

AGENDA

Regular Meeting of the

CITY COUNCIL OF THE CITY OF TROY

FEBRUARY 27, 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.

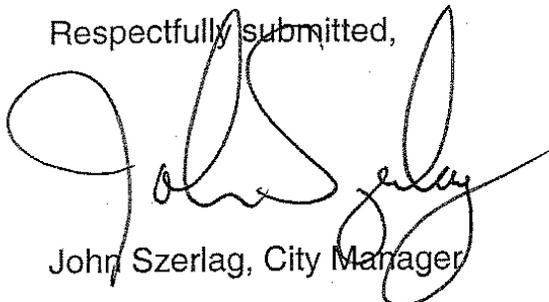
Identified below are goals for the City, which have been advanced by the governing body; and Agenda items submitted for your consideration are on course with these goals.

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 27, 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: Nathan Renner – Troy Seventh Day Adventist Church 1

ROLL CALL: 1

CERTIFICATES OF RECOGNITION: 1

A-1 Presentations: No Presentations 1

CARRYOVER ITEMS: 1

B-1 No Carryover Items 1

PUBLIC HEARINGS: 1

C-1 William Beaumont Hospital – City of Royal Oak Hospital Financing Authority Utilizing Tax-Exempt Bonds 1

C-2 Adoption of Brownfield Plan #4 for TCF Bank – 1470 Coolidge – South of Maple, East of Coolidge, Section 32 2

C-3 Continuation of Public Hearing – Proposed Amendment to the Boundaries of the Downtown District of the Downtown Development Authority (DDA) 3

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.

POSTPONED ITEMS: 3

D-1 No Postponed Items 3

CONSENT AGENDA: 3

E-1a Approval of "E" Items NOT Removed for Discussion 4

E-1b Address of "E" Items Removed for Discussion by City Council and/or the Public 4

E-2 Approval of City Council Minutes 4

E-3 Proposed City of Troy Proclamations: None Submitted 4

E-4 Standard Purchasing Resolutions: None Submitted 4

PUBLIC COMMENT: Limited to Items Not on the Agenda 4

REGULAR BUSINESS: 4

F-1 Appointments to Boards and Committees: a) Mayoral Appointments: No Appointments Scheduled; b) City Council Appointments: Advisory Committee for Persons with Disabilities; Advisory Committee for Senior Citizens; Cable Advisory Committee; Historic District Commission; Liquor Advisory Committee; Municipal Building Authority; and Traffic Committee 5

F-2 Contract Ratification – Troy Command Officers Association (TCOA) and City of Troy 6

F-3 Contract Ratification – Troy Fire Staff Officers Association (TFSOA) and City of Troy 7

F-4 Contract Ratification – American Federation of State, County and Municipal Employees (AFSCME) and City of Troy 7

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS: 7

G-1 Announcement of Public Hearings: 7

a) Rezoning Request – East Side of Livernois, South of Wattles, Section 22 – R-1C to C-F (Z-713) – March 20, 2006 7

G-2 Green Memorandums: No Memorandums Submitted 7

COUNCIL REFERRALS: Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda 7

H-1 No Council Referrals Advanced 7

COUNCIL COMMENTS: 8

I-1 No Council Comments Advanced 8

REPORTS: 8

J-1 Minutes – Boards and Committees: None Submitted 8

J-2 Department Reports: None Submitted 8

J-3 Letters of Appreciation: None Submitted 8

J-4 Proposed Proclamations/Resolutions from Other Organizations: None Submitted 8

J-5 Calendar 8

J-6 Correspondence from Troy Chamber of Commerce President Michele Hodges Regarding Continuation of the Public Hearing on Excluding the Proposed Monarch Development from the DDA Boundaries 8

J-7 Papadelis v. City of Troy 8

STUDY ITEMS: 8

K-1 No Study Items Submitted 8

PUBLIC COMMENT: Address of “K” Items 8

CLOSED SESSION: 9

L-1 Closed Session: 9

RECESSED **9**

RECONVENED **9**

ADJOURNMENT **9**

SCHEDULED CITY COUNCIL MEETINGS: **9**

Tuesday, February 28, 2006 (Joint Troy Daze Advisory Committee)	Special City Council ...	9
Monday, March 6, 2006	Regular City Council	9
Monday, March 20, 2006	Regular City Council	9
Monday, March 27, 2006	Regular City Council	9
Monday, April 3, 2006	Regular City Council	9
Monday, April 17, 2006	Regular City Council	9
Monday, April 24, 2006 (Budget Study Session)	Regular City Council	9
Monday, May 8, 2006	Regular City Council	9
Monday, May 15, 2006	Regular City Council	9
Monday, May 22, 2006	Regular City Council	9

CALL TO ORDER:**INVOCATION & PLEDGE OF ALLEGIANCE: Nathan Renner – Troy Seventh Day Adventist Church****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: No Presentations

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 William Beaumont Hospital – City of Royal Oak Hospital Financing Authority Utilizing Tax-Exempt Bonds

Suggested Resolution

Resolution #2006-02-

Moved by

Seconded by

WHEREAS, The City of Royal Oak Hospital Finance Authority (the "Authority") proposes to make loans to William Beaumont Hospital (the "Hospital"), to be used, in part, by the Hospital to refinance indebtedness used to finance the construction, renovation and equipping of certain hospital facilities in the City of Troy, Michigan;

WHEREAS, The Authority intends to issue City of Royal Oak Hospital Finance Authority Hospital Revenue Bonds (William Beaumont Hospital Obligated Group) and Hospital Revenue Refunding Bonds (William Beaumont Hospital Obligated Group), in one or more series (collectively, the "Bonds") on behalf of the Hospital in the aggregate principal amount of not to exceed \$235,000,000 to provide funds with which to make loans to the Hospital;

WHEREAS, The Bonds will be limited obligations of the Authority and will not constitute general obligations or debt of the City of Royal Oak, the City of Troy, the County of Oakland, the State of Michigan or any political subdivision thereof;

WHEREAS, The City Council has held a public hearing after notice was published as provided in, and in satisfaction of the applicable public hearing requirements of, the Internal Revenue Code of 1986, as amended (the "Code");

WHEREAS, A record of public hearing will be maintained with the City Clerk;

WHEREAS, The Authority has requested that this City Council approve the issuance of the Bonds by the Authority;

WHEREAS, The City Council of the City of Troy desires to express its approval of the issuance of the Bonds by the Authority.

IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF TROY, AS FOLLOWS:

1. Solely for the purpose of fulfilling the public approval requirements of the Code, the City Council of the City of Troy hereby **APPROVES** the issuance, sale and delivery of not to exceed \$235,000,000 in aggregate principal amount of the Bonds by the Authority.
2. The City Clerk is hereby **DIRECTED TO PROVIDE** three (3) certified copies of this resolution to the Secretary of the Authority.

Yes:

No:

C-2 Adoption of Brownfield Plan #4 for TCF Bank – 1470 Coolidge – South of Maple, East of Coolidge, Section 32

Suggested Resolution

Resolution #2006-02-

Moved by

Seconded by

WHEREAS, The Brownfield Redevelopment Authority approved on December 15, 2005 Brownfield Redevelopment Plan #4 submitted by TCF Bank for redevelopment of 1470 Coolidge;

WHEREAS, Superior Environmental has prepared a plan for environmental cleanup of former Harabedian Paving Company for the construction of a TCF Bank branch;

WHEREAS, Troy City Council finds this plan constitutes a public purpose in providing for environmental cleanup of a contaminated site and the alleviation of blight at this particular address.

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council hereby **FINDS** Plan #4 does constitute a public purpose and **APPROVES** the Brownfield Redevelopment Plan to construct a TCF Bank branch on the former Harabedian site at 1470 Coolidge.

Yes:

No:

C-3 Continuation of Public Hearing – Proposed Amendment to the Boundaries of the Downtown District of the Downtown Development Authority (DDA)**Proposed Resolution – Version A**Suggested Resolution

Resolution #2006-02-

Moved by

Seconded by

RESOLVED, That the City of Troy City Council **RECOMMENDS** moving forward with the proposed amendments to the boundaries of the Downtown District of the Downtown Development Authority of the City of Troy and **AUTHORIZES** the City Administration to draft an ordinance to **AMEND** the boundaries of the Downtown Development Authority and **PLACE** on a future City Council meeting not less than 60 days after the public hearing.

OR**Proposed Resolution – Version B**Suggested Resolution

Resolution #2006-02-

Moved by

Seconded by

RESOLVED, That the City of Troy City Council **REFER** this matter to the Downtown Development Authority for their **RECOMMENDATION** on an amendment to the Downtown Development Plan Area boundaries.

Yes:

No:

POSTPONED ITEMS:

D-1 No Postponed Items**CONSENT AGENDA:**

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

E-1a Approval of “E” Items NOT Removed for DiscussionSuggested 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

E-2 Approval of City Council MinutesSuggested Resolution

Resolution #2006-02-

RESOLVED, That the Minutes of the 7:30 PM Regular City Council Meeting of February 20, 2006 and the Regular City Council Meeting of February 22, 2006 be **APPROVED** as submitted.

E-3 Proposed City of Troy Proclamations: None Submitted

E-4 Standard Purchasing Resolutions: None Submitted

PUBLIC COMMENT: Limited to Items Not on the Agenda

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

REGULAR BUSINESS:

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

F-1 Appointments to Boards and Committees: a) Mayoral Appointments: No Appointments Scheduled; b) City Council Appointments: Advisory Committee for Persons with Disabilities; Advisory Committee for Senior Citizens; Cable Advisory Committee; 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 – No Appointments Scheduled

(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

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

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

Yes:

No:

F-2 Contract Ratification – Troy Command Officers Association (TCOA) and City of Troy

Suggested Resolution

Resolution #2006-02-

Moved by

Seconded by

RESOLVED, That a collective bargaining agreement between the City of Troy and TCOA for the period July 1, 2005 through June 30, 2008 is hereby **RATIFIED** by the City Council of the City of Troy, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the final agreement.

Yes:

No:

F-3 Contract Ratification – Troy Fire Staff Officers Association (TFSOA) and City of TroySuggested Resolution

Resolution #2006-02-

Moved by

Seconded by

RESOLVED, That a collective bargaining agreement between the City of Troy and TFSOA for the period July 1, 2006 through June 30, 2009 is hereby **RATIFIED** by the City Council of the City of Troy, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the final agreement.

Yes:

No:

F-4 Contract Ratification – American Federation of State, County and Municipal Employees (AFSCME) and City of TroySuggested Resolution

Resolution #2006-02-

Moved by

Seconded by

RESOLVED, That a collective bargaining agreement between the City of Troy and AFSCME for the period July 1, 2006 through June 30, 2009 is hereby **RATIFIED** by the City Council of the City of Troy, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the final agreement.

Yes:

No:

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

- a) Rezoning Request – East Side of Livernois, South of Wattles, Section 22 – R-1C to C-F (Z-713) – March 20, 2006

G-2 Green Memorandums: No Memorandums Submitted**COUNCIL REFERRALS: Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda**

H-1 No Council Referrals Advanced

COUNCIL COMMENTS:

I-1 No Council Comments Advanced

REPORTS:

J-1 Minutes – Boards and Committees: None Submitted

J-2 Department Reports: None Submitted

J-3 Letters of Appreciation: None Submitted

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

J-5 Calendar

J-6 Correspondence from Troy Chamber of Commerce President Michele Hodges Regarding Continuation of the Public Hearing on Excluding the Proposed Monarch Development from the DDA Boundaries

J-7 Papadelis v. City of Troy

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 MCL 15.268 (e) and (h) and MCL 15.243, Pending Litigation: (1) Papadelis v. City of Troy and (2) Fehribach v. City of Troy, and as permitted by MCL 15.268 (a), Performance Evaluation of City Attorney, Lori Grigg Bluhm.

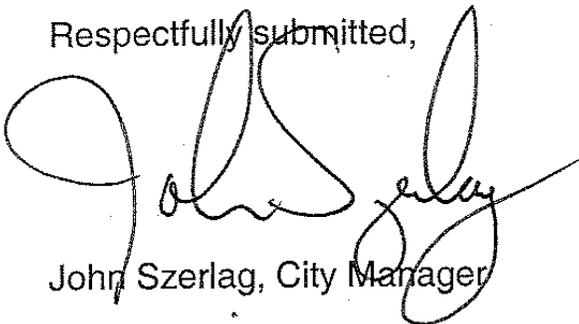
Yes:
No:

RECESSED

RECONVENED

ADJOURNMENT

Respectfully submitted,



John Szerlag, City Manager

SCHEDULED CITY COUNCIL MEETINGS:

- Tuesday, February 28, 2006 (Joint Troy Daze Advisory Committee) Special 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

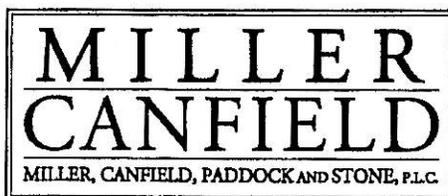
February 23, 2006

TO: John Szerlag, City Manager
FROM: John M. Lamerato, Assistant City Manager-Finance and Administration
SUBJECT: Public Hearing - William Beaumont Hospital

The Internal Revenue Code requires a public hearing before authorizing the issuance of bonds by a Hospital Authority in all jurisdictions benefiting from the issuance. Since a portion of the bond issue will be used to refund bonds used to construct an addition to Troy Beaumont Hospital, we have been requested to hold a public hearing.

It should be noted that approval of the issuance of bonds by the City of Troy for the benefit of the City of Royal Oak Hospital Finance Authority will not have any effect on the ability of the City of Troy to issue bonds or involve any liability to the City of Troy for the bonds.

Founded in 1852
by Sidney Davy Miller



MICHIGAN: Ann Arbor
Detroit • Grand Rapids
Howell • Kalamazoo
Lansing • Monroe
Saginaw • Troy

New York, NY
Pensacola, FL

CANADA: Windsor, ON

POLAND: Gdynia
Warsaw • Wrocław

TIMOTHY D. SOCHOCKI
TEL: (734) 668-7609
E-MAIL: sochocki@millercanfield.com

101 North Main Street, Seventh Floor
Ann Arbor, Michigan 48104
TEL: (734) 663-2445
FAX: (734) 747-7147
www.millercanfield.com

January 31, 2006

Via e-mail to: szerlagaj@ci.troy.mi.us

John Szerlag, City Manager
City of Troy
500 West Big Beaver
Troy, Michigan 48084

bluhmlg@ci.troy.mi.us

Lori Grigg Bluhm, Esq., City Attorney
City of Troy
500 West Big Beaver
Troy, Michigan 48084

lameratojm@ci.troy.mi.us

John Lamerato, Assistant City Manager/Finance & Admin.
City of Troy
500 West Big Beaver
Troy, Michigan 48084

RE: City of Royal Oak Hospital Finance Authority – William Beaumont Hospital

Lady and Gentlemen:

William Beaumont Hospital is anticipating a financing through the City of Royal Oak Hospital Finance Authority utilizing tax-exempt bonds. Miller Canfield is acting as bond counsel with respect to the bonds. Although all of the bonds will be issued by the City of Royal Oak Hospital Finance Authority, as permitted by State law, a portion of the proceeds of the bonds will be used to refund bonds the proceeds of which we used to construct an addition to the hospital facility of William Beaumont Hospital in the City of Troy.

As required by the Internal Revenue Code of 1986, as amended (the "Code"), the City of Royal Oak must hold a public hearing and permit the issuance of the bonds. In addition, the Code requires, when proceeds of the bonds will be used outside of the jurisdiction issuing the bonds, that such other jurisdiction also hold a public hearing and authorize the issuance of the bonds.

To meet the requirements of the Code, we would like to request being placed on your City Council agenda for your February 27, 2006 meeting for the purpose of conducting a public

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

-2-

January 31, 2006

hearing and approving the issuance of the bonds by the City of Royal Oak Hospital Finance Authority. I am attaching a draft of the notice that, when completed, will be released for publication later this week. I will send you a completed copy when it is available. I am also attaching the proposed resolution that would be considered. The format of the resolution is identical to ones that the City Council for the City of Troy has passed in previous years for financings of William Beaumont Hospital through the City of Royal Oak Hospital Finance Authority.

The approval of the bonds by the City Council of the City of Troy is solely for the purposes of meeting the public approval requirements of the Code. Such approval will not have any effect on the ability of the City of Troy (or affiliates) to issue bonds and will not involve any liability to the City of Troy (or affiliates).

Please confirm that we can be placed on your agenda for your February 27, 2006 City Council meeting. Also, please confirm the time and location I have used in the attached notice for the Troy meeting.

Sincerely,



Timothy D. Sochocki

TDS/pmh
enc.

cc: Joe Bruni (jbruni@beaumont.edu)
Dennis Herrick (dherrick@beaumont.edu)
James Hughes, Esq. (hughes@butzel.com)
Julie Konja (jkonja@beaumonthospitals.com)
Jeffrey M. McHugh, Esq. (jmchugh@millercanfield.com)
Joel L. Piell, Esq. (piell@millercanfield.com)

NOTICE OF PUBLIC HEARINGS ON THE ISSUANCE
BY THE CITY OF ROYAL OAK HOSPITAL FINANCE AUTHORITY
OF HOSPITAL REVENUE AND HOSPITAL REVENUE REFUNDING BONDS
FOR THE BENEFIT OF WILLIAM BEAUMONT HOSPITAL

NOTICE IS GIVEN that the City Commission of the City of Royal Oak will hold a public hearing at 7:30 o'clock p.m., in the Commission Chambers of City Hall, 211 Williams Street, Royal Oak, Michigan on the 20th day of February, 2006, that the City Council of the City of Sterling Heights will hold a public hearing at 7:30 o'clock p.m. in the City Hall Council Chambers, 40555 Utica Road, Sterling Heights, Michigan on the 21st day of February, 2006, and that the City Council of the City of Troy will hold a public hearing at 7:30 o'clock p.m. in the City Council Chambers, City Hall, 500 W. Big Beaver, Troy, Michigan on the 27th day of February, 2006, each on the proposed issuance of hospital revenue and hospital revenue refunding bonds (the "Bonds") in one or more series in the maximum aggregate principal amount of \$235,000,000 by the City of Royal Oak Hospital Finance Authority to provide funds to loan to William Beaumont Hospital to be used by William Beaumont Hospital, together with other available funds, to (a) finance or refinance the costs of the acquisition; construction, renovation and equipping of the health care facilities described below (collectively, the "Projects"), (b) to refund the bonds described below (the "Prior Bonds"), (c) to pay a portion of the interest to accrue on the Bonds, (d) to fund a debt service reserve fund for the Bonds, and (e) to pay the costs of issuing the bonds.

The Projects (a portion of which will be financed with the proceeds of the Bonds) consist of the following: (a) at a presently estimated cost of \$125,210,699, the renovation of the north and central towers of the hospital facility of William Beaumont

Hospital located at 3601 West Thirteen Mile Road, Royal Oak, Michigan (the “Royal Oak Facilities”) generally consisting of the renovation of medical care areas, the improvement of architectural, electrical and mechanical infrastructure of the hospital facility and the improvement of fire alarm and fire protection systems, (b) at a presently estimated cost of \$26,271,345, the construction of an ambulatory care center on the hospital campus of William Beaumont Hospital located at 44300 Dequindre Road, Sterling Heights, Michigan (the “Sterling Heights Facility”).

The Prior Bonds consist of the City of Royal Oak Hospital Finance Authority Hospital Revenue and Refunding Bonds (William Beaumont Hospital) Series 1996I maturing on or after January 1, 2013.

The proceeds of the Prior Bonds were loaned to William Beaumont Hospital and used by William Beaumont Hospital, together with other available funds, (a) to refund a portion of the City of Royal Oak Hospital Finance Authority Hospital Revenue Bonds (William Beaumont Hospital), Series 1991D (the “Series 1991D Bonds”) the proceeds of which were used by William Beaumont Hospital (1) to construct a critical care tower and a four level addition to the hospital facility, related parking and a shipping and receiving facility, all at the Royal Oak Facilities, (2) to construct a six level addition to and renovation of the hospital facility of William Beaumont Hospital located at 44201 Dequindre Road, Troy, Michigan (the “Troy Facilities”), (3) to pay a portion of the interest on the Series 1991D Bonds and (4) to pay costs of issuing the Series 1991D Bonds, and (b) to pay the costs of issuing the Prior Bonds.

The Royal Oak Facilities, the Sterling Heights Facilities and the Troy Facilities are owned and operated by William Beaumont Hospital, a Michigan nonprofit corporation.

The public hearing will provide an opportunity for interested persons to be heard and communications in writing will be received and considered. The hearing will provide the fullest opportunity for expression of opinion, for argument on the merits, and for introduction of documentary evidence pertinent to the proposed bond issue.

Dated: February 5, 2006
Johnson

_____/s/_____
Don

Chairperson, City of Royal Oak
Hospital Finance Authority
211 Williams Street
Royal Oak, Michigan 48068
(810) 546-6330

AALIB:456315.3\006839-00008

February 1, 2006

TO: John Szerlag, City Manager

FROM: Doug Smith, Real Estate and Development Director 

SUBJECT: AGENDA ITEM – PUBLIC HEARING - Adoption of Brownfield Plan #4 for TCF Bank – 1470 Coolidge – South of Maple, East of Coolidge – Section 32

The Brownfield Redevelopment Authority reviewed Development Plan #4 on December 15, 2005, which would construct a TCF Bank branch at the former Harabedian Paving Company site at 1470 Coolidge. The Brownfield Redevelopment Authority found that the Plan serves a public purpose and meets the criterion necessary to establish the site as a Brownfield and therefore recommends that Troy City Council approve Plan #4 for TCF Bank.

This development plan will clean up all environmental issues associated with the site and construct a TCF Bank branch at that location. City Council, in considering this Brownfield Redevelopment Plan must find that a public purpose is served and the Brownfield Redevelopment Authority recommends the public purpose is environmental clean up on the site and the elimination of blighted property on a major City thoroughfare.

This Public Hearing was noticed on February 6, 2006 in the Somerset Gazette and Brownfield Plan #4 has been available for review in the Real Estate and Development Department and the Troy Public Library. Attached is an executive summary of the plan.

EXECUTIVE SUMMARY

BROWNFIELD PLAN #4 PROPOSED TCF BANK BRANCH EAST SIDE OF COOLIDGE HIGHWAY, SOUTH OF MAPLE ROAD

TCF National Bank intends to purchase and redevelop the Subject Property as a TCF branch Bank. The Subject Property is located on the east side of Coolidge Highway, just south of Maple Road and is 4,510 square feet in size. The Subject Property is currently unoccupied. A commercial building and attached garage are present onsite. The Subject Property is zoned B-3.

The site was originally developed in 1954, with an addition in 1959, and has remained relatively unchanged, a result of the historical presence of underground storage tanks (USTs), commercial/industrial use of the Subject Property, and historical filling of the Subject Property subsurface, the Subject Property has been impacted by various hazardous materials and as such is classified as a "facility" as defined in P.A.451, Part 201.

The total estimated cost for the three primary tasks is \$489,296.00:

- BEA and Due Care Plan is \$5,000
- Due Care Activities is \$89,750.00
- Additional Response Activities is \$394,546.00

The 2005 taxable value of the Subject Property is \$198,900.00.

Completion of all elements of the proposed project including environmental activities would result in \$2,200,000.00 of expenditures to improve the Subject Property. It is estimated at this time that it will require 22 years to reimburse the company for documented environmental cleanup costs.

Even if this plan is approved, it still requires the negotiation and execution of a Reimbursement Agreement between the Troy Brownfield Redevelopment Authority and TCF National bank, which will come back to City Council for final approval.

February 24, 2006

TO: John Szerlag, City Manager

FROM: Doug Smith, Real Estate and Development Director 

RE: See Item C-2 - Brownfield Redevelopment Authority Plan #4

Attached is the complete plan for TCF Bank.

Brownfield Plan To Conduct Eligible
Response Activities

Proposed TCF Bank Branch
East Side of Coolidge Highway,
South of Maple Road
Troy, Michigan

December 8, 2005

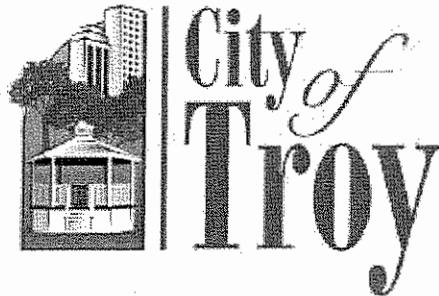


TABLE OF CONTENTS

DESCRIPTION	PAGE
1.0 INTRODUCTION.....	1
2.0 CURRENT PROPERTY CONDITIONS	1
3.0 SCOPE OF WORK	2
3.1 Baseline Environmental Assessment.....	2
3.2 Due Care Activities.....	3
3.3 Additional Response Activities.....	3
4.0 ESTIMATED PROJECT COSTS	4
5.0 SINGLE BUSINESS TAX CREDIT.....	4
6.0 ESTIMATE OF CAPTURED TAXABLE VALUE AND TAX INCREMENT REVENUES (SEC. 13(1)(b); IMPACT OF TAX INCREMENT FINANCING ON TAXING JURISDICTIONS (SEC. 13(1)(F))	4
7.0 PLAN OF FINANCING FEE (SEC. 13 (1)(C)).....	5
8.0 MAXIMUM AMOUNT OF INDEBTEDNESS (SECTION 13(1)(D)).....	5
9.0 DURATION OF THE PLAN	5
10.0 DISPLACEMENT/RELOCATION OF INDIVIDUALS ON ELIGIBLE PROPERTY (SECTION 13(1)(H-K)).....	5
11.0 LOCAL SITE REMEDIATION REVOLVING FUND (LSRRF) (SECTION 8; SECTION 13(1)(L)).....	5

TABLES

Tables	Historical Analytical Results from Others
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FIGURES

Figure 1	Site Location Map
Figure 2	Site Plan
Figure 3	Site Development Plan
Figure 4	Soil Boring Location Map
Figure 5	Former UST Area Map

APPENDICIES

Appendix A	Legal Description
Appendix B	Tax Capture Tables

**BROWNFIELD PLAN
PROPOSED TCF BANK BRANCH
EAST SIDE OF COOLIDGE HIGHWAY, SOUTH OF MAPLE ROAD
TROY, MICHIGAN
DECEMBER 8, 2005**

1.0 INTRODUCTION

The Coolidge Highway Project (Subject Property) is located on the east side Coolidge Highway, south of Maple Road; see Figure 1 – Site Location Map and depicted in detail in Figure 2 - Site Plan. The parcel numbers for the Subject Property are 88-20-32-101-009 and 88-20-32-101-023 and the total size is approximately two acres. The legal descriptions of the Subject Property are included as Appendix A and a scaled map of the Subject Property is included as Figure 2.

TCF National Bank intends to purchase and redevelop the Subject Property as a TCF Bank branch, which is currently owned by "Maple Coolidge Office Building, LLC." The contact person for Maple Coolidge Office Building, LLC is Dr. James McKenzie, located at 877 Bloomcrest, P. O. Box 628, Bloomfield Hills, Michigan, 48303, (248) 288-4000. The Subject Property does not have any existing or delinquent taxes, interest, or penalties associated with the property.

