Hall, Patrick	3	0:09:15
Reif, Wayne	2	0:09:10
Cicerone, Susan	1	0:09:05
Khan, Cynthia	2	0:09:03
Bliss, Nancy	5	0:09:02
Christiansen, Tom	1	0:09:01
Harrell, Barbara	4	0:09:01
Miller, Bob,	1	0:09:01
Zikakis, Jan	6	0:08:57
Laverdiere, Dave	2	0:08:53
Schafer, David	2	0:08:52
Christie, Kathy	1	0:08:49
Brooks, David	2	0:08:47
Troy Shareholders,	1	0:08:46
Siefkes, Don	1	0:08:43
Reed, Betty	3	0:08:42
McCauly, James	3	0:08:41
Prykucki, Steven c.	3	0:08:41
resident,	8	0:08:38
Harris, Neal	3	0:08:34
Dalton, John	2	0:08:26
Assoc Rep,	1	0:08:25
Peresman, Erica	2	0:08:24
Strobel, Kenneth	3	0:08:23
Stark, Yvonne	1	0:08:22
Gelement, James	4	0:08:19
Haddad, Tony	2	0:08:13
Jones, Hayes W.	2	0:08:11
Shires, Les	2	0:08:10
Bayliss, Kinette	2	0:08:09
Vleck, mark	4	0:08:08
schultz, Robert	4	0:08:06
Burton, Peter,	1	0:08:06
Jeffery, Margaret	1	0:08:05

City Council Meeting Speakers

August 2001 - January 2006

Speaker Name	Number of Items	Total Speaking Time (hh:mm:ss)
Pelletier, William	2	0:08:00
Pallotta, Tony,	1	0:07:53
Weisgerber, Bill	1	0:07:51
Strat, Thomas	3	0:07:47
Mayernik, John	3	0:07:45
Wengrow, Irv	1	0:07:43
Marko, Clifford	1	0:07:43
Klaput, Kay	2	0:07:42
Starr, Aaron	3	0:07:41
Swanson, Lorie	1	0:07:35
Paluzzi, Joseph	2	0:07:34
DeFlorio, Victor	4	0:07:33
Carroll, David	1	0:07:32
Arkils, Ron & Richard	1	0:07:29
Hunt, Susan,	4	0:07:28
Buckert, John	2	0:07:26
Burt,	1	0:07:19
Marshall, Sheri	3	0:07:18
Sleutelberg, Arnold	3	0:07:18
Kher, Subhash	2	0:07:15
Showers, Celeste	1	0:07:02
Burke, Thomas	3	0:06:57
Sarsfield, Chris	1	0:06:56
McTeague, Jeanne	1	0:06:55
wells, Sesson	1	0:06:52
Lining, Thomas	3	0:06:52
Harrell, David	3	0:06:48
Retko, Edward	1	0:06:45
Simon, Larry	2	0:06:40
Duford, Kim	2	0:06:40
Timmins, John,	1	0:06:40
MacLeish, Dan	1	0:06:39
Krull, Dan	2	0:06:37
Allie, Rosalie	3	0:06:32
Langton, Charlie	2	0:06:28
Burns, Jack	1	0:06:23
Baxter, Mike	1	0:06:21
Abitheira, Gary	2	0:06:20
neighbor 2,	3	0:06:18
Christiansen, Kevin	2	0:06:18
Graham, Johnnie	2	0:06:14
Blose, Elton	3	0:06:14
Leonard, John	1	0:06:14
Manson, Alan,	3	0:06:09
Fleming, Wade	3	0:06:08
Parks, Wilburn	1	0:06:05
Ken Rodgers/Tom Andersor	1	0:06:02
Jenkins, Mrs.	1	0:06:01
Piscopo, Joe	4	0:06:01
Arndt, Warren	1	0:06:01
Weisgerber, John (Marsha &	4	0:06:00
Jim Smerkfield,	1	0:06:00
LaFave, Julie	2	0:05:59
Nguyen, Thi	1	0:05:53
White, Barb	1	0:05:52
Kopkau, Gary	3	0:05:52

City Council Meeting Speakers

August 2001 - January 2006

Speaker Name	Number of Items	Total Speaking Time (hh:mm:ss)
Allie, Shawn	1	0:05:50
Williams, Rachella	2	0:05:50
Kaufman, Barry	1	0:05:50
Wickersham, Geoff & Addy	1	0:05:49
Krause, Ken	1	0:05:49
Richart, Jerry	1	0:05:47
Peterson, Jan	1	0:05:46
Elston, David	1	0:05:40
Joseph, Brian	1	0:05:39
Resident - Golfview,	1	0:05:38
Pratt, Chris	4	0:05:36
Mills, John	1	0:05:31
Murray, Christine	2	0:05:31
McWalters, Edward	1	0:05:30
Ilges, Joyce	2	0:05:27
Councilwoman Schilling,	4	0:05:26
matiah, guss	1	0:05:26
Rivard, Stacy	1	0:05:26
Beaugrand, Bob	1	0:05:24
Everson, JoAnn	1	0:05:22
Mowen, Russ	2	0:05:21
Hodorek, Ellen	1	0:05:20
Harris, Shirley	2	0:05:20
Santangelo, Randell	1	0:05:18
Bason, Jane	1	0:05:14
Cleland, Dave	1	0:05:14
Comiskey, Ann	2	0:05:14
Aquino, Raymond	2	0:05:14
Nixon, Jacques	3	0:05:13
Gill, Benjamin	2	0:05:12
Howrylak, Frank J.	1	0:05:10
Farkland, Dick	1	0:05:10
Ffrrrancuck,	3	0:05:10
Beltramini, Robin,	8	0:05:09
Herbon, Tom	1	0:05:07
Beachemin, Greg	1	0:05:07
Clark, William	1	0:05:06
Palmer, Doug	1	0:05:06
Rolbelli, Nadine,	1	0:05:06
Zawiscak, John	2	0:05:05
Schenk, Donald	1	0:05:05
Kakish, Talal	1	0:05:04
Buscemi, Paul	1	0:05:04
Reschke, Ernest	1	0:05:02
Green, Walenda	2	0:05:00
Delong, David	1	0:04:59
Kelly, Bob	4	0:04:57
Rivetto, Larry	1	0:04:56
Gerych, Michael	1	0:04:55
Pretty, Keith	3	0:04:53
Schubring, Robert	3	0:04:53
Sinowsky, Dave,	1	0:04:53
straub, Frank	1	0:04:52
Pritzlaff, Mark	1	0:04:51
Schmidt, Gwen	1	0:04:50
Hakim, Tasneem	1	0:04:50

City Council Meeting Speakers

August 2001 - January 2006

Speaker Name	Number of Items	Total Speaking Time (hh:mm:ss)
Davis, Robert	1	0:04:50
Bator, Gregory	1	0:04:49
Beltz, Richard	1	0:04:49
Moore, Michelle	1	0:04:49
Papazian, Mark	2	0:04:46
Morrow, Kevin,	1	0:04:45
sharp, john	1	0:04:44
McCrary, Dan	1	0:04:44
Hibbard, Fred	1	0:04:44
Brodbine, Anju	2	0:04:43
Alexander, L.D.	1	0:04:42
Music, Elizabeth	1	0:04:41
Neighbor accross Street,	1	0:04:41
Druger,	1	0:04:40
Howard, Keith	1	0:04:40
Cueter, Joe	2	0:04:39
Garrett , Sr,	2	0:04:39
Youngerman, Eileen,	1	0:04:38
Scott, Dorothy	3	0:04:37
Bisson, Jane	1	0:04:37
hughes,	2	0:04:37
Scislowicz, John	1	0:04:35
Snedden, Jackie	4	0:04:34
Harris, Chuch	1	0:04:34
McCaray, Betty	1	0:04:34
Kemet, Cindy	3	0:04:33
Carbone, Cindy	1	0:04:31
Scott, Mike	1	0:04:30
Kozlow, Mark	3	0:04:30
Hammond, John	1	0:04:30
Goldberg, Joel	1	0:04:30
White Chapel Atty,	1	0:04:29
Shucard, Stephen	1	0:04:27
Roger Kowalski,	1	0:04:26
Freel, Terry	3	0:04:25
Eagan, John	1	0:04:23
Raezler,,	1	0:04:23
Hamzot, Charles	5	0:04:22
stindt, john	1	0:04:22
Parke, Christine	1	0:04:22
First Baptist Church Paster,	1	0:04:20
Jarema, Andy	2	0:04:19
Harding, Pastor	1	0:04:19
Jarema, Karen	1	0:04:16
Neal, Wayne	1	0:04:15
Tardiff, Carol	1	0:04:15
Doyle, Deborah	1	0:04:15
Randell, Karl	1	0:04:15
Hendrickson, Rhonda,	1	0:04:14
Balagna, David	1	0:04:13
Burke, Jennifer	1	0:04:13
Doctor, John	1	0:04:12
Safsten, Gary	1	0:04:12
Dahlke, Wendy	1	0:04:11
Scheubring, Robert	2	0:04:09
Hessel, Albert,	2	0:04:09

City Council Meeting Speakers

August 2001 - January 2006

Speaker Name	Number of Items	Total Speaking Time (hh:mm:ss)
Unknown-,	2	0:04:08
Frankel, Stuart	1	0:04:07
Shea, Kevin	2	0:04:07
Blackwood, Roger	3	0:04:05
Brubaker, Pam	3	0:04:03
Brooks, Amanda,	1	0:04:03
, Thomas	1	0:04:01
Upmeyer, Barbara	1	0:04:01
Hooton, George	1	0:04:01
Rhoads, Jo	1	0:03:59
Don Menke,	1	0:03:59
Sarotte , Sharon	2	0:03:57
Chebizah, Gopikrighna	1	0:03:56
Murfey, Dan	2	0:03:56
Gladstein, Steven	1	0:03:56
Beauchamp, Bob	2	0:03:55
Elias, Mike,	1	0:03:55
Grix, E. James	1	0:03:54
Developer,	1	0:03:52
Johnson, Shirley,	1	0:03:52
Detloff, Dorothy,	1	0:03:52
Gold, Gloria	3	0:03:51
Townsend, James	1	0:03:50
Watts, Garry	2	0:03:49
Robertson Bros.,	1	0:03:46
Zatina, Patricia	1	0:03:46
Zaleski, Andrew	1	0:03:46
Cameron, Thomas	1	0:03:46
Mares, Mike	1	0:03:45
Merrill, David	1	0:03:44
Hendrickson, Rhonda	2	0:03:44
Losey, Charlie	1	0:03:43
Dye, Jeff	2	0:03:43
un,	2	0:03:42
Smith, Gordon	1	0:03:42
Seigal, Arthur (Petitioner)	1	0:03:41
Breidenich, Andy	2	0:03:40
Pierce, Don	4	0:03:40
Kline, Timothy,	1	0:03:38
Shouhayib, Kamal,	2	0:03:37
Uhlman , Ron	1	0:03:36
Gary Peck,	1	0:03:35
Bruebaker, Michael	1	0:03:34
LeFave, David	1	0:03:33
Ritskey, Mr.	1	0:03:33
Arnie, Rabbi,	1	0:03:33
Short, Alexander,	1	0:03:30
Endorsky, John,	1	0:03:30
Mantay, Mark	2	0:03:30
Lamers, Duane,	2	0:03:30
unknown 1,	2	0:03:28
Billinger, John	1	0:03:28
Peck, Gary	1	0:03:27
Dixon, Merrill	2	0:03:25
York, Tom	1	0:03:25
Rihtarchik, Mickey	1	0:03:25

City Council Meeting Speakers

August 2001 - January 2006

Speaker Name	Number of Items	Total Speaking Time (hh:mm:ss)
Darda, Bruce,	2	0:03:23
Irby, Connie	2	0:03:23
Painter, Patricia	2	0:03:22
Freda, Larry,	1	0:03:22
Toger, Mike	1	0:03:21
Stoller, Margie,	1	0:03:21
Dukes, Craig	1	0:03:20
Sellers, Leonard	1	0:03:20
Krasula, Jack	1	0:03:20
Erickson, Alan	1	0:03:19
Shashlo, Leonid	2	0:03:17
Puri, Lalitha	1	0:03:17
Bamford, Peter	1	0:03:16
Houghton, Tom	1	0:03:15
Jose, Lawrence	2	0:03:14
Sutherland, David	2	0:03:14
Walker, Marvin - Pastor,	1	0:03:13
Gerald Emmanual,	1	0:03:12
james, Karen	1	0:03:11
Machinski, Scott	1	0:03:11
Haddad, Joseph,	1	0:03:11
Harrisom, Michael	1	0:03:11
Kaszubski, Tom	1	0:03:10
Bank, Kenneth,	1	0:03:09
Vydale, Claude,	1	0:03:09
Berk, Bob	2	0:03:07
unknown Tellys,	1	0:03:04
Dietz, Kevin,	1	0:03:04
Gorchow, Margo	1	0:03:03
Stahl, Erin,	1	0:03:01
Laverdiere, Grace	3	0:02:59
Moran, John	2	0:02:58
Cicerone, Guy,	1	0:02:58
Gelement Jr, James	1	0:02:58
King, Kevin	3	0:02:57
Johnston, James	1	0:02:56
Rickie, Rod	1	0:02:56
Perring, Tom	1	0:02:55
Song, Howard	1	0:02:55
Blaszczak, Jeff	1	0:02:54
Carbone, John,	1	0:02:54
Laposke, Debbie,	1	0:02:54
Leto, Peter	1	0:02:53
Baker,Wayne,	1	0:02:53
Dambrosi, Tony	1	0:02:52
Tagle, John	1	0:02:52
Glaspie, Chris	1	0:02:51
Moffat, Lynn	1	0:02:51
McMullin, Tom	1	0:02:50
Wright, Wayne,	1	0:02:48
Williams, Robert	1	0:02:47
Maten, Michael	1	0:02:47
Laman, John	1	0:02:47
Akin, Doug	1	0:02:46
Gelement, Kathy	1	0:02:46
Dale, Curt,	1	0:02:46