The Subject Property is currently unoccupied. A commercial building and attached garage are present onsite. TCF National Bank intends to redevelop the Subject Property utilizing a local company with a new TCF Bank branch, associated parking areas, and storm water retention pond. The proposed bank branch building will be 4,510 square feet in size. The exact footprint of the building is identified on the site plan attached as Figure 3 - Site Development Plan. The existing zoning for the Subject Property is listed as B-3: General Business District for the northern parcel and the majority of the southern parcel, with the portion of the southern parcel extending to the south being zoned as M-1: Light Industrial District. The Subject Property is currently unoccupied, however, a commercial building and attached garage are present onsite.

Results of the Phase I Environmental Site Assessment (ESA) previously completed by The Mannik & Smith Group, Inc. (Mannik & Smith), dated October 5, 2005, revealed that the Subject Property was historically occupied by numerous commercial/industrial businesses including a concrete contracting company, a sewer contracting company, a machine shop, and a paving company. The site was originally developed in 1954, with an addition in 1959, and has remained relatively unchanged. The Subject Property is approximately two acres in size and the onsite building and attached garage are approximately 2,600 square feet in size. As a result of the historical presence of underground storage tanks (USTs), commercial/industrial use of the Subject Property, and historical filling of the Subject Property subsurface, the Subject Property has been impacted by various hazardous materials and as such is classified as a "facility" as defined in P. A. 451, Part 201.

2.0 CURRENT PROPERTY CONDITIONS

The Subject Property qualifies as an "eligible property" as defined by P. A. 381 due to the presence of contaminated soil and groundwater in the Subject Property subsurface. As a result, the Subject Property is classified as a "facility" as defined in P. A. 451, Part 201. A summary of the environmental concerns at the Subject Property is detailed below.

Several previous environmental investigations have been completed at the Subject Property and include the following:

- Phase I Environmental Site Assessment; RemTech Environmental Services, Inc.; March 1997
- Phase II Environmental Site Assessment; Superior Property Services Group; July 1998
- UST Closure; Consolidated Environmental Services, Inc.; June 1999
- Baseline Environmental Assessment; Sandberg, Carlson, and Associates, Inc.; July 2000
- Phase I Environmental Site Assessment; The Mannik & Smith Group, Inc.; October 2005
- Phase II Environmental Site Assessment; Superior Environmental Corporation; October 2005
- Geotechnical Investigation; Superior Environmental Corporation; October 2005

The results of these environmental investigations have indicated that the Subject Property has been impacted by the former USTs, various commercial/industrial uses of the Subject Property, and historical filling of the subsurface.

The soil and groundwater in the former UST area is impacted by volatile organic compounds (VOCs) and heavy metals at levels above the MDEQ Generic Cleanup Criteria for Drinking Water, and Groundwater-Surface Water Interface, and Indoor Air.

With regards to the historical filling of the Subject Property subsurface, the fill material is contaminated with heavy metals at levels exceeding the MDEQ Generic Cleanup Criteria for Groundwater-Surface Water Interface. Additionally, the geotechnical investigation completed at the Subject Property in October, 2005 indicated that the existing subsurface soil is comprised of an unsuitable fill material (up to eight feet below ground surface) for site redevelopment. Prior to any future construction activities onsite, the fill material will need to be excavated and disposed of at an approved disposal facility. Additional measures necessary to future construction activities would include the installation of a geotextile fabric and proper subgrade material after removal of the fill material is completed.

Please refer to Figures 4 and 5 for all historical boring locations.

3.0 SCOPE OF WORK

Due to the environmental concerns identified at the Subject Property, the following eligible activities will be required for development as part of this Plan:

3.1 Baseline Environmental Assessment

A Category N Baseline Environmental Assessment (BEA) will be prepared in compliance with the Michigan Department of Environmental Quality (MDEQ) guidance document "Instructions for Preparing and Disclosing Baseline Environmental Assessments and Section 7a Compliance Analyses" dated March 11, 1999. The BEA mechanism was created in 1995 under Section 20126 of Part 201, as amended, of the Michigan Natural Resources and Environmental Protection Act (NREPA). The BEA offers an evaluation of existing environmental conditions, which exist at a facility at the time of purchase or occupancy that reasonably defines the existing conditions and circumstances at the

facility, so that, in the event of a subsequent release, there is a means or distinguishing the new release from pre-existing contamination.

Additionally, a Section 7a Compliance Analysis (Due Care Plan) will be prepared concurrently with the BEA. The Due Care Plan is a means of evaluating a proposed site use and determining what response is necessary on the part of the prospective owner/operator (O/O). Section 7a of Part 201 provides that a person who owns or operates a property that he or she has knowledge is a facility must:

- Undertake measures to prevent exacerbation of existing contamination,
- Exercise due care by undertaking response activity necessary to mitigate unacceptable exposure to hazardous substances, and,
- Take reasonable precautions against reasonably foreseeable acts or omissions of a third party.

The requirements for a liability determination are similar to those for a BEA. The BEA/Due Care Plan report is prepared and disclosed to the appropriate MDEQ district office with a request for a liability determination.

3.2 Due Care Activities

Due Care Activities to protect human health during construction and occupancy to be conducted at the Subject Property will include the following:

- Excavation, transportation, disposal, waste characterization, oversight, and management of contaminated soils for purposes of installation of the proposed structures and utility corridors at the Subject Property.
- Additional soil and groundwater investigation activities at the Subject Property.
- Removal, transportation, disposal, waste characterization, oversight, and management of contaminated groundwater as part of dewatering activities for utility/structure construction.
- Health and safety management and oversight for all Due Care activities.
- Deed restriction modification for the Subject Property.

3.3 Additional Response Activities

Additional Response Activities to be conducted at the Subject Property will include the following:

- Excavation, transportation, disposal, waste characterization, oversight, and management of contaminated and/or geotechnically deficient soils for purposes of installation of the proposed structures and utility corridors at the Subject Property.
- Installation of geotextile fabric prior to proper backfilling and construction activities.
- Health and safety management and oversight for all Additional Response activities.

4.0 ESTIMATED PROJECT COSTS

A summary of the cost estimates for the eligible expenses are presented below.

It is possible that during the course of conducting activities outline in this Plan, additional environmental concerns may be identified at the Subject Property. If additional environmental concerns at the Subject Property are identified, it may be necessary to file an amended Plan to address those concerns. The tasks and costs of any such amendments will be submitted to the City of Troy for approval prior to performing any such activities.

The estimated cost to prepare the BEA and Due Care Plan is \$5,000.00. This work will be conducted within 45 days of purchase of the Subject Property by TCF National Bank.

The estimated cost for the Due Care Activities is \$89,750.00. This work will be conducted at various times over the course of the redevelopment of the Subject Property.

The estimated cost for the Additional Response Activities is \$394,546.00. This work will be conducted at various times over the course of the redevelopment of the Subject Property.

The total estimated cost for the three primary tasks detailed above is \$489,296.00.

5.0 SINGLE BUSINESS TAX CREDIT

The Subject Property is included in the Plan to enable qualified taxpayers as defined by P. A. 382 to establish eligibility for a credit against their Michigan Single Business Tax liability for "eligible investments," as defined by Section 38g of 1975 P.A. 228, as amended by P. A. 143 of 2000, incurred on the Subject Property after the adoption of this Plan.

By approving this Plan, the City of Troy and the Troy Brownfield Redevelopment Authority neither intend to make or have made representations to a developer or any other persons of the availability, amount, or value of any credit under the SBT Credit Acts or that adoption of this Plan will qualify or entitle a developer or any other person to apply for or receive pre-approval or approval of any credit under the SBT Credit Acts for the Subject Property.

6.0 ESTIMATE OF CAPTURED TAXABLE VALUE AND TAX INCREMENT REVENUES (SEC. 13(1)(B)); IMPACT OF TAX INCREMENT FINANCING ON TAXING JURISDICTIONS (SEC. 13(1)(F))

The taxable value of the Subject Property as listed in the 2005 tax bills is \$70,800.00 for the northern parcel (88-20-32-101-009) and \$128,100.00 for the southern parcel (88-20-32-101-023), for a total taxable value of \$198,900.00 for the Subject Property. Completion of all elements of the proposed project including environmental activities would result in \$2,200,00.00 of expenditures to improve the Subject Property.

The estimated captured taxable value, incremental tax revenues and time period for capture for the above components are presented in Appendix B. It is the intention of this Plan to capture the maximum of all eligible taxes, but excluding school taxes, authorized under Act 381 each year for the purposes authorized under the Plan.

7.0 PLAN OF FINANCING FEE (SEC. 13 (1)(C))

The costs of the "eligible activities" performed on or for the Subject Property will be initially funded by third party advances (commercial loan, equity) and reimbursement with Tax Increment Revenues under the Plan as such Tax Increment Revenues are generated.

8.0 MAXIMUM AMOUNT OF INDEBTEDNESS (SECTION 13(1)(D))

The only indebtedness anticipated under this Plan will be the obligations of the Troy Brownfield Redevelopment Authority to make payments under the terms of the Reimbursement Agreement based on generated tax increment revenues. The maximum amount of such indebtedness shall not exceed the cost of eligible activities permitted under the Plan and there is to be no bonded indebtedness required from the Troy Brownfield Redevelopment Authority.

9.0 DURATION OF THE PLAN

This Plan shall be effective up to five (5) years after the year in which the total amount of Tax Increment Revenue captured from the Subject Property is equal to the total costs of eligible activities attributable to the Subject Property. However, because the purpose of this Plan is, in part, also to enable qualified taxpayers to avail themselves of the Michigan single business tax credit, the duration of this Plan shall extend also for not less than that period during which any qualified taxpayer may make eligible investments, as defined by P. A. 143 of 2000, that may qualify for the credit. In no event, however, shall this Plan extend beyond the maximum term allowed by Act 381 for the duration of this Plan.

10.0 DISPLACEMENT/RELOCATION OF INDIVIDUALS ON ELIGIBLE PROPERTY (SECTION 13(1)(H-K))

This Plan does not involve the relocation of any residences or residents.

11.0 LOCAL SITE REMEDIATION REVOLVING FUND (LSRRF) (SECTION 8; SECTION 13(1)(L))

The Troy Brownfield Redevelopment Authority has established a Local Site Remediation Revolving Fund (LSRRF). The LSRRF will consist of all tax increment revenues authorized to be captured and deposited in the LSRRF, as allowed by Act 381, under this Plan and any other Plan of the Troy Brownfield Redevelopment Authority. It may also include funds appropriated or otherwise made available from public or private sources.

This Plan authorizes the capture of Tax Increment Revenues to the maximum extent permitted by Act 381 for deposit into the LSRRF. With the approval of the Troy City Council and any additional approval required by Act 381, the Troy Brownfield Redevelopment Authority may incur costs and expend funds from the LSRRF for the purposes authorized by this Plan. Approval of this Plan endorses the potential utilization for revenues from the LSRRF to support this Project subject to the negotiation and execution of a Reimbursement Agreement between the Troy Brownfield Redevelopment Authority and TCF National Bank.

TABLES

TABLE 1
TCF National Bank Branch
Coolidge Highway Project Eligible Expenses

<u>BEA and Due Care Plan</u>					
<u>Task</u>	<u>Item</u>	<u>Unit</u>	<u>Number</u>	<u>Unit Cost</u>	<u>Line Cost</u>
Prep: Type N BEA	Report Preparation	each	1	\$ 3,500.00	\$ 3,500.00
Prep: Due Care Plan	Report Preparation	each	1	\$ 1,500.00	\$ 1,500.00
TOTAL: BEA & Due Care Plan		total			\$ 5,000.00

<u>Due Care Activities</u>					
<u>Task</u>	<u>Item</u>	<u>Unit</u>	<u>Number</u>	<u>Unit Cost</u>	<u>Line Cost</u>
Additional Investigation	Geoprobe Drill Rig	day	2	\$ 1,250.00	\$ 2,500.00
	Field Personnel	day	2	\$ 700.00	\$ 1,400.00
	Field Equipment	day	2	\$ 275.00	\$ 550.00
	Laboratory Analysis	each	1	\$ 7,500.00	\$ 7,500.00
	Report Preparation	each	1	\$ 1,800.00	\$ 1,800.00
Soil Waste Characterization	Sampling, analysis, landfill approval	each	1	\$ 2,000.00	\$ 2,000.00
Due Care Activities Management	Oversight, health & safety, monitoring, analytical	each	1	\$ 15,000.00	\$ 15,000.00
Deed Restriction	Modification for proposed use	each	1	\$ 3,500.00	\$ 3,500.00
Dewatering Disposal	Disposal of contaminated liquids	each	1	\$ 52,000.00	\$ 52,000.00
Project Management	Project management, client/municipal communications	each	1	\$ 3,500.00	\$ 3,500.00
TOTAL: Due Care Activities		total			\$ 89,750.00

Additional Response Activities

Task	Item	Unit	Number	Unit Cost	Line Cost
Soil Waste Characterization	Sampling, analysis, landfill approval	each	1	\$ 2,000.00	\$ 2,000.00
Geotextile Fabric	35,775 sq. ft. fabric - parking lot & building	square feet	35,775	\$ 5.00	\$ 178,875.00
Geotextile Fabric	9,880 sq. ft. fabric - utility trenches	square feet	9,880	\$ 5.00	\$ 49,400.00
Geotextile Fabric	Installation oversight, management, spec review	each	1	\$ 5,000.00	\$ 5,000.00
Soil Excavation	Geotechnically deficient /contaminated soil excavation and disposal	each	1	\$ 150,000.00	\$ 150,000.00
Supplemental Aggregate	Supplemental aggregate fill	square yards	795	\$ 7.26	\$ 5,771.00
Project Management	Project management	each	1	\$ 3,500.00	\$ 3,500.00
TOTAL: Additional Response Activities		total			\$ 394,546.00
PROJECT TOTAL		project total			\$ 489,296.00

PHASE II ENVIRONMENTAL SITE ASSESSMENT
TABLE 1 - ANALYTICAL RESULTS: SOIL
1470 COOLIDGE HIGHWAY, TROY, MICHIGAN

Sample ID Sample Depth Samples Obtained By Sample Date Laboratory ID	CAS No.	Statewide Default Background Levels	Drinking Water Protection Criteria	Groundwater Surface Water Interface Protection	Groundwater Contact Protection Criteria	Soil Volatilization to Indoor Air Inhalation Criteria (Residential)	Infinite Source Volatiles Soil Inhalation Criteria	Particulate Soil Inhalation Criteria	Direct Contact Criteria	Soil Saturation Concentration Screening Levels	B-1: 2'-3' 2'-3' HCS 9/30/05 Midwest 050930119		B-2: 1'-2' 1'-2' HCS 10/3/05 Midwest 051003021		B-4: 2'-3' 2'-3' HCS 9/30/05 Midwest 050930119		B-5: 7'-8' 7'-8' HCS 10/3/05 Midwest 051003018		B-6: 1'-2' 1'-2' HCS 10/3/05 Midwest 051003010		B-7: 3'-4' 3'-4' HCS 10/3/05 Midwest 051003017	
											Results	DL										
YOCs											EPA 8260/5035 10/3/05		EPA 8260/5035 10/3/05		EPA 8260/5035 10/3/05		EPA 8260/5035 10/3/05		EPA 8260/5035 10/3/05		EPA 8260/5035 10/3/05	
Analytical Method: Extraction Date: Analysis Date:																						
CONSTITUENT (ug/kg)																						
benzene	71432	NA	100	4,000 X	270,000	1,600	13,000	380,000,000	180,000	450,000	1,100	44	ND	41	ND	44	ND	52	ND	43	ND	44
toluene	108881	NA	16,000	2,800	250,000	250,000	2,800,000	17,000,000,000	270,000	250,000	3,000	44	ND	41	ND	44	ND	52	ND	43	ND	44
o-xylene	100414	NA	1,500	360	140,000	87,000	720,000	14,000,000	140,000	800,000	9,200	44	ND	41	ND	44	ND	52	ND	43	ND	44
m-xylene	1330207	NA	5,500	700	150,000	150,000	45,000,000	230,000,000,000	150,000	150,000	25,000	121	ND	122	ND	44	ND	52	ND	43	ND	44
p-xylene	91876	NA	57,000	ND	5,500,000	ND	ND	ND	8,100,000	NA	3,500	44	ND	41	ND	44	ND	52	ND	43	ND	44
ethylbenzene	91203	NA	35,000	ND	2,100,000	250,000	300,000	200,000,000	16,000,000	NA	8,000	44	ND	41	ND	44	ND	52	ND	43	ND	44
1,2,4-trimethylbenzene	95636	NA	2,300	570	110,000	110,000	21,000,000	82,000,000,000	110,000	110,000	6,600	44	ND	41	ND	44	ND	52	ND	43	ND	44
1,2,4,5-tetramethylbenzene	103678	NA	1,000	1,100	94,000	94,000	16,000,000	82,000,000,000	94,000	94,000	6,500	44	ND	41	ND	44	ND	52	ND	43	ND	44
n-propylbenzene	103651	NA	1,000	NA	300,000	ND	ND	1,300,000,000	2,500,000	10,000,000	3,200	44	ND	41	ND	44	ND	52	ND	43	ND	44
o-cresol	103518	NA	1,000	ND	85,000	ND	ND	ND	2,500,000	10,000,000	1,200	44	ND	41	ND	44	ND	52	ND	43	ND	44
m-cresol	1330208	NA	1,000	ND	85,000	ND	ND	ND	2,500,000	10,000,000	1,200	44	ND	41	ND	44	ND	52	ND	43	ND	44
p-cresol	1330209	NA	1,000	ND	85,000	ND	ND	ND	2,500,000	10,000,000	1,200	44	ND	41	ND	44	ND	52	ND	43	ND	44
1,4-dioxane	58028	NA	91,000	ND	390,000	390,000	1,700,000	5,800,000,000	700,000	390,000	900	44	ND	41	ND	44	ND	52	ND	43	ND	44
nonhalogenated VOCs	varies	varies	varies	varies	varies	varies	varies	varies	varies	varies	ND	varies	ND	varies	ND	varies	ND	varies	ND	varies	ND	varies
PAHs											EPA 8270 10/2/05		EPA 8270 10/6/05		EPA 8270 10/2/05		EPA 8270 10/5/05		EPA 8270 10/5/05		EPA 8270 10/5/05	
Analytical Method: Extraction Date: Analysis Date:																						
CONSTITUENT (ug/kg)																						
anthracene	120127	NA	41,000	ND	41,000	1,000,000,000	1,400,000,000	67,000,000,000	210,000,000	NA	ND	215	ND	213	ND	222	ND	270	NA	---	290	230
benz[a]anthracene	56553	NA	NLL	NLL	NLL	NLL	NLL	NLL	20,000	NA	ND	215	ND	213	ND	222	ND	270	NA	---	290	230
benz[b]fluoranthene	50326	NA	NLL	NLL	NLL	NLL	NLL	NLL	20,000	NA	ND	215	ND	213	ND	222	ND	270	NA	---	290	230
benz[k]fluoranthene	205992	NA	NLL	NLL	NLL	NLL	NLL	NLL	20,000	NA	ND	215	ND	213	ND	222	ND	270	NA	---	290	230
fluoranthene	181242	NA	NLL	NLL	NLL	NLL	NLL	NLL	20,000	NA	ND	215	ND	213	ND	222	ND	270	NA	---	290	230
pyrene	218919	NA	NLL	NLL	NLL	NLL	NLL	NLL	20,000	NA	ND	215	ND	213	ND	222	ND	270	NA	---	290	230
benz[e]pyrene	91204	NA	35,000	ND	2,100,000	250,000	300,000	200,000,000	16,000,000	NA	ND	215	ND	213	ND	222	ND	270	NA	---	290	230
1-methylpyrene	91275	NA	37,000	ND	5,500,000	ND	ND	ND	8,100,000	NA	5,900	215	ND	213	ND	222	ND	270	NA	---	290	230
fluorene	86737	NA	390,000	5,300	590,000	790,000	1,000,000,000	130,000,000	9,300,000,000	27,000,000	ND	215	ND	213	ND	222	ND	270	NA	---	290	230
fluoranthene	206490	NA	230,000	5,100	590,000	790,000	1,000,000,000	130,000,000	9,300,000,000	27,000,000	ND	215	ND	213	ND	222	ND	270	NA	---	290	230
indeno[1,2,3-cd]perylene	103305	NA	NLL	NLL	NLL	NLL	NLL	NLL	20,000	NA	ND	215	ND	213	ND	222	ND	270	NA	---	290	230
chrysene	89018	NA	56,000	5,300	1,100,000	2,800,000	160,000	5,700,000	1,600,000	NA	ND	215	250	213	ND	222	ND	270	NA	---	290	230
perylene	120900	NA	460,000	ND	480,000	1,000,000,000	650,000,000	5,700,000,000	70,000,000	NA	ND	215	250	213	ND	222	ND	270	NA	---	290	230
remaining PAHs	varies	varies	varies	varies	varies	varies	varies	varies	varies	varies	ND	varies	ND	varies	ND	varies	ND	varies	NA	---	ND	varies
Metals											EPA 6010 10/3/05		EPA 6010/7471 10/6/05		EPA 6010/7471 10/3/05		EPA 6010/7471 10/6/05		EPA 6010/7471 10/6/05		EPA 6010/7471 10/7/05	
Analytical Method: Extraction Date: Analysis Date:																						
CONSTITUENT (ug/kg)																						
arsenic	7440382	5,000	4.5/01	70,000 X	2,600,000	NLV	NLV	720,000	2,600	NA	Results	DL										
barium	7440391	25,000	1,300,000	GV	1,000,000,000	NLV	NLV	330,000,000	37,000,000	NA	NA	---	5,500	102	6,700	109	3,300	130	9,000	107	NA	---
calcium	7440393	1,200	6,000	GV	730,000,000	NLV	NLV	1,000,000	500,000	NA	NA	---	30,000	80	42,000	85	90,000	101	48,000	83	NA	---
chromium	18549259	18,000	30,000	3,300	140,000,000	NLV	NLV	260,000	NA	NA	ND	55	ND	48	ND	51	ND	61	ND	59	ND	54
copper	7440398	32,000	5,800,000	G	1,600,000,000	NLV	NLV	130,000,000	20,000,000	NA	13,000	91	---	24,000	80	13,000	85	32,000	101	18,000	83	13,000
lead	7439921	21,000	700,000	G,M,X	ND	NLV	NLV	100,000,000	400,000	NA	10,000	97	---	16,000	80	12,000	80	14,000	101	12,000	83	NA
mercury	varies	130	1,200	NO,M,1,2	47,000	ND	ND	70,000,000	160,000	NA	NA	---	49,000	80	31,000	50	15,000	107	6,500	82	47,000	
nickel	7440392	410	4,500	400	75,000,000	NLV	NLV	110,000,000	2,600,000	NA	NA	---	ND	71	ND	73	ND	77	ND	78	NA	---
silver	7440224	1,000	4,500	100 mg/27	260,000,000	NLV	NLV	5,700,000	2,500,000	NA	NA	---	ND	80	ND	85	ND	101	ND	150	NA	---
zinc	7440666	47,000	2,400,000	G	1,500,000,000	NLV	NLV	ND	170,000,000	NA	NA	---	58,000	80	55,000	85	100,000	101	40,000	83	NA	---
PCBs											EPA 8081 10/3/05		EPA 8081/7471 10/6/05		EPA 8081/7471 10/3/05		EPA 8081/7471 10/6/05		EPA 8081/7471 10/6/05		EPA 8081/7471 10/7/05	
Analytical Method: Extraction Date: Analysis Date:																						
CONSTITUENT (ug/kg)																						
YOCs											Results		Results		Results		Results		Results		Results	
YOCs											NA		NA		NA		NA		NA		NA	
YOCs											NA		NA		NA		NA		NA		NA	
YOCs											Results		Results		Results		Results		Results		Results	

Bolded/Shaded cells
indicate that one or more cleanup criteria
was not analyzed.
NLL: non-detect
GV: must be calculated depending on numerous variables
M: defaults to target detection limit
X: varies depending on usage of groundwater discharge
ND: insufficient data to determine a level
N/A: hazardous substance is not likely to volatilize under most conditions

**PHASE II ENVIRONMENTAL SITE ASSESSMENT
TABLE 1 - ANALYTICAL RESULTS: SOIL
1470 COOLIDGE HIGHWAY, TROY, MICHIGAN**

Sample ID Sample Depth Samples Obtained By Sample Date Laboratory Laboratory ID	CAS No.	Statewide Default Background Levels	Drinking Water Protection Criteria	Groundwater Surface Water Interface Protection	Groundwater Contact Protection Criteria	Soil Volatilization to Indoor Air Inhalation Criteria (Residential)	Infinite Source Volatile Soil Inhalation Criteria	Particulate Soil Inhalation Criteria	Direct Contact Criteria	Soil Saturation Concentration Screening Levels	B-9: 2'-3' Z-3'		B-10: 2'-3' Z-3'		B-11: 3'-4' 3'-4'		B-12: 3'-4' 3'-4'		B-13: 3'-4' 3'-4'		B-16: 3'-4' 3'-4'	
											HCS 10/3/05 Midwest	051003022	HCS 9/30/05 Midwest	050930118	HCS 9/30/05 Midwest	050930137	HCS 10/3/05 Midwest	051003027	HCS 10/3/05 Midwest	051003024	HCS 10/3/05 Midwest	051003026
Analytical Method: Extraction Date: Analysis Date:											EPA 8260/5035 10/6/05 10/6/05	EPA 8260/5035 10/3/05 10/3/05	EPA 8260/5035 10/3/05 10/3/05	EPA 8260/5035 10/3/05 10/3/05	EPA 8260/5035 10/6/05 10/6/05	EPA 8260/5035 10/6/05 10/6/05						
CONSTITUENT (ug/kg)	Results	DL	Results	DL	Results	DL	Results	DL	Results	DL	Results	DL	Results	DL	Results	DL	Results	DL	Results	DL	Results	DL
benzene	21432	NA	150	4,000 X	220,000	1,000	13,000	380,000,000	180,000	400,000	ND	46	ND	41	ND	53	ND	51	ND	51	ND	51
toluene	109883	NA	15,000	2,800	250,000	250,000	2,800,000	27,000,000,000	250,000	250,000	ND	46	ND	41	ND	53	73	45	ND	51	ND	51
ethylbenzene	100414	NA	1,500	260	140,000	87,000	720,000	11,000,000	140,000	890,000	ND	46	ND	41	ND	53	46	45	ND	51	ND	51
xylene	1340207	NA	3,600	700	150,000	150,000	46,000,000	290,000,000,000	150,000	150,000	ND	139	ND	123	ND	150	270	136	ND	154	ND	154
2-methylnaphthalene	21576	NA	57,000	10	5,000,000	10	10	10	10	150,000	ND	46	ND	41	ND	53	560	45	ND	51	ND	51
naphthalene	91203	NA	35,000	870	2,100,000	250,000	300,000	200,000,000	16,000,000	NA	ND	46	ND	41	ND	53	440	45	ND	51	ND	51
1,2,3-trimethylbenzene	---	---	---	---	---	---	---	---	---	---	ND	46	ND	41	ND	53	440	45	ND	51	ND	51
1,2,4-trimethylbenzene	95636	NA	2,100	570	110,000	110,000	21,000,000	82,000,000,000	110,000	110,000	ND	46	ND	41	ND	53	59	45	ND	51	ND	51
1,2,4,5-tetramethylbenzene	109678	NA	1,800	1,100	94,000	94,000	16,000,000	82,000,000,000	94,000	94,000	ND	46	ND	41	ND	53	390	45	ND	51	ND	51
1,2,3,4-tetramethylbenzene	103651	NA	1,600	NA	300,000	10	10	1,300,000,000	2,000,000	10,000,000	ND	40	ND	41	ND	53	160	45	ND	51	ND	51
1,2,3,5-tetramethylbenzene	104510	NA	1,600	10	88,000	10	10	2,000,000	10,000,000	10,000,000	ND	40	ND	41	ND	53	46	45	ND	51	ND	51
sec-butylbenzene	139268	NA	1,000	10	88,000	10	10	2,000,000	10,000,000	10,000,000	ND	40	ND	41	ND	53	46	45	ND	51	ND	51
tert-butylbenzene	---	---	---	---	---	---	---	---	---	---	ND	40	ND	41	ND	53	ND	ND	ND	51	ND	51
isopropylbenzene	---	---	---	---	---	---	---	---	---	---	ND	40	ND	41	ND	53	ND	ND	ND	51	ND	51
styrene	50828	NA	91,000	10	390,000	390,000	1,700,000	5,800,000,000	390,000	390,000	ND	45	ND	41	ND	53	ND	45	ND	51	ND	51
remaining VOCs	varies	varies	varies	varies	varies	varies	varies	varies	varies	varies	ND	45	ND	41	ND	53	ND	45	ND	51	ND	51
PCBs	varies	varies	varies	varies	varies	varies	varies	varies	varies	varies	ND	varies	ND	varies	ND	varies	ND	varies	ND	varies	ND	varies
Analytical Method: Extraction Date: Analysis Date:											EPA 8270 10/5/05 10/5/05	NA 10/5/05	EPA 8270 10/5/05	NA 10/5/05	NA 10/5/05	EPA 8270 10/5/05						
CONSTITUENT (ug/kg)	Results	DL	Results	DL	Results	DL	Results	DL	Results	DL	Results	DL	Results	DL	Results	DL	Results	DL	Results	DL	Results	DL
polychlorinated biphenyls	129127	NA	41,000	10	41,000	1,000,000,000	1,400,000,000	67,000,000,000	220,000,000	NA	ND	230	NA	---	ND	270	NA	---	Results	DL	Results	DL
benz[a]anthracene	56253	NA	NA	10	10	NA	NA	10	20,000	NA	ND	230	NA	---	190	270	NA	---	NA	---	ND	233
benz[a]pyrene	50128	NA	NA	10	10	NA	NA	1,500,000	2,000	NA	ND	230	NA	---	500	270	NA	---	NA	---	ND	233
benz[b]fluoranthene	203922	NA	NA	10	10	NA	NA	300,000,000	2,000,000	NA	ND	230	NA	---	580	270	NA	---	NA	---	ND	233
benz[k]fluoranthene	191242	NA	NA	10	10	NA	NA	200,000,000	2,000,000	NA	ND	230	NA	---	400	270	NA	---	NA	---	ND	233
chrysene	218019	NA	NA	10	10	NA	NA	200,000,000	16,000,000	NA	ND	230	NA	---	630	270	NA	---	NA	---	ND	233
fluoranthene	91203	NA	35,000	10	7,100,000	250,000	300,000	200,000,000	16,000,000	NA	ND	230	NA	---	100	270	NA	---	NA	---	2,100	233
2-methylnaphthalene	91276	NA	57,000	10	5,200,000	10	10	10	10,000,000	NA	ND	230	NA	---	100	270	NA	---	NA	---	2,100	233
fluorene	86737	NA	350,000	5,300	590,000	580,000,000	130,000,000	9,300,000,000	27,000,000	NA	ND	230	NA	---	100	270	NA	---	NA	---	2,100	233
1-methylpyrene	204410	NA	730,000	5,500	730,000	1,000,000,000	740,000,000	9,100,000,000	46,000,000	NA	ND	230	NA	---	1,000	270	NA	---	NA	---	ND	233
1-methylphenanthrene	193395	NA	NA	10	10	NA	NA	20,000	NA	NA	ND	230	NA	---	330	270	NA	---	NA	---	ND	233
phenanthrene	85018	NA	55,000	5,300	1,100,000	2,800,000	160,000	6,700,000	1,600,000	NA	300	230	NA	---	810	270	NA	---	NA	---	ND	233
pyrene	129060	NA	480,000	10	480,000	1,000,000,000	650,000,000	6,700,000,000	20,000,000	NA	600	230	NA	---	750	270	NA	---	NA	---	ND	233
remaining PCBs	varies	varies	varies	varies	varies	varies	varies	varies	varies	varies	ND	varies	NA	---	ND	varies	NA	---	NA	---	ND	varies
Metals	varies	varies	varies	varies	varies	varies	varies	varies	varies	varies	ND	varies	NA	---	ND	varies	NA	---	NA	---	ND	varies
Analytical Method: Extraction Date: Analysis Date:											EPA 6010/7471 10/5/05 10/5/05											
CONSTITUENT (ug/kg)	Results	DL	Results	DL	Results	DL	Results	DL	Results	DL	Results	DL	Results	DL	Results	DL	Results	DL	Results	DL	Results	DL
arsenic	7440382	5,000	4,600	70,000 X	2,000,000	NA	NA	720,000	7,600	NA	6,000	110	5,100	103	63,000	130	62,000	108	62,000	114	NA	---
barium	7440309	75,000	1,300,000	5X	1,000,000,000	NA	NA	330,000,000	37,000,000	NA	64,000	66	23,000	81	43,000	101	47,000	81	53,000	99	NA	---
cadmium	7440303	1,000	6,000	50X	230,000,000	NA	NA	1,700,000	550,000	NA	ND	52	ND	48	ND	61	ND	51	ND	54	ND	52
chromium	18540299	18,000	30,000	3,300	140,000,000	NA	NA	250,000	2,500,000	NA	16,000	66	13,000	81	27,000	101	17,000	84	17,000	89	15,000	87
copper	7440393	37,000	5,800,000	G	1,000,000,000	NA	NA	100,000,000	400,000	NA	19,000	86	26,000	81	14,000	101	11,000	84	11,000	89	NA	---
lead	7439921	21,000	780,000	G, M, Y	10	NA	NA	100,000,000	400,000	NA	26,000	91	17,000	85	46,000	107	18,000	89	100,000	95	10,000	92
mercury	varies	130	1,700	50 M, L, Z	47,000	48,000	57,000	20,000,000	160,000	NA	ND	23	89	22	ND	27	50	22	130	24	NA	---
nickel	7782492	410	4,000	400	78,000,000	NA	NA	2,000,000	2,000,000	NA	ND	155	ND	145	ND	192	ND	152	ND	161	NA	---
silver	7440224	4,500	2,500	180 M, Z	280,000,000	NA	NA	5,200,000	2,500,000	NA	ND	86	ND	81	400	ND	89	ND	89	89	NA	---
zinc	7440663	47,000	2,400,000	G	1,000,000,000	NA	NA	170,000,000	NA	NA	100,000	86	43,000	81	88,000	121	40,000	84	140,000	89	NA	---
PCBs	varies	varies	varies	varies	varies	varies	varies	varies	varies	varies	ND	varies	NA	---	ND	varies	NA	---	NA	---	ND	varies
Analytical Method: Extraction Date: Analysis Date:											EPA 8082 10/4/05 10/4/05	NA 10/4/05	NA 10/4/05	EPA 8082 10/4/05	NA 10/4/05	EPA 8082 10/4/05						
CONSTITUENT (ug/kg)	Results	DL	Results	DL	Results	DL	Results	DL	Results	DL	Results	DL	Results	DL	Results	DL	Results	DL	Results	DL	Results	DL
PCBs	1136363	NA	NA	NA	NA	3,000,000	240,000	4,000	4,000	NA	ND	23	NA	---	ND	22	NA	---	NA	---	ND	---

ND=Not detected
 NA=not analyzed
 G=must be calculated depending on numerous variables
 M=defaults to lowest detection limit
 Y=varies depending on issues of groundwater discharge
 Z=treatment data to develop criterion
 HV=toxic substance is not likely to volatilize under most conditions

**PHASE II ENVIRONMENTAL SITE ASSESSMENT
TABLE 2 - ANALYTICAL RESULTS: GROUNDWATER (VOCs AND PNAs)
1470 COOLIDGE HIGHWAY, TROY, MICHIGAN**

Sample ID:	CAS No.	Drinking Water Criteria	Groundwater Surface Water Interface	Groundwater Volatilization to Indoor Air Inhalation Criteria (Residential)	Groundwater Direct Contact Criteria	B-1: W 6' - 11'		B-9: W 3' - 8'		B-10: W 5' - 10'	
Sample Depth:						6' - 11'		3' - 8'		5' - 10'	
Samples Obtained By:						HCS		HCS		HCS	
Sample Date:						9/30/05		10/3/05		9/30/05	
Laboratory:						Midwest		Midwest		Midwest	
Laboratory ID:						050930141		051003023		050930140	
VOCs:											
Analytical Method:	EPA-8260										
Extraction Date:	10/4/05										
Analysis Date:	10/4/05										
CONSTITUENT (ug/kg)											
benzene	71432	5	200	5,600	11,000	Results	DL	Results	DL	Results	DL
toluene	108883	790	140	530,000	530,000	190	i	ND	i	1.2	i
ethylbenzene	100414	74	18	110,000	170,000	29	i	ND	i	ND	i
xylenes	1330207	280	35	190,000	190,000	190	i	ND	i	ND	i
methyl-tert-butyl ether	1634044	40	730 X	47,000,000	610,000	340	3	ND	3	ND	i
2-methylnaphthalene	91576	260	ID	ID	25,000	200	10	ND	10	ND	10
naphthalene	91203	520	13	31,000	31,000	140	i	ND	i	ND	i
1,2,3-trimethylbenzene	---	---	---	---	---	200	i	ND	i	ND	i
1,2,4-trimethylbenzene	95636	63	17	56,000	56,000	150	i	ND	i	ND	i
1,3,5-trimethylbenzene	108678	72	45	61,000	61,000	100	i	ND	i	ND	i
chlorobenzene	108907	100	47	210,000	86,000	170	i	ND	i	ND	i
n-butylbenzene	104518	80	ID	ID	5,900	ND	i	ND	i	2.4	i
sec-butylbenzene	135988	80	ID	ID	4,400	17	i	ND	i	ND	i
4-isopropyltoluene	---	---	---	---	---	25	i	ND	i	ND	i
isopropylbenzene	98828	800	ID	56,000	56,000	8.3	i	ND	i	ND	i
n-propylbenzene	103651	80	ID	ID	15,000	42	i	ND	i	ND	i
remaining VOCs	varies	varies	varies	varies	varies	160	i	ND	i	ND	i
PNAs	ND varies ND varies ND varies										
Analytical Method:	EPA-8270										
Extraction Date:	10/6/05										
Analysis Date:	10/6/05										
CONSTITUENT (ug/kg)											
naphthalene	91203	520	13	31,000	31,000	Results	DL	Results	DL	Results	DL
2-methylnaphthalene	91576	260	ID	ID	25,000	35	1.2	ND	1.0	NA	---
remaining PNAs	varies	varies	varies	varies	varies	27	1.2	ND	1.0	NA	---
						ND	varies	ND	varies	NA	---

Boided/Shaded cells exceedance of one or more cleanup criteria
 NA: not analyzed
 ND: non-detect
 G: must be calculated depending on numerous variables
 X: varies depending on usage of groundwater discharge
 ID: insufficient data to develop criterion
 NLV: hazardous substance is not likely to volatilize under most conditions

**PHASE II ENVIRONMENTAL SITE ASSESSMENT
TABLE 3 - ANALYTICAL RESULTS: GROUNDWATER (METALS AND PCBs)
1470 COOLIDGE HIGHWAY, TROY, MICHIGAN**

Sample ID:	CAS No.	Drinking Water Criteria	Groundwater Surface Water Interface	Groundwater Volatilization to Indoor Air Inhalation Criteria (Residential)	Groundwater Direct Contact Criteria	B-1: W 6' - 11'	B-9: W 3' - 8'	B-10: W 5' - 10'			
Sample Depth:						6' - 11'	3' - 8'	5' - 10'			
Samples Obtained By:						HCS	HCS	HCS			
Sample Date:						9/30/05	10/3/05	9/30/05			
Laboratory:						Midwest	Midwest	Midwest			
Laboratory ID:						050930141	051003023	050930140			
Metals											EPA-6010
Analytical Method:						10/5/05	10/5/05	10/5/05			
Extraction Date:						10/5/05	10/5/05	10/5/05			
Analysis Date:						Results	DL	Results	DL	Results	DL
CONSTITUENT (ug/kg)						NA	---	ND	2.1	24	2.1
arsenic	7440382	10	150 X	NLV	4,300	NA	---	ND	2.1	24	2.1
barium	7440393	2,000	G,X	NLV	14,000,000	NA	---	34	1.5	64	1.5
cadmium	7440439	5	G,X	NLV	190,000	6	0.9	5.8	0.9	8.1	0.9
chromium	18540299	100	11	NLV	460,000	ND	1.5	ND	1.5	2.2	1.5
copper	7440508	1,000	G	NLV	7,400,000	NA	---	ND	1.5	ND	1.5
lead	7439921	4	G,X	NLV	NLV	ND	1.6	ND	1.6	ND	1.6
mercury	varies	2	0.0013	56	56	NA	---	ND	0.2	ND	0.2
selenium	7782492	50	5	NLV	940,000	NA	---	ND	2.7	ND	2.7
silver	7440224	50	30	NLV	43,000	NA	---	ND	0.2	ND	0.2
zinc	7440666	2,400	G	NLV	110,000,000	NA	---	ND	1.5	ND	1.5
PCBs											
Analytical Method:						NA	EPA-8082	NA			
Extraction Date:						NA	10/4/05	NA			
Analysis Date:						NA	10/4/05	NA			
CONSTITUENT (ug/kg)						Results	DL	Results	DL	Results	DL
PCBs	1336363	0.5	0.2	45	3.3	NA	---	ND	0.2	NA	---

Bolded/Shaded cells exceedance of one or more cleanup criteria
 NA: not analyzed
 ND: non-detect
 G: must be calculated depending on numerous variables
 X: varies depending on usage of groundwater discharge
 ID: insufficient data to develop criterion
 NLV: hazardous substance is not likely to volatilize under most conditions

LABORATORY RESULTS FOR GROUNDWATER
 Based upon Superior Property Services Group Phase II ESA
 Former Harabedian Asphalt Company
 SCA Project #2000-157

	SB-1	SB-4	SB-6	Residential & Commercial I Drinking Water Criteria	Industrial & Commercial II, III & IV Drinking Water Criteria	Groundwater Surface Water Interface Values (GSI)	Residential & Commercial I Groundwater Volatilization to Indoor Air Inhalation RBSL	Industrial & Commercial II, III & IV Groundwater Volatilization to Indoor Air Inhalation RBSL	Groundwater Direct Contact RBSL
Date Collected	06/03/98	06/03/98	06/03/98				5 (A)	5 (A)	200 (X)
Analytical Report Date	06/16/98	06/16/98	06/16/98	790 (E)	790 (E)	140	5.3E+5 (S)	5.3E+5 (S)	5.3E+5 (S)
Sample Depth (feet)	8'-12'	4.5'-8.5'	4'-8'	74 (E)	74 (E)	8	1.7E+5 (S)	1.7E+5 (S)	1.7E+5 (S)
Volatiles (µg/L)				280 (E)	280 (E)	35	1.9E+5 (S)	1.9E+5 (S)	1.9E+5 (S)
Benzene	840	nd	nd	63 (E)	63 (E)	ID	56,000 (S)	56,000 (S)	160,000
Toluene	420	nd	nd	72 (E)	72 (E)	ID	61,000 (S)	61,000 (S)	210,000
Ethylbenzene	540	nd	nd	800	2,300	ID	56,000 (S)	56,000 (S)	56,000 (S)
Total Xylenes	700	nd	nd						
1,2,4-Trimethylbenzene	200	nd	nd						
1,3,5-Trimethylbenzene	170	nd	nd						
Isopropyl benzene (I)	21	nd	nd						
PNAs (µg/L)									
Naphthalene	28	nd	nd	260	750	3	31,000 (S)	31,000 (S)	31,000 (S)
Organics (µg/L)									
Cadmium (B)	2	9	6	5 (A)	5 (A)	130 (G,X)	NLV	NLV	210,000
Chromium VI (B,H)	180	410	190	100 (A)	100 (A)	11	NLV	NLV	1,000,000
Lead (B)	150	300	3	4 (S)	4 (B)	190 (G,X)	NLV	NLV	ID

nd	Concentration not detected or below method detection limit
NA	Not Analyzed
1200	Concentration exceeds shaded cleanup criteria
*	Indicates that the State Background Default Level has been substituted

Note: Generic Cleanup Criteria based on values documented in Operational Memorandum #18 dated May 28, 1999 of Part 201.

	SB-2	SB-3
Date Collected	05/25/00	05/25/00
Analytical Report Date	06/14/00	06/14/00
Sample Depth (feet)	4'	5'
Volatiles (µg/L)		
Benzene	nd	nd
Toluene	nd	nd
Ethylbenzene	nd	nd
Total Xylenes	15	nd
1,2,4-Trimethylbenzene	20	nd
1,3,5-Trimethylbenzene	13	nd
1,2-Dichloroethane (I)	nd	nd
1,2-Dibromoethane	nd	nd
Isopropyl benzene (I)	NA	NA
PNAs (µg/L)		
Naphthalene	nd	nd
2-Methylnaphthalene	nd	nd
Acenaphthylene	nd	nd
Acenaphthene	nd	nd
Fluorene	nd	nd
Phenanthrene	nd	nd
Anthracene	nd	nd
Fluoranthene	nd	nd
Pyrene	nd	nd
Benzo[a]anthracene (Q)	nd	nd
Chrysene (Q)	nd	nd
Benzo[b]fluoranthene (Q)	nd	nd
Benzo[k]fluoranthene (Q)	nd	nd
Benzo[a]pyrene (Q)	nd	nd
Indeno[1,2,3-cd]pyrene (Q)	nd	nd
Dibenzo[a,h]anthracene (Q)	nd	nd
Benzo[g,h,i]perylene (Q)	nd	nd
Organics (µg/L)		
Cadmium (B)	nd	nd
Chromium VI (B,H)	nd	nd
Lead (B)	nd	nd

nd	Concentration not detect
NA	Not Analyzed
1200	Concentration exceeds s
*	Indicates that the State E

Note: Generic Cleanup Criteria based on values docume

**Note: Sample results were non detect for all other EPA

TABLE 2
 COMMERCIAL III RBSLS FOR SOILS
 Harabedian Asphalt Co.
 1470 Coolidge Hwy.
 Troy, Michigan

COMPOUND	Maximum Concentration Detected µg/kg	Direct Contact Commercial III µg/kg	Indoor Air Inhalation Criteria µg/kg	Infinite Source Volatile Soil Inhalation Criteria µg/kg
<i>Volatile Organics</i>				
Benzene	6800	400,000	8400	45,000
Toluene	18,000	250,000	250,000	3,300,000
Ethylbenzene	18,000	140,000	140,000	11,000,000
Xylenes	65,000	150,000	150,000	54,000,000
Naphthalene	3400	230,000,000	78,000,000	59,000,000
2-Methyl Naphthalene	1900	230,000,000	ID	ID
1,2,4-Trimethyl Benzene	25,000	590,000(C)	590,000	57,000,000
1,3,5-Trimethyl Benzene	10,000	3,200,000	ID	ID
1,2-Dibromoethane (Ethylene dibromide)	ND	410	3600	
1,2-Dichloroethane	ND	380,000	11,000	21,000
<i>Polynuclear Aromatic Hydrocarbons</i>				
Acenaphthene	ND	1,000,000,000D	350,000,000	97,000,000
Acenaphthylene	ND	23,000,000	3,000,000	2,700,000
Anthracene	ND	1,000,000,000D	1,000,000,000	1,600,000,000
Benzo(a)anthracene	ND	290,000	NLV	NLV
Benzo(b)fluoranthene	ND	290,000	ID	ID
Benzo(k)fluoranthene	ND	290,000	NLV	NLV
Benzo(a)pyrene	ND	29000	NLV	NLV
Benzo(g,h,i)perylene	ND	23,000,000	NLV	NLV
Chrysene	ND	29,000,000	ID	ID
Dibenzo(a,h)anthracene	ND	29000	NLV	NLV
Fluoranthene	ND	760,000,000	1,000,000,000	880,000,000
Fluorene	ND	760,000,000	1,000,000,000	150,000,000
Indeno(1,2,3-cd)pyrene	ND	290,000	NLV	NLV
2-Methyl Naphthalene	ND	230,000,000	ID	ID
Naphthalene	ND	230,000,000	78,000,000	59,000,000
Phenanthrene	ND	23,000,000	28,000,000	150,000
Pyrene	ND	470,000,000	1,000,000,000	770,000,000
METALS				
Total Lead	11,000	400,000	NLV	NLV

NOTES: BOLD - Applicable RBSL.
 ID - Inadequate Data
 NLV - Not likely to volatilize.
 D - Calculated criterion exceeds 100%, hence is reduced to 100%

SOIL VERIFICATION SAMPLING RESULTS (LABORATORY)
FACILITY NAME Harabedian Asphalt Co.
FACILITY NUMBER 0-019650

VOLATILES										
Sample ID	FL-1		FL-2		SW-1		SW-2		SW-3	
Sample Depth (feet BGS)	7'-8'		7'-8'		3'-4'		3'-4'		3'-4'	
Date Collected	11-24-98		11-24-98		11-24-98		11-24-98		11-24-98	
Date Extracted										
Date Analyzed	12-2-98		12-2-98		12-2-98		12-2-98		12-2-98	
Analytical Method No.	SW-8260									
Collection Method*	GRAB									
CONSTITUENT (µg/kg)	Cone	MDL								
<input checked="" type="checkbox"/> Benzene	5500	50	5500	50	ND	50	380	50	4600	50
<input checked="" type="checkbox"/> Toluene	100	50	56	50	ND	50	120	50	4600	50
<input checked="" type="checkbox"/> Ethyl Benzene	3600	50	3100	50	ND	50	180	50	5300	50
<input checked="" type="checkbox"/> Total Xylenes	1300	150	3000	150	ND	150	700	150	23,000	150
<input checked="" type="checkbox"/> Naphthalene	960	250	450	250	ND	250	ND	250	2900	250
<input checked="" type="checkbox"/> 2-Methyl Naphthalene	440	250	ND	250	ND	250	ND	250	1400	250
<input checked="" type="checkbox"/> 1,2,4-Trimethyl Benzene	360	50	2200	50	ND	50	140	50	12,000	50
<input checked="" type="checkbox"/> 1,3,5-Trimethyl Benzene	440	50	960	50	ND	50	150	50	4300	50
<input checked="" type="checkbox"/> 1,2-Dibromoethane (EDB)	ND	50								
<input checked="" type="checkbox"/> 1,2-Dichloroethane	ND	50								
FOR VOLATILE AROMATICS (PNA)										
Sample ID	FL-1		FL-2		SW-1		SW-2		SW-3	
Sample Depth (feet BGS)	7'-8'		7'-8'		3'-4'		3'-4'		3'-4'	
Date Collected	11-24-98		11-24-98		11-24-98		11-24-98		11-24-98	
Date Extracted										
Date Analyzed	12-2-98		12-2-98		12-2-98		12-2-98		12-2-98	
Analytical Method No.	SW-8310									
Collection Method*	GRAB									
CONSTITUENT (ng/lg)	Cone	MDL								
<input checked="" type="checkbox"/> Acenaphthene	ND	330								
<input checked="" type="checkbox"/> Acenaphthylene	ND	330								
<input checked="" type="checkbox"/> Anthracene	ND	330								
<input checked="" type="checkbox"/> Benzo(a)anthracene	ND	330								
<input checked="" type="checkbox"/> Benzo(a)pyrene	ND	330								
<input checked="" type="checkbox"/> Benzo(b)fluoranthene	ND	330								
<input checked="" type="checkbox"/> Benzo(g,h,i)perylene	ND	330								

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SOIL VERIFICATION SAMPLING RESULTS (LABORATORY)
FACILITY NAME Harnbedian Asphalt Co.
FACILITY NUMBER 0-019650

POLYNUCLEAR AROMATICS (PNAH)										
Sample ID	FL-1		FL-2		SW-1		SW-2		SW-3	
Sample Depth (feet BGS)	7'-8'		7'-8'		3'-4'		3'-4'		3'-4'	
Date Collected	11-24-98		11-24-98		11-24-98		11-24-98		11-24-98	
Date Extracted										
Date Analyzed	12-2-98		12-2-98		12-2-98		12-2-98		12-2-98	
Analytical Method No.	SW-8310									
Collection Method*	GRAB									
CONSTITUENT (µg/kg)	Conc	MDL								
<input checked="" type="checkbox"/> Benzo(k)fluoranthene	ND	330								
<input checked="" type="checkbox"/> Chrysene	ND	330								
<input checked="" type="checkbox"/> Dibenzo(a,h)anthracene	ND	330								
<input checked="" type="checkbox"/> Fluoranthene	ND	330								
<input checked="" type="checkbox"/> Fluorene	ND	330								
<input checked="" type="checkbox"/> Indeno(1,2,3-cd)pyrene	ND	330								
<input checked="" type="checkbox"/> 2-Methyl Naphthalene	ND	330								
<input checked="" type="checkbox"/> Naphthalene	ND	330								
<input checked="" type="checkbox"/> Phenanthrene	ND	330								
<input checked="" type="checkbox"/> Pyrene	ND	330								
METALS										
Sample ID	FL-1		FL-2		SW-1		SW-2		SW-3	
Sample Depth (feet BGS)	7'-8'		7'-8'		3'-4'		3'-4'		3'-4'	
Date Collected	11-24-98		11-24-98		11-24-98		11-24-98		11-24-98	
Date Extracted										
Date Analyzed	11-30-98		11-30-98		11-30-98		11-30-98		11-30-98	
Analytical Method No.	SW-7421									
Collection Method*	GRAB									
CONSTITUENT (µg/kg)	Conc	MDL								
<input checked="" type="checkbox"/> Total Lead	8000	5000	11000	5000	9000	5000	11000	5000	5900	5000

SOIL VERIFICATION SAMPLING RESULTS (LABORATORY)
FACILITY NAME Harabedinn Asphalt Co.
FACILITY NUMBER 0-019650

VOLATILES										
Sample ID	SW-4		FL-3		FL-4		SW-5		SW-6	
Sample Depth (feet BGS)	3'-4'		7'-8'		7'-8'		3'-4'		3'-4'	
Date Collected	11-24-98		11-24-98		11-24-98		11-24-98		11-24-98	
Date Extracted										
Date Analyzed	12-2-98		12-2-98		12-2-98		12-2-98		12-2-98	
Analytical Method No.	SW-8260									
Collection Method*	GRAB									
CONSTITUENT (ug/kg)	Conc	MDL								
<input checked="" type="checkbox"/> Benzene	6800	50	4600	50	3600	50	6100	50	1000	50
<input checked="" type="checkbox"/> Toluene	65	50	120	50	74	50	18,000	50	160	50
<input checked="" type="checkbox"/> Ethyl Benzene	6300	50	1700	50	200	50	18,000	50	220	50
<input checked="" type="checkbox"/> Total Xylenes	980	150	4800	150	1300	150	65,000	150	1000	150
<input checked="" type="checkbox"/> Naphthalene	730	250	400	250	ND	250	3400	250	240	250
<input checked="" type="checkbox"/> 2-Methyl Naphthalene	500	250	ND	250	ND	250	1900	250	490	250
<input checked="" type="checkbox"/> 1,2,4-Trimethyl Benzene	540	50	850	50	ND	50	25,000	50	130	50
<input checked="" type="checkbox"/> 1,3,5-Trimethyl Benzene	680	50	1000	50	ND	50	10,000	50	180	50
<input checked="" type="checkbox"/> 1,2-Dibromoethane (EDB)	ND	50								
<input checked="" type="checkbox"/> 1,2-Dichloroethane	ND	50								
POLYNUCLEAR AROMATICS (PNA)										
Sample ID	SW-4									
Sample Depth (feet BGS)	3'-4'									
Date Collected	11-24-98									
Date Extracted										
Date Analyzed	12-2-98									
Analytical Method No.	8310									
Collection Method*	GRAB									
CONSTITUENT (ug/kg)	Conc	MDL								
<input checked="" type="checkbox"/> Acenaphthene	ND	330								
<input checked="" type="checkbox"/> Acenaphthylene	ND	330								
<input checked="" type="checkbox"/> Anthracene	ND	330								
<input checked="" type="checkbox"/> Benzo(a)anthracene	ND	330								
<input checked="" type="checkbox"/> Benzo(a)pyrene	ND	330								
<input checked="" type="checkbox"/> Benzo(b)fluoranthene	ND	330								
<input checked="" type="checkbox"/> Benzo(g,h,i)perylene	ND	330								

SOIL VERIFICATION SAMPLING RESULTS (LABORATORY)

FACILITY NAME Harabedian Asphalt Co.