City Council Meeting Speakers

August 2001 - January 2006

Speaker Name	Number of Items	Total Speaking Time (hh:mm:ss)
Lakin, Nancy	1	0:02:46
Mike Allyse,	1	0:02:46
, Tony	1	0:02:44
Burke, Matthew	2	0:02:43
Darling, Tom,	1	0:02:42
Bean, Michael	1	0:02:41
Waltereit, Linda	1	0:02:41
Glysson, Stephanie	1	0:02:40
p,	2	0:02:40
Les, Robert	1	0:02:39
Craig, John,	1	0:02:38
Ode, Christine	1	0:02:37
Poupard, Marge	1	0:02:37
Cox, Mina	5	0:02:37
Zelda, Brenda	2	0:02:36
Hundich, Steven,	1	0:02:36
Millichamp, Pauline	2	0:02:35
VanderVeen, David, David	1	0:02:34
Youngman, Terrill	1	0:02:34
Zak,	1	0:02:33
Friesen, Paul	4	0:02:32
Slusser, John	3	0:02:32
Eaton, Michele	1	0:02:32
BouHarb, Jamil	1	0:02:31
Mansour, Connie	1	0:02:31
Cueter, George,	1	0:02:31
Jordan, Shirley	2	0:02:31
Spain, John	1	0:02:30
Miller, Paul	1	0:02:29
Brady Richard,	1	0:02:29
Faubert, Susan	1	0:02:29
Calabro, Charlene	4	0:02:28
Powell, David,	1	0:02:28
West, Eugene	2	0:02:28
Cruz, Tony	1	0:02:27
McCown, Janice	1	0:02:26
castiglione, Angelo S	2	0:02:26
Cadovich, Joe	1	0:02:25
Honhart, Keith,	1	0:02:25
Grinnel, Eric	2	0:02:24
Northey, Sandra	2	0:02:24
Champine, Cal	3	0:02:24
Butler, MaryAnn,	1	0:02:24
Alati, Diane	1	0:02:21
Clark, Harold	1	0:02:21
Crum, Ken	1	0:02:21
White, Edward	1	0:02:21
Crusse, Karen	3	0:02:20
Bradley, Michael	1	0:02:19
Hernandez, Jay	1	0:02:19
Kaltounis, Rusty,	1	0:02:19
McMillian, Tim,	1	0:02:19
Radcliff, Tina,	1	0:02:19
Owczarzak mark , Mark	1	0:02:18
Walters, June	1	0:02:17
Haddad,	1	0:02:16

City Council Meeting Speakers

August 2001 - January 2006

Speaker Name	Number of Items	Total Speaking Time (hh:mm:ss)
Gatloff, Dorothy	1	0:02:15
randall, doreen	3	0:02:15
Clark, Sandra	1	0:02:15
Bach, Gerald,	1	0:02:13
Oneill, Paul	1	0:02:13
Petitioner's Wife,	1	0:02:13
Eckles, Laura,	1	0:02:12
Phillips, Susan	1	0:02:11
House, Dori,	1	0:02:11
Lessenthien, Lionel	1	0:02:10
Bongiovanni, Kristin	1	0:02:10
Chhina, Avtar	1	0:02:10
pet,	4	0:02:09
Mondro, Richard	1	0:02:09
Kenny Matti,	1	0:02:09
Rayfield, Bob	1	0:02:08
Dorrety, Bill	1	0:02:07
Akins, Max	1	0:02:07
Martin, Christopher,	1	0:02:07
Longe, Lois E.	1	0:02:06
Hendrickson, Rob	2	0:02:06
Adams, Mark	1	0:02:06
Walker, Scott	1	0:02:05
Gilbert,	1	0:02:04
Childs, Curtis	3	0:02:04
Richardson , Mike	1	0:02:04
Schmidt, William	1	0:02:01
Paik, Eugene	2	0:02:01
Hendrickson, Bob,	1	0:02:01
Patricia Dudek,	1	0:02:00
Caponigro, John,	1	0:01:59
Kramer, Elliot	1	0:01:58
High, Lisa - Petitioner,	1	0:01:58
yurk, Gerald	2	0:01:56
Long, James	1	0:01:56
Bernard,	1	0:01:55
Gray, Walter	1	0:01:54
Bartnik, Michael	1	0:01:54
Allen, Steve,	1	0:01:54
Frost, Adam	1	0:01:53
Vleck, Jennifer	1	0:01:53
Christensen, Tom	2	0:01:52
Repen, Edward	3	0:01:52
Saga, Al	1	0:01:51
Unknown 2,	2	0:01:51
Harol, Barbara,	1	0:01:51
Bakou, Jimmy	1	0:01:50
Commersara,	1	0:01:49
Ball, Kevin	1	0:01:49
Watson, Tom	1	0:01:49
Dippel, Daniel	1	0:01:49
House, Dora	1	0:01:48
, Robert	1	0:01:48
rusk,	1	0:01:48
Monchnik, Scott	1	0:01:47
Westrick, Pat	1	0:01:47

City Council Meeting Speakers

August 2001 - January 2006

Speaker Name	Number of Items	Total Speaking Time (hh:mm:ss)
Burtin, Leonard,	1	0:01:47
Clark, Dewey	1	0:01:46
Wiles, Mr.,	1	0:01:46
Burdilett, Joanne	1	0:01:45
Nikopolitis, George	1	0:01:45
Gieger, Lynn,	1	0:01:45
unknown, Lee	1	0:01:44
Bates, Ryan,	1	0:01:44
Eccleston, John	2	0:01:44
Carey-Barr, Ama	1	0:01:44
, Frank	1	0:01:43
Spitzer, Richard	1	0:01:43
Komasara, Chris	1	0:01:43
Williams, Carla	1	0:01:42
len,	1	0:01:42
Case, Karolyn	1	0:01:42
Kaszubski, Cheryl	1	0:01:41
Malla, Joseph	1	0:01:41
Malaga, Kelly	1	0:01:41
Weber, Michelle,	1	0:01:40
Schulz, Jerry	1	0:01:40
Kelly, Ken	1	0:01:40
Cole, Korinna	1	0:01:39
Baier, Jim	4	0:01:39
Wise, Greg	1	0:01:38
Ketel, William	2	0:01:38
Makdisi, Raad	1	0:01:38
Kaltsum, Rusty	2	0:01:37
Petrovich, Mary	1	0:01:37
Corneil, Jim,	1	0:01:37
unknown Marvel Drive Resi(	1	0:01:36
Case, Nathan,	1	0:01:36
Lauer, Jeff	2	0:01:36
Christenson, Tom	1	0:01:36
Dodge, Paul	1	0:01:35
Powell, Tom	1	0:01:35
Corey, John,	1	0:01:35
Halsey, Ted	1	0:01:35
Childs, Nicole,	2	0:01:35
Kim, Hee	1	0:01:35
developer F-7,	1	0:01:34
neighbor,	1	0:01:33
Knollenberg, Marty	2	0:01:32
King, Priscilla	2	0:01:32
Terebus, Jim	1	0:01:31
Robert Kohl,	1	0:01:31
Childers, Jeffrey,	1	0:01:31
Aliah, Jamal	2	0:01:30
Erscher, Erik	1	0:01:30
Kranz, Jesse	1	0:01:30
Keihn, Nancy	1	0:01:30
Mitchell, Jamie	1	0:01:30
Kinaya, Samir	1	0:01:30
Mietkowski, Mike	1	0:01:29
Zinchook, Dennis	1	0:01:29
Nurani, Vijay	2	0:01:29

City Council Meeting Speakers

August 2001 - January 2006

Speaker Name	Number of Items	Total Speaking Time (hh:mm:ss)
Kocher, Frank	1	0:01:28
Zook, R	1	0:01:28
Gerber, Ralph	1	0:01:28
Jezierski, Jeannine	1	0:01:28
Nelson,Bill,	1	0:01:28
Briscoe, Alan,	3	0:01:28
Eckardt, Josef	1	0:01:28
Chessin, Wendy	1	0:01:27
Mancini, Franco	3	0:01:27
Bird, Bruce	1	0:01:27
Schoenfelt, Mary	1	0:01:27
FREDERICK, BRAD	2	0:01:27
Semany, Joe	1	0:01:26
Macomb, Bob	1	0:01:26
Jump, Pat	1	0:01:26
Leonard, Kris	1	0:01:26
VanRosen, Edward,	1	0:01:26
carlin, John	1	0:01:25
nixon, jack	2	0:01:24
Haddad, Jacques	3	0:01:24
Haynes, Nancy	2	0:01:24
Szerlag, John,	1	0:01:24
Mellen, Stephanie	1	0:01:24
Clippert, Tom	1	0:01:23
Allemon, Henry	1	0:01:22
Buckly, David	1	0:01:22
Lotte, Diane	1	0:01:21
Sable, Craig	1	0:01:21
Rouse, Charles,	1	0:01:21
Heichel, Pam	1	0:01:20
LOBBESTAEL, Audrey	1	0:01:20
Husack, Ronald	1	0:01:20
John, Hupman	1	0:01:19
Flint, Virginia,	3	0:01:18
Trent, Tom	1	0:01:17
Burny, Norma	1	0:01:17
MacIvich, Gary,	1	0:01:17
Moturi, Anu	1	0:01:17
Bochenek, Patricia	1	0:01:17
Gregorius, Sue	1	0:01:17
Herzog, Catherine	1	0:01:17
Singh, Arvinder	1	0:01:16
Pollack, Jeff	2	0:01:16
Wells, Roberta	1	0:01:15
Kelly, Carol	1	0:01:15
Culpepper, Mark	1	0:01:14
Shalla, Ben	1	0:01:14
Fedor, Ruth	1	0:01:14
Neimer, Larry,	1	0:01:14
, Christopher	1	0:01:13
Swit, Todd	2	0:01:12
Hubucki, Robert,	2	0:01:12
Bodek, Sharon	1	0:01:11
Kochajda,victor,	1	0:01:11
John Lovejoy,	1	0:01:11
Phillips, Ron	2	0:01:11

City Council Meeting Speakers

August 2001 - January 2006

Speaker Name	Number of Items	Total Speaking Time (hh:mm:ss)
Jackson, Bob	3	0:01:10
Craig, Cordell	1	0:01:10
Jeffrey, Margaret	1	0:01:10
Reneaud, Richard	1	0:01:10
VandenBranden, Mark	2	0:01:09
Pomponi, Robert	1	0:01:09
Palmer, Denise	1	0:01:09
Walsh, Paul,	1	0:01:09
Andressis, Jerry	1	0:01:08
Terio, Sarah	1	0:01:08
Shoffner, Larry	1	0:01:07
Resident Raintree,	1	0:01:07
, Pamela	1	0:01:07
Esquivel, Fred	1	0:01:06
Wanecek, Jason Karl	1	0:01:05
Kennedy, John	1	0:01:05
Fritz, Mark,	1	0:01:05
Messara, Christopher,	1	0:01:05
schoffner, Lawrence	1	0:01:04
Bhatt, Bharati	1	0:01:04
Uhlman, Patricia	2	0:01:04
Flores, Milagros	1	0:01:03
, Gina	1	0:01:02
Zemmer, John	1	0:01:01
, Erin	1	0:01:00
Cardon, Nancy,	1	0:01:00
Dawson, Barbara	1	0:01:00
Robinson, Nate,	1	0:01:00
Patton,, Larry	3	0:01:00
Decker, James	1	0:00:59
Kulish, Carol	1	0:00:59
Jonas, Jim	1	0:00:59
McCormick, Robert	1	0:00:59
McClure, Thomas	1	0:00:58
Brown,	1	0:00:58
Barron, Jeff,	1	0:00:58
Johnstone, Shannon	1	0:00:57
Gerard, Steven	1	0:00:57
Haase, Greg	1	0:00:56
Alexandria, Denise	1	0:00:55
Fitzgerald, Philip	2	0:00:55
Reison, Paul,	1	0:00:55
Wilcox, Milt	2	0:00:55
Seguin, Ray	1	0:00:54
Nowicki, Sandra	1	0:00:53
Shaffer, Sharon,	1	0:00:53
Slawinski, Loretta	1	0:00:53
Owen, Madelon	1	0:00:52
ROBINSON, JOAN	2	0:00:52
Edith Connolly,	1	0:00:52
Francuck, Millie	1	0:00:52
Wu, Caroline	1	0:00:52
Outland, Bob,	1	0:00:52
Ross, Ron	1	0:00:51
Smith, Shirley	2	0:00:51
Lewis, Dan	1	0:00:49

City Council Meeting Speakers

August 2001 - January 2006

Speaker Name	Number of Items	Total Speaking Time (hh:mm:ss)
Timban, Demetrio & Teresita	1	0:00:49
Kalinowski, Andrew	1	0:00:49
Bradley, Jacquelyn	1	0:00:49
Gant, Roy,	1	0:00:49
neigh,	1	0:00:48
Bloom, Jerry,	1	0:00:48
Piscopo, Joe,	1	0:00:48
parks, David	2	0:00:47
Robosan-Burt, Susan	1	0:00:47
Desai, Dilip	1	0:00:46
Schulbeck, Ann	1	0:00:46
Auch, Michael	1	0:00:46
Snooks, Doug	1	0:00:46
Beck, William,	1	0:00:46
Todek, Trish	1	0:00:45
Barbaet, Pastor Tom	2	0:00:45
Clark, Paul	1	0:00:45
Brown Rex,	1	0:00:45
Bloom,	1	0:00:44
Lambert, David	3	0:00:44
Lefert, Irma	1	0:00:44
, mark	1	0:00:43
Anthony,	1	0:00:43
Reison, Kathy,	1	0:00:42
Leslie, Edward	1	0:00:41
TBB of Troy Representative	1	0:00:41
Johimsthal, James	2	0:00:41
Melki, Sandy	1	0:00:40
McNaughton, William,	1	0:00:40
Manzeck, Lila,	1	0:00:40
Yu, Stephanie	1	0:00:39
Maleszyk, Mariette	2	0:00:39
Jewell, Alice,	1	0:00:38
Ray, Matt	1	0:00:37
Carter, Mrs.,	1	0:00:37
Don Petrulous,	1	0:00:37
Alsip, Mary Ann	1	0:00:36
Webb, Tom	1	0:00:36
Campbell, Gerald	3	0:00:36
Zick, Bruce	1	0:00:36
Cracchido, Joe	1	0:00:35
DiCosmo, Dan	2	0:00:35
Marve,	1	0:00:34
Pary, Mr.,	1	0:00:34
Neighbor, Carlton Park Sub	1	0:00:34
Leone, Thomas	1	0:00:33
Helmer, Dick	1	0:00:32
Meyers, Jack	1	0:00:32
Beshara, Mary	1	0:00:31
Milz, Vera	1	0:00:31
Darda,	1	0:00:31
Pickett, Dale	1	0:00:30
Ross, Dorothy	1	0:00:30
Williams, Bob	1	0:00:29
Wittier, Bill	1	0:00:28
Lamazne, David,	1	0:00:28

City Council Meeting Speakers

August 2001 - January 2006

Speaker Name	Number of Items	Total Speaking Time (hh:mm:ss)
Sobczak, Edward	1	0:00:28
Rickie, Ben	1	0:00:27
Reese, Del	1	0:00:27
woods, Tom	1	0:00:27
Morehouse, Deanna,	1	0:00:27
Bultynck, Heather	1	0:00:26
Rauhawt, Richard	1	0:00:24
Herman, Tim	1	0:00:24
Ryan, Roland	1	0:00:23
Dipiazza, Salvatore	1	0:00:23
Husaynu, Ryan	1	0:00:23
unknown 4,	1	0:00:23
, charlene	1	0:00:22
Mary,	1	0:00:22
McCue, Bill	1	0:00:22
Stubinski,	1	0:00:22
Deathos, Paul	1	0:00:22
, Al	1	0:00:21
Dixon, Bob	1	0:00:21
Lamb,	1	0:00:20
unknown Peacock,	1	0:00:20
Anderson, Tom	1	0:00:20
Harding, Barbara	1	0:00:19
Yeskey, Greta	1	0:00:19
Storrs, Walt,	1	0:00:19
Pollak Jeff,	1	0:00:19
DeArment, Therese	1	0:00:18
King, Elerious	1	0:00:18
Mannerin, Peter	1	0:00:17
Michael, Johnson	1	0:00:17
Dryburn, Ron	1	0:00:16
Developer F-4,	1	0:00:16
Berar, James,	1	0:00:16
Schafer, Sharon	2	0:00:16
Rondo, Denise	1	0:00:14
Resky, Donald,	1	0:00:14
Balleck, Jim	2	0:00:11
Stutzman, Wayne	1	0:00:09
Foot, Tom 5685 Sussex Ct,	1	0:00:08
Bhatt, Pankaj	1	0:00:08
johnann, uta	1	0:00:07
Martin, Ross	1	0:00:05
Blackwell, Stan	1	0:00:05
Ellison, Sandy	1	0:00:05
Khan, Fazal	1	0:00:05
Hunter, Dan	2	0:00:05
Burkart, Gregory	2	0:00:05
Schute, George	1	0:00:04
Clark, MaryAnn	1	0:00:04
Abitheir, Gary	3	0:00:04
unknown 3,	1	0:00:04
McGrail, Bill	1	0:00:03
Ford, Barbara	1	0:00:03
Pincince, Craig	1	0:00:03
Chontos, Troy	1	0:00:03
Mazin Nafsu,	2	0:00:03

City Council Meeting Speakers

August 2001 - January 2006

Speaker Name	Number of Items	Total Speaking Time (hh:mm:ss)
Moser, Bill,	1	0:00:03
Stevens, John	1	0:00:02
Wagner, Ray	1	0:00:02
Easterbrook, David	2	0:00:02
Scislowicz, Betsy	1	0:00:02
Pappageorge, Representati	2	0:00:02
Campbell, Bob	1	0:00:02
Chen, Marco,	1	0:00:02
Ziomek, Kim	1	0:00:02
Warner, Robert	2	0:00:02
Smiertka, Jim	1	0:00:02
Nicley, Art	1	0:00:01
Frederick, Brad,	2	0:00:01
Madaus, Jim	1	0:00:01
Doeren Representative,	1	0:00:01
		130:35:40

 J-03a

Mary F Redden

From: Cynthia A Stewart
Sent: Monday, February 06, 2006 8:17 AM
To: Brian P Murphy; Timothy L Richnak
Cc: John Szerlag
Subject: FW: Tree removal

-----Original Message-----
From: Lloyd Lewis
Sent: Sunday, February 05, 2006 9:14 AM
To: Cynthia A Stewart
Subject: Tree removal

On Sunday, February 05, 2006, a tree limb broke away from the trunk of a tree and fell across Upton Drive. The street was completely blocked by the limb. When we noticed the limb, we called the Public Works Emergency number and notified the dispatcher of the problem. City personnel responded within 15 minutes to assess the situation and arrange for the removal of the limb.
I commend your Public Works staff for responding to this problem in a timely manner on a snowy Sunday morning.

Lloyd Lewis
3405 Upton Drive

J-03b

TVS
Communication Solutions

Location
2040 Crooks Rd.
Troy, MI 48084

Contact
Tel. 248.362.3335
Fax. 248.362.2495
www.tvstudios.com

Captain Ed Murphy
Troy Police Department
500 W. Big Beaver
Troy, MI 48084

Dear Captain Murphy,

Thank you for the opportunity to "ride along" with a Troy police officer. On Wednesday February 1st, I had the opportunity to sit through the noon roll call and ride along with Officer Clark.

Please give my thanks to Lieutenant Houghton who made all the necessary arrangements and was very helpful in giving me an overview of daily activities. Officer Clark provided much insight into the Troy community and the services provided through the police department.

During my afternoon ride, I witnessed a traffic incident which unfortunately resulted in an arrest. Officer Clark and the other officers on the scene were very professional even with the young women being fairly upset with them and the situation. Your officers obviously have had a great deal of training and all should be commended on their appropriate handling of the situation.

Thank you again,

Barb Cenko

Barbara Cenko
Director of Marketing & Sales
TVS Communication Solutions

RECEIVED
Chief of Police
2/6/06 CC

Cc: City Mgr.
Capt. Murphy
Lt Houghton
Off. Clark
Files
BB

J-03c

Bloomfield Hills Schools
Steven A. Gaynor, Ph.D.
Superintendent of Schools

RECEIVED

FEB 09 2006

CITY OF TROY
CITY MANAGER'S OFFICE

February 1, 2006

Ms. Louise Schilling, Mayor
City of Troy
500 West Big Beaver
Troy, MI 48084-5285

Dear Ms. Schilling:

On behalf of my colleagues on the Bloomfield Hills Board of Education, thank you for the proclamation from the Troy City Council in honor of School Board Recognition Month. We appreciate your thoughtful gesture and recognition of the time and commitment school board members give on behalf of children in our community. Your resolution will be read into the minutes at our next meeting on Tuesday, February 7.

Thanks again for your recognition and best wishes.

Sincerely,

Steve Weiss, President
Bloomfield Hills Board of Education

cz

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

NOTICE OF HEARING FOR THE GAS CUSTOMERS OF CONSUMERS ENERGY COMPANY CASE NO. U-14716

- Consumers Energy Company plans to use a gas cost recovery plan and authorization of gas cost recovery factors for the 12-month period of April 2006 through March 2007, if the Michigan Public Service Commission approves its request.
- The information below describes how a person may participate in this case.
- You may call or write Consumers Energy Company, One Energy Plaza, Jackson, Michigan 49201-2276, (517) 788-1484 for a free copy of its application. Any person may review the application at the offices of Consumers Energy Company.
- The first public hearing in this matter will be held:

DATE:	February 22, 2006 This hearing will be a prehearing conference to set future hearing dates and decide other procedural matters.
TIME:	9:00 a.m.
PRESIDING OFFICER:	Administrative Law Judge Barbara A. Stump
LOCATION:	Michigan Public Service Commission 6545 Mercantile Way, Suite 7 Lansing, Michigan
PARTICIPATION:	Any interested person may attend and participate. The hearing site is accessible, including handicapped parking. Persons needing any accommodation to participate should contact the Commission's Executive Secretary at (517) 241-6160 a week in advance to request mobility, visual, hearing or other assistance.

The Michigan Public Service Commission (Commission) will hold a public hearing to consider the December 29, 2005 application of Consumers Energy Company (Consumers), to use a gas cost recovery factors for the period of April 2006 through March 2007 consisting of the sum of two parts: (i) a base factor of $11.0953 per Mcf, plus (ii) an additional amount contingent

upon future events, determined using the GCR Factor Ceiling Price Adjustment Mechanism, as set forth in the Company's filing, or such higher factors as may be lawful and reasonable.

The Commission has selected this case for participation in its Paperless Electronic Filings Program. The Commission recognizes that some customers may not have the computer equipment or access to the Internet necessary to submit documents electronically. Therefore, customers may submit an original and one paper copy to the: Executive Secretary, Michigan Public Service Commission, 6545 Mercantile Way, P.O. Box 30221, Lansing, Michigan 48909. Otherwise, no paper documents will be required to be filed in this case. Requirements and instructions for filing electronic documents can be found in the Electronic Filings Users Manual at: http://efile.mpsc.cis.state.mi.us/efile/usersmanual.pdf. The application for account and letter of assurance are located at http://efile.mpsc.cis.state.mi.us/efile/help. You may contact Commission staff at (517) 241-6170 or by e-mail at mpscefilecases@michigan.gov with questions and to obtain access privileges prior to filing.

Any person wishing to intervene and become a party to the case shall electronically file a petition to intervene with this Commission by February 15, 2006. (Residential customers may file petitions to intervene using the traditional paper format.)

The proof of service shall indicate service upon Consumers' attorney, H. Richard Chambers, One Energy Plaza, Jackson, Michigan 49201-2276.

A member of the public who wishes to make a statement of position without becoming a party to the case, may participate by filing an appearance. To file the appearance, the individual must attend the hearing and advise the presiding administrative law judge of his or her wish to make a statement of position.

A copy of Consumers' request may be reviewed on the Commission's Web site at http://efile.mpsc.cis.state.mi.us/efile and at the office of Consumers Energy Company, One

Energy Plaza, Jackson, MI. For more information on how to participate in a case, you may contact the Commission at the above address or by telephone at (517) 241-6170.

A Utility Consumer Representative Fund has been created for the purpose of aiding the representation of residential utility customers in energy proceedings. Further information may be obtained from the Chairperson, Utility Consumer Participation Board, Department of Labor & Economic Growth, P.O. Box 30004, Lansing, Michigan 48909.

Jurisdiction is pursuant to 1909 PA 300, as amended, MCL 462.2 set seq.; 1919 PA 419, as amended, MCL 460.51 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; 1982 PA 304, as amended, MCL 460.6h et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1999 AC, R 460.17101 et seq.

CONSUMERS ENERGY COMPANY HAS REQUESTED THE GAS COST RECOVERY FACTORS DESCRIBED IN THIS NOTICE. THE MICHIGAN PUBLIC SERVICE COMMISSION MAY APPROVE, REJECT OR AMEND THE FACTORS.

January 27, 2006
Lansing, Michigan

February 2006

February 2006

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Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
		February 1 8:30am BUILDING CODE BOARD OF APPEALS (Conference Room LL)	2	3	4 5
6 5:30pm City Council-Special (Council Boardroom) 7:30pm City Council Meeting (Council Chambers)	7 7:30pm Planning Commission Special/Study (Council Boardroom)	8	9	10	11 12
13 7:30pm City Council-Closed Session (Council Boardroom)	14 7:30pm Planning Commission Regular Meeting (Council Chambers)	15 7:30am DDA Meeting (Conference Room Lower Level) 7:30pm City Council Liquor Hearing	16	17	18 19
20 7:30pm City Council Meeting (Council Chambers)	21 7:30pm BZA (Chambers) 7:30pm Historic District Commission (Conference Room C)	22 7:30pm City Council Liquor Hearing	23	24	25 26
27 7:30pm City Council Meeting (Council Chambers)	28 7:30pm Planning Commission Special/Study (Council Boardroom)				

2/27/06 PH Cont. from 10/24/05 DDA
2/27/06 PH Brownfield #4 TCF 1470 Cool. Sec.32
2/27/06 PH Wm. Beaum. Hosp. R.O. Fin. Auth. Tax Ex. Bonds
3/6/06 PH (Zota 218) Child Care Cntrs.
3/6/06 (Zota 214) Group Child Care Homes
3/6/06 Rez. Binson's Sec 3

March 2006

March 2006

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J-06

R/C

2/09

JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

February 3, 2006

RECEIVED

FEB 08 2006

CITY OF TROY
CITY MANAGER'S OFFICE

Mr. John Szerlag, Manager
City of Troy
500 West Big Beaver Road, Suite 500
Troy, Michigan 48084-5285

Dear Mr. Szerlag:

Thank you for meeting with the Michigan Department of Transportation (MDOT) on January 10, 2006, regarding the resolutions passed by the Troy City Council at their meeting on November 28, 2005.

After reviewing the language, MDOT has concluded that the restrictions contained in the resolutions prevent us from proceeding with an Environmental Assessment (EA) for improvements to the I-75/ Crooks Road interchange. The National Environmental Policy Act of 1969 (NEPA) requires that the EA process include an examination of all reasonable and prudent alternatives. Since the previous proposal for this interchange had at one time received Federal Highway Administration approval to proceed to the design phase, it would be impossible to argue that it was not now a "reasonable and prudent" alternative that should be included in the EA process. The several prohibitions contained in the council's resolutions clearly conflict with this NEPA requirement.

As an alternative, MDOT is prepared to work with the city to develop improvements that can be made to the existing interchange, are within the restrictions contained in the council's resolutions, and can be environmentally cleared as a Categorical Exclusion. Categorical Exclusions apply to those projects where no significant environmental impacts will result from the project, and where the project will not result in significant controversy. Improvements of this nature will likely not provide the same level of congestion relief and safety improvement that the previously proposed project would have delivered, but will stay within the limits outlined by the council's resolutions. Upon the completion of these improvements to the I-75/Crooks Road interchange, MDOT will consider its commitment that originated in discussions about the Northfield development area in the late 1980s, fulfilled.

Thank you for your assistance and cooperation over the years in addressing transportation issues in the vicinity of this interchange. MDOT looks forward to continuing to work with the city to resolve these issues in a manner acceptable to both parties. If you have any questions regarding this matter, please contact me or Ms. Susan Mortel, Director, Bureau of Transportation Planning, at 517-373-0343.

Sincerely,

for Gloria J. Jeff
Director

TO: Mayor and Members of the Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
DATE: February 14, 2006
SUBJECT: Recently adopted Macomb County Code of Ethics

As requested by Councilmember Lambert, enclosed please find a copy of the recently adopted Macomb County Code of Ethics. It was adopted by the Macomb County Board of Commissioners on January 26, 2006, and applies to Macomb County's officials and employees.

I have also enclosed a copy of previous memos on this topic, including the power point presentation. If you have any questions, please let me know.

Preamble

The residents and those conducting business in or with Macomb County are entitled to fair, ethical and accountable government. County officials and employees hold positions of public trust and their actions must remain above suspicion. In keeping with the county Board of Commissioners commitment to excellence in public service, the effective and objective performance of county government requires that:

- County officials and employees, both elected and appointed, comply with the letter and spirit of the laws and policies affecting the operations of government
- These principles apply to the day to day conduct of both elected and appointed officials and employees of county government
- County officials and employees be independent, honest and fair in both their judgments and actions
- Public office be used for the public benefit alone and not for personal gain
- Public deliberations and processes be conducted openly in an atmosphere of respect and civility

In order to preserve respect for county government and promote public trust in the integrity and objectivity of government officials and employees, the Macomb County Board of Commissioners adopts this Code of Ethics for Macomb County, its officials and employees. The intent of this code is to guarantee the residents of Macomb County the fair, ethical and effective operation of their government.