FACILITY NUMBER 0-012650

POLYNUCLEAR AROMATICS (PNAs)										
Sample ID	SW-4									
Sample Depth (feet BGS)	3'-4'									
Date Collected	11-24-98									
Date Extracted										
Date Analyzed	12-2-98									
Analytical Method No.	SW-8310									
Collection Method*	GRAB									
CONSTITUENT (µg/kg)	Conc	MDL								
<input checked="" type="checkbox"/> Benzo(k)fluoranthene	ND	330								
<input checked="" type="checkbox"/> Chrysene	ND	330								
<input checked="" type="checkbox"/> Dibenzo(a,h)anthracene	ND	330								
<input checked="" type="checkbox"/> Fluoranthene	ND	330								
<input checked="" type="checkbox"/> Fluorene	ND	330								
<input checked="" type="checkbox"/> Indeno(1,2,3-cd)pyrene	ND	330								
<input checked="" type="checkbox"/> 2-Methyl Naphthalene	ND	330								
<input checked="" type="checkbox"/> Naphthalene	ND	330								
<input checked="" type="checkbox"/> Phenanthrene	ND	330								
<input checked="" type="checkbox"/> Pyrene	ND	330								
METALS										
Sample ID	SW-4		FL-3		FL-4		SW-5		SW-6	
Sample Depth (feet BGS)	3'-4'		7'-8'		7'-8'		3'-4'		3'-4'	
Date Collected	11-24-98		11-24-98		11-24-98		11-24-98		11-24-98	
Date Extracted										
Date Analyzed	11-30-98		11-30-98		11-30-98		11-30-98		11-30-98	
Analytical Method No.	SW-7421									
Collection Method*	GRAB									
CONSTITUENT (µg/kg)	Conc	MDL								
<input checked="" type="checkbox"/> Total Lead	4000	150	7100	150	6800	150	10000	150	9000	5000

SOIL VERIFICATION SAMPLING RESULTS (LABORATORY)
FACILITY NAME Harabedian Asphalt Co.
FACILITY NUMBER 0-019650

VOLATILES											
Sample ID	SW-7										
Sample Depth (feet BGS)	3'-4'										
Date Collected	11-24-98										
Date Extracted											
Date Analyzed	12-2-98										
Analytical Method No.	SW-8260										
Collection Method*	GRAB										
CONSTITUENT (ug/kg)	Conc	MDL	Conc	MDL	Conc	MDL	Conc	MDL	Conc	MDL	
<input checked="" type="checkbox"/> Benzene	3800	50									
<input checked="" type="checkbox"/> Toluene	100	50									
<input checked="" type="checkbox"/> Ethyl Benzene	310	50									
<input checked="" type="checkbox"/> Total Xylenes	1300	150									
<input checked="" type="checkbox"/> Naphthalene	ND	250									
<input checked="" type="checkbox"/> 2-Methyl Naphthalene	ND	250									
<input checked="" type="checkbox"/> 1,2,4-Trimethyl Benzene	56	50									
<input checked="" type="checkbox"/> 1,3,5-Trimethyl Benzene	83	50									
<input checked="" type="checkbox"/> 1,2-Dibromoethane (EDB)	ND	50									
<input checked="" type="checkbox"/> 1,2-Dichloroethane	ND	50									
POLYNUCLEAR AROMATICS (PNA)											
Sample ID					D-1		DF-1				
Sample Depth (feet BGS)					8'-9'		8'-9'				
Date Collected					11-24-98		11-24-98				
Date Extracted											
Date Analyzed					12-2-98		12-2-98				
Analytical Method No.					SW-8310		SW-8310				
Collection Method*					GRAB		GRAB				
CONSTITUENT (ug/kg)	Conc	MDL	Conc	MDL	Conc	MDL	Conc	MDL	Conc	MDL	
<input checked="" type="checkbox"/> Acenaphthene					ND	330	ND	330			
<input checked="" type="checkbox"/> Acenaphthylene					ND	330	ND	330			
<input checked="" type="checkbox"/> Anthracene					ND	330	ND	330			
<input checked="" type="checkbox"/> Benzo(a)anthracene					ND	330	ND	330			
<input checked="" type="checkbox"/> Benzo(a)pyrene					ND	330	ND	330			
<input checked="" type="checkbox"/> Benzo(b)fluoranthene					ND	330	ND	330			
<input checked="" type="checkbox"/> Benzo(g,h,i)perylene					ND	330	ND	330			

TABLE-1
LABORATORY RESULTS FOR SOIL
 Based upon Superior Property Services Group Phase II ESA
 Former Harabedian Asphalt Plant
 SCA Project #2000-157

UST
Area

Sample Identification Sample Depth (feet) Date Collected	SB-1	SB-2	SB-3	SB-4	SB-5	SB-6	SB-7	SB-8	Industrial and Commercial II, III & IV Groundwater Protection			Indoor Air	Direct Contact
	7'-0"	3'-6"	5'-6"	5'-6"	7'-8"	5'-6"	5'-6"	5'-6"	Drinking Water Protection Criteria	Groundwater Surface Water Interface Protection Criteria	Groundwater Contact Protection Criteria	Soil	Commercial III Direct Contact Criteria
	06/03/98	06/03/98	06/03/98	06/03/98	06/03/98	06/03/98	06/03/98	06/03/98				Volatilization to Indoor Air Inhalation Criteria	
VOLATILES (ug/Kg)													
Benzene (I)	2,400	1,000	nd	nd	nd	nd	nd	nd	100	4,000 (X)	1.0E+5	8,400	4.0E+5 (C)
Toluene (I)	3,800	250	nd	nd	nd	nd	nd	nd	16,000	2,800	2.5E+5 (C)	2.5E+5 (C)	2.5E+5 (C)
Ethylbenzene (I)	3,300	1,100	nd	nd	nd	nd	nd	nd	11,500	3,300	1.4E+5 (C)	1.4E+5 (C)	1.4E+5 (C)
Xylenes (I)	12,800	3,460	nd	nd	nd	nd	nd	nd	15,600	3,200	1.5E+5 (C)	1.5E+5 (C)	1.5E+5 (C)
1,3,5-Trimethylbenzene (I)	4,900	1,300	nd	nd	nd	nd	nd	nd	5,800	ID	94,000 (C)	94,000 (C)	94,000 (C)
1,2,4-Trimethylbenzene (I)	5,600	2,300	nd	nd	nd	nd	nd	nd	2,100	ID	1.1E+5 (C)	1.1E+5 (C)	1.1E+5 (C)
PNAs (ug/Kg)													
Naphthalene	340	nd	50,000	850	2.0E+6	7.7E+7	2.3E+8						
2-Methylnaphthalene	800	nd	1.7E+5	ID	7.1E+06	ID	2.3E+8						
Acenaphthylene	560	nd	8,500	ID	4.4E+05	3.0E+6	2.3E+7						
Acenaphthene	NA	8.7E+5	4,300	9.0E+5	3.5E+8	1.0E+9 (D)							
Fluorene	NA	8.9E+5	2,400	8.9E+5	1.0E+9	7.6E+08							
Phenanthrene	nd	980	34,000	2,300	4.5E+5	2.6E+07	2.3E+07						
Anthracene	NA	41,000	ID	41,000	1.0E+9	1.0E+9 (D)							
Fluoranthene	nd	nd	nd	nd	nd	670	760	2,000	7.2E+5	5,500	7.2E+5	1.0E+9	7.6E+08
Pyrene	nd	nd	nd	nd	nd	570	700	1,700	4.7E+5	ID	4.7E+5	1.0E+9	4.7E+08
Benzo(a)anthracene (Q)	nd	420	NLL	NLL	NLL	NLV	2.9E+05						
Chrysene (Q)	nd	430	NLL	NLL	NLL	ID	2.9E+07						
Benzo(b)fluoranthene (O)	nd	370	NLL	NLL	NLL	ID	2.9E+05						
Benzo(k)fluoranthene (O)	NA	NLL	NLL	NLL	NLV	2.9E+06							
Benzo(a)pyrene (G)	nd	450	NLL	NLL	NLL	NLV	29,000						
Indeno(1,2,3-cd)pyrene (O)	NA	NLL	NLL	NLL	NLV	2.9E+05							
Dibenzo(a,h)anthracene (O)	NA	NLL	NLL	NLL	NLV	2.9E+04							
Benzo(g,h,i)perylene	NA	NLL	NLL	NLL	NLV	2.3E+07							
n-Propylbenzene	900	360	nd	nd	nd	nd	nd	nd	4,500	NA	ID	ID	1.0E+7
ORGANICS (ug/Kg)													
Cadmium (B)	40	28	230	180	70	110	1,400	190	8,000	1,200 (C, X)	2.5E+8	NLV	6.3E+8
Chromium (VI) (B,F)	15,000	23,000	420,000	21,000	19,000	11,000	32,000	14,000	37,000	18,000	3.0E+8	NLV	3.0E+7
Lead (B)	10,000	9,700	10,000	14,000	12,000	9,100	78,000	67,000	42,000 (C)	22,000 (C, M, X)	ID	NLV	4.0E+8

nd	Concentration not detected or below method detection limit
NA	Not Analyzed
1200	Concentration exceeds shaded cleanup criteria
	Indicates that the State Background Default Level has been substituted

Note: Generic Industrial and Commercial II, III and IV Cleanup Criteria based on values documented in Operational Memorandum #18 dated May 28, 1999 of Part 201.

TABLE-1a
LABORATORY RESULTS FOR SOIL
 Based upon Sundberg, Carlson & Associates, Inc BEA Investigation
 Former Harabedian Asphalt Plant
 SCA Project #2000-157

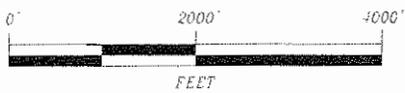
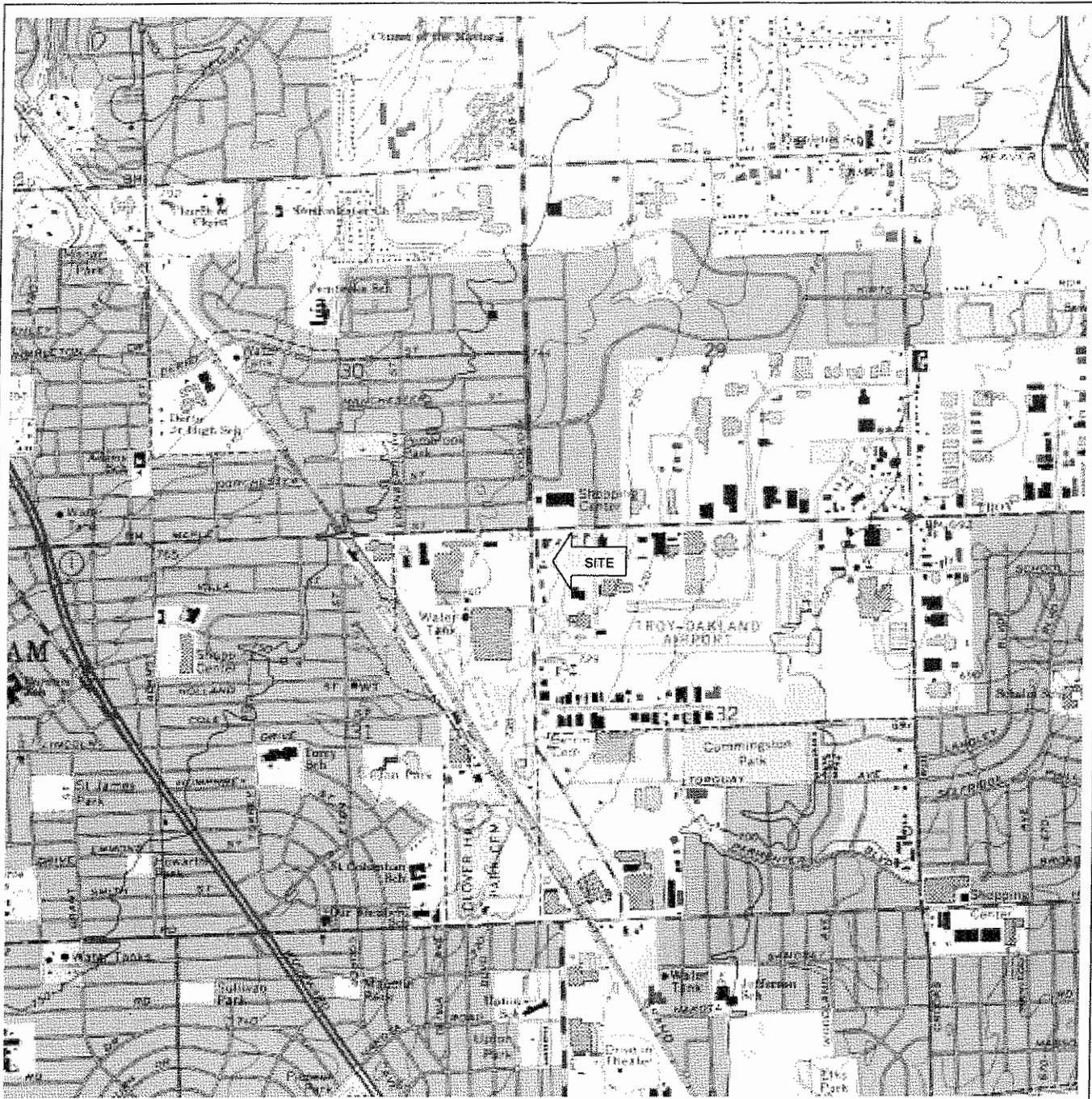
Sample Identification Sample Depth (feet) Date Collected	SB-1	SB-1	SB-1	SB-2	SB-2	SB-3	SB-3	SB-4	SB-4	SB-5	SB-5	SB-6	SB-6	SB-6	SB-7	SB-7	Industrial and Commercial II, III & IV Groundwater Protection	Drinking Water Protection Criteria	Groundwater Surface Water Interface Protection Criteria	Groundwater Contact Protection Criteria	Indoor Air Soil Volatilization to Indoor Air Inhalation Criteria	Direct Contact Commercial III Direct Contact Criteria
	0'-2' 05/25/00	2'-4' 05/25/00	5'-7' 05/25/00	0'-2' 05/25/00	2'-4' 05/25/00	0'-1.5' 05/25/00	1.5'-3' 05/25/00	0'-2' 05/25/00	2'-4' 05/25/00	0'-2' 05/25/00	2'-4' 05/25/00	0'-2' 05/25/00	2'-4' 05/25/00	5'-7' 05/25/00	0'-2' 05/25/00	2'-4' 05/25/00						
VOLATILES (ug/Kg)																						
Benzene (B)	nd	nd	nd	nd	nd	nd	nd	NA	nd	nd	100	3,000 (X)	1.9E+5	8,300	4.0E+5 (C)							
Toluene (T)	nd	nd	nd	nd	nd	nd	nd	NA	nd	nd	16,000	3,800	2.5E+5 (C)	2.5E+5 (C)	2.5E+5 (C)							
Ethylbenzene (E)	nd	nd	nd	nd	nd	nd	nd	NA	nd	nd	1,500	3,800	1.4E+5 (C)	1.4E+5 (C)	1.4E+5 (C)							
Xylenes (X)	nd	nd	nd	nd	nd	nd	nd	NA	nd	nd	5,600	3,700	1.8E+5 (C)	1.5E+5 (C)	1.5E+5 (C)							
1,3,5-Trimethylbenzene (T)	nd	nd	nd	nd	nd	nd	nd	NA	nd	nd	100	3,700	1.8E+5 (C)	1.5E+5 (C)	1.5E+5 (C)							
1,2,4-Trimethylbenzene (T)	nd	nd	nd	nd	nd	nd	nd	NA	nd	nd	100	ID	1.1E+5 (C)	94,000 (C)	94,000 (C)							
1,2-Dichloroethane (D)	nd	nd	nd	nd	nd	nd	nd	NA	2,000	120	100	ID	1.1E+5 (C)	1.1E+5 (C)	1.1E+5 (C)							
1,2-Dibromothane	nd	nd	nd	nd	nd	nd	nd	NA	nd	nd	100	7,200 (X)	2.2E+5	11,000	3.0E+5							
PNAs (ug/Kg)																						
Naphthalene	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	10 (M)	NA	320	3,600	410	
2-Methylnaphthalene	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	50,000	850	2.0E+6	7.7E+7	2.3E+8	
Acenaphthylene	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	8,500	ID	7.1E+08	ID	2.3E+8	
Acenaphthene	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	8,500	ID	4.4E+05	3.0E+6	2.3E+7	
Fluorene	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	8.7E+5	1,300	9.6E+5	3.5E+8	1.0E+9 (D)	
Phenanthrene	nd	nd	nd	nd	nd	330	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	8.9E+5	2,400	8.9E+5	1.0E+9	7.9E+08	
Anthracene	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	34,000	2,300	4.5E+5	2.9E+07	2.9E+07	
Fluoranthene	nd	nd	nd	2,700	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	41,000	ID	41,000	1.0E+9	1.0E+9 (D)	
Pyrene	nd	nd	nd	2,300	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	7.2E+5	5,800	7.2E+6	1.0E+9	7.9E+08	
Benzo(a)anthracene (C)	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	4.7E+5	ID	4.7E+5	1.0E+9	4.7E+08	
Chrysene (C)	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	NLL	NLL	NLL	NLV	2.9E+05	
Benzo(b)fluoranthene (C)	nd	nd	nd	1,900	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	NLL	NLL	NLL	NLV	2.9E+07	
Benzo(k)fluoranthene (C)	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	NLL	NLL	NLL	NLV	2.9E+07	
Benzo(a)pyrene (C)	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	NLL	NLL	NLL	NLV	2.9E+05	
Indeno(1,2,3-cd)pyrene (C)	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	NLL	NLL	NLL	NLV	2.9E+06	
Dibenz(a,h)anthracene (C)	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	NLL	NLL	NLL	NLV	29,000	
Benzo(g,h)perylene	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	NLL	NLL	NLL	NLV	2.9E+05	
n-Propylbenzene	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	4,800	NLL	NLL	NLV	2.3E+07	
ORGANICS (ug/Kg)																						
Cadmium (B)	520	450	560	3,700	420	760	280	190	150	470	290	2,700	950	70	310	380	8,000	100 (C,X)	2.9E+8	NLV	8.3E+6	
Chromium (VI) (B,F)	16,000	16,000	13,000	13,000	16,000	13,000	13,000	13,000	16,000	14,000	18,000	13,000	7,500	12,000	13,000	30,000	30,000	18,000 (C,X)	3.0E+8	NLV	3.0E+7	
Lead (B)	34,000	38,000	52,000	280,000	23,000	140,000	16,000	10,000	14,000	58,000	29,000	150,000	80,000	8,900	21,000	21,000	21,000 (M)	18,000 (C,X)	ID	NLV	4.0E+5	

nd Concentration not detected or below method detection limit
 NA Not Analyzed
 1200 Concentration exceeds shaded cleanup criteria
 Indicates that the State Background Default Level has been substituted

Note: Generic Industrial and Commercial II, III and IV Cleanup Criteria based on values documented in Operational Memorandum #18 dated May 28, 1999 of Part 201.

*Note: Sample results were non detect for all other EPA 8260 methanol preserved volatiles See the laboratory results for soil on next page

FIGURES



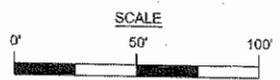
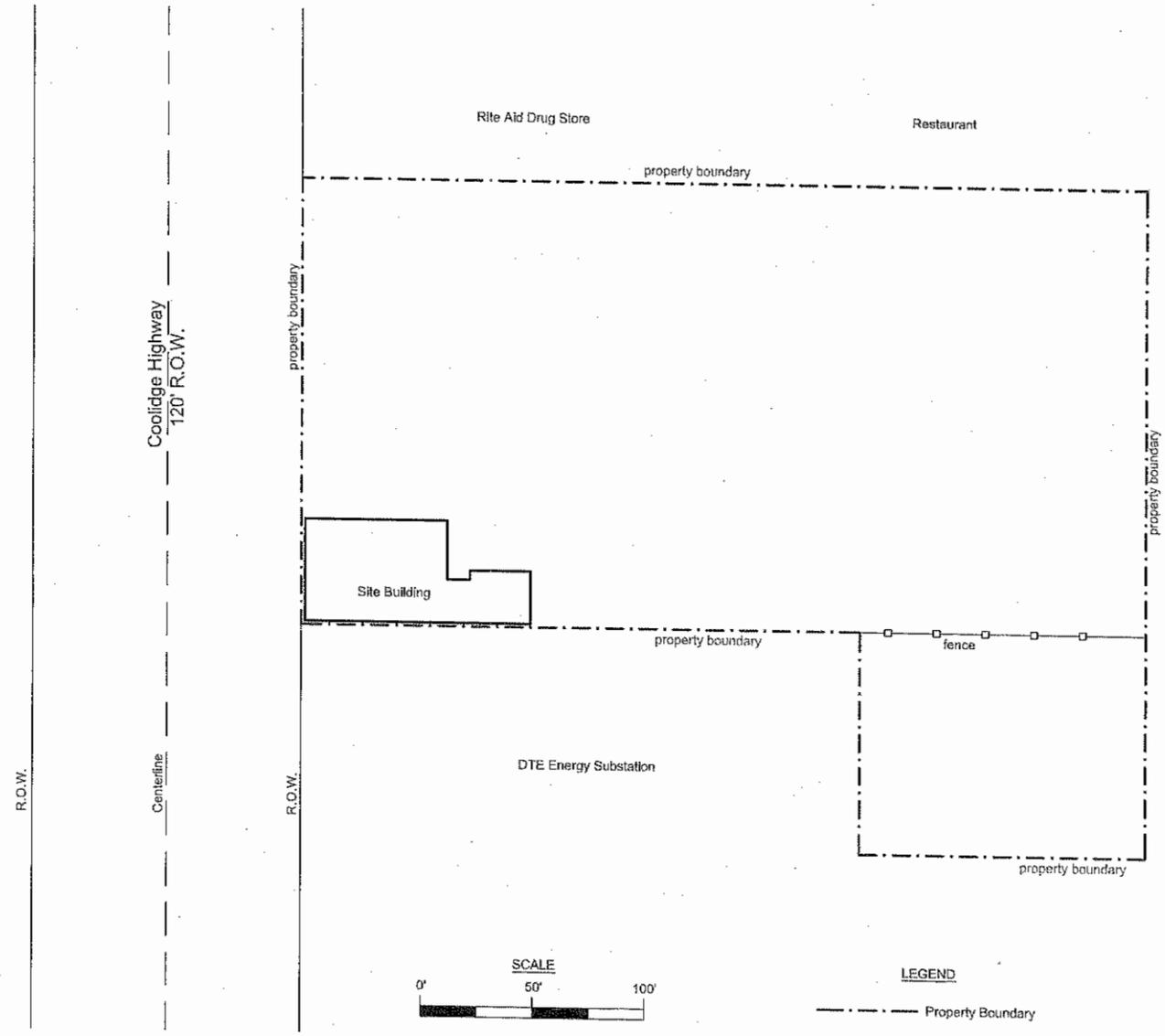
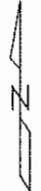
BROWNFIELD PLAN

**PROPOSED TCF BANK BRANCH
COOLIDGE HIGHWAY, SOUTH OF MAPLE ROAD
TROY, OAKLAND COUNTY, MICHIGAN**

FIGURE 1 – SITE LOCATION MAP

Superior Project No. SE2795.00





LEGEND

--- Property Boundary

FIGURE 2			
SITE PLAN			
PROPOSED BANK BRANCH			
COOLIDGE HWY., SOUTH OF MAPLE ROAD TROY, OAKLAND COUNTY, MICHIGAN			
scale	1" = 50'	date drawn	10/11/05
project mgr.	HCS	drawn by	HCS
dwg #	figure2.dwg	project #	SE2795.00
Superior ENVIRONMENTAL CORP			

Adapted from SEC field notes and Bowers & Rein Associates, Inc. Preliminary Site Plan; not a legal survey.