This ethics policy is effective immediately after acceptance by the Full Board of Commissioners, whichever is later, and is not retroactive.

The Code of Ethics

Sec.1 The Public Trust

In recognition of the primary concern of public interest, county officials and employees shall strive for the common good of the people of Macomb County and not for any personal gain. County officials and employees shall be fair and treat equally all persons, claims and transactions coming before the county.

Sec.1a "County official" shall mean any and all persons elected or appointed to serve the county of Macomb.

Sec.1b "Persons" shall mean any individual, government, organization or business.

Sec.1c "Claims and transactions" shall mean any contract or negotiated legal exchange with Macomb County.

Sec.1d Gifts are to be distinguished from campaign contributions, which are reportable and controlled by state law.

Sec.2 Compliance with the Law

The county officials and employees of Macomb County shall comply with all applicable laws, statutes and ordinances of the federal, state and local governments in the performance of their duties.

Sec.3 The Conduct of County Officials and Employees

The professional and personal conduct of Macomb County officials and employees shall avoid the appearance of impropriety. Officials and employees shall refrain from abusive conduct.

Sec. 4 Conflicts of Interest

In order to ensure independence and impartiality, county officials, both elected and appointed, and employees shall not use their position to influence or otherwise affect government decisions or actions in which they possess a personal interest which may present an apparent or real conflict of interest.

A Macomb County official or employee shall not divulge to an unauthorized person confidential information acquired in the course of service to the county in advance of the time prescribed for its authorized release to the public.

A Macomb County official or employee shall not represent his or her personal opinion as that of the county.

A Macomb County official or employee shall use personnel resources, property and funds under the official or employee's official care and control judiciously and solely in accordance with prescribed constitutional, statutory and regulatory procedures and not for personal gain or benefit.

A Macomb County official or employee shall not engage in a business transaction in which the official or employee may profit from his or her official position or authority or benefit financially from confidential information which the official or employee has obtained or may obtain by reason of that position or authority.

A Macomb County official or employee shall not engage in or accept employment or render services for a private or public interest when that employment or service is incompatible or in conflict with the discharge of the official or employee's official duties or when that employment may tend to impair his or her independence of judgment or action in the performance of official duties.

A Macomb County official or employee shall not participate in the negotiation or execution of contracts, making of loans, granting of subsidies, issuance of permits or certificates or other regulation or supervision, which involves Macomb County and an entity in which the official has a financial or personal interest.

When voting on or negotiating contracts, Macomb County commissioners shall verbally disclose if a spouse or immediate family member serves on a board or commission or are a significant owner of an organization with which the Board of Commissioners considers doing business.

Sec.4a "Personal interest" shall mean any interest due to immediate kinship or blood relation or that of a sustained or material friendship.

Sec.5 Gifts and Public Favor

Sec.5a Except as provided in paragraph 5b, an elected official, appointed official or employee shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from a person who:

- Has, or is seeking to obtain, contractual or other business or financial relations with the county
- Conducts operations or activities that are subject to county jurisdiction
- Has interests that may be substantially affected by the performance or nonperformance of his or her official duty

Sec.5b The prohibitions of this section do not apply to:

- Obvious family or personal relationships such as those between the employee and his parents, children, or spouse, when the circumstances make it clear that those relationships rather than the business of the persons concerned are the motivating factors
- Acceptance of food and refreshments of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting, other meetings, or tours where an elected official or employee may properly be in attendance
- Acceptance of unsolicited advertising or promotional material such as pens, pencils, note pads, calendars and other items of nominal intrinsic value. "Nominal intrinsic value" means $50 or less
- Acceptance of loans from banks or other financial institutions on customary terms to finance proper and usual activities of employees such as home mortgage loans
- Acceptance of invitations to meals and events where the presence of a representative of the county benefits the county. The value of tickets or admission, or fees for participation must be reported to the County Elections Office within 30 days if the value is over $50. The report must include the source and date of the gift, the name of the recipient, the value of the gift, and the business case for acceptance
- Acceptance of an invitation addressed to the County Board, when approved by the Board Chair or the Finance Director, by an elected official or employee (including, where applicable, his/her guest or a member of his/her immediate family), to participate in a ceremonial event, and accept food, lodging, and entertainment incident thereto

Sec.5c Acceptance of honorarium by Macomb County elected officials and employees is prohibited.

"Honorarium" shall mean a payment of money to a person holding an elected office for the county of Macomb or to a Macomb County department head as consideration for an appearance, a speech, an article or any activity related to or associated with the performance of duties as an elected official or as a department head. An honorarium does not include any of the following:

- Reimbursement for the cost of transportation, accommodations or meals for the person
- Wages, salaries, other employee compensation and expenses authorized to be paid to the person holding elected office or to the department head
- An award of nominal value

Sec.6 Advocacy

County officials and employees shall represent the policies and positions of the county government to the best of their abilities when designated as delegates for such purpose. When representing their own individual opinions or position, county officials and employees shall state explicitly that such information is not representative of the position of any administrative body within the Macomb County government and shall not allow such an inference to occur.

Sec.7 Policy Role of Officials

County elected officials shall not interfere with the administrative functions or the professional duties of administration or impair the ability of staff to implement the decisions of administration as directed by the policies approved by the Board of Commissioners.

County elected officials shall not solicit any campaign contributions from department heads.

Sec.7a "Interfere" shall mean any action with the motive not conducive to the management of established administrational policy direction.

Sec.8 Independence of Boards, Committees and Commissions

Recognizing the value of county boards, committees and commissions in the public policy decision-making process, county officials and employees shall refrain from using public positions to improperly influence the deliberations, administrations or decisions of established board, committee or commission proceedings.

If said county official or employee feels the board, committee or commission is acting outside its authority or purpose, the county official or employee shall bring such accusation to the attention of the Board of Commissioners.

Sec.9 Positive Work Environment

County officials and employees shall support and contribute to the maintenance of a positive and constructive workplace environment. Recognizing their special role in the public trust, county officials and employees shall refrain from creating the perception or reality of inappropriate direction or action toward other government officials and staff.

(adopted by Full Board on 1-26-06)

TO: Mayor and Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
DATE: December 13, 2005
SUBJECT: Macomb County Ethics Committee Policy

At the December 5, 2005 City Council meeting, Councilman Lambert requested a copy of the recently publicized Macomb County ethics policy be included in the December 19, 2005 City Council agenda packet. However, Macomb County has not yet formally adopted an ethics policy. According to Macomb County, the proposed policy was an agenda item for the December Ethics Sub-Committee Meeting. However, the meeting, which was scheduled during this week, was cancelled. The Ethics Sub-Committee is expected to discuss the proposed ethics policy at their January meeting, and forward it to the Macomb County Board of Commissioners if consensus is achieved at the sub-committee level.

The Macomb County officials expressed some reluctance in providing a copy of the current draft policy, in light of the anticipated revisions to the policy. Therefore, I will continue to monitor the progress of Macomb County, as well as any other communities that have adopted or implemented ethics policies. I remain ready to present this information to Council at the earliest possible date that there is time for an in-depth discussion of the options available to the City of Troy.

If you have any questions concerning the above, please let me know.

Ethics Study Session

Troy City Council
May 10, 2005

Troy Charter Provisions

- *Section 3.5-* Members must meet the eligibility requirements of the Charter. "The Council shall be the sold judge of whether its members and the Mayor are eligible and qualified for office under the provisions of this Charter, the statutes and the Constitution of this State. "

Troy Charter Provisions

- *Section 4.4-* "All regular and special meetings of the Council shall be open to the public and citizens shall have a reasonable opportunity to be heard under such rules and regulations as the Council may prescribe. "

Troy Charter Provisions

- *Section 4.6-* "Any two or more members of the Council may by vote either request or compel the attendance of its members and other officers of the city at any meeting of the Council. Any member of the Council or other officer who when notified of such request for his attendance fails to attend such meeting for reasons other than confining illness or absence from Oakland County shall be deemed guilty of misconduct in office unless excused by the Council."

Troy Charter Provisions

- *Section 4.6-* "The presiding officer shall enforce orderly conduct at meetings and any member of the Council or other officer who shall fail to conduct himself in an orderly manner at any meeting shall be deemed guilty of misconduct in office. "

Troy Charter Provisions

- *Section 4.7 (c)* - "No member of the Council shall vote on any question in which he has a financial interest, other than the common public interest, or on any question concerning his own conduct, but on all other questions each member who is present shall vote when his name is called unless excused by the unanimous consent of the remaining members present. Any member refusing to vote except when not so required by this paragraph shall be guilty of misconduct in office."

Troy Charter Provisions

- *Section 4.8-* "The Council or any person or committee authorized by it for the purpose, shall have power to inquire into the conduct of any department, office or officer and to make investigations as to matters in which the municipality has an interest. The Council, for the purposes stated herein, may summon witnesses, administer oaths and compel the attendance of witnesses and the production of books, papers and other evidence."

Troy Charter Provisions

- *Section 5.2-* "All official action of the Council shall be by ordinance, resolution, motion or order. Action by resolution, motion or order shall be limited to matters required or permitted to be so done by this charter or by State or Federal law or pertaining to the internal affairs or concern of the city government."

Troy Charter Provisions

- *Section 5.16 (a)-* "The spouses of any elected official or of the City Manager are disqualified from holding any appointive office or employment during the term for which said elected official was elected or during the tenure of office of the City Manager."

Troy Charter Provisions

- *Section 5.16 (b)-* "The following relatives and their spouses of any elective official or of his spouse or of the City Manager or his spouse are disqualified from holding any appointive office or employment during the term for which said elective official was elected or during the tenure of office of the City Manager, except with the concurring vote of six Councilmen: child, grand-child, parent, grant-parent, brother, sister, half-brother, half-sister. All relations shall include those arising from adoption."

Troy Charter Provisions

- *Section 6.1-* "No person shall hold any elective office unless he is a qualified and registered elector of the City on such last day for filing or at such time of appointment and throughout his tenure of office."

Troy Charter Provisions

- *Section 6.1-* "No person shall be eligible for any elective or appointive city office who is in default to the city or to any other governmental unit of the State."

Troy Charter Provisions

- *Section 6.1-* "Each member of a City board or commission created by or pursuant to, this charter shall have been a resident of the city prior to the day of his appointment and shall be a qualified and registered elector of the city on such day and throughout his tenure of office."

Troy Charter Provisions

- *Section 6.1-* "No elective officer, under this charter, may be appointed to any city office or be employed by the city during the term of office for which he was elected."

Troy Charter Provisions

- *Section 6.2-* "Any elective city office shall be declared vacant by the Council upon the occurrence of any of the following events before the expiration of the term of such office:
  - (c) If the officer shall be found guilty by a competent court of the State of Michigan of any act constituting misconduct in office under the provisions of this charter."

Troy Charter Provisions

- *Section 6.2-* "Any elective city office shall be declared vacant by the Council upon the occurrence of any of the following events before the expiration of the term of such office:
  - (d) If the officer shall absent himself continuously from the city for more than thirty consecutive days in any one year without the permission of the Council. "

Troy Charter Provisions

- *Section 6.2-* "Any elective city office shall be declared vacant by the Council upon the occurrence of any of the following events before the expiration of the term of such office:
  - (e) In the case of any members of the Council, if such officer shall miss five consecutive regular meetings of the Council or twenty-five percent of such meetings in any fiscal year of the city, unless such absences shall be excused by the Council and the reason therefore entered in the proceedings of the Council at the time of each absence."

Troy Charter Provisions

- *Section 6.2-* "Any elective city office shall be declared vacant by the Council upon the occurrence of any of the following events before the expiration of the term of such office:
  - (f) If the officer is removed from office by the Council in accordance with the provisions of Section 6.4 (of the Charter)."

Troy Charter Provisions

- *Section 6.2-* "Any elective city office shall be declared vacant by the Council upon the occurrence of any of the following events before the expiration of the term of such office:
  - (g) Any City Council member desiring to become a candidate for any City elective office, except to succeed oneself, shall resign from the Council prior to the filing deadline of the municipal election."

Troy Charter Provisions

- *Section 6.3-* "The office of any member of any board or commission created by, or pursuant to, this charter shall be declared vacant by the Council:
  - (b) If the officer shall be found guilty by a competent tribunal of any act constituting misconduct in office under the provisions of this charter."

Troy Charter Provisions

- *Section 6.3-* "The office of any member of any board or commission created by, or pursuant to, this charter shall be declared vacant by the Council:
  - (c) If such officer shall miss five consecutive regular meetings of such board or commission, or twenty-five percent of such meetings in any fiscal year of the city, unless such absences shall be excused by such board or commission and the reason therefore entered in the proceedings of such board or commission at the time of each such absence."

Troy Charter Provisions

- *Section 6.3-* "The office of any member of any board or commission created by, or pursuant to, this charter shall be declared vacant by the Council:
  - (d) If the officer is removed from office by the Commission in accordance with the provisions of Section 6.4.

Troy Charter Provisions

- *Section 6.4-* "Removals by the Council of elective officers or of members of boards or commissions shall be made for either of the following reasons:
  - (a) for any reason specified by statute for removal of city officers by the Governor,
  - (b) for any act declared by this charter to constitute misconduct in office."

Troy Charter Provisions

- *Section 6.4-* Removals from office can only occur after written due process, including 10 days advance written notice of the allegations and a hearing. The failure to appear may be deemed cause for removal. A majority of the members elect of Council is required for removal (minus one if the officer is a Council member)

Troy Charter Provisions

- *Section 6.8-* "(T)he terms of office of the elective offices and of members of boards and commissions appointed for definite terms shall not be shortened."

Troy Charter Provisions

- *Section 6.8-* "The Council shall not grant or authorize extra compensation to any officer or employee after the service has been rendered."

Troy Charter Provisions

- *Section 6.8-* "The salary of any elective officer shall not be increased or decreased from the time of his election until the end of the term of office for which he was elected."

Troy Charter Provisions

- *Section 6.9-* "Every officer, elected or appointed, before entering upon the duties of his office, shall take the oath of office and shall file the same with the clerk together with any bond required by statute, this charter or by the Council."
  - Failure to take the oath of office within ten days will result in a declination of the office unless Council extends the time for taking the oath.