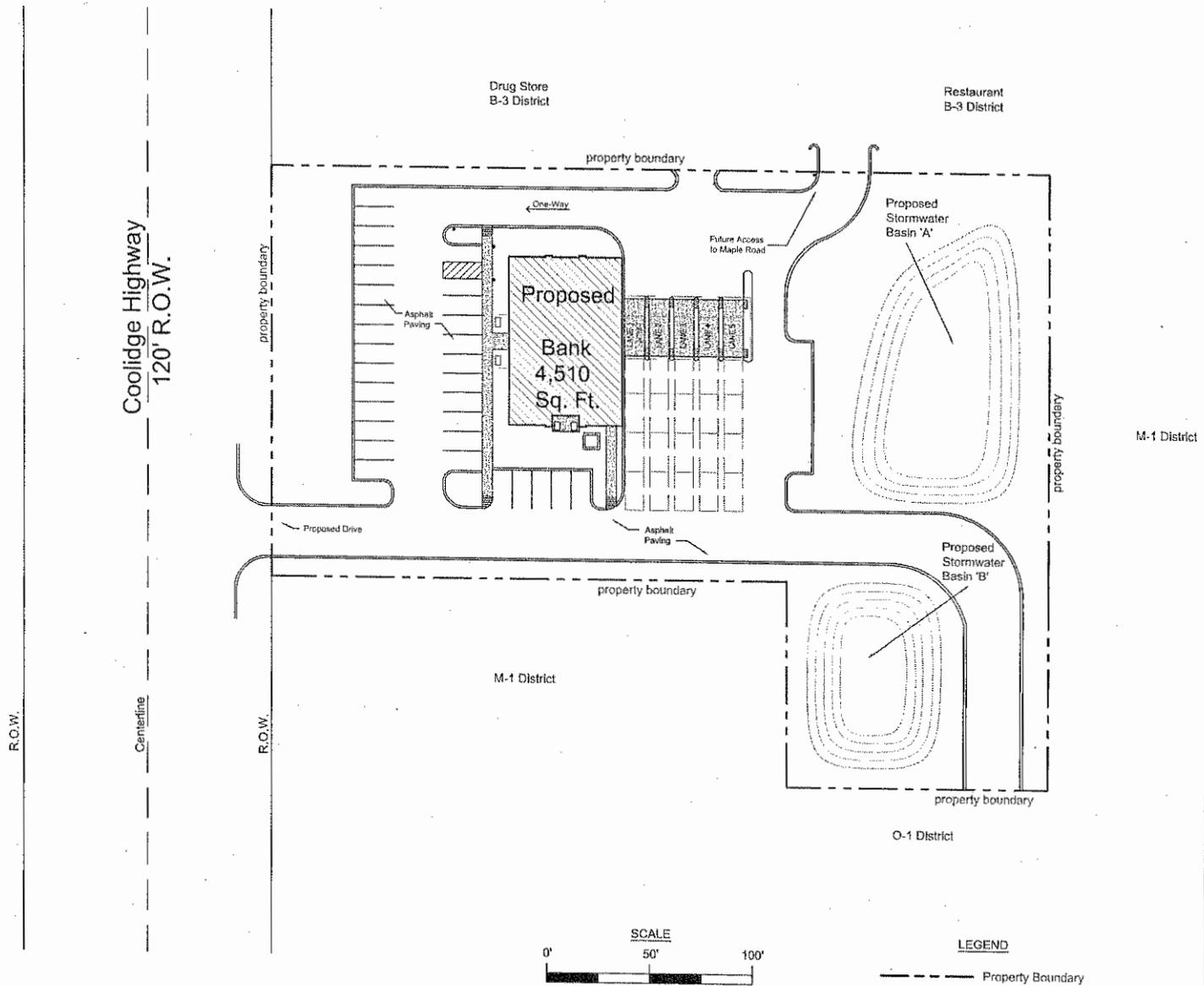
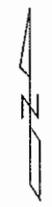
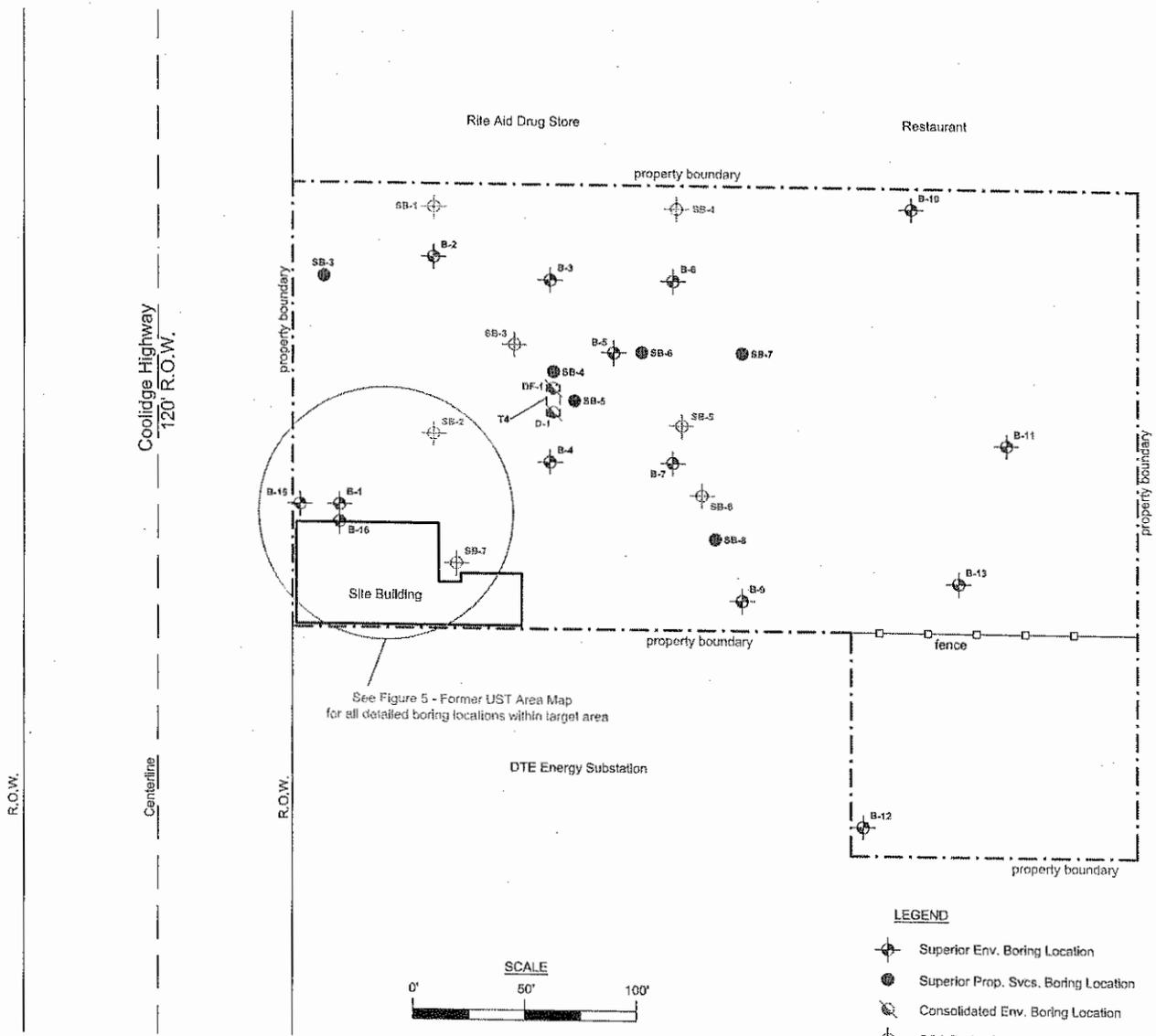


FIGURE 3			
SITE DEVELOPMENT PLAN			
PROPOSED BANK BRANCH			
COOLIDGE HWY. SOUTH OF MAPLE ROAD TROY, OAKLAND COUNTY, MICHIGAN			
scale	1" = 50'	date drawn	10/10/05
project mgr.	RDD	drawn by	HCS
dwg #	figure3.dwg	project #	SE2795.00
Superior ENVIRONMENTAL CORP			

Adapted from SEC field notes and Bowers & Rein Associates, Inc. Preliminary Site Plan; not a legal survey.

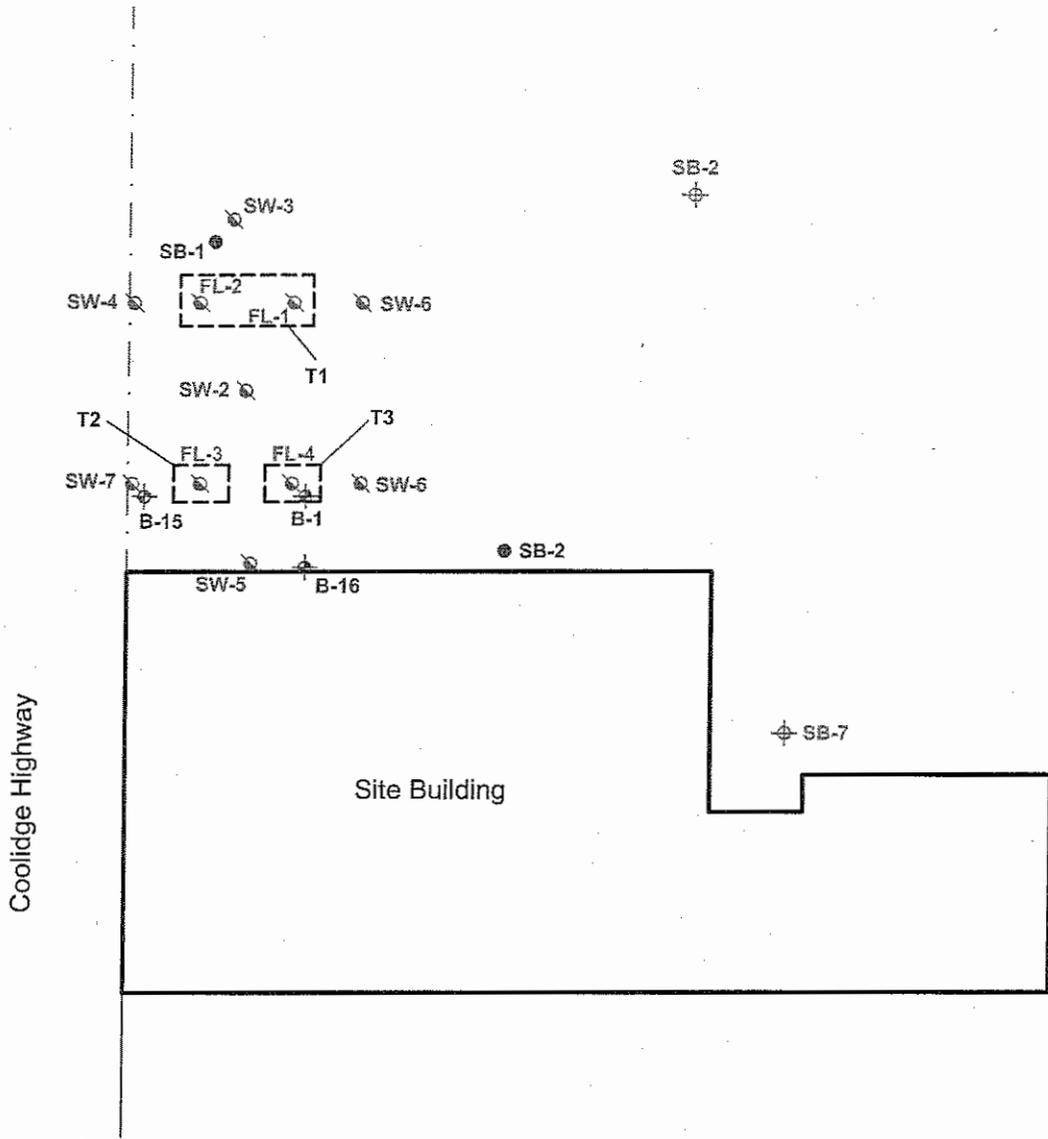


LEGEND

- Superior Env. Boring Location
- Superior Prop. Svcs. Boring Location
- Consolidated Env. Boring Location
- SCA Boring Location
- Former UST Identification
- Property Boundary

FIGURE 4			
SOIL BORING LOCATION MAP			
PROPOSED BANK BRANCH			
COOLIDGE HWY., SOUTH OF MAPLE ROAD TROY, OAKLAND COUNTY, MICHIGAN			
scale	1" = 50'	date drawn	10/11/05
project mgr.	HCS	drawn by	HCS
dwg #	figure4.dwg	project #	SE2795.00
Superior ENVIRONMENTAL CORP.			

Adapted from SEC field notes and Bowers & Rein Associates, Inc. Preliminary Site Plan; not a legal survey.



LEGEND

- ⊕ Superior Env. Boring Location
- Superior Prop. Svcs. Boring Location
- ⊗ Consolidated Env. Boring Location
- ⊕ SCA Boring Location
- T1 Former UST Identification
- Property Boundary

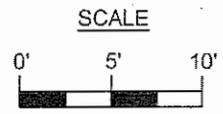
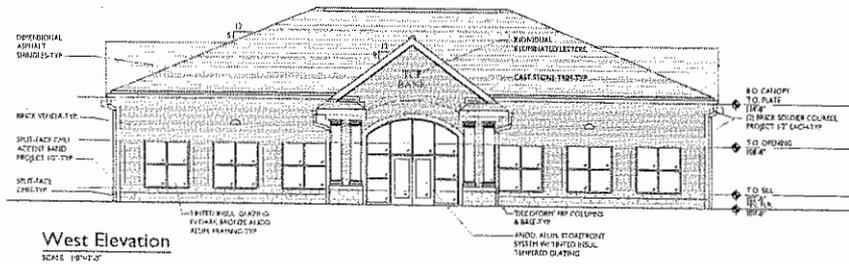


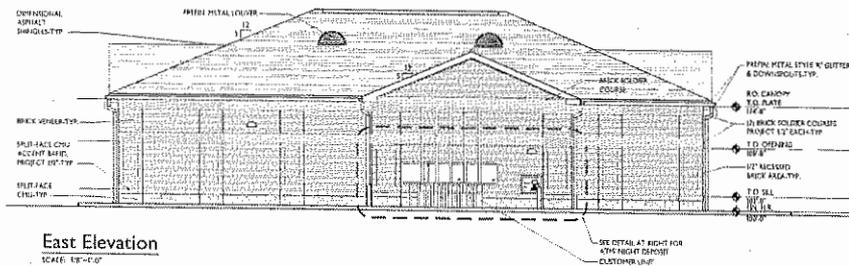
FIGURE 5			
FORMER UST AREA MAP			
PROPOSED BANK BRANCH			
COOLIDGE HWY., SOUTH OF MAPLE ROAD TROY, OAKLAND COUNTY, MICHIGAN			
scale	1" = 10'	date drawn	10/11/05
project mgr.	RDD	drawn by	HCS
dwg #	figure5.dwg	project #	SE2795.00



Adapted from SEC field notes and Bowers & Rein Associates, Inc. Preliminary Site Plan; not a legal survey.

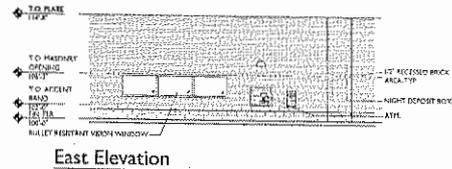


West Elevation
SCALE: 1/8"=1'-0"

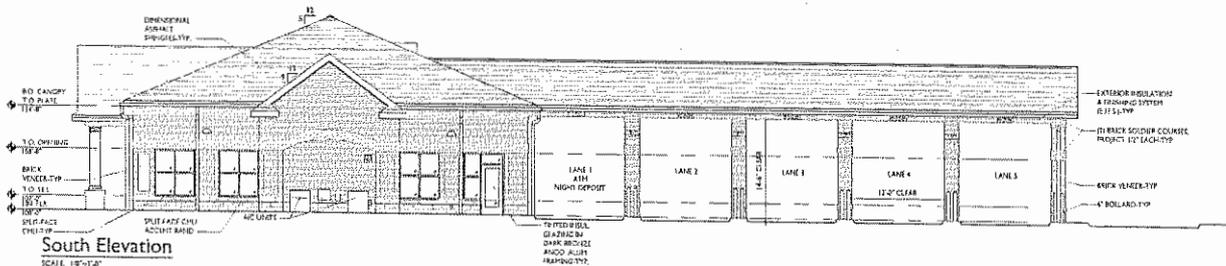


East Elevation
SCALE: 1/8"=1'-0"

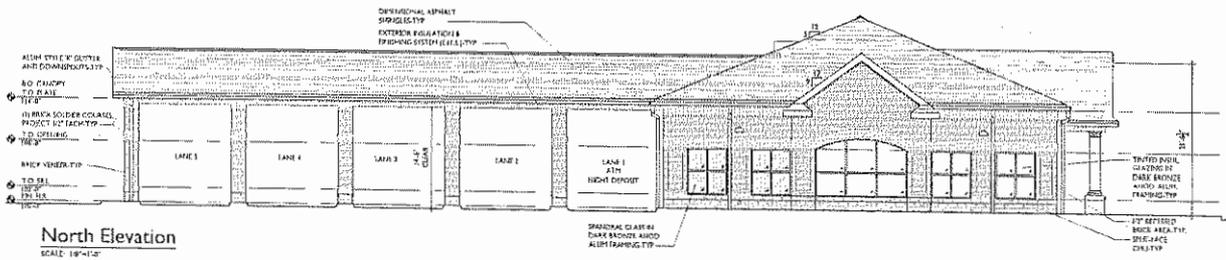
COLOR LEGEND	
SPRINT FACE CHU	EXTERIOR COLOR: GRAY BEIGE SENE
BRICK VENEER	COLOR: OLIVE GREY BRICK AMBERENT
ASPHALT SHINGLES	COLOR: TEAL PASTELQUE FOREST GREEN
EIFES	COLOR: STYACID 1818 MOCHA CREAM
ACCENT BANDING	COLOR: OLIVE GREY BRICK OYSTER GRAY
CART STONES	COLOR: D/C MICHAMOR CO. TRUSCHSTONE
COLUMNS	FINISH: MICHAMOR CO. SYSTEM RECOMMEND 3/4" ROSTON 16.26"



East Elevation
SCALE: 1/8"=1'-0"



South Elevation
SCALE: 1/8"=1'-0"



North Elevation
SCALE: 1/8"=1'-0"

BOWERSREIN
ARCHITECTS
P.C.
214.515.8800 • 1731.015.3413
www.bowersrein.com

Consultant + Name

Project + Information
TOP BANK
COLUMBIA HIGHWAY
FREDY, MICHIGAN

Project + Number
05-421

Issue + Date
02/10/2024 10:30:06
16191582R.2.2024

Sheet + Title
01-EXTERIOR
547515700-010

Sheet + Number
A5.00

© 2024 BOWERSREIN ARCHITECTS P.C.

APPENDIX A

Legal Description

Parcel Number	88-20-32-101-009
Property Address	
Property Address Apt	
Property Address Zip	
Neighborhood Code	VCOMM
Taxable Value	70800
State Equalized Value (SEV)	70800
Property Class	202
Zoning	B-3
School District	Troy Schools
Principal Residence Exemption	0
Last Sale Amount	412500
Last Sale Date	06/05/2000
Owner Street Address	P O BOX 628
Owner City	BLOOMFIELD HILLS
Owner State	MI
Owner Zip Code	48303-0628
Taxpayer Street Addr	
Frontage	100
Depth of Parcel	377.61
Acreage Of Parcel	0.8668733
Num Res Buildings	0
Summary Res Floor Area	0
Summary Res Garage Area	0
Summary Res Year Built	0
Summary Res Style Alph	
Summary Res Num Bed	0
Summary Res Num Bath	0
Summary Res Basement Area	0
Num CI Buildings	0
Summary CI Floor Area	0
Summary CI Occupancy	Apartment
Summary CI Stories	0
Summary CI Year Built	0
Legal Description	T2N, R11E, SEC 32 MAPLE COOLIDGE ESTATES LOT 20

Parcel Number	88-20-32-101-023
Property Address	1470 COOLIDGE
Property Address Apt	
Property Address Zip	48084-7087
Neighborhood Code	SCN
Taxable Value	128100
State Equalized Value (SEV)	128100
Property Class	301
Zoning	M-1
School District	Troy Schools
Principal Residence Exemption	0
Last Sale Amount	412500
Last Sale Date	06/05/2000
Owner Street Address	P O BOX 628
Owner City	BLOOMFIELD HILLS
Owner State	MI
Owner Zip Code	48303-0628
Taxpayer Street Addr	
Frontage	100
Depth of Parcel	376.69
Acreage Of Parcel	1.149426
Num Res Buildings	0
Summary Res Floor Area	0
Summary Res Garage Area	0
Summary Res Year Built	0
Summary Res Style Alph	
Summary Res Num Bed	0
Summary Res Num Bath	0
Summary Res Basement Area	0
Num CI Buildings	1
Summary CI Floor Area	2610
Summary CI Occupancy	Industrial, Light Manufacturing
Summary CI Stories	1
Summary CI Year Built	1954
Legal Description	T2N, R11E, SEC 32 MAPLE COOLIDGE ESTATES PART OF LOT 18 BEG AT PT DIST S 00-20-40 E 589.87 FT & N 89-59-00 E 59.54 FT & N 89-59-00 E 252.69 FT FROM NW SEC COR, TH N 89-59-00 E 124 FT, TH S 00-04-36 E 100 FT, TH S 89-59-00 W 124 FT, TH N 00-04-36 W 10

APPENDIX B

Tax Capture Tables

Table 1 Annual Estimated Tax Increment Revenue

Proposed TCF National Branch 1470 Coolidge Troy, Michigan	Projectected State Equalized Value: \$1,298,900 Current State Equalized Value: \$198,900 Increased State Equalized Value: \$1,100,000 Tax Rate 2005 (total) 0.0156805
---	--

Parcel 88-20-32-101-009 & 88-20-32-101-023	2005 Combined SEV taxable \$198,900	2006 Combined SEV Projected \$1,298,900
--	---	---

Tax Year	Year	Inceased Taxable Value*	Increased Captured Taxes	Cumlative Tax Capture	Investment Pay Back
2005	0	\$0	\$0	\$0	\$489,296
2006	1	\$1,100,000	\$17,249	\$17,249	\$472,047
2007	2	\$1,116,500	\$17,507	\$34,756	\$454,540
2008	3	\$1,133,248	\$17,770	\$52,526	\$436,770
2009	4	\$1,150,246	\$18,036	\$70,562	\$418,734
2010	5	\$1,167,500	\$18,307	\$88,869	\$400,427
2011	6	\$1,185,012	\$18,582	\$107,451	\$381,845
2012	7	\$1,202,788	\$18,860	\$126,311	\$362,985
2013	8	\$1,220,829	\$19,143	\$145,454	\$343,842
2014	9	\$1,239,142	\$19,430	\$164,885	\$324,411
2015	10	\$1,257,729	\$19,722	\$184,606	\$304,690
2016	11	\$1,276,595	\$20,018	\$204,624	\$284,672
2017	12	\$1,295,744	\$20,318	\$224,942	\$264,354
2018	13	\$1,315,180	\$20,623	\$245,565	\$243,731
2019	14	\$1,334,908	\$20,932	\$266,497	\$222,799
2020	15	\$1,354,931	\$21,246	\$287,743	\$201,553
2021	16	\$1,375,255	\$21,565	\$309,307	\$179,989
2022	17	\$1,395,884	\$21,888	\$331,196	\$158,100
2023	18	\$1,416,822	\$22,216	\$353,412	\$135,884
2024	19	\$1,438,075	\$22,550	\$375,962	\$113,334
2025	20	\$1,459,646	\$22,888	\$398,850	\$90,446
2026	21	\$1,481,541	\$23,231	\$422,081	\$67,215
2027	22	\$1,503,764	\$23,580	\$445,661	\$43,635
2028	23	\$1,526,320	\$23,933	\$469,594	\$19,702
2029	24	\$1,549,215	\$24,292	\$493,887	\$0
2030	25	\$1,572,453	\$24,657	\$518,544	
2031	26	\$1,596,040	\$25,027	\$543,570	
2032	27	\$1,619,980	\$25,402	\$568,972	
2033	28	\$1,644,280	\$25,783	\$594,756	
2034	29	\$1,668,944	\$26,170	\$620,925	
2035	30	\$1,693,979	\$26,562	\$647,488	

* increased 1.5% per year

Table 2 Estimated Tax Increment Revenue By Jurisdiction

Proposed TCF National Branch
 1470 Coolidge
 Troy, Michigan

Projectected State Equalized Value: \$1,298,900
 Current State Equalized Value: \$198,900
 Increased State Equalized Value: \$1,100,000
 Tax Rate 2005 (total) 0.0156805

Parcel	Combined 2005 SEV taxable	Combined 2006 SEV Projected
88-20-32-101-009 & 88-20-32-101-023	\$198,900	\$1,298,900

Tax Year	Year	City Operating 9.45	County 4.6461	Community College 1.5844	Total 2005 tax 15.6805	Inceased Taxable Value*
2005	0					
2006	1	\$10,395	\$5,111	\$1,743	\$17,249	\$1,100,000
2007	2	\$10,551	\$5,187	\$1,769	\$17,507	\$1,116,500
2008	3	\$10,709	\$5,265	\$1,796	\$17,770	\$1,133,248
2009	4	\$10,870	\$5,344	\$1,822	\$18,036	\$1,150,246
2010	5	\$11,033	\$5,424	\$1,850	\$18,307	\$1,167,500
2011	6	\$11,198	\$5,506	\$1,878	\$18,582	\$1,185,012
2012	7	\$11,366	\$5,588	\$1,906	\$18,860	\$1,202,788
2013	8	\$11,537	\$5,672	\$1,934	\$19,143	\$1,220,829
2014	9	\$11,710	\$5,757	\$1,963	\$19,430	\$1,239,142
2015	10	\$11,886	\$5,844	\$1,993	\$19,722	\$1,257,729
2016	11	\$12,064	\$5,931	\$2,023	\$20,018	\$1,276,595
2017	12	\$12,245	\$6,020	\$2,053	\$20,318	\$1,295,744
2018	13	\$12,428	\$6,110	\$2,084	\$20,623	\$1,315,180
2019	14	\$12,615	\$6,202	\$2,115	\$20,932	\$1,334,908
2020	15	\$12,804	\$6,295	\$2,147	\$21,246	\$1,354,931
2021	16	\$12,996	\$6,390	\$2,179	\$21,565	\$1,375,255
2022	17	\$13,191	\$6,485	\$2,212	\$21,888	\$1,395,884
2023	18	\$13,389	\$6,583	\$2,245	\$22,216	\$1,416,822
2024	19	\$13,590	\$6,681	\$2,278	\$22,550	\$1,438,075
2025	20	\$13,794	\$6,782	\$2,313	\$22,888	\$1,459,646
2026	21	\$14,001	\$6,883	\$2,347	\$23,231	\$1,481,541
2027	22	\$14,211	\$6,987	\$2,383	\$23,580	\$1,503,764
2028	23	\$14,424	\$7,091	\$2,418	\$23,933	\$1,526,320
2029	24	\$14,640	\$7,198	\$2,455	\$24,292	\$1,549,215
2030	25	\$14,860	\$7,306	\$2,491	\$24,657	\$1,572,453
Total		\$312,505	\$153,643	\$52,395	\$518,544	

* increased 1.5% per year

February 20, 2006

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager

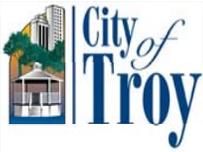
RE: Continuation of Public Hearing on Excluding the Proposed Monarch Development from the DDA Boundaries

This is a continuation of the Public Hearing from October 24, 2005. Any final action (amendment to boundaries) cannot take place any earlier than 60 days after the conclusion of a Public Hearing, or in this case, April 28th (Friday) or May 1st (Monday) at a regular Council meeting

Attached is a copy of the PowerPoint presentation I will make regarding the impact of removing the portion of the tax base from the Monarch project, which would currently be within the boundaries of the DDA tax increment financing area. My presentation will focus on the primary issue of the business sector as a donor group relative to paying for municipal services and the residential sector as a consumer group. As well, I have included background information covering issues such as bonding capacity, historic investments, and potential investment opportunities within the DDA.