Troy Charter Provisions

- *Section 6.10-* "(A)ll officers of the city whose duties involve the custody of public property or the handling of public funds, either by way of receipt or disbursement or both, and all other officers and employees so required by the Council shall, before they enter upon the duties of their respective offices, file with the city an official bond, in such form and amount as the Council shall direct and approve."

Troy Charter Provisions

- *Section 6.11-* Any officer or employee of the City shall turn over all books, paper, moneys, and effects in their charge upon vacating their position with the City.

Troy Charter Provisions

- *Section 6.12 (a)*- "(N)o contract or purchase involving an amount in excess of one hundred dollars shall be made by the city in which any elective or appointive officer or any member of his family has any pecuniary interest, direct or indirect.

Troy Charter Provisions

- *Section 6.12 (b)*- "(A)n officer shall be deemed to have a pecuniary interest in a contract if he or any member of his family is an employee, partner, officer, director or sales representative of the person, firm or corporation with which such contract is made or of a sales representative of such person, firm or corporation."

Troy Charter Provisions

- *Section 6.12 (c)*- If the disinterested persons on City Council unanimously determine that it is not feasible to obtain comparative prices for a contract, then a contract could be awarded, even though a city council member had a pecuniary interest in the contracting company.

Troy Charter Provisions

- *Section 6.12 (e)*- "No officer shall stand as surety on any bond to the city or give any bail for any other person which may be required by the charter or any ordinance of the city. Any officer of the city who violates the provisions of this paragraph shall be guilty of misconduct in office."

Troy Charter Provisions

- *Section 6.12 (f)*- "A full disclosure statement shall be filed with the City Clerk by all candidates for election to the City Council at the time of filing of nominating petitions and on the 15th day of April immediately thereafter, and on the 15th day of April each year thereafter during his term of office."

Troy Charter Provisions

- *Section 6.12 (f)*- "A full disclosure statement shall be filed with the City Clerk by all candidates for appointment to the City Planning Commission, the Board of Zoning Appeals, and the Liquor Committee prior to their appointment thereto, and each year thereafter on the anniversary of their appointment during their term of office."

Troy Charter Provisions

- *Section 6.12 (f)*- "The City Attorney, the City Manager, all department heads and inspectors shall be required to file with the City Clerk a full disclosure statement prior to their appointment and/or employment, and each year thereafter on the 15th day of April."

Troy Charter Provisions

- *Section 6.12 (f)*- "Full disclosure statements shall be kept on file and available for public inspection by the City Clerk, and shall contain the following information, to-wit:
  - 1. All ownership interests in real estate indicating the legal description thereof
  - 2. All ownership interests in any corporations, partnerships, joint ventures or sole proprietorships located or doing business in the City of Troy.
  - 3. All political contributions, donations and/or gifts from land developers, real estate companies, real estate brokers, contractors, and/or any combination of businesses or firms doing business with the City of Troy requiring licenses, permits, zoning changes or variances required to operate in the City of Troy.

Troy Charter Provisions

- *Section 6.13*- Other than reimbursement of bona fide expenses incurred on behalf of the City, there shall be no compensation other than the salary of the officer/employee, as set within budget limitations and by Council (adopted pay plan or otherwise) .

Troy Charter Provisions

- *Section 7.2*- "The election of all city officers shall be on a non-partisan basis. The general election statute shall apply to and control, as near as may be, all procedures relating to registration and city elections except as such statutes relate to political parties or partisan procedure and except as otherwise provided in this Charter."

Troy Charter Provisions

- *Section 7.12*- "All nomination petitions filed shall be open to public inspection in the office of the Clerk."

Troy Charter Provisions

- *Section 7.13*- "An election commission is hereby created consisting of the Clerk and two qualified and registered electors of the City, who during their term of office shall not be candidates for elective city offices. These two members shall serve without compensation. These two members shall be appointed by the council annually in January for a term of one year. ...The compensation of the Election personnel shall be determined in advance by the City Council.

Troy Charter Provisions

- *Section 8.3-* "A public hearing on the budget shall be held before its final adoption, at such time and place as the Council shall direct, and notice of such public hearing shall be published at least one (1) week in advance thereof by the Clerk."
- *Section 8.3-* "The Council SHALL, on or before the third Monday in May, adopt a budget for the ensuing fiscal year."

Troy Charter Provisions

- *Section 8.4-* "Upon the adoption of the annual budget, the several amounts stated therein as proposed expenditures shall be appropriated to the respective objects and purposes named therein. After the budget has been adopted, no money shall be drawn from the treasury nor shall any obligation for the expenditure of money be incurred for payment during the fiscal year to which the budget applies except pursuant to an appropriation therefore."

Troy Charter Provisions

- *Section 8.7-* "The Clerk or other officer other than the Treasurer designated by the Council shall be the general accountant of the City and shall keep a complete set of accounts showing the financial transactions of the City, which accounts shall conform to any uniform system required by law."

Troy Charter Provisions

- *Section 8.10-* "All taxes, special assessments and other moneys accruing to the City shall be collected by the Treasurer. All moneys received by the Treasurer shall be promptly deposited by him with such responsible banking institution or institutions as may be designated by the Council, and all interest on such deposits shall accrue to the benefit of the city."

Troy Charter Provisions

- *Section 8.12-* "The Council shall provide that a periodical audit be made at least annually of the accounts of all the officers and departments of the city government, by independent certified public accountants."

Troy Charter Provisions

- *Section 9.4-* "The power of taxation shall never be surrendered, suspended, or compromised by any contract, conveyance or grant to which the City shall be a party. No exemptions from ad valorem taxes shall be recognized or allowed, except as such as are required or permitted by the constitution or laws of the State."

Troy Charter Provisions

- *Section 9.11*- "The Board of Review shall be composed of three, six, or nine members, as determined by resolution of the City Council, who shall be selected upon the basis of their knowledge of property values and of the subjects of assessments and taxation. No member of the Board shall hold any other public office or public employment, except that of notary public or member of the armed forces..."

Troy Charter Provisions

- *Section 11.9*- "No limits are established on the power of the City to borrow, except those established by the laws of this state."

Troy Charter Provisions

- *Section 12.1*- "Comparative prices shall be obtained for the purchase or sale in amount not in excess of ten thousand dollars or all materials, supplies, and public improvements except (a) in the employment of professional services and (b) when the City Manager shall determine that no advantage to the City would result."

Troy Charter Provisions

- *Section 12.1*- "In all sales or purchases in excess of ten thousand dollars, (a) the sales or purchases shall be approved by the Council, (b) competitive bids shall be obtained through a traditional sealed bid procedure or alternative methods, providing the method used preserves the integrity of the competitive process, except where the Council shall determine that an emergency exists or that the public interest will be best served without obtaining bids..."

Troy Charter Provisions

- *Section 12.1*- Purchases shall be made from the lowest competent bidder meeting specifications, unless the Council shall determine that the public interest will be better served by accepting a higher bid, sales shall be made to the bidder whose bid is most advantageous to the City."

Troy Charter Provisions

- *Section 12.1*- "The City may not sell any park, cemetery or any part thereof except in accordance with restrictions placed thereon by statute."
- *Section 12.1*- "The City may not purchase, sell or lease any real estate or any interest therein except by the affirmative vote of four or more members of the Council."
- *Section 12.1*- "The purchase and sale of all city property shall be subject to the provisions of Section 6.12" (Pecuniary Interest Prohibited)

Troy Charter Provisions

- *Section 12.2-* "Any contract or agreement in an amount of one thousand dollars or more made with form or terms other than the standard city purchase order form shall before execution be submitted to the Attorney and his opinion obtained with respect to its form and legality. A copy of all contract or agreements requiring such opinion shall be filed in the office of the Clerk together with a copy of the opinion."

Troy Charter Provisions

- *Section 12.2-* "Before any contract, agreement or purchase order obligating the City to pay an amount of one thousand dollars or more is executed the accounting officer of the City shall first have certified that an appropriation has been made for the payment thereof, or that sufficient funds will be available if it be for a purpose being financed by the issuance of bonds or by special assessments or for some other purpose not chargeable to a budget appropriation."

Troy Charter Provisions

- *Section 12.2-* "No compensation shall be paid to any contractor except in accordance with the terms of the contract."
- *Section 12.2-* "No contract shall be made with any person, firm or corporation in default to the City."
- *Section 12.2-* "No contract shall be amended after the same has been made except upon the authority of the Council, provided that the City Manager may amend contracts for those purchases and sales made by him under the authority of Section 12.1 (Under $10,000 purchases)

Troy Charter Provisions

- *Section 12.3-* "Any agreement or contract for the renting or leasing of public property to any person for a period longer than three years shall be subject to the same referendum procedure as is provided in the case of ordinances passed by the Council..."

Troy Charter Provisions

- *Section 15.2-* "All records of the City shall be made available to the public in compliance with State Law, and shall be kept in the city offices except when required for official reasons or for purposes of safekeeping to be elsewhere."

Troy Charter Provisions

- *Section 15.7-* "All violations of the provisions of the Charter or of any ordinance shall be punishable, unless otherwise herein provided, by a fine not exceeding Five Hundred Dollars ($500) or by imprisonment for a period not to exceed ninety (90) days or both fine and imprisonment, in the discretion of the court."

Troy Charter Provisions

- *Section 15.13-* "The Council may, by ordinance, provide for a retirement and pension system for any and all persons n the service of the City except that these benefits shall not be offered to any board or committee member or elected official of the City unless they otherwise qualify as an employee, former employee or voluntary firefighter."

Troy Ordinance Provisions

- Chapter 3 sets forth the responsibilities and obligations of City officials
  - Chapter 3, Section 1.72 provides that the Police Chief may proscribe rules for the government of police officer of the City, subject to the approval of the City Manager, which shall be entered into a book of police department rules and regulations
  - Chapter 3, Section 1.77 prohibits employees of the City from being able to use the finders/keepers rule – found property must be sold at auction, after publication- and the proceeds deposited into the general fund
  - Chapter 3 sets forth the limitations of responsibilities/enforcement of inspectors

Troy Ordinance Provisions

- Chapter 4, Section 9- Code of Conduct (1976)
  - "The following policy shall be applied for all employees and violations thereof shall subject that employee to disciplinary action up to and including discharge:
    - An employee shall not solicit or accept anything of value, including a gift, loan, contribution, reward, or promise of future employment based on an agreement that the vote, official action or judgment of the employee would be influenced thereby.

Troy Ordinance Provisions

- Chapter 4, Section 9- Code of Conduct
  - The following policy shall be applied for all employees and violations thereof shall subject that employee to disciplinary action up to and including discharge:
    - An employee shall not use his/her position of employment or any confidential information received through the holding of that employment to obtain financial gain, other than compensation provided by law, for himself or herself, a member of his or her immediate family, or a business with which the individual is associated.
    - An employee shall not use City personnel, resources, property or funds for personal gain of more than a de minimus nature.

Troy Ordinance Provisions

- Chapter 4, Section 9- Code of Conduct
  - The following policy shall be applied for all employees and violations thereof shall subject that employee to disciplinary action up to and including discharge:
    - An employee shall not represent a personal opinion as that of the City Council.
    - An employee shall not accept outside employment or render services for any private or public interest when that employment or service is incompatible with, in conflict with, or would impair independence or judgment in the discharge of that employee's official duties

Troy Ordinance Provisions

- Chapter 4, Section 9- Code of Conduct
  - The following policy shall be applied for all employees and violations thereof shall subject that employee to disciplinary action up to and including discharge:
    - An employee shall not participate in the negotiation or execution of contracts, making of loans, granting of subsidies, fixing of rates, issuance of permits or certificates or other regulation or supervision of a business enterprise in which that employee or a member of his or her immediate family has a financial interest of more than a de minimus nature
    - An employee shall not make or participate in making a decision, having knowledge that the decision will provide that employee, a member of the employee's immediate family, or a business with which the employee is associated, financial benefits of more than a de minimus nature

Troy Ordinance Provisions

- Chapter 4, Section 9- Code of Conduct
  - An employee shall avoid making a decision or taking action which will provide a financial benefit for that employee, a member of his or her immediate family, or a business with which that employee is associated, by reporting the situation to his or her supervisor who shall then forward the information to the City Manager. The City Manager shall then take whatever administrative action is necessary to continue the implementation of municipal services without placing that employee in a conflict of interest situation.

Troy Ordinance Provisions

- Chapter 14, Officer and Employee Public Disclosure Enforcement
  - Applies to Mayor, Members of City Council, Candidates for elective office, Planning Commission, BZA, Liquor Committee, and all candidates for appointment thereto; the City Attorney, the City Manager, All Department Heads, and Inspectors (Officers or employees)
  - Failure of a candidate for elective office to file a full disclosure statement prior to the deadline shall render them be ineligible for a ballot
  - Failure of a candidate to file a full disclosure statement for appointive positions shall render them ineligible for the appointive position

Troy Ordinance Provisions

- Chapter 14, Officer Public Disclosure Enforcement
  - Any officer who fails to timely file the required disclosure statements shall be subject to removal from office for misconduct
    - The City Clerk shall send a written notice (certified mail) to advise the officer or employee of the failure and provide not less than ten days notice of the charges, and also the date, time, and place of the due process hearing for the determination on his removal from office for misconduct
    - Failure to file the disclosure statement is prima facie evidence of the requisite misconduct in office
    - At the conclusion of the due process hearing, a simple majority of those voting can decide to remove an official

Troy Ordinance Provisions

- Chapter 14, Employee Public Disclosure Enforcement
  - Any employee who fails to timely file the required disclosure statements shall be subject to removal from office for misconduct
    - On April 1 of each year, the City Clerk shall notify the City Manager of the employees that have failed to file the required disclosure statement
    - The City Manager shall notify each such employee in writing to file the required statement on or before April 15, or else be terminated
    - Failure to file the disclosure statement is prima facie evidence of the requisite misconduct in office

State Law Provisions

- Article 4, Section 10 of the Michigan Constitution of 1963- "No member of the legislature nor any state officer shall be interested directly or indirectly in any contract with the state or any political subdivision thereof which shall cause a substantial conflict of interest."

State Law Provisions

- MCL 15.342 (7)- "..A public officer or employee shall not participate in the negotiation or execution of contracts, making of loans, granting of subsidies, fixing of rates, issuances of permits or certificates, or other regulation or supervision relating to a business entity in which the public officer or employee has a financial or personal interest."