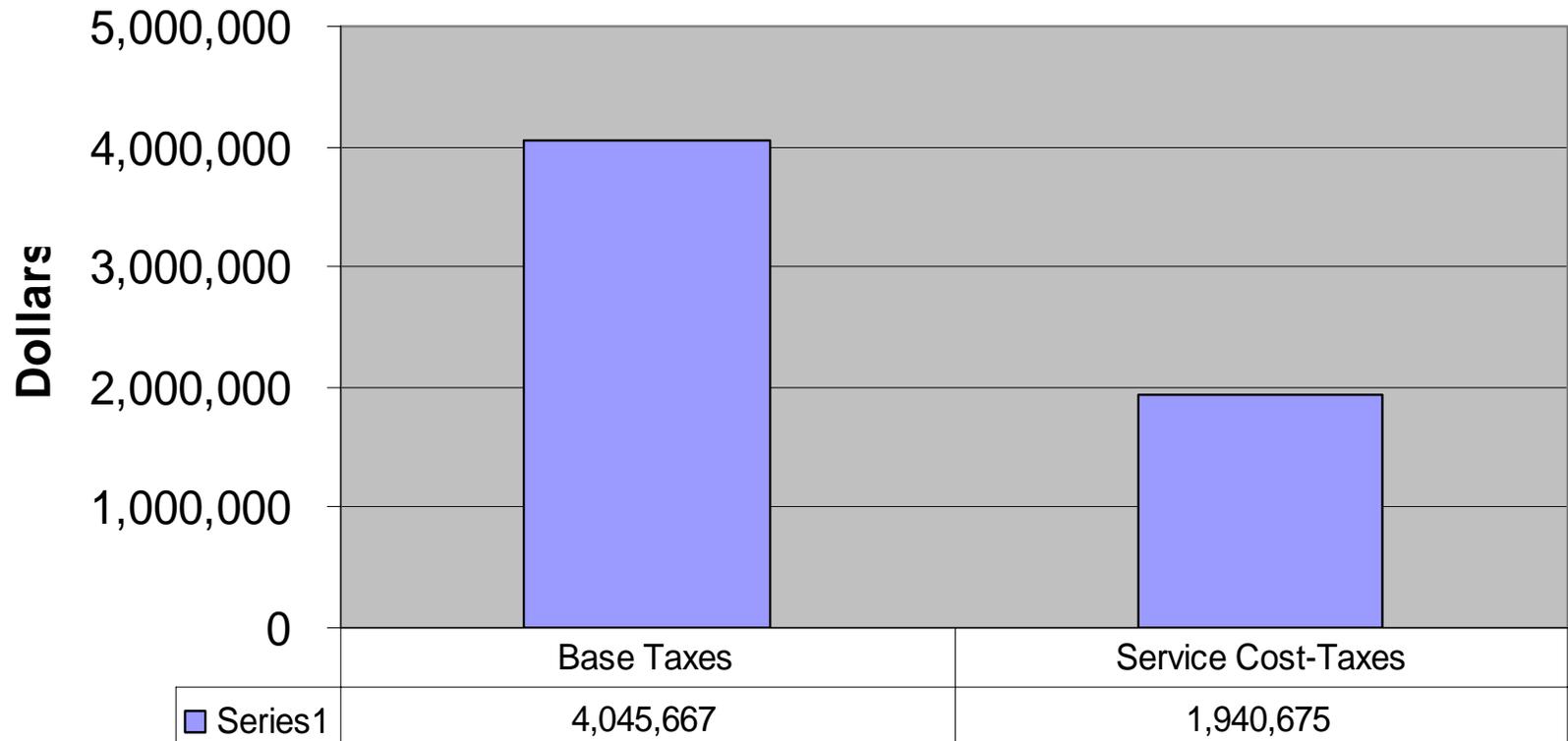
As always, feel free to call should you have any questions.

Cc: Downtown Development Authority
Doug Smith, Real Estate and Development Director
John Lamerato, Assistant City Manager/Finance
Brian Murphy, Assistant City Manager/Services
Nino Licari, City Assessor
Lori Bluhm, City Attorney
John Abraham, Traffic Engineer
Bob Bendzinski

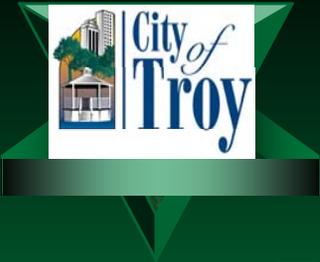


Revenue Vs. Expense Chart

DDA: Base Taxes v. Service Costs



Base & Service Taxes



Commercial Donor / Residential User

Commercial/Industrial class of properties is a 'donor' class of property

- ▼ Summary of all of the data presented shows a Net Deficit in tax dollars paid by the Residential class
 - Residential class of properties consumes \$6,274,919 more dollars of taxes for services than its contribution for the same
- ▼ Summary shows a Net Overage in tax dollars paid by the Commercial / Industrial class
 - Commercial/Industrial class of property pays \$6,274,919 more in taxes than the costs of the services it uses.
 - to offset the usage by the Residential class amounts to \$664,012,593 dollars of Taxable Value ($(\$6,274,919 / 9.45 \text{ mills}) * 1,000$).
 - Commercial/Industrial class is currently \$521,499,630 less in Taxable Value than the Residential class



PUD with High-End Residential – The Future of DDA?



PROPOSED ELEVATION



Debt Service Threshold

TDDA Captured Taxable Value Projections

1/31/2006

	W/O Monarch	W/Monarch	Tax Rate \$15.69	Debt Serv.	% of Taxes
2006-07	239,616,442	239,616,442	\$ 3,759,582	\$ 3,279,000	87.22
	(% of Taxes 87.22)				
2007-08	243,820,371	247,820,371	\$ 3,888,302	\$ 3,281,000	84.38
	(% of Taxes 85.77)				
2008-09	248,262,244	268,762,244	\$ 4,216,880	\$ 3,335,000	79.09
	(% of Taxes 85.62)				
2009-10	252,940,382	293,940,382	\$ 4,611,925	\$ 3,375,000	73.18
	(% of Taxes 85.04)				
2010-11	257,853,243	300,083,243	\$ 4,708,306	\$ 3,369,000	71.55
	(% of Taxes 83.27)				

Assumptions

W/O Monarch - 1.5% increase in real and 3% reduction in personal

W/Monarch - 12/31/06 4,000,000 TV; 12/31/07 20,500,000 TV; 12/31/08
41,000,000 TV

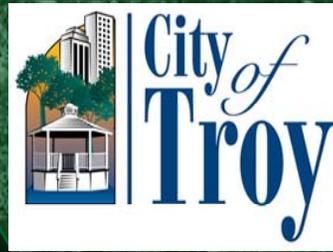
Monarch - \$90,000,000 MV (41,000,000 TDDA TV; 4,000,000 City TV)



Leveraging Additional Funds

Leveraged Taxes from the Monarch Project

Net New Taxable Value	DDA Mills	Net New DDA Taxes	City Only Mills	City Taxes	County Only Mills	Leveraged Taxes
36,308,850	15.6865	\$569,559	9.4500	\$343,119	6.2365	\$226,440



Expires 2018

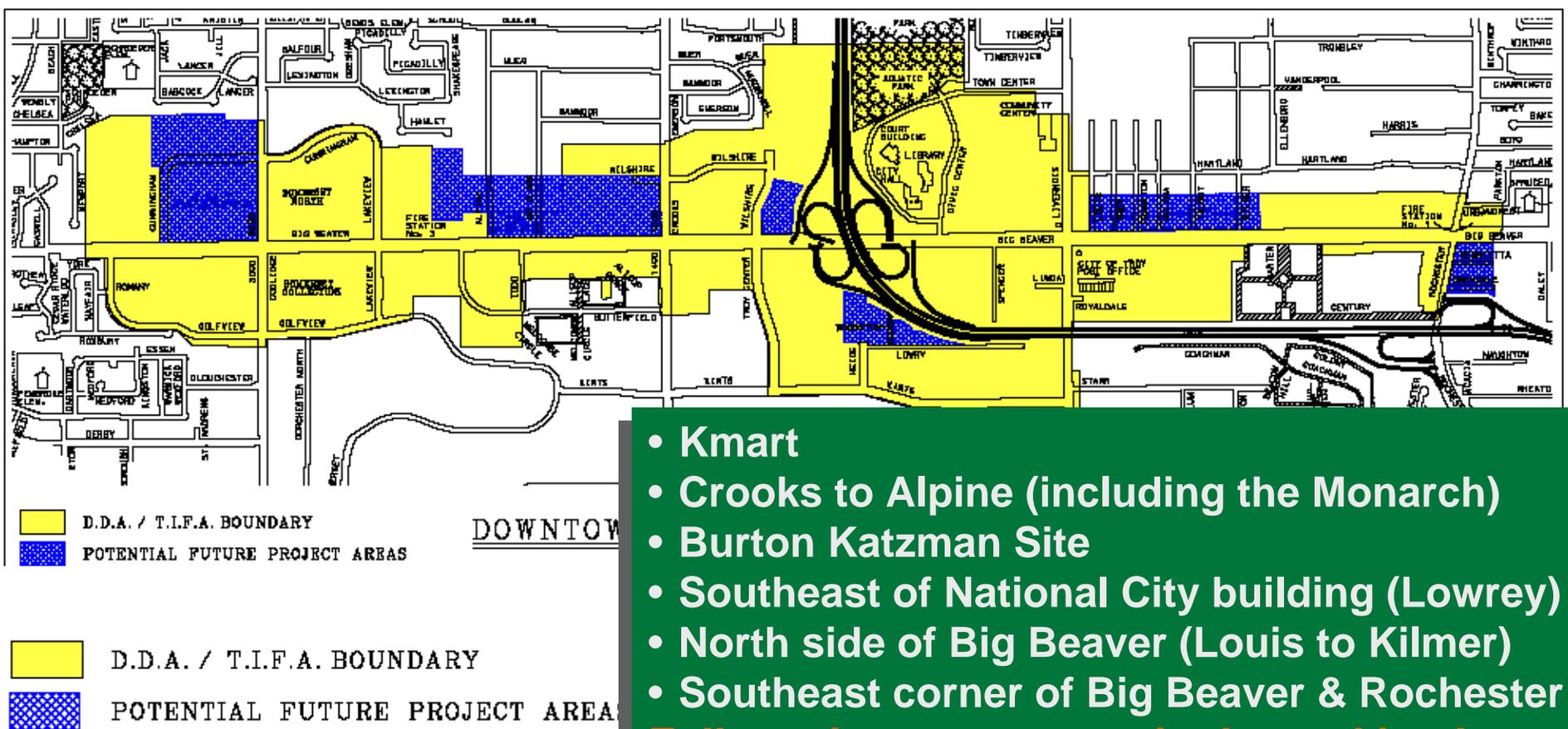


Positive Externalities

- ▼ Increase in property values City-wide as a result of being a destination City
- ▼ Increase in jobs
- ▼ Increase in property maintenance
- ▼ Increase in quality of life for everyone; Community Center gets more than 600,000 visits per year
- ▼ Increase in mobility for all: 70,000+ vehicles per day on Big Beaver
- ▼ Funding of Big Beaver corridor study
- ▼ Value of board of directors



Redevelopment Opportunities

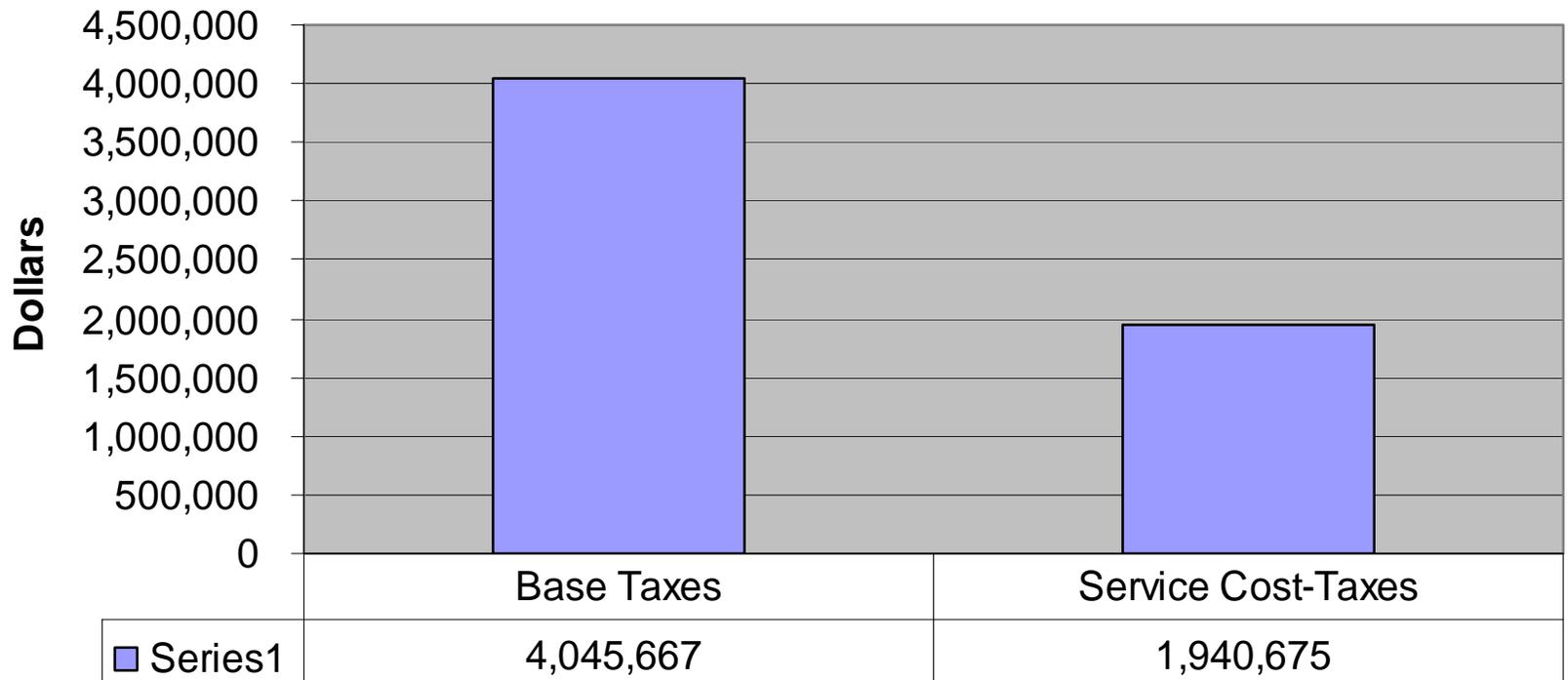


- Kmart
- Crooks to Alpine (including the Monarch)
- Burton Katzman Site
- Southeast of National City building (Lowrey)
- North side of Big Beaver (Louis to Kilmer)
- Southeast corner of Big Beaver & Rochester
- **Full service restaurants in the parking lots**
- Sheffield
- Troy Place
- SBC
- Troy Officecentre



Graph with Monarch

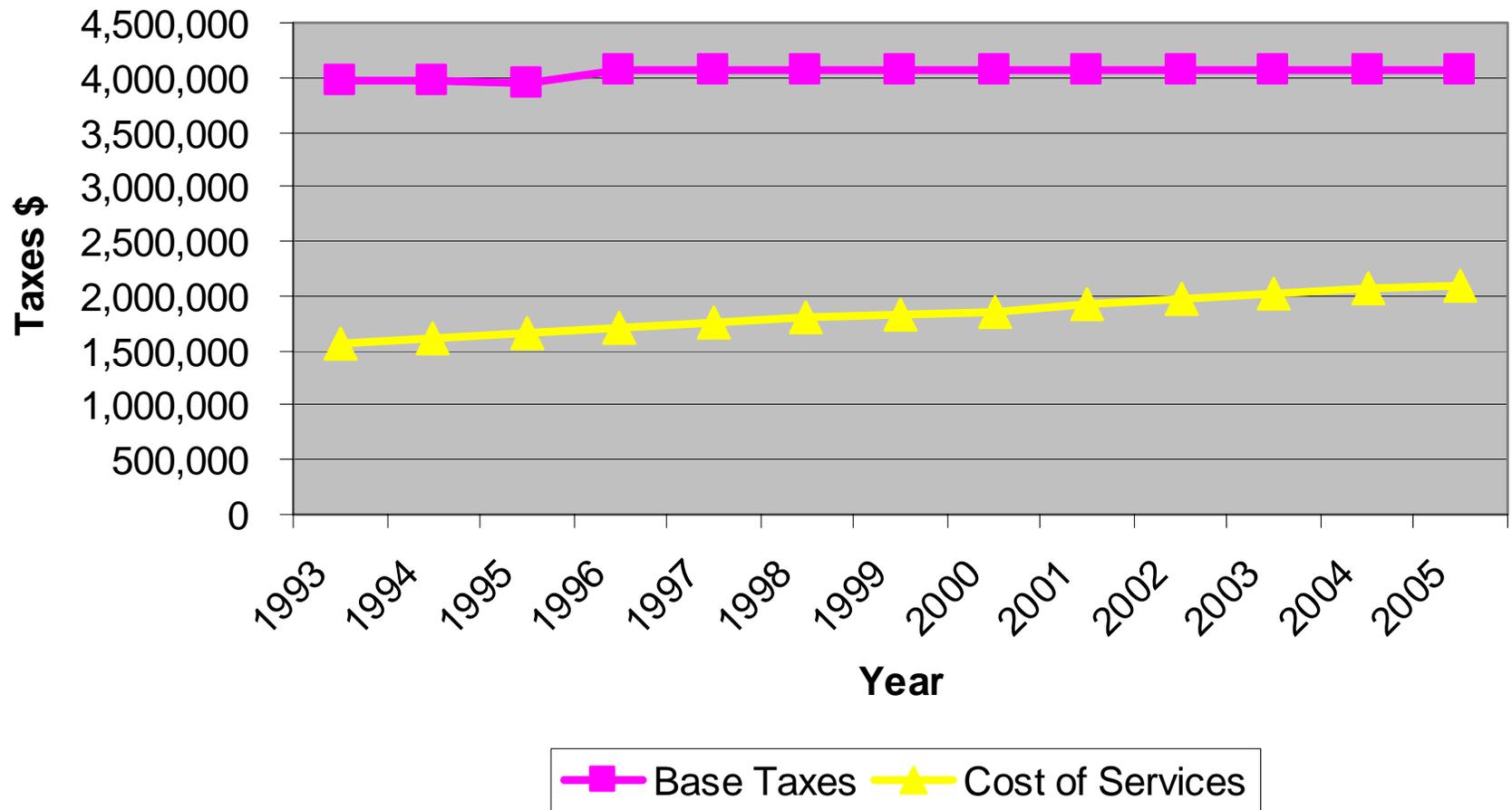
DDA Base Taxes v. Service Costs w/Monarch



Base & Service Taxes



DDA Base Taxes and Cost of Service





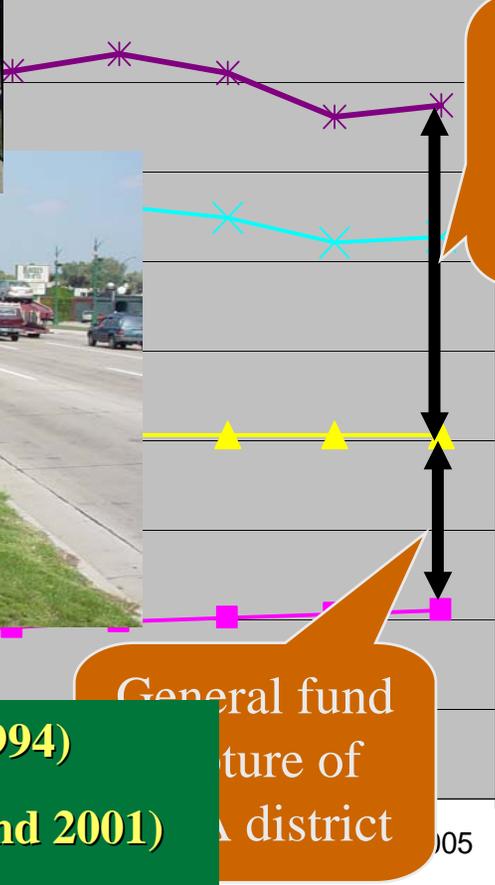
Cost

Service

Base Plus City & County Tax

Tax capture for DDA projects

0 000 000



General fund

2005

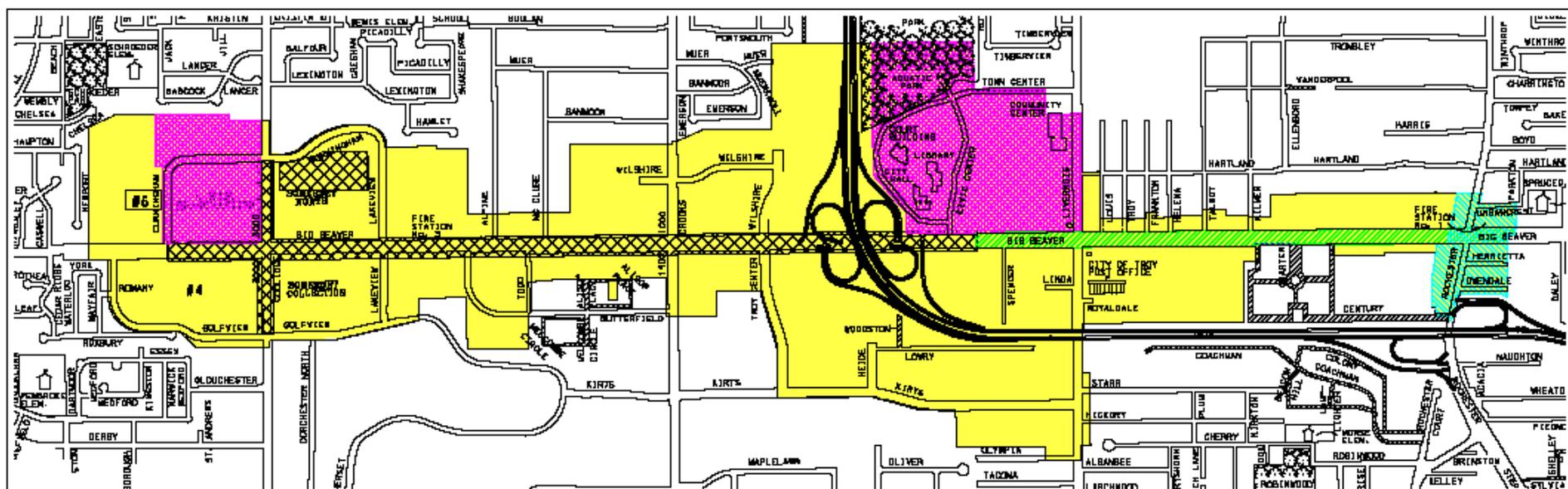
- Somerset North - \$17.1 M for parking structure (1994)
- Big Beaver Road Improvements - \$ 17.4 M (1994 and 2001)
- Rochester Road Improvements - \$ 2 M (1999)
- Troy Community Center - \$13.7 M (2002)

Taxes
4,000,0
3,000,0
2,000,0





DDA Historical Projects



- D.D.A. / T.I.F.A. BOUNDARY
- SOMERSET NORTH PROJECT
- KMART & COMMUNITY CTR. PROJECTS
- BIG BEAVER ROAD PROJECT
- ROCHESTER ROAD PROJECT

DOWNTOWN DEVELOPMENT AUTHORITY

- D.D.A. / T.I.F.A. BOUNDARY
- SOMERSET NORTH PROJECT
- KMART & COMMUNITY CTR. PROJECTS
- BIG BEAVER ROAD PROJECT
- ROCHESTER ROAD PROJECT



For More Information...

- ▼ Doug Smith, *'Information for Council Public Hearing on DDA Boundaries'*, October 19, 2005
- ▼ Robert Bendzinski, *'Impact of Reducing the Boundaries of the Troy Downtown Development Authority'*, October 20, 2005
- ▼ Nino Licari, *'Analysis of Taxes Paid'*, November 22, 2005
- ▼ Brian Murphy, *'Cost for Services, Residential v Commercial'*, October 18, 2005
- ▼ Nino Licari, *'Estimate of Taxes Generated by Proposed Monarch Project'*, July 14, 2005

October 19, 2005

TO: John Szerlag, City Manager

FROM: Doug Smith, Real Estate and Development Director

SUBJECT: AGENDA ITEM - Information for Council Public Hearing on DDA Boundaries

A number of issues were raised at the Monday night, October 17th Joint Council and DDA meeting and at the Wednesday, October 20th DDA meeting. Following is simply a list of the issues that may help Council as they deliberate on considering boundary changes for the DDA.

Purpose:

The underlying purpose of the DDA is simply to accelerate the pace and amount of growth in a principal business district by investing in public infrastructure, the increased tax revenue from the district for a period not to exceed 30 years.

In Troy's case, the Big Beaver Corridor is the primary business district and is critical to attracting companies to Troy even though they end up in the Northfield business district or along Maple and Stephenson Highway.

Authority for DDA:

- The DDA is a creation of Troy's ordinance Number 78, which was adopted on July 12, 1993.
- Troy's ordinance directs you to the state statute (MCL 125.1651 et. Seq.), which was adopted in 1975.
- The state statute grants broad powers to the DDA Board.
- There is a termination provision in Ordinance 78-December 31, 2024 OR upon the retirement of all bonded debt, whichever occurs last.

Ordinance/Determination of Necessity; Purpose:

"An act to provide for the establishment of a downtown development authority; to prescribe its power and duties; to correct and prevent

deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials.” (Troy Ordinance #78)

Powers of the DDA:

MCL 125.1657 – the Board may:

- Prepare an analysis of economic changes in the downtown district.
- Stud the impact of metro growth on the downtown district.
- Plan and propose the construction, renovation, repair, remodeling, rehabilitation, restoration, preservation or reconstruction of a PUBLIC facility, an existing building or a multiple-family dwelling when necessary to aid in the economic growth of the district.
- Plan, propose and implement an improvement to a public facility within the development area for a barrier free design.
- Develop long range plans designed to halt the deterioration of property values in the downtown district & to promote growth of the district – and to take steps to persuade property owners to implement the plans.
- Implement any plan of development in accordance with the purposes of the act and the powers granted by the act.
- Contract for the exercise of powers and performance of duties,
- Acquire land (eminent domain) when reasonably necessary to achieve the purposes of the act.
- Improve land and construct, reconstruct, rehabilitate and restore, preserve, equip, improve, maintain, repair, and operate any building and any appurtenances thereto, within the downtown district (includes multiple family dwellings) for any public or private person or corporation.
- Fix, charge, collect fees, rents, and charges for the use of any building or property under its control and pledge the fees, rents, etc. for payment of revenue bonds issued by the authority.
- Lease any building or property.
- Accept grants and donations of property.
- Acquire and construct public facilities.

Leverage:

The DDA district is permitted to collect tax increment from the County and Community College so the DDA leverages 40% of its total captured taxes for public infrastructure from other than city sources, benefiting the general capital budget of the city.

Membership:

The members are appointed by the Mayor with concurrence by City Council.

When creating the Troy Downtown Development Authority, section 7 of Troy's ordinance required the Mayor to appoint the Board of Directors, subject to Council approval. The 13 Member Board of Directors includes the Mayor and twelve other members, each serving a term of four years. A majority of the Directors are required to have an interest in property located in the Downtown District.