Ethics Code-Other Communities

- *Auburn Hills*-Campaign Contribution Disclosure
  - Any petitioner (or their immediate family members) requesting the city council's approval of a site plan, special land use, rezoning, planned unit development, tax abatement, land division and/or liquor license shall disclose to the city...any campaign contribution made to a sitting council person or their committee for four years preceding application
  - Disclosure includes the amount of the contribution, the date of the contribution, the kind of contribution, and the person/political action committee/ relative making the contribution

Ethics Code- Other Communities

- *Auburn Hills*- Disclosures for contracts
  - Any petitioner requesting a contract with the city shall disclose any campaign contribution made by the petitioner to any sitting council person or candidate committee during the preceding four years of the request for approval
  - Requires disclosure of contributions made by the spouse of the applicant and/or children if residing with the applicant or if the applicant is a legal entity, includes contributions by owners, officers and board of directors and/or related entities

Ethics Code-Other Communities

- *Auburn Hills*-Campaign contribution means a payment, gift, expenditure, loan, or donation of money or anything of ascertainable monetary value made.. For the purpose of assisting and/or influencing the nomination or election of the sitting council person... It includes the full purchase price of tickets or payment of an attendance fee for events, such as dinners, luncheons, rallies, testimonials, and other fundraising events. It does not include volunteer personal services provided gratuitously; or food and beverages not exceeding $100 that are donated and for which there is no reimbursement.

Ethics Code- Other Communities

- *Auburn Hills*-Penalty
  - Any person and/or legal entity that fails to provide the required disclosure statements, or that fails to provide accurate, correct, and truthful information on the disclosure form shall be subject to a revocation of its site plan approval, special land use approval, rezoning approval, planned use development approval, tax abatement approval, land division approval, and/or liquor license or other contract with the City.
  - Prior to revocation, there shall be a due process hearing before council if requested by petitioner after notice of alleged violation

Ethics Code- Other Communities

- *Bangor*- (2002) "The City expects its candidates, officers, officials and employees to be honest, to tell the truth, and to 'play by the rules.' The City expects its candidates, officers, officials and employees to be aware the first small step taken that undermines ones integrity or the integrity of the City usually leads to another and another. In a short time, without having done anything major, integrity is compromised."

Ethics Code- Other Communities

- *Bangor*- "The City expects its candidates, officers, officials and employees to not misrepresent situations, to not steal from the City, not falsify records, or misuse City property, equipment, supplies or assets for personal gain or benefit or for the gain or benefit of others."

Ethics Code- Other Communities

- *Bangor*- "The City expects its candidates, officers, officials and employees to treat each other and everyone else with evenhandedness, fairness and sincerity."
- "The City expects its candidates, officers, officials and employees to honor the spirit of the law as well as the letter of the law."

Ethics Code- Other Communities

- *Bangor* "The City expects its candidates, officers, officials and employees to act in such a way as to create the perception that he, she, and the City is acting fairly, honestly, and evenhandedly without partiality, favoritism, or dishonesty. The City expects its candidates, officers, officials and employees to avoid the appearance of impropriety, that behavior which suggests he, she or the City is acting questionably."

Ethics Code- Other Communities

- *Bangor*- "Recognizing that there are times when City candidates, officers, officials and employees confront situations where there are two or more legitimate points of view, where there is no clear right or wrong answer, and that past practices have given way to new practices. It is in these situations that the City expects its candidates, officers, officials and employees to be particularly careful and give thorough examination and thought before taking action or making decisions."

Ethics Code- Other Communities

- *Bangor/ Midland*- Prohibited Acts
  - No solicitation, acceptance, or receipt of any gift (money, service, loan, travel, entertainment, hospitality, thing or promise
  - No preferential treatment
  - No use of information or documents for private interests
  - No participation in or voting on a matter where there is a direct or indirect interest without disclosing the full nature and extent of their interest
  - No direct or indirect use of City property for personal gain

Ethics Code- Other Communities

- *Bangor*- Prohibited Acts
  - No impediments to government efficiency or operation
  - No affecting adversely the confidence of the public in the integrity of the City
  - No interfering on behalf of an employee or a member of one's immediate family
  - No divulging of confidential information
  - No misusing City personnel resources, property, funds or assets for personal gain or the gain of others
  - No representation of personal opinions as the official position of the City
  - No violation of labor agreements between the City and its employees

Ethics Code- Other Communities

- *Bangor*- Prohibited Acts
  - No violation of policies adopted by City Council
  - No participation in a business transaction that causes an official or employee to derive a personal gain.
  - No rendering of employment or services that are incompatible or in conflict with the discharge of his or her official duties.
  - No offering a candidate, officer, official of employee of the City a gift, loan, contribution, reward or promise based on agreement, promise, or expectation that the vote, decision making or action of the candidate, officer, official or employee of the City would be influenced thereby

Ethics Code- Other Communities

- ***Bangor***- Prohibited Acts
  - No acts, actions or other conduct that is contrary to honesty, justice or good morals/ moral turpitude
  - No acting on behalf of the City or the City Council when authority has not been specifically given
  - No making a city decision outside of the official channels
  - No soliciting support, financial or material, for City social, athletic or recreational parties from individuals or firms that do business with the City or want to

Ethics Code- Other Communities

- ***Bangor***- Prohibited Acts
  - No appearing before City bodies on behalf of a private interest
  - No participation in decisions that affect the interest of ones business or immediate family- including monetary decisions, labor agreements
  - No missing in attendance from three consecutive regularly called meetings at which the attendance of the city officer or official is required and known as part of the duties of such city officer or official

Ethics Code- Other Communities

- ***Bangor/ Midland***- Controlling Authorities to Enforce the Ethical Standards of Conduct
  - All matters concerning the Ethical Standards of Conduct shall be directed to the Mayor, City Council, and City Attorney if it involves an elected and appointed city officer or official or a candidate (Midland has the Mayor, Manager, and Attorney)
  - All matters concerning City employees shall and shall be directed to the City Manager and the City Attorney

Ethics Code- Other Communities

- ***Bangor/ Midland***- Enforcement of Code
  - Any official or employee can request an interpretation (in writing) or and advisory opinion as to compliance with the Ethics Code- which shall remain confidential unless released by the requester
  - Midland details possible subjects- such as the degree to which his/her personal interest exceeds that of other persons who belong to the same economic group or general class

Ethics Code- Other Communities

- ***Bangor/ Midland***- Enforcement of Ethics Code
  - The controlling authority can also determine by consensus the appropriate action on a complaint, request for information, or dispute concerning the Ethics Code- including:
    - Referral of the matter to a higher authority
    - Pursuing further investigation
    - Deeming no action is required
    - Pursuing any other course of action that is reasonable and just
    - Taking appropriate disciplinary action- including forfeiture of office if called for in Charter, labor agreements, or ordinance after due process is afforded

Ethics Code- Other Communities

- ***Bangor***- Due Process Hearings
  - When punishment is recommended by the controlling authority- there shall be notice and a hearing within 30 days
  - The hearing shall be closed to the public unless the candidate, official, or employee selects to have the hearing open to the public
  - The official/employee has the right to have an attorney attend the hearing
  - The minutes of the hearing shall be held by the City Attorney for one year- then destroyed
  - The Authority can affirm, reverse, modify the earlier determination as to the appropriate course of action

Ethics Code- Other Communities

- ***Bangor***- If punitive action is recommended, the recommendation shall be forwarded to City Council – and a majority of Council shall accept, reject, or remand the recommendation to the Controlling Authority
- Council members that are subject to the complaint shall abstain from voting
- If the recommendation is accepted- then the candidate/ official is deemed guilty of violating the Ethics Code

Ethics Code- Other Communities

- ***Bangor***-Violations of the Ethics Ordinance
  - City Council can find a person or persons guilty of misconduct and can take punitive action against a guilty party, including removal of office
  - Only a Judge can declare an ordinance violation, punishable by a fine of up to $500 and incarceration of up to 93 days

Ethics Code- Other Communities

- ***Detroit***- (2000) – Charter Amendment changed composition of Board of Ethics
  - Previously corporation counsel, human resources director and five members appointed by Mayor and approved by Council
  - Now- Three members appointed by Mayor; Three members appointed by City Council; One member jointly appointed

Ethics Code- Other Communities

- ***Detroit***
  - Requires disclosures of interest in real or personal property or city contracts
  - Members of public bodies shall make written disclosures which shall be filed with the clerk and part of the official minutes and published in the journal of the City Council
  - Other public servants shall file with the clerk and also department head. If Council takes action on the subject of the disclosure, the form shall be published in the journal.

Ethics code- Other Communities

- ***Detroit***- Private Gain is defined to exclude the following- unless the conduct improperly influences a public servant's official action
  - Payment of salaries or compensation, even by outside employers, where payment is unrelated to their status as a public servant
  - Authorized reimbursement of expenses incurred by the public servant
  - Fees, expenses or income which are permitted to be earned or reimbursed in accordance with city policies/code/ rules/regulations

Ethics code- Other Communities

- ***Detroit***- Private Gain is defined to exclude the following- unless the conduct improperly influences a public servant's official action:
  - Campaign or political contributions made in accordance with Michigan law
  - Admission, registration fees, travel expense, entertainment, meals or refreshments furnished to a public servant a) by the sponsors of an event which is related to official City business to which one or more members of the public are invited; or b) in connection with a speaking engagement, teaching or assistance to another governmental entity, unless the City has already compensated the public servant

Ethics code- Other Communities

- *Detroit*- Private Gain is defined to exclude the following- unless the conduct improperly influences a public servant's official action:
  - Admission to a charitable or civic event to which a public servant is invited in his or her official representative capacity where the fees are waived or paid by a party other than the City
  - An award publicly presented to a public servant in recognition of public service, acts of heroism, or crime solving
  - A gift received from a public servant's relative or immediate family member so long as the gift is not provided in an attempt to circumvent the ordinance

Ethics code- Other Communities

- *Detroit*- Private Gain is defined to exclude the following- unless the conduct improperly influences a public servant's official action:
  - An award, gift or other token of recognition presented to a public servant by representatives of a governmental body or political subdivision acting in their official capacities
  - A registration fee for a seminar or other informational conference that is either waived or paid by a party other than the City where the public servant attends other than as a speaker, panelist, or moderator

Ethics code- Other Communities

- *Detroit*- Private Gain is defined to exclude the following- unless the conduct improperly influences a public servant's official action:
  - Expenses or gratuities paid or waived for a public servant who is a participant as a speaker, panelist, or moderator, in his or her official capacity, in a seminar, conference, speaking engagement or presentation, including admission fees, lodging, meals or transportation, provided that the public servant files a statement with the City Clerk within five days indicating a description; the amount; the date incurred; the date expense waived/paid; the name and address of the party who waived or paid the expense

Ethics code- Other Communities

- *Detroit*- Private Gain is defined to exclude the following- unless the conduct improperly influences a public servant's official action:
  - Meals or beverages provided to a public servant during a meeting related to official City business
  - Anything of value presented to a public servant on behalf of the City where the gift is offered to and accepted by the City
  - Complimentary copies of trade publications, books, reports, pamphlets, calendars, periodicals, or other informational materials

Ethics code- Other Communities

- *Detroit*- Private Gain is defined to exclude the following- unless the conduct improperly influences a public servant's official action:
  - A gift that is either returned to the donor or that is donated to a charitable organization within thirty days of the public servant's receipt of the gift, provided that the public servant does not claim the donation as a charitable contribution for tax purposes
  - Compensation paid to a public servant for a published work that did not involve use of City time, equipment, facilities, supplies, or staff where the compensation is paid by the publisher of the work
  - Receipt by a public servant of a devise, bequest, or inheritance

Ethics code- Other Communities

- *Detroit*- Private Gain is defined to exclude the following- unless the conduct improperly influences a public servant's official action:
  - Compensation paid to a public servant for published work that did involve the use of City time, equipment, facilities, supplies or staff where the payment is lawfully authorized by a representative of the City who is empowered to authorized such compensation
  - Receipt of anything of value that is unrelated to, and does not arise from a public servant's holding or having held a public position, and does not involve the use of the City's time, equipment, facilities, supplies, staff, or other resources
  - Hospitality that is extended to a public servant for a purpose unrelated to the official business of the City, including a gift of food, beverage or lodging

Ethics code- Other Communities

- ***Detroit***- Board of Ethics
  - Independent body that has three duties:
    - To hear and resolve requests for advisory opinions
    - To hear and resolve complaints
    - To prepare an annual report for Mayor and City Council
  - An advisory opinion can be requested by a public servant, former public servant, candidate or applicant to be a public servant on the disclosure requirements of a particular fact situation or circumstance; the applicability of the standards of conduct to a particular fact situation or circumstance, or whether an individual subject to the act has violated the ordinance.
  - The identity of the requestor should remain confidential

Ethics code- Other Communities

- ***Detroit***- Board of Ethics
  - Any member of the public, other than a Board of Ethics member, may file a written complaint alleging a violation of the ordinance.
  - The complaint must be signed and sworn to before a notary public
  - The complaint must be filed within six months of the date the complainant knew/ should have known of the alleged action- but within two years of the alleged violation
  - The ordinance prohibits an individual from harassing a public servant by asserting a false allegation in an advisory opinion request (as long as there is knowledge of the falsity) or filing a complaint with knowledge of falsity or reckless disregard for its truth or falsity

Ethics code- Other Communities

- ***Detroit***- Board of Ethics
  - If the Board of Ethics determines that a violation of the ordinance has occurred, the Board has the following power:
    - Adopt a resolution of public admonition against the public servant
    - For an elected official or appointee, recommend an investigation by the appropriate agency under the City Charter for forfeiture of office where the Board of Ethics finds that there may be evidence to support such a claim
    - Refer the public servant's conduct to his/ her supervisory with a recommendation that such conduct be reviewed for disciplinary action
    - Refer the conduct of a public servant to an appropriate law enforcement agency for investigation when warranted
    - Legally reverse approval of contract/decision if possible

Ethics code- Other Communities

- ***Detroit***- Board of Ethics
  - There is a Whistleblower Protection Clause in the ordinance
  - The ordinance also provides a mechanism to reimburse a public servant for reasonable attorney fees for defending oneself under the ordinance. Attorney fees can only be recovered where the public servant is found by the Board of Ethics to have acted in good faith and NOT to have violated the ordinance

Ethics Code- Other Communities

- ***Garden City***- Charter Provisions
  - Anti- nepotism
  - Conflict of Interest
    - No person shall be appointed to a position or removed from a position for discriminatory reasons
    - No person shall willfully make false statements to qualify for employment/ office
    - No person seeking appointment shall give (directly or indirectly) money, service, etc. to any appointing member
    - No appointed employee shall make a contribution to any candidate for elective office (but can vote and express opinions)
    - PENALTY- willful violation= misdemeanor plus ineligibility for an office or a position for five years thereafter

Ethics Code- Other Communities

- ***Lansing***- Charter Provisions
  - Creates a Board of Ethics- which is the City Clerk, City Attorney, and three public members (residents that hold no public office or employment), appointed by City Council- each serving three year terms
  - If one of the members are the subject of a matter- additional member(s) can be appointed

Ethics Code- Other Communities

- *Lansing*- Duties of Board of Ethics
  - Render advisory opinions as to any person with respect to the meaning and application of those provisions of this charter and other laws establishing standards of conduct for officers or employees. Advisory opinions shall be published in a manner least likely to reveal the identity of the person concerned, and additional steps can be taken to protect the privacy of persons involved in advisory opinions

Ethics Code- Other Communities

- *Lansing*- Duties of Board of Ethics
  - The Board may recommend to Council standards of conduct for officers and employees of the City and changes in procedures related to the administration and enforcement of those standards
  - The Board shall review annually any disclosure statements or other statements required under an ethics ordinance
  - Violations are punishable to the maximum extent permitted by law- and may include forfeiture of position

Ethics Code- Other Communities

- *Livonia* enacted their Ethics Ordinance in 1997
- "All elected and appointed officials and employees shall construe and implement ethical guidelines with sincerity, integrity and commitment so as to advance the spirit of this ordinance..."

Ethics Code- Other Communities

- *Livonia's* Guiding Ethical Principles:
  - Public interest- power and resources of government shall be used only to advance the public interest
  - Objective judgment- all matters shall be decided with independent, objective judgment, free from conflicts of interest, improper influences, and competing loyalties
  - Accountability- Government affairs should be conducted in an open, efficient, fair and honorable manner
  - Democratic Leadership- honor and respect spirit and principles of representative democracy
  - Respectfulness- safeguard public confidence by being honest, fair, and respectful of all persons and property; maintaining non-partisanship in all official acts, and avoiding conduct that tends to undermine respect for city officials, city employees, and the City

Ethics Code- Other Communities

- *Livonia's* Prohibited Conduct
  - A. Gifts- City officials/ employees shall not directly or indirectly solicit or accept a gift that could unduly influence the performance of official duties
  - B. Preferential treatment- City officials/employees shall not use his/her official position to secure, request or grant any privileges, exemptions, advantages, contracts or preferential treatment
  - C. Use of information- City officials/ employees shall not divulge confidential information to unauthorized persons or use such information to further private interests. Information that is publicly available shall not be withheld.

Ethics Code- Other Communities

- *Livonia*- Prohibited Conduct
  - Conflicts of Interest
    - No city official or employee shall engage in employment, render services or engage in any employment that is in direct conflict with official duties
    - No city official or employee can use confidential information for personal gain
    - No city official or employee shall intentionally take or refrain from taking official action or induce or attempt to induce another city official from taking official action if there is a resulting financial benefit
    - No city official shall serve with compensation as an officer or managing board member that engages in business with the City. Excluded are advisory boards, boards affiliated with the city or controlled by the city, not-for-profit organizations, or ex-officio members

Ethics Code- Other Communities

- *Livonia*- Prohibited Conduct
  - Conflicts of Interest
    - A city official shall not directly or indirectly use city property for personal gain
    - A city official or employee shall not use any city time or property for his/her own political benefit, and no political activity shall interfere with the performance of the usual duties of said city official
    - No city official shall cause the employment of a relative- nor shall any official participate in any employment decision about a family member (nepotism)
    - No person shall retaliate against a person making a complaint or participating in a Board of ethics proceeding.

Ethics Code- Other Communities

- *Livonia*-Disclosure Statement Requirements
  - Annual disclosure, due on or before April 15
  - Covers transactions in previous two year period
  - Required of city officials and also employees that regularly exercise significant discretion over solicitation, negotiation, approval, awarding, amendment, performance or renewal of city contracts.
  - Requires that any future endeavors that would be listed on the disclosure statement be reported prior to the transaction
  - Any candidate or committee MAY file a duplicate copy of any campaign statement or report with the clerk after the document is filed

Ethics Code- Other Communities

- *Livonia*- Board of Ethics
  - An independent board that is created to issue written opinions regarding ethical, not legal, questions and to engage in activities which will promote ethical behavior
  - Five member board- with three year terms- appointed by the Mayor with approval by City Council. For cause removals by Mayor with approval by Council
  - Excludes all current city officials or employees
  - Subject to the OMA
  - Must meet at least quarterly
  - Adopt interpretive rules and procedures relating to the requirements and application of the Ethics Ordinance

Ethics Code- Other Communities

- *Livonia*- Board of Ethics – Powers/ Duties
  - Receive requests for advisory opinions from city officials or employees
  - Receive complaints concerning alleged unethical conduct by a city official or employee from any person or entity
  - Receive and retain on file copies of disclosure statements, advisory opinions, etc.
  - Upon the request for advisory opinion or a complaint, preliminary review the matter to determine whether there is jurisdiction over the matter and/or the persons identified in the request/ complaint

Ethics Code- Other Communities

- *Livonia*- Board of Ethics- Powers/Duties
  - For employees covered by a collective bargaining agreement-the Board's only power is to refer the complaint for adjudication under the CBA (Also the civil service commission)
  - Otherwise, inquire into the circumstances surrounding the alleged unethical conduct upon a majority vote of the board
  - No power to subpoena witnesses or compel production of evidence unless the attorney assists (or outside counsel is retained)

Ethics Code- Other Communities

- *Livonia*- Board of Ethics- Powers/Duties
  - Issue advisory opinions or deem no action required
  - Adopt disclosure forms, and revise when necessary
  - Propose and monitor an ongoing program of education of city officials and employees regarding ethical issues and concerns
  - Progress Report at least annually to Council

Ethics Code- Other Communities

- *Livonia*- Board of Ethics- Powers/ Duties
  - All complaints must remain confidential. All requests for advisory opinions must remain confidential.
  - Persons alleged to have violated the Ethics Ordinance shall be afforded due process
  - Advisory opinions shall not disclose the identities of the involved persons- by shall provide guidance – and shall be supplied to all involved parties and the Mayor
  - Advisory opinions shall be issued within 60 days of a request unless the time is extended by majority vote

Ethics Code- Other Communities

- *Livonia*-Penalties for Violation of Code of Ethics-
  - The ordinance is intended to encourage and promote the highest standards of ethical conduct and behavior and is not intended to be punitive
  - It is anticipated that the issuance of advisory opinions will conclude all matters
  - Board is not an adjudicative body- and no finding of the Board shall be deemed conclusive or subject persons to penalties
  - If violation, then a municipal civil infraction can be issued in accordance with the law- max. fine $100

Ethics Code- Other Communities

- *Resort Township*-
  - Sanctions for ethical violations
    - If elected official- then formal censure by Board
    - If appointed official- then formal admonition recorded in the official municipal records and recommendation to the Board for possible removal from office
    - If an employee- then disciplinary action in accordance with the employee disciplinary procedure
    - If a contractor- then formal admonition recorded in the official municipal records and recommendation to the Board for termination of the contract, if possible
    - If other public servant- then formal admonition recorded in the official municipal records and published in the local newspaper

Ethics Code- Other Communities

- *Resort Township*-Investigation of Code of Ethics Violations
  - The Board members shall yearly designate one of its members to serve as the primary point of contact to whom allegations of ethical violations shall be referred
  - Alleged violations can be anonymously reported using the standard form
  - In response to a complaint, and Ethics Panel shall be empanelled by a majority vote of the Board. The Ethics Panel shall be two residents appointed by the Board and a third member selected by the two appointees- who may be a professional mediator that can be compensated for services

Ethics Code- Other Communities

- *Resort Township*-Investigation of Code of Ethics Violations
  - The Ethics Panel can jointly investigate- or can delegate to one member
  - If the Majority of the Ethics Panel finds a violation, then the matter will be referred to the Board for enforcement
  - The Ethics Panel can be dissolved by majority vote of the Board- subject to the authority of the Board
  - Whistleblowers Protection Provision

Ethics Code- Other Communities

- *Roch. Hills*-Intent of Standards
  - Applies to Mayor, Council members, full and part time employees, consultants and members of boards and commissions
  - Should refrain from activities that result or create the appearance of:
    - Using public office or employment for private gain
    - Giving preferential treatment to any organization or person
    - Impeding government efficiency or economy
    - Losing complete independence or impartiality of action
    - Making a government decision outside official channels
    - Affecting adversely the confidence of the public in the integrity of the City

Ethics Code- Other Communities

- *Rochester Hills, Michigan* (1991, revised in 1996).
  - Purpose
  - Intent of Standards of Ethical Conduct
  - Written disclosure of conflict of interest
  - Actions and transactions to be avoided
  - Stock holdings in publicly held corporations (1%)
  - Required delivery of chapter to new employees, newly elected or appointed officials, new consultants hired by council, consultants hired by department directors, as well as delivery when amended and yearly posting
  - Violation of Chapter is NOT subject to a fine or incarceration

Ethics Code- Other Communities

- *Roch. Hills*- Actions to be avoided
  - Divulging confidential information
  - Soliciting gifts or loans for a person or an organization (money, goods, services - but not including acceptance of perishable or consumable gifts of a nominal value or reasonable personal entertainment)
  - Business transactions where public officer can profit by possessing confidential information learned thru position
  - Incompatible employment that tends to impair official's independence of judgment in performance of official duties
  - Dealing or contracting with business entities when the officer has a personal or financial interest (unless sealed bids and abstention by the official and council determination that it is in the best interest of the City
  - Dealing in City property purchases

Ethics Code- Other Communities

- *Sterling Heights*
  - Adopted, almost verbatim, the Josephson Principles of Public Service Ethics that appear in the Rules of Procedure
  - Separate Code of Ethics
    - Requires fair and equal treatment
    - Prohibits use of public property for private advantage
    - Prohibits conflict of interest transactions/ disclosure or use of confidential information
    - Requires a financial disclosure statement kept by Clerk
    - Violations are misdemeanors- guilty of misconduct

Ethics Code- Other Communities

- *Warren* – Prohibited Conduct
  - Disclosure of confidential information
  - Use of city property for personal gain
  - Solicitation or acceptance of gifts/ kickbacks
  - Profiting from official position
  - Accepting gratuities or offers of employment in connection with a council decision
  - Incompatible offices or employment
  - Contract fixing
  - Unethical hiring
  - Financial conflicts of interest

Ethics Code- Other Communities

- *Warren*- Whistleblower Protections
  - A city officer or employee with knowledge that a city officer has violated the ethics ordinance may report the violation to a supervisor, person, agency, or organization
  - The reporting city officer or employee shall not be subject to sanctions because they reported/ were about to report the alleged violations (appointing or supervisory authority determines by a preponderance whether the sanction resulted from the whistleblowing

Ethics Code- Other Communities

- *Warren*- Penalties
  - The City Council shall have the authority to issue an oral or written warning or reprimand to an elected officer or BZA member for violating the ethics ordinance
  - The Mayor (Strong Mayor) shall have the authority to impose an oral or written warning or reprimand or suspension of duties for a specified period of time for board or commission members that violate the ethics ordinance
  - To the extent that violations are criminal, they shall be punishable therein, in addition to civil sanctions including the recovery of value transferred or received in breach of the ethics ordinance

Ethics Code- Other Communities

- *Wyandotte*- Ordinance
  - Incorporates provisions of OMA and FOIA
  - Requires disclosure of any financial, business, commercial, contractual or other private transaction that conflicts with official duties (plus yearly disclosure statements)
  - Prohibits incompatible employment
  - Requires disclosure and abstention when there is an interest in proposed legislation or a decision- except for voting on public improvements (new curbs, sewers, street paving, etc.) or a referral to a board/ committee or a department head

Ethics Code- Other Communities

- *Wyandotte*- Ordinance
  - Public officials or employees who have a good faith belief that the public interest requires the disclosure of governmental policies or actions thought to be unlawful or improper should reveal their information to the City Council.
  - It shall be unlawful for a public official or public employee to harass, punish or seek reprisals against public officials or employees who seek to hold government accountable through conscientious disclosure of unlawful or improper policies or actions

Ethics Code- Other Communities

- *Wyandotte*- Violation and Enforcement
  - Any individual that believes that a violation exists may make a formal signed complaint to the Chief of Police, who shall cause the same to be investigated and referred to the City Attorney for review and recommendation with a copy to the complainant
  - The Police Chief or his designee shall initially determine whether a complaint filed has no legal merit, or is otherwise filed to harass, annoy, or embarrass an elected official and/or appointee, and said decision shall not be subject to further review if concurred in by the City Attorney
  - If a complaint has no legal merit- then the police department has the authority to recover all costs and expenses incurred by the City as a result of the complaint

Ethics Code- Other Communities

- *Wyandotte*- Enforcement Action
  - The Police Chief and City Attorney shall take appropriate action on any complaint, request information or otherwise resolve matters concerning a violation of the Ethics Ordinance
  - Appropriate action is in the discretion of the authorities- and includes but is not limited to:
    - Pursuing further investigation
    - Taking appropriate disciplinary action, including removal from office, in accord with the charter, code of ordinances, or state law
    - Deem no action is required- and state the reasons
    - Pursue criminal prosecution for failure to file required disclosure forms

Ethics Code- Other Communities

- *Ypsilanti*
  - Prohibits conflicts of interest in contracts
    - If necessary to have 2/3 of Council eligible to vote- then a Council member can vote on a contract if they will benefit $250 or less; will benefit less than 5% of the contract; and files a sworn affidavit as to the Council member's interest in the contract
    - Contracts between public entities are distinguished

Ethics Code- Other Communities

- *Ypsilanti*- Legal process. "No city council member, city officer or employee of the city shall interfere with the ordinary course of law enforcement within the city, and no special favors, consideration or disposition shall be suggested to or requested of any law enforcement person of the city including the city manager, police chief, police officers, ordinance officers, city attorney and/or administrative staff concerning any city law enforcement matter including (but not limited to) parking tickets, traffic tickets, ordinance tickets or enforcement of city codes."

Ethics Code- Other Communities

- *Ypsilanti*-"This section (Legal process) shall not prohibit the city manager, city attorney, and all law enforcement officials from exercising the usual power, control and discretion which are part of their duties. Nor shall this section prohibit the Mayor and city council from making policy decisions, enacting legislation, and directing the affairs of the city in accordance with their legal powers and responsibility."