In addition, if the DDA District has 100 or more residents in it, then at least one of the 13 Directors shall be a resident of the DDA district. If and when residences are constructed in the TDAA, then one of the residents would be appointed as a Director of the TDAA, in accordance with the ordinance and also state statute. In addition, the statutory requirement to create a Development Area Citizens Council when there are 100 or more residents in a development area would also need to be satisfied. This Development Area Citizens Council would be a separate entity of up to 9 members who are representative of the development area, and would serve as an advisory body to the City Council and also the TDDA in the adoption of development or tax increment financing plans.

Budget:

The DDA budget is approved annually by the City Council.

Investments:

1994	Somerset North parking deck	\$17.1m ¹	(\$22m) ²
1994	Big Beaver reconstruction Cunningham to I-75	\$ 3.1m	(\$17 m)
1999	Rochester Road expansion – I-75 to Torpey	\$ 5.6m	(\$18.7 m)
2001	Big Beaver I-75 – Rochester Road	\$14.3m	(\$15.9m)
2002	Troy Community Center	\$13.7m	(\$26.5m)

MEGA Local Matches:

2000 Kmart Data Center
2002 Axel Tech
2002 HTC Global

Ongoing: Maintenance of Big Beaver Corridor – Cunningham to I-75

1. DDA contribution
2. Total project cost

Bendzinski & Co.



municipal finance advisors

October 20, 2005

Mr. John Szerlag, City Manager
City of Troy
500 W. Big Beaver Road
Troy, Michigan 48084-5285

RE: Impact of Reducing the Boundaries of the Troy Downtown Development Authority

Dear Mr. Szerlag:

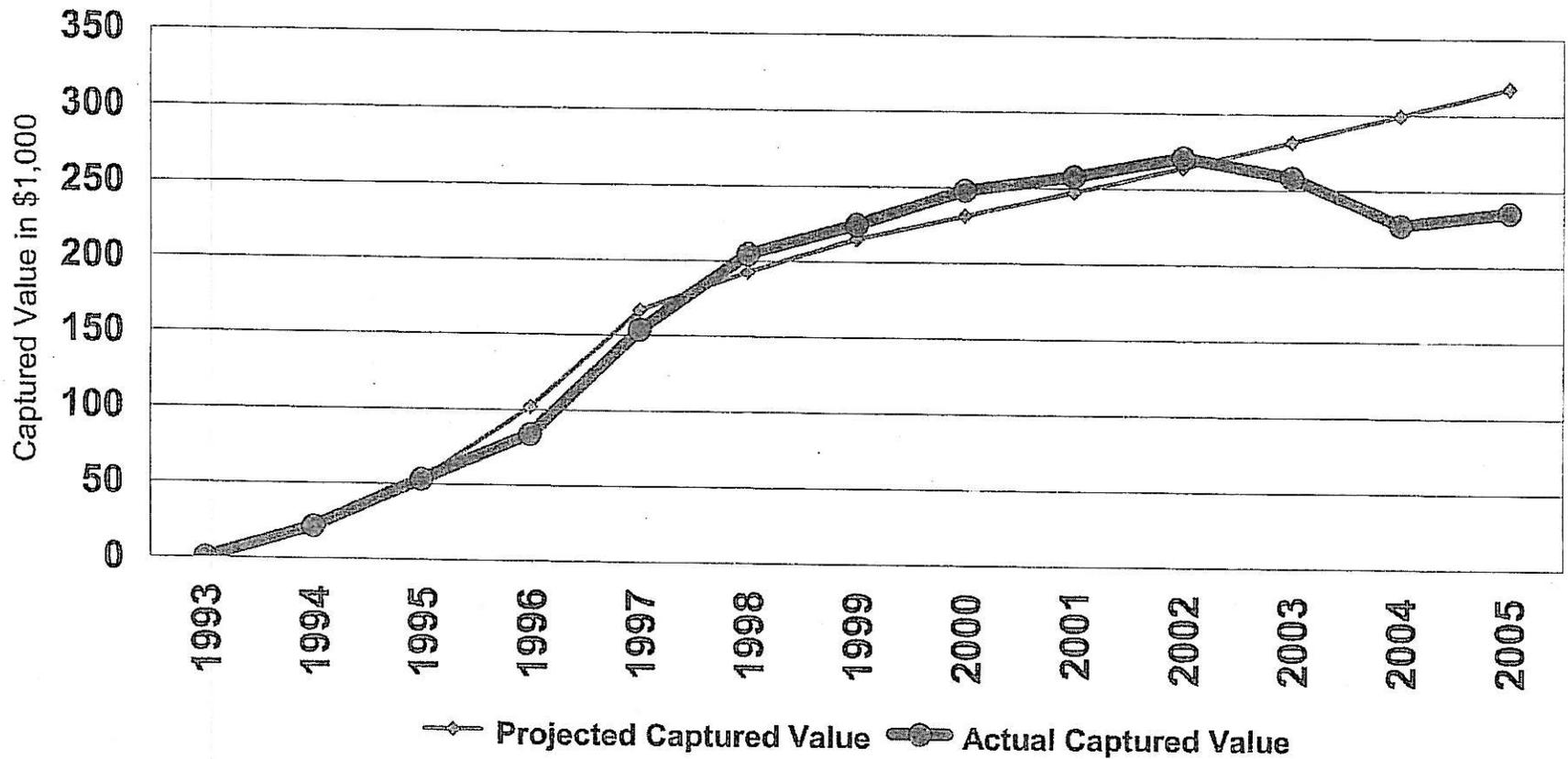
You have asked us to review the financial impact of changing the boundaries of the Troy Downtown Development Authority (the "DDA") by eliminating lots 90 through 93, except the South 42 feet of lots 90 and 92 of Muer's Garden Farms Subdivision in the City of Troy, more commonly known as the proposed Monarch Development.

BACKGROUND

When the City established the DDA and its boundaries by ordinance on July 12, 1993, the State Equalization Valuation of all real and personal property within the District was \$429,278,530. The Downtown Development Authority Act (the "DDA Act") requires that the City and the DDA prepare a Development Plan and Tax Increment Financing Plan (the "Plan") which established the boundaries of a "development area" within which the DDA would exercise its powers. The Plan, amongst other things, **froze the State Equalized Valuation (the "Initial Assessed Valuation") within the development area for the benefit of the various taxing jurisdictions** and made projections of the "growth" in State Equalized Valuation, (later to become Taxable Value with the passage of Proposal A in 1994) within the DDA area. The growth projections were based on the historical growth that had taken place within the DDA district and the expected growth as a result of the development of Somerset North in accordance with a Development Agreement between the DDA, the City and Frankel/Forbes Cohen Associates (the "Development Agreement"). This growth is called "Captured Value". A comparison of the "projected" Captured Value to the "actual growth" in valuations from 1993 through 2005 is set forth in Table 1 on page 2. All of the taxing jurisdictions, **including the City,**

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Table 1
Actual Vs. Projected Captured Values within the DDA District



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Mr. John Szerlag, City Manager

October 20, 2005

Page 3

continue to levy and collect taxes based on the Initial Assessed Valuation for along as the DDA continues to exist. Those taxes are used by the taxing jurisdictions for general operating and debt purposes, just as all other taxes collected by them.

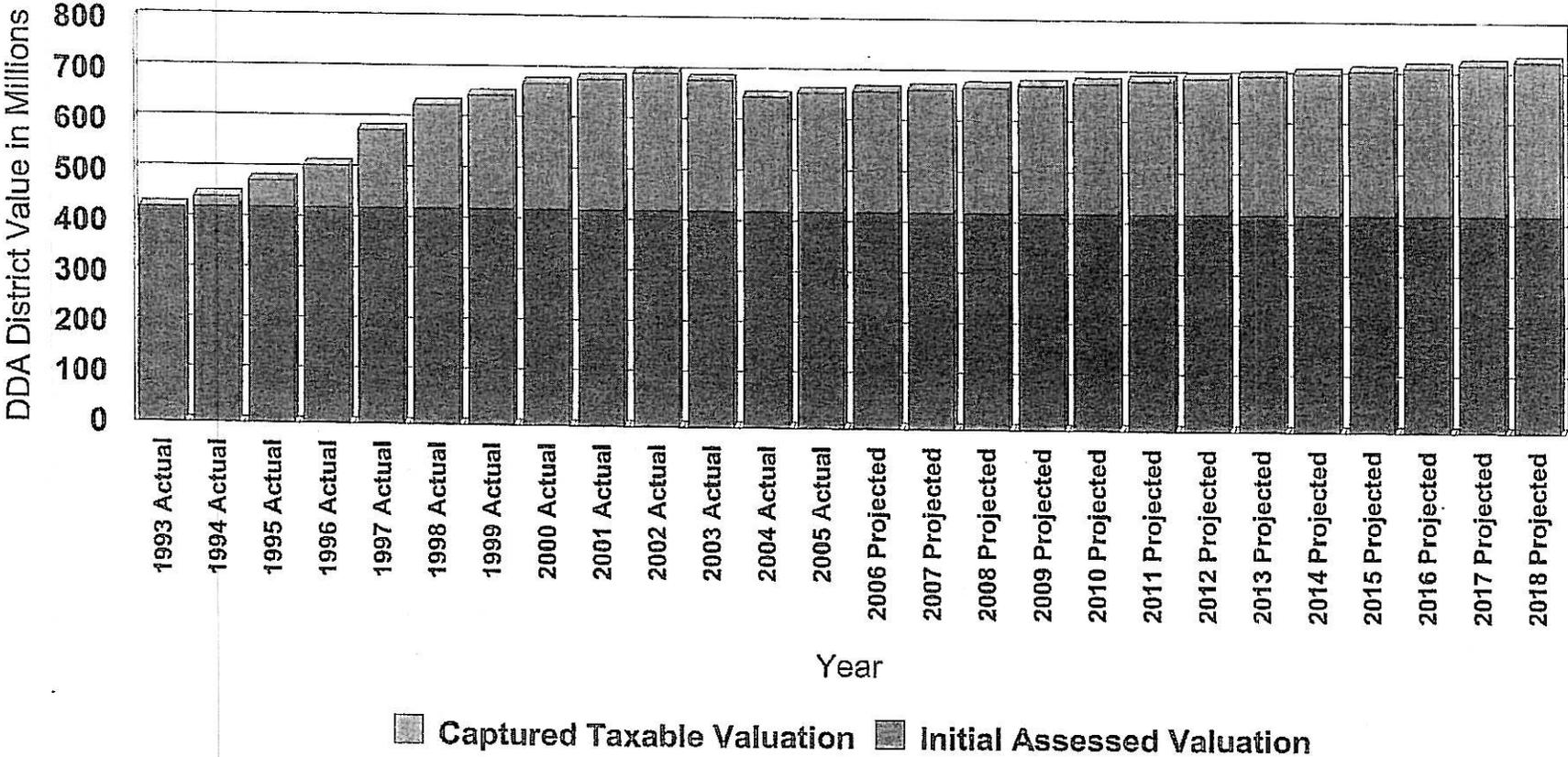
The Authority is only permitted to levy and collect taxes for DDA purposes on the Captured Value over and above the Initial Assessed Valuation. In other words, the taxing jurisdictions are "guaranteed" the Initial Assessed Valuation as "their tax base" within the DDA as long as the DDA continues to exist - NO MATTER WHAT HAPPENS TO THE VALUATIONS WITHIN THE DDA DISTRICT. A comparison of the "Initial Assessed Valuation" for City and the Captured Value for DDA is setforth in Table 2 on page 4. Please note that the City's Initial Assessed Valuation has remained unchanged while the DDA's Captured Value did initially increase and then declined in 2001 as a result of economic factors including vacancies, personal property reduction and unfavorable property tax appeals. **The current ratio of valuations within the DDA District is City 66% - DDA 33%.** In other words the City will receive 66% of the tax revenues (using the 2005 City Tax rate) generated within the DDA district and the DDA receives approximately 33% for the 2005 tax year.

Based upon the above valuations and utilization of the 2005 tax rate for the City the tax revenues generated within the DDA District as are follows:

Governmental Unit	Tax Rates	Initial Assessed Valuation in	Captured Value	Amount
City of Troy	\$9.45	\$429,278,530.00	\$0.00	\$4,056,682.11
Troy DDA	\$9.45	\$0.00	\$235,652,270.00	\$2,226,913.95

As you can see based upon the 2005/06 fiscal years, the City of Troy is receiving approximately twice as much in tax revenues as the DDA.

Table 2
City of Troy DDA Historical and Projected Valuations



A history of taxes collected within the DDA district is setforth on Table 3, page 6.

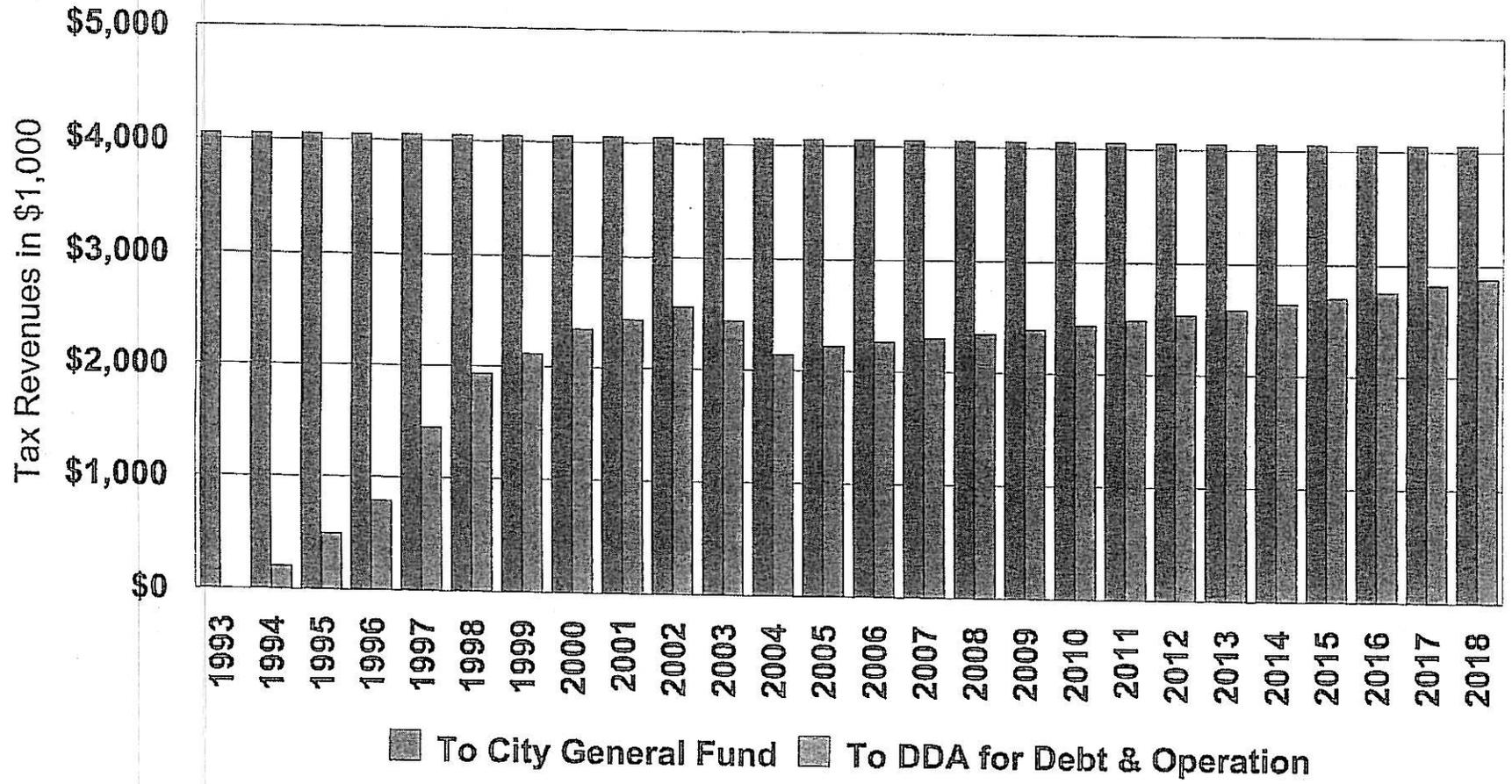
ISSUANCE OF BONDS

When the DDA was formed in 1993, it was formed for the initial expressed purpose of providing a revenue source to the City in order to comply with a Court judgment permitting the developers to build Somerset North despite the fact that they did not have the parking spaces required to provide parking for the proposed Somerset North as required by the City's zoning ordinance, as well as, provide improvements to Big Beaver Road to handle the anticipate increase in traffic. As part of the process to meet the City's obligation, the City agreed to establish the DDA, which it did on July 12, 1993.

The DDA, represented by the City Manager, City Attorney, Assistant City Manager of Finance, Bendzinski & Co and Special Legal Counsel, then entered into negotiations with Developer to come up with the Development Agreement. After long good faith negotiations with the Developer and the signing of the Development Agreement, the DDA entered negotiations with municipal bond insurers, rating agencies and the underwriter to issue DDA Revenue Bonds using **ONLY** the Tax Increment Revenues resulting from the Captured Value within the DDA District for the payment of the debt service obligations of the DDA Revenue Bonds. These negotiations were required because the then City Council was **NOT willing to pledge its full faith and credit** as secondary credit for payment of the bonds. The lack of the City's pledge of credit and the fact that the DDA had not been in existence for, at least 5 years, resulted in numerous agreements and documents having to be negotiated, including but are not limited to, the following:

1. The Development Agreement;
2. A Trust Indenture; and,
3. Insurance Commitment

Table 3
Taxes Collected Within the DDA Districts



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Mr. John Szerlag, City Manager

October 20, 2005

Page 7

In 1995 the DDA issued two Series of DDA Revenue Bonds, which were given ratings of AAA as a result of the purchase of municipal bond insurance. The insurance was secured after long negotiations with the Insurer and the Rating Agencies and based on the credit worthiness of the Developer and other major taxpayers within the Development District. Part of the documentation provided the Rating Agencies and the Insurance Companies included the Development Plan and Tax Increment Financing Plan, as well as the items listed above. Some of the highlights of those documents include:

- The Development Agreement provided and the City and the DDA agreed that the DDA would not change the boundaries of the Development Area so long as the bonds are outstanding.
- In the Trust Indenture, the DDA specifically agreed that it **would not change the boundaries of the District, so long as the bonds are outstanding.** In 2001 the Authority defeased the Series B Bonds and refinanced the Series A Bonds through the issuance of Refunding Bonds. The bondholders based their investment decision on the representations in the DDA Plan, which included a statement that the debt service requirements of the DDA would not be more than 80% of the captured revenues of the DDA, or in other words, the Captured Revenues are "expected" to be 125% of the annual debt service requirements. If you look at the 2005-06 fiscal year budget for the DDA, after deducting the operating expenses of the DDA, the debt service is currently at 113% of the net tax revenues of the DDA. In other words, in stead of having coverage of 125 %, the coverage is only 113%.
- In order to secure bond insurance on the 2002 DDA Revenue Bonds, we had to negotiate with the insurer of the 2001 bonds a change in the coverage factor for all future bonds of the DDA. The bond insurer required a debt service coverage ratio of 140% rather the Plan coverage of 125%.

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Mr. John Szerlag, City Manager

October 20, 2005

Page 8

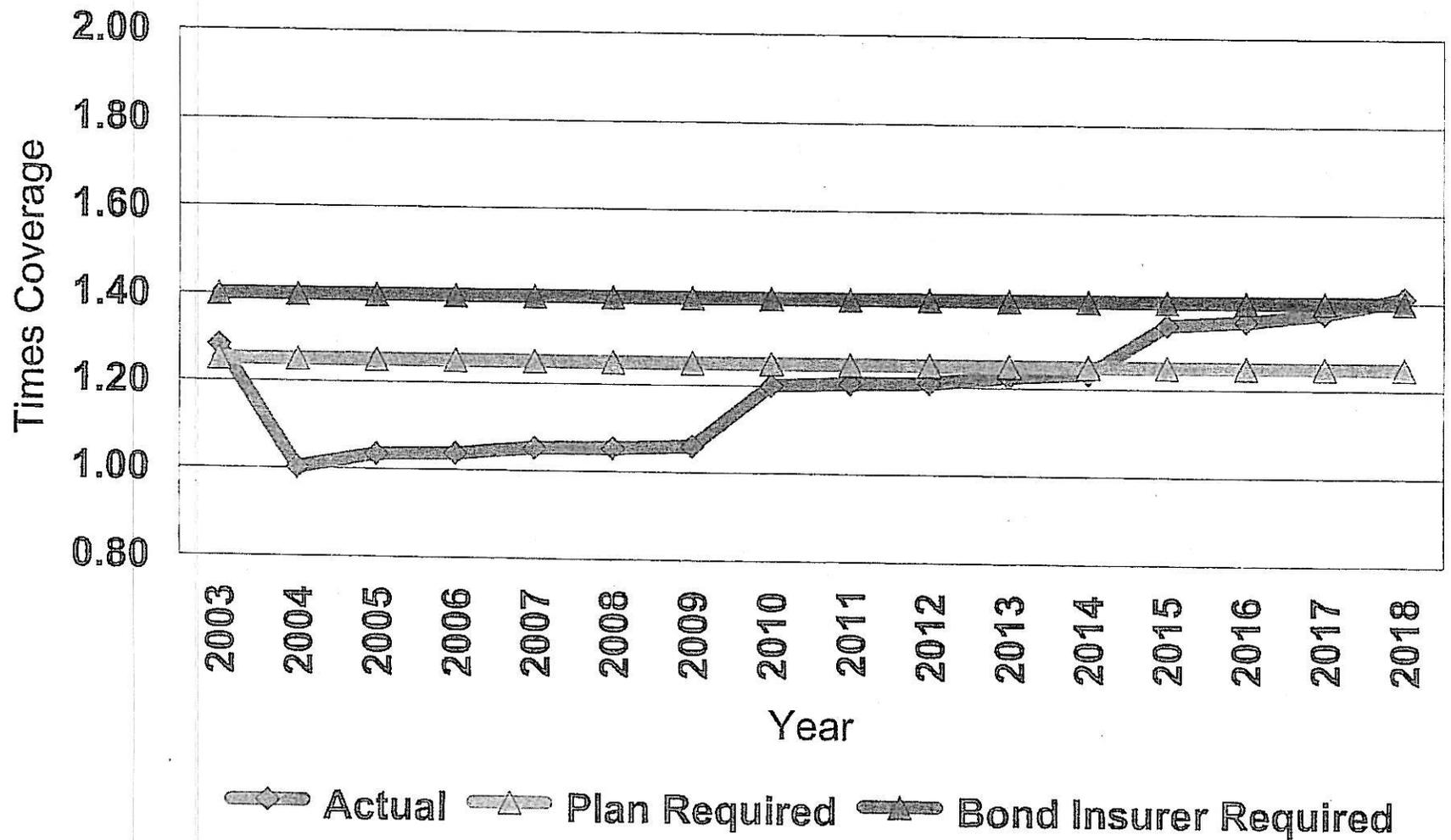
We have prepared Table 4 on page 9 which shows the various coverage requirements made to sell the 1995 bonds, 2001 refunding bonds, the 2002 bonds and the 2003 junior lien bonds.

CONCLUSIONS

While Bond Counsel is of the opinion that many of the original conditions for the issuance of the 1995 DDA Revenue Bonds lapsed with the issuance of the Refunding Bonds, it is our opinion that the City and the DDA have:

- A “**moral obligation**” to bondholders to continue, at a minimum, the boundaries of the DDA in as much as the “refunding bonds” are a continuation of the 1995 bonds ONLY at lower interest rates.
- While we realize that significant factors have affected the Captured Value within the DDA, including vacancies, personal property reductions and unfavorable property tax appeals, it is our opinion that the City and the DDA’s initial projections as to the anticipated growth within the DDA District have not been met, and therefore should not change the boundaries of the district.
- The debt service coverage was based on projections of growth in the Captured Value. The current debt service coverage has not met the requirements of neither the Plan (which was the City’s and the DDA representations based on the then existing law) nor the Insurance Commitments (which was a condition of securing the AAA rating on the 2002 bonds that resulted in a lower interest rates on those bond). By changing the boundaries of the district the City would be acting in bad faith to its bondholders.
- The DDA and the City would, in our opinion, have to make a “Disclosure of a Material Event to all bondholders, Bond Insurer’s and the rating agencies if they would to change the boundaries of the district ”, as required under the DDA’s and the City’s Continuing Disclosure Agreements.

Table 4
Comparison of Actual Debt Service Coverage



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Mr. John Szerlag, City Manager

October 19, 2005

Page 10

- The City and the DDA would most likely face a reduction in the City's outstanding credit rating of AAA and the DDA's outstanding credit rating of AA.

We believe that this provides you with an indication of our concerns about changing the boundaries of the DDA and should you have any questions, or require any additional information, please do not hesitate to call upon us..

Sincerely,

BENDZINSKI & CO.
Municipal Finance Advisors


Robert C. Bendzinski, Chairman

RCB\cam

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TO: Members of the Troy Downtown Development Authority
FROM: Lori Grigg Bluhm, City Attorney *LGB*
DATE: February 21, 2006
SUBJECT: Downtown Development Authority Background Information

At the request of the Downtown Development Authority, I prepared a PowerPoint presentation that sets for the powers and limitations of the Troy DDA. Attached please find excerpts of that PowerPoint presentation, which may be helpful in your deliberations about amending the boundaries of the DDA.

Also enclosed please find two letters from our experts at Miller Canfield that were previously submitted to both City Council and the Downtown Development Authority. These items are provided as background information.

As always, if Council has any legal questions about the Downtown Development Authority, please let me know.

TROY DOWNTOWN DEVELOPMENT AUTHORITY

Legal Update- Presented to the Troy
DDA

Authority for DDA

- The DDA is a creation of Troy's ordinance Number 78, which was adopted on July 12, 1993.
- There is a termination provision in Ordinance 78- December 31, 2024 OR upon the retirement of all bonded debt, whichever occurs last.

Determination of Necessity; Purpose

- “The City Council hereby determines that it is necessary for the best interests of the public to create a public body corporate which shall operate to halt property value deterioration, eliminate the causes of that deterioration, increase property tax valuation where possible in the business district of the City and promote economic growth...”

(Section 2, Ordinance 78, City of Troy)

Determination of Necessity; Purpose

- The formation of the DDA was based on declining assessments in the DDA district between 1991 and 1994. The total dollar reduction was approximately 8% of the tax base- and covered approximately 39 assessable properties.

Ordinance's Enumeration of Powers

- Troy's Ordinance specifies that the TDDA "possesses all of the powers necessary to carry out the purposes of its incorporation as provided by this ordinance and Act 197." (MCL 125.1651 et. seq.)
- The TIF plans also grant broad authority for the DDA to implement the development plans.

Statute's Enumeration of Powers

- Employ and fix the compensation of a CEO/Director (non-board member), subject to the approval of City Council.
- Employ and fix the compensation of a treasurer and secretary and to retain legal counsel or other necessary personnel (by-laws encourage the use of appropriate City staff).
- Prepare an analysis of economic changes taking place in the DDA.
- To study and analyze the impact of metropolitan growth upon the DDA.

Statute's Enumeration of Powers

- To upgrade a public facility to meet state mandated barrier free design requirements.
- To make public facility improvements, consistent with a TDDA approved plan, that aids in the economic growth of the DDA, when such plan requires construction of a public facility or multiple family dwelling unit, or the repair, restoration or preservation of existing buildings or property.