Ethics Code- Other Communities

- *Ypsilanti*
  - Obtained permission to incorporate the Josephson Principles of Public Service Ethics- with charter and ordinance provisions
    - Follow the Golden Rule
    - Always do what our mothers taught us
    - Put the interest of the public ahead of our own personal needs

City of Troy

TO: Mayor and Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
DATE: February 16, 2005
SUBJECT: Ethics Policy

The City of Troy has already implemented several "ethical" requirements for public servants. Public servants include the City Council, City Board and Committee Members, City Management and City employees. These requirements are interspersed in several different locations, including but not limited to the City Charter, Board/Committee By-laws, Rules and Procedure, Occupational Standards, Ordinances, and Employee Handbooks. Some members of City Council have requested an official ethics policy for the City that would incorporate all of these requirements into one document.

In researching this issue, there are several Michigan communities that have incorporated the Government Ethics Center Public Service Ethics- Summary of Principles and Guidelines, which is attached for your review. This is a comprehensive set of guidelines for the public servant, and is instructive as to the expectations of public service, and a reminder of the sanctity of the public trust. Assuming that the City of Troy receives permission from the Josephson Institute, these principles could be adopted by the City of Troy. The more challenging task is to decide how to incorporate and enforce these principles. Council should decide what the City's policy is for reporting, deliberating, deciding, referring, and sanctioning alleged violations of the ethics code by public servants. One option is to defer to an ethics board, which is done in other jurisdictions. City Council may also wish to assume responsibility for the enforcement of the ethics policy. It is my recommendation that the consensus of City Council be further defined after a study session where potential ramifications and unintended consequences are discussed in greater detail.

As always, if you have any questions concerning the above, please let me know.

PROPOSED
ETHICS PRINCIPLES AND GUIDELINES

The City of Troy recognizes the following principles and guidelines, as espoused by the Josephson Institute Government Ethics Center, which are reiterated with permission, and adopted by the City of Troy.

I. PUBLIC OFFICE AS A PUBLIC TRUST.

Public servants should treat their office as a public trust, only using the powers and resources of public office to advance public interests, and not to attain personal benefits or pursue any other private interest incompatible with the public good.

A. Pursuit of Public Interests.

In treating their office as a public trust, public servants, whatever their role, should diligently and in good faith pursue the public interest to the best of their ability and subordinate self-interest to the public good.

B. Ensuring Public Respect.

In treating their office as a public trust, public servants should act so as to ensure the reality and perception that government is conducted according to the highest principles of democracy with honesty, integrity and a concern for justice and is, therefore, worthy of respect, trust, and support.

1. *Avoiding Impropriety.* Public servants should maintain public trust in government by avoiding acts that place personal or private interests above pursuit of the public interest.

2. *Avoiding Appearances of Impropriety.* Public servants should avoid conduct that tends to undermine public trust by creating in the minds of reasonable impartial observers the perception that government office has been used improperly.

C. Formulation of Public Policy.

Persons with the responsibility for making public policy and laws should place the public interest over all other considerations.

1. *Elected Officials Should Make Policy.* In a representative democracy, public interest should be determined and translated into policies and programs by or under the direction of elected officials who are ultimately accountable to the public.

2. *Dealing With Conflicting Loyalties.* In pursuing the public interest, public servants should put loyalty to democratic principles and to the broadest public good above loyalty to political party, their constituencies and individuals.

3. *Ranking Loyalty Obligations.* When allocating public funds and formulating general public policies, elected officials should evaluate information objectively and decide what is best for the public as a whole, not just a narrow constituency.

4. *Organizational vs. Personal Loyalties.* Public servants with supervisory authority should safeguard and protect the public interest, the reputation of government and the integrity and efficiency of their department, even at the cost of injuring a superior, colleague, or friend.

5. *Protection of Minority Rights.* It is in the overall public interest that the will of the majority is tempered by a commitment to consider and protect the rights and advance the interests of minorities, especially those that are not sufficiently represented in the normal decision making process.

D. Implementation of Policy.

Public administrators and executives should interpret and implement policies and laws in good faith and energetically pursue the goals of policy and lawmakers.

1. *Subordination of Personal Views.* Public servants charged with the administration of policies and laws should do so as equitable, efficiently, and economically as possible, regardless of their personal views.

2. *Dealing With Policy Disagreements.* Public servants who find that their personal convictions are irreconcilably incompatible with lawful policies should openly state their conflict and, in some cases, withdraw from the administration of such policies.

3. *Whistle Blowing: Disclosure of Unlawful or Improper Policies or Actions.* Public servants who have a good faith belief that the public interest requires the disclosure of governmental policies or actions thought to be unlawful or improper should reveal their information to appropriate authorities.

4. *Leaking.* Except in matters of great public importance where identifying oneself as the source of information would involve unreasonable personal risks, public servants should not secretly reveal confidential matters or allege improprieties.

E. Personal Gain From the Performance of Public Duties.

Except for official compensation, public servants should neither seek nor accept any form of payment, gratuity or other personal benefit relating to the performance of their responsibilities.

1. *Performance of Duty.* Public servants should neither seek nor accept any form of personal benefit for the performance of their duty to deal with a matter promptly, efficiently or fairly or for the exercise of appropriate but discretionary representational authority.

2. *Accessibility of Elected Officials.* Elected officials should assure that constituents and others who may be affected by public policies have a fair and equal opportunity to express their concerns, grievances, and ideas without regard to their willingness or ability to provide personal benefits or political support to the official.

3. *Personal Benefits Should Never Appear to Be Necessary.* Public servants should not engage in any conduct which could create in the mind of a reasonable observer the belief that persons will receive better or

different service if they provide personal benefits or political support to a government official.

F. Use of Public Employees for Personal Benefit.

Public servants should not use public employees on government time for private benefit.

1. *Subordinate's Responsibility To Say No.* Public employees should refuse to perform improper personal tasks on government time.

G. Use of Government Property for Personal Benefit. A public servant should not use government property or facilities for private benefit.

H. Use of Title or Prestige for Personal Benefit.

Public servants should not use, nor allow others to use, the authority, title, or prestige of public office for the attainment of private financial, social or political benefits in any manner that is inconsistent with public interests.

1. *Use For Commercial Purposes.* Public servants should not permit their names or official titles to be used by a nonpublic enterprise in any manner that would lead reasonable observers to believe that those who deal with the enterprise may receive special treatment or advantages as a result of a formal association with the public servant.

2. *Exploitive Fees.* The present or former holder of a high public office that carries with it substantial prestige should not appear to sell the stature of the office by accepting sums that create a general perception that the office has been exploited for private gain.

3. *Use For Private Advantage.* Public servants should not use official letterhead or refer to their public position as a means of inducing or intimidating persons to resolve disputes more favorably, provide preferential treatment, or give free tickets, discounts, favors or other advantages.

I. Use of Public Powers for Political Advance.

A public servant should not use the resources, prerogatives and powers of office primarily to advance political interests.

1. *Use of Public Employees.* A public servant should not seek to use public employees, on government time, to assist in political party activities, campaigning, fund raising, or other partisan or personal political activities.

2. *Use of Public Facilities.* A public servant should not conduct nor allow campaign and fund raising activities on government premises nor use government resources for these purposes.

3. *Use of Public Authority.* A public servant should not use public authority primarily to achieve personal political advantage or favorable press coverage.

J. Use of Campaign Funds for Private Benefit.

Public servants to run for office should use campaign funds only for expenses directly relating to campaigning (e.g. salaries, consultant fees, travel, printing, media, polling, communication with voters and constituents) and not for personal or other political purposes.

1. *Improper Expenditures.* Campaign funds should not be used to supplement personal income or enhance a personal life style.

2. *Loans.* Candidates should not borrow from campaign funds nor loan them to any other person, whether or not interest is paid.

3. *Disclosure About the Use of Funds.* Public servants to raise campaign funds with the intent or known possibility that they will be used for a purpose other than direct campaign expenses relating to a current election should disclose their intent to the donor in order to avoid any possibility of raising money under false pretenses.

II. PRINCIPLES OF INDEPENDENT OBJECTIVE JUDGMENT.

Public servants should employ independent objective judgment in performing their duties, deciding all matters on the merits, free from conflicts of interest and both real and apparent improper influences.

A. Conflicts of Interest.

Public servants should safeguard their ability to make independent, objective, fair and impartial judgments by scrupulously avoiding financial, social and political relationships and transactions that may compromise or give the appearance of compromising their objectivity, independence or honesty.

1. *Disclosure of Financial Conflicts of Interest.* Public servants should safeguard their ability to make independent, objective, fair and impartial judgments by scrupulously avoiding financial, social and political relationships and transactions that may compromise or give the appearance of compromising on their objectivity, independence or honesty.

2. *Avoidance of Financial Conflicts.* Public servants should make all reasonable efforts to avoid transactions that may compromise or give the appearance of compromising their objectivity, independence or honesty.

3. *Benefits Intended to Influence.* Public servants should not accept benefits of any sort under circumstances in which it could be reasonably inferred that the benefit was intended to influence them in the performance of their public responsibilities.

4. *Duty to Report Improper Offers.* When the possibility of improper motive requires refusal of a gratuity, the official should firmly warn the person about bribery laws and improper influence; if the attempt to unduly influence is clear, the matter should be reported to law enforcement authorities.

5. *Appearance of Undue Influence.* Regardless of the actual intent of the provider or recipient, public servants should not accept benefits of any sort under circumstances that would create in the mind of a reasonable observer the belief the benefit may influence them in the performance of their public responsibilities.

   a. *Earned income from persons directly affected by actions or decisions.* Public servants should avoid engaging in financial relationships that might reasonably be construed to affect their judgment or actions, especially from lobbyists or other persons who are unlikely to be affected directly by their actions or decisions.

   b. *Gratuities from persons directly affected by actions or decisions.* Public servants should refuse to accept any gratuities that may reasonably be construed to affect their judgment or actions, especially from lobbyists or other persons who are likely to be affected directly by their actions or decisions.

   c. *Campaign contributions from persons directly affected by decisions.* Public servants should be cautious about accepting campaign contributions that may reasonably be construed to affect their judgment or actions, especially from other lobbyists or other persons who are likely to be affected by their decisions.

   d. *Personal relationships with persons directly affected by decisions.* Public servants should be cautious about accepting campaign contributions that may reasonably be construed to affect their judgment or actions, especially from lobbyists who are likely to be affected directly by their decisions.

B. Recusal and Disqualification.

Public servants should not take any public action under circumstances where, due to a conflict in interests, they are not certain that they can do so fairly and objectively.

C. Bias or Favoritism.

Public servants should exercise the powers and prerogatives of office fairly without prejudice or favoritism. It is improper to use public authority to reward relatives, friends or political supporters or to hinder or punish enemies and opponents.

D. Intervening on Behalf of Constituents and Friends.

Public officials should be extremely cautious about directly or indirectly intervening with normal decision making, investigatory, or adjudicative processes of governmental bodies on behalf of constituents or friends, since such intervention can threaten the ability of government administrators to exercise independent objective judgment on the merits.

1. *General Rule.* Generally, intervention on behalf of constituents or friends is proper only if it is strictly limited to assuring fairness of the procedures and the intervener consciously avoids seeking to unduly influence the decision making process.

2. *Those who intervene* should firmly, explicitly and unambiguously convey their limited purpose to reduce the possibility of direct or indirect pressure on administrators that could reasonably appear to influence the substantive decision.

III. PRINCIPLE OF ACCOUNTABILITY.

Public servants should assure that government is conducted openly, efficiently, equitably and honorably in a manner that permits the citizenry to make informed judgments and hold government officials accountable.

A. Oversight.

Public servants should assure that those to whom they have delegated public power, including their staffs and administrative agencies, carry out their responsibilities efficiently, equitably and ethically.

B. Openness.

Public servants should exercise the authority of their offices openly so that the public is informed about governmental decisions and the citizenry can hold them accountable for their actions.

C. Duty to Improve the System.

Public servants who believe that a law or policy is not achieving its intended purpose, is creating unintended harms, or is wasteful or inefficient, should take affirmative steps to improve procedures in a way that will increase the fairness and quality of government services and assure that policies are implemented equitably, efficiently and economically.

1. *Making Changes.* Public servants should take whatever actions they can to correct problems, streamline procedures and improve services. Where desirable changes exceed authority, public servants should promptly and forcefully recommend reform to the appropriate person or body.

2. *Supervisor's Duty.* In order to encourage a broad sense of responsibility for both the results and methods of government action, supervisors should develop a working environment that fosters constructive criticism and creative problem solving.

D. Self- Policing.

Public servants should maintain the integrity and trustworthiness of government by taking whatever steps are necessary, including reporting improper conduct to appropriate authorities, to prevent the unlawful or unethical use of public position, authority or resources.

IV. PRINCIPLE OF DEMOCRATIC LEADERSHIP.

Public servants should honor and respect the principles and spirit of representative democracy and set a positive example of good citizenship by scrupulously observing the letter and spirit of laws and rules.

A. Obeying All Laws.

Public servants have a special obligation to obey all laws and regulations.

B. Artifices and Schemes.

Public servants should not engage in artifices and schemes to exploit loopholes or ambiguities in the law in a way that undermines their spirit and purpose.

C. Integrity of the Process.

In using procedural rules, public servants should maintain the integrity, fairness and efficiency of the process by honoring the substance and spirit of the rules and by refraining from conduct which undermines the principles of representative democracy.

D. Use of Leadership Power.

Legislative leaders and committee chairs should use their leadership powers only in a manner consistent with representative democracy.

E. Civil Disobedience.

In rare cases, a public servant may exercise the prerogative of conscientious objection by disobeying the law. In such cases, the illegal behavior should be open and the official should be willing to bear the appropriate legal and political consequences.

V. PRINCIPLE OF RESPECTABILITY AND FITNESS FOR PUBLIC OFFICE.

Public servants should safeguard public confidence in the integrity of government by being honest, fair, caring and respectful and by

avoiding conduct creating the appearance of impropriety of which is otherwise unbefitting a public official.

A. Fitness of Public Office.

Public servants should conduct their professional and personal lives so as to reveal character traits, attitudes, and judgments that are worthy of honor and respect and demonstrate fitness for public office.

1. *Honesty.* Public servants should be scrupulously honest, avoiding any form of lying, deception, deviousness, hypocrisy, and cheating in their professional and personal lives.

2. *Integrity.* A public servant should reflect personal integrity in all matters, placing principle over expediency and demonstrating courage of convictions.

3. *Private Personal Conduct.* Public servants should avoid engaging in any conduct that is likely to bring discredit on themselves and the governmental bodies in which they serve.

B. Campaigning.

Those seeking public office should conduct their campaign in a way that aids the citizenry to make an informed choice on appropriate criteria and which casts credit on government and the election process.