Statute's Enumeration of Powers

- Public facility is defined as:
 - Street; Plaza; Pedestrian mall
 - Improvements to any of the above- including street furniture & beautification
 - Park
 - Parking facility
 - Recreational facility
 - Right of Way
 - Structures
 - Waterways, bridges, lakes, ponds, canals
 - Utility lines or pipes

Statute's Enumeration of Powers

- Public Facilities must be designed and dedicated to use by the public generally, or used by a public agency.

Statute's Enumeration of Powers

- To develop long range plans designed to halt the deterioration of property values in the DDA and to promote economic growth in the DDA, and to take steps necessary to persuade individual DDA property owners to implement the plans.
- To implement any plan of development, or enter into any necessary contracts to further the purposes of the Act, as long as the proposed action isn't specifically prohibited.

Statute's Enumeration of Powers

- To purchase or condemn property or acquire licenses or easements in property or to sell or lease property if reasonably necessary to achieve the purposes of the act.
- To improve or equip any building or land in the DDA (including multiple family dwellings) for the use of any person or corporation or public entity.
- To charge for the use of any building or property under DDA control.

Statute's Enumeration of Powers

- To accept grants and donations of property or labor or other things of value from public or private sources.
- To acquire and construct public facilities.
- To make and enter any contracts with consultants or personnel that are necessary to perform its duties or exercise its powers, with approval from Troy City Council.

Statute's Enumeration of Powers

- To borrow money and issue negotiable revenue bonds (either with or without full faith and credit of City- in City's sole discretion)
- If approved by the Troy City Council- to levy an ad valorem tax on the real and personal property in the DDA- limited to two mills.

Statute's Enumeration of Powers

- Through the tax increment financing plan, to collect taxes on the increase in taxable value over the base year (1993) for any DDA properties. The taxes on the amount up to the base amount are distributed to the municipality and other taxing units.

Restrictions for Troy's DDA

- Troy can establish only one authority (post 1985). The boundaries of the DDA must be contiguous.
- Any amendment or alteration to the boundaries of a DDA must be accomplished by the same means used to initially create the DDA. The primary use of the DDA property should be business use.
- If 100 persons reside in the DDA, then one resident of the district shall serve on the DDA Board.

Restrictions for Troy's DDA

- All DDA members serve without compensation.
- All DDA members are required to submit to the constitutional oath of office, and can be removed for cause.
- With the exception of the Mayor, all other DDA board members must not hold an elected office.

Restrictions for Troy's DDA

- DDA activities shall be financed only with donations to the DDA, money borrowed by the DDA, revenues from the sale or lease of land owned by the DDA, proceeds of the tax increment plan, or a special assessment district, or revenue bonds, or any other source approved by Troy City Council. The City of Troy shall not be obligated to finance any of the DDA activities (or to pledge full faith and credit for a bond transaction), unless expressly authorized by City Council.

Restrictions for Troy's DDA

- At least a majority of the DDA directors must have a property interest in the DDA.
- An authority that has completed the purposes for which it was organized shall be dissolved by ordinance of the governing body (as long as there are no outstanding debt obligations). At dissolution, the property and assets of the DDA then belong to the municipality.

Restrictions for Troy's DDA

- The TDDA must annually report to City Council and the State Tax Commission on the status of the Tax Increment Financing accounts.
- The State Tax Commission has the authority to compel enforcement of the act
- City Council approves the budget- which is then adopted by the TDDA

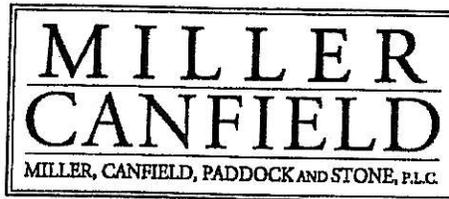
Restrictions for Troy's DDA

- The tax increment revenues shall be expended only pursuant to the approved tax increment financing plan.
 - Under the plan- Marketing and promotional costs may be financed solely from revenues received by the DDA.
 - Business recruitment and retention, and assistance in promoting and conducting events in the DDA

DDA Statutory Limitations

- Expenditures must be for public purposes. The Michigan AG has strongly cautioned against the expenditure of DDA funds for the benefit of private parties.
- All DDA meetings shall comply with the Open Meetings Act, and all documents are subject to the Freedom of Information Act (even e-mails).

Founded in 1852
by Sidney Davy Miller



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October 19, 2005

Lori Grigg Bluhm, Esq.
City Attorney
City of Troy
500 W. Big Beaver
Troy, MI 48084-5285

Re: Downtown Development Authority of the City of Troy

Dear Ms. Bluhm:

You have asked us to address various issues relating to a proposed amendment to the boundaries of the Downtown District of the Downtown Development Authority of the City of Troy (the "DDA"). You have specifically asked us whether the DDA Act, Act 197, Public Acts of Michigan, 1975, as amended ("Act 197"), existing documents relating to the DDA's outstanding bonds and its Development Plan and Tax Increment Financing Plan (the "Plan") prohibit the City of Troy (the "City") and the DDA from amending the boundaries of the DDA District to remove four parcels of property that are currently in the Downtown District and the Development Area.

Background

It is our understanding that the City Council has called a public hearing for October 24, 2005 for the purpose of amending the DDA District boundaries to remove several contiguous parcels of property (the "Property"). The current assessed value of the Property is less than the initial assessed value of the Property when the Plan was originally approved in 1993. The Property is being proposed as the site of a new mixed-use development that is expected to substantially increase the value of the Property when constructed and placed on the tax rolls.

DDA Act Requirements for Amendment to DDA District Boundaries

Section 3 of Act 197 sets forth the requirements for the creation of, and amendments to, the boundaries of a DDA District. MCL 125.1653. Section 3(5) states that the City Council “*may alter or amend the boundaries of the downtown district to include or exclude lands from the downtown district pursuant to the same requirements for adopting the ordinance creating the authority.*” MCL 125.1653(5).

The provisions in Act 197 for creating a DDA, or amending the DDA boundaries, require the City Council to hold a public hearing prior to adopting an ordinance designating the boundaries of the DDA. Notice of the public hearing must be given in the following manners between 20 and 40 days before the date of the hearing: published twice in a newspaper of general circulation in the City, mailed to the property taxpayers of record in the proposed district, mailed by certified mail to the governing body of each taxing jurisdiction that would be subject to capture and posted in at least 20 conspicuous and public places in the proposed district. MCL 125.1653(2). In order to amend the boundaries, the City Council is required to adopt an ordinance designating the boundaries of the DDA District or amending the original ordinance designating the boundaries; however the ordinance cannot be adopted in less than 60 days after the public hearing. MCL 125.1653(3). The procedures for amendment to the boundaries of the DDA downtown district do not require the consent or approval of the DDA Board as part of the amendment process.

As was the case with the initial establishment of the DDA downtown district, the amended boundaries of the DDA District must continue to satisfy the requirements of a “downtown district” under Act 197, which requires it to be “*part of an area in a business district.*” MCL 125.1651(k). A “business district” is defined as “*an area in the downtown of a municipality zoned and used principally for business.*” MCL 125.1651(e).

Alternative Option is Amendment to DDA Development Area Boundaries

Instead of amending the DDA District boundaries, another option by which the City could achieve a similar effect to exclude the future value of the Property from capture would be to amend the boundaries of the Development Area of the DDA to remove the Property, rather than amending the DDA District boundaries. The Development Area is the area designated in the Plan from which the DDA is authorized to capture tax increment revenues. The Development Area does not need to be as large as the DDA District, but property in the Development Area is required to be included

within the Downtown District. Typically, an amendment to a DDA downtown district to remove property from a downtown district would also be accompanied by an amendment to the Plan to make the corresponding change to the development area.

In order to amend the Development Area, the City would follow the procedures set forth in Sections 18 and 19 of Act 197. Section 19 requires amendments to the Plan to be submitted by the DDA to the City Council and approved or rejected by ordinance based on the considerations enumerated in Section 19. MCL 125.1669. Before adopting an ordinance approving or amending the Plan, the City Council is required to hold a public hearing pursuant to Section 18. Notice of the public hearing must be given in the following manners between 20 and 40 days before the date of the hearing: published twice in a newspaper of general circulation in the City, mailed to the property taxpayers of record in the proposed district, mailed by certified mail to the governing body of each taxing jurisdiction that would be subject to capture and posted in at least 20 conspicuous and public places in the proposed district. MCL 124.1668. The procedures for an amendment to the Plan requires the DDA Board to initiate the process by submitting the proposed Plan amendment to the City.

The benefit to the City to a Development Area amendment is that, unlike the procedures for the creation of a DDA District or an amendment to the DDA District boundaries in Section 3 of Act 197, there is no 60 day waiting period after the public hearing before adopting an ordinance amending the Plan and there is no opt out right by other taxing units for a Plan amendment. This provides the City more flexibility on the timing of the ordinance. Furthermore, if the City ever decided to add the Property back into the Development Area of the DDA, it would only be necessary to do another Plan amendment, which would not allow any taxing unit to opt out of capture. However, if the City were to proceed with removing the Property from the DDA District under Section 3, in order to add the Property back into the DDA the City would need to follow the procedures in Section 3 to amend the District boundaries thereby allowing taxing units to opt out of capture. The City would also need to do a Plan Amendment to make the corresponding change to the Development Area boundaries.

Thus, the City could achieve the same result of preventing the capture of tax increment revenues from the Property, but preserving future flexibility and protecting against an opt out by other taxing units, by amending the Development Area boundaries through a Plan amendment pursuant to Section 18 and 19 of Act 197 rather than an amendment to the boundaries of the DDA pursuant to Section 3 of Act 197.

DDA Bond Document Covenants

1995 Bonds

In 1995, the DDA issued two series of bonds to finance infrastructure improvements relating to the development of the Somerset North mall. Our firm served as Bond Counsel to the DDA in connection with the \$10,100,000 1995 Development Bonds, Series A and \$6,955,000 1995 Development Bonds, Series B, which were dated as of June 1, 1995 (together, the "1995 Bonds") and issued pursuant to a Trust Indenture between the DDA and Old Kent Bank, as trustee (the "Trust Indenture"). The 1995 Bonds were payable solely and only from tax increment revenues of the DDA, without the full faith and credit pledge of the City, and were further secured by a reserve fund and a municipal bond insurance policy issued by Asset Guaranty Insurance Company ("Asset Guaranty").

In connection with the issuance of the 1995 Bonds, as required by Asset Guaranty, Section 601(d) of the Trust Indenture contained a covenant by the DDA that "*The Authority shall not amend the Plan to alter the boundaries of the Development Area (as described in the Plan) in a manner that would reduce the tax increment revenues therefrom without the prior written consent of 100% of the Bondholders.*" The Trust Indenture provides that it shall be in effect until final payment of the 1995 Bonds or the defeasance of the 1995 Bonds in accordance with the terms of the Trust Indenture.

The DDA entered into a Development Agreement with Frankel/Forbes-Cohen Associates and the City, dated as of January 25, 1995 (the "Development Agreement") relating to various obligations of the parties in connection with the Somerset North mall and infrastructure development. Section 4.3 of the Development Agreement provides "*The City agrees that it will not cause the TDDA to be dissolved, or the Tax Increment Plan to be amended in any manner that would impair the time of payment or the amount of the Reimbursable Amount as provided under Section 2.2 hereof at any time after the date of this Development Agreement unless and until the Reimbursable Amount has been paid to the extent required hereunder.*" It is our understanding that the Reimbursable Amount, which refers to the DDA's purchase of the parking structure, was paid to the Developer in 1999 and this provision would no longer apply.

2001 Bonds

In 2001, the DDA issued its \$24,000,000 Development and Refunding Bonds, Series 2001 (the "2001 Bonds") for the purpose of providing funds for new projects and

to advance refund all of the outstanding 1995 Bonds, Series A. Our firm did not represent the DDA in connection with the 2001 Bonds, however we have reviewed the resolution authorizing the 2001 Bonds and the Official Statement relating to the 2001 Bonds. The 2001 Bonds are payable solely and only from tax increment revenues of the DDA, without the full faith and credit pledge of the City, and are further secured by a reserve fund and a municipal bond insurance policy issued by MBIA Insurance Corporation ("MBIA"). The resolution authorizing the 2001 Bonds indicates that one of the purposes of the 2001 Bonds is to advance refund all of the outstanding 1995 Bonds, Series A, while simultaneously defeasing all of the outstanding 1995 Bonds, Series B, and *"to provide for the defeasance and termination of the security pledged with respect to the Prior Bonds including the lien of the Indenture and the Prior Resolutions."*

The resolution authorizing the 2001 Bonds contains a limitation on the issuance of additional bonds which allows additional bonds of the DDA pledging tax increment revenues of equal standing and priority of lien with the 2001 Bonds so long as the tax increment revenues for the last preceding audited fiscal year of the DDA is at least 1.4 times the maximum annual debt service on any outstanding senior lien bonds.

According to the transcript documents relating to the 2001 Bonds, all of the 1995 Bonds have been legally defeased and the Trust Indenture relating to the 1995 Bonds is no longer in effect. The DDA did not enter into a new trust indenture in connection with the 2001 bonds, and in our review of the resolution authorizing the 2001 Bonds and description of the documents in the Official Statement relating to the 2001 Bonds, we did not find any covenants of the DDA relating to amendments of the Development Area or DDA District. Thus, the covenant promising not to alter the boundaries of the DDA in the Trust Indenture is no longer in effect.

2002 Bonds

In 2002, the DDA issued its \$9,700,000 Community Center Facilities Bonds, Series 2002 (the "2002 Bonds") for the purpose of providing funds for the Community Center of the City. Our firm did not represent the DDA in connection with the 2002 Bonds, however we have reviewed the resolution authorizing the 2002 Bonds and the Official Statement relating to the 2002 Bonds. The 2002 Bonds are senior lien bonds of equal standing with the 2001 Bonds, payable solely and only from tax increment revenues of the DDA, without the full faith and credit pledge of the City, and are further secured by a reserve fund and a municipal bond insurance policy issued by MBIA. In our review of the resolution authorizing the 2002 Bonds we did not find any covenants of the DDA relating to amendments of the Development Area or DDA District.

2003 Bonds

In 2003, the DDA issued its \$4,025,000 Community Center Facility Junior Lien Bonds, Series 2003 (the "2003 Bonds") for the purpose of providing funds for the Community Center of the City and related infrastructure. Our firm did not represent the DDA in connection with the 2003 Bonds, however we have reviewed the resolution authorizing the 2003 Bonds and the Official Statement relating to the 2003 Bonds. The 2003 Bonds are junior lien bonds, junior in standing to the lien of the 2001 Bonds and 2002 Bonds, payable solely and only from tax increment revenues of the DDA, without the full faith and credit pledge of the City, and are further secured by a reserve fund. In our review of the resolution authorizing the 2003 Bonds we did not find any covenants of the DDA relating to amendments of the Development Area or DDA District.

Summary of Bond Document Covenants

Based on our review of the documents relating to the issuance of bonds by the DDA, there are no existing covenants of the DDA or the City which limit the ability of the DDA or the City to amend the boundaries of the DDA District or the DDA Development Area. The Trust Indenture relating to the 1995 Bonds contained limitations on the amendment to the boundaries of the Development Area, but that document is no longer in effect. The documents relating to the issuance of the 2001 Bonds, 2002 Bonds and 2003 Bonds (together, the "Outstanding Bonds") are still in effect. The existing documents relating to the Outstanding Bonds contain limitations on the ability of the DDA to issue additional debt of equal standing and priority of lien with the existing 2001 Bonds and 2002 Bonds. However, such additional bonds tests do not limit the ability to take actions impacting the tax increment revenues such as amending the DDA District or Development Area.

We have been informed by the City's financial advisor and Finance Department that the current tax increment revenues of the DDA are substantially less than the projected tax increment revenues which were included in the Official Statements for the outstanding bonds. This is due to a variety of factors resulting in less growth in the Development Area of the DDA than originally projected. Since each series of the outstanding Bonds are payable solely from the tax increment revenues of the DDA and a reserve fund, holders of the outstanding Bonds and MBIA, as the insurer of the 2001 Bonds and 2002 Bonds, may be sensitive to any actions taken by the DDA or City that negatively impact the tax increment revenues of the DDA. Since we were not involved with the issuance of the Outstanding Bonds, we do not know what statements were made to the Bondholders or MBIA regarding amendments to DDA District boundaries or

Lori Grigg Bluhm, Esq.

-7-

October 19, 2005

Development Area boundaries. We do not know what documents were provided to MBIA or the subject of any conversations between the City, DDA and MBIA regarding potential future changes to the DDA District. In the event of a shortfall of tax increment revenues to pay debt service on the Outstanding Bonds or other substantial diminution of tax increment revenues due to actions of the City or DDA, it is possible that holders of the Outstanding Bonds or MBIA might challenge actions by the City or DDA which impair their security. Since the Outstanding Bonds are payable solely from tax increment revenues, without the City's general fund as backup security, MBIA and the holders of the Outstanding Bonds may be negatively affected if the actions of the City result in a shortfall of tax increment revenues to pay debt service on the Outstanding Bonds. We understand that the City has requested its financial advisor to review the financial impact of the proposed boundary change. We have not reviewed the tax increment revenue projections and therefore no opinion is expressed by us as to the financial impact of the proposed boundary changes.

Conclusion

Under Act 197, the City Council is authorized to amend the boundaries of the DDA District. The procedures relating to the amendment of boundaries requires a public hearing by the City Council and a waiting period of at least 60 days after the public hearing before the ordinance amending the boundaries can be adopted. The City could achieve the same result of preventing the capture of tax increment revenues from the Property, but preserve future flexibility and protect against an opt out by other taxing units by amending the Development Area boundaries through an amendment to the Plan rather than an amendment to the boundaries of the DDA.

Based on our review of the documents relating to the bonds issued by the DDA, there are no express prohibitions against the City and DDA amending the Plan or the boundaries of the DDA which are currently in effect. The covenants of the DDA and City in the Development Agreement and Trust Indenture prohibiting Plan amendments or boundary changes, which were made around the time of the issuance of the 1995 Bonds, are no longer effective. However, since the Outstanding Bonds are payable solely and only from tax increment revenues, in the event of a shortfall of tax increment revenues to pay debt service on the Outstanding Bonds or other substantial diminution of tax increment revenues due to actions taken by the City or DDA, it is possible that holders of the Outstanding Bonds or MBIA might challenge actions by the City or DDA which results in an inability to be paid from tax increment revenues as an impairment of their security. We understand that the City has requested its financial advisor to review the tax

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-8-

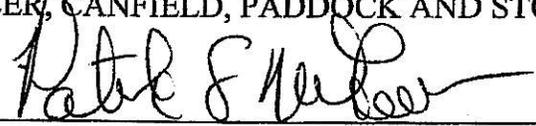
October 19, 2005

increment revenue projections of the DDA and no opinion is expressed by us as to the financial impact of the proposed boundary changes.

We would be happy to discuss this matter with you further at your convenience. If you have any further questions, please give me a call.

Very truly yours,

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

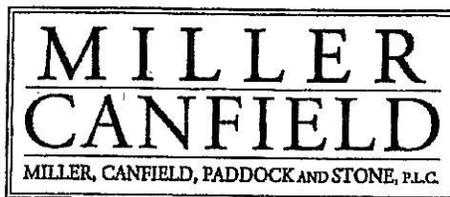
By: 

Patrick F. McGow

cc: John Szerlag, City Manager
John Lamerato, Assistant City Manager
Joel Piell, Esq.
Robert C. Bendzinski

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Founded in 1852
by Sidney Davy Miller



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October 20, 2005

Lori Grigg Bluhm, Esq.
City Attorney
City of Troy
500 W. Big Beaver
Troy, MI 48084-5285

Re: Downtown Development Authority of the City of Troy Questions

Dear Ms. Bluhm:

You have asked us to address various questions which arose at the October 17th City Council meeting relating to the Downtown Development Authority of the City of Troy (the "DDA").

Question 1: Can the DDA be expanded to include the Maple Road corridor and/or the Stephenson Road corridor? If so, what is the process for doing so?

As we discussed in our opinion dated October 19, 2005 regarding the DDA, the City Council has the authority to amend the boundaries of the DDA pursuant to the requirements of the DDA Act, Act 197, Public Acts of Michigan, 1975, as amended ("Act 197"). Section 3(5) states that the City Council "*may alter or amend the boundaries of the downtown district to include or exclude lands from the downtown district pursuant to the same requirements for adopting the ordinance creating the authority.*" MCL 125.1653(5).

In order to expand the DDA boundaries, the City Council must determine that it is necessary for the best interests of the public to halt property value deterioration and increase property tax valuation in its business district and promote economic growth through the expansion of the DDA district. The expansion area must satisfy the requirements of Act 197 to be included in a DDA downtown district as was the case with the initial establishment of the DDA downtown district.

The City Council would need to determine that the new area to be added is part of the City's "downtown district" and satisfies the requirements of a "downtown district" under Act 197, which requires it to be "*part of an area in a business district*." MCL 125.1651(k). A "business district" is defined as "*an area in the downtown of a municipality zoned and used principally for business*." MCL 125.1651(e). Thus, a majority of the property to be added must be both zoned for business and used for business (i.e. commercial, industrial, etc.) as opposed to residential property.

In addition, Section 3(1) of Act 197 implies that property value deterioration must exist within the proposed DDA district in order for that City to include the territory as part of the DDA district. Although there has been no judicial determination that property value deterioration is a condition precedent to the formation of a DDA and if so the required extent of such property value determination, the Attorney General of Michigan has opined in the instance of the creation of a Tax Increment Finance Authority which is formed pursuant to Act 450 of the Public Acts of 1980, as amended, that a Tax Increment Finance Authority may not be incorporated unless there is (1) an actual decline in property tax valuation and (2) that a significant number of parcels or property in the area of the municipality must be found to be declining in property value in order to warrant the establishment of an Authority. OAG 6335, dated January 16, 1986. By OAG 6558, dated January 18, 1989, the Attorney General's office extended this reasoning to the creation of a DDA pursuant to Act 197. Neither opinion of the Attorney General speaks to the number of parcels or the percentage of parcels within a district that must be found to have property value deterioration, but the opinions do indicate that one or two parcels will not suffice and that the number of parcels in their totality must be significant.

Finally, there can only be one DDA district in the City under current law. Any additions to the DDA must be contiguous with the existing DDA district boundaries. So, in order to add the Maple Road corridor and/or the Stephenson Road corridor it would be necessary to connect those additions with the existing DDA district boundaries along Big Beaver Road.

We have not had the opportunity to review the details of a proposed addition to the DDA boundaries along Maple Road or Stephenson Road to determine whether the proposed addition satisfies the above requirements for inclusion as part of the DDA district. It would be necessary to review assessment records relating to property valuation as well as the appropriate zoning and use maps to determine whether the proposed additions satisfies the requirements of a business district.

The procedures for amending the DDA boundaries require the City Council to hold a public hearing prior to adopting an ordinance designating the boundaries of the DDA. Notice of the public hearing must be given in the following manners between 20 and 40 days before the date of the hearing: published twice in a newspaper of general circulation in the City, mailed to the property taxpayers of record in the proposed district, mailed by certified mail to the governing body of each taxing jurisdiction that would be subject to capture and posted in at least 20 conspicuous and public places in the proposed district. MCL 125.1653(2). In order to amend the boundaries, the City Council is required to adopt an ordinance designating the boundaries of the DDA District or amending the original ordinance-designating the boundaries; however the ordinance cannot be adopted in less than 60 days after the public hearing. MCL 125.1653(3).

Question 2: Since the City of Troy has not pledged its credit for payment on the outstanding DDA bonds, what happens if the DDA is not able to make the bond payments on its own accord? Are assets of the DDA at risk?

The resolutions relating to the Outstanding DDA Bonds (as described in our October 19, 2005 opinion) indicate that the Outstanding DDA Bonds are secured solely by the collection of tax increment revenues and all moneys in the Bond Funds of the DDA for repayment of the Outstanding DDA Bonds and the Reserve Funds relating to each series of the Outstanding DDA Bonds, and all investment income derived from moneys in such funds. The resolutions also provide that the Outstanding DDA Bonds are not a general obligation of the DDA or the City and shall never constitute or give rise to a charge against the general credit of the DDA or the general credit or taxing powers of the City.

If the annual tax increment revenues are not sufficient to pay principal and interest on all of the Outstanding DDA Bonds, the DDA would be required to apply the tax increment revenues captured in previous years which are in its Bond Fund or other funds and accounts. The first priority is to pay the 2001 Bonds and 2002 Bonds which are senior in standing to the 2003 Bonds. If there are insufficient tax increment revenues to pay debt service, the DDA would be required to draw on funds in the Reserve Fund for the series of Bonds which has a shortfall, which would be the Series 2003 Bonds. It should also be noted that the DDA has the authority to levy an ad valorem property tax on all taxable property in the DDA District. Act 197 authorizes the DDA to levy a tax of up to 2 mills with the approval of City Council.

Technically, the only assets of the DDA pledged for payment of the Outstanding DDA Bonds are the tax increment revenues and moneys derived from tax increment

revenues in the various funds and accounts of the DDA. The DDA has not pledged any other property or assets as security for the Outstanding DDA Bonds. There is no mortgage or lien on the infrastructure improvements or Community Center financed with the Outstanding DDA Bonds.

If the DDA exhausts all available funds in the Reserve Fund for the 2003 Bonds and cannot pay the principal and interest, then it is possible the holders of the 2003 Bonds would initiate a lawsuit against the DDA (and possibly the City). Since there is no judicial precedent, it is unclear what remedial actions a judge would order in the event of a default by the DDA on payment on the Outstanding DDA Bonds, although it is unlikely that infrastructure improvements or buildings would be seized on behalf of bondholders.

Question 3: Is there a way to "bill back" or otherwise provide money to the City's general fund if it is determined that the DDA is a burden to the tax base?

The DDA cannot generally pay money to the City's general fund if it is determined to be a burden to the tax base. The DDA is only permitted to use tax increment revenues to pay for improvements and activities which are described in the DDA's Development Plan and Tax Increment Financing Plan and authorized under Act 197. Act 197 does permit the City to charge the DDA for administrative items such as costs of handling funds and audits. MCL 125.1678.

Question 4: How will the DDA be required to modify its current board structure if the Monarch project is added to the DDA in order to accommodate the residential representatives? Will the addition of a resident to the DDA Board require an amendment to the Development Plans?

Section 4(1) of Act 197 sets forth the requirements for the composition of the DDA Board which includes a requirement that "*Not less than 1 of the members shall be a resident of the downtown district, if the downtown district has 100 or more persons residing within it.*" MCL 125.1654(1). It is our understanding that the DDA Board currently is made up of 13 members, which is the maximum permitted by Act 197. Thus, once it is determined that there are 100 or more residents within the DDA District, the Mayor should appoint (with the approval of the City Council) a resident of the DDA District to the next open seat or vacancy on the DDA Board.

It should not be necessary to amend the Development Plan and Tax Increment Financing Plan of the DDA in order to appoint a new Board member who is a resident of the downtown district.

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

Lori Grigg Bluhm, Esq.

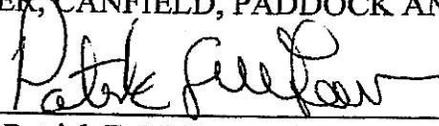
-5-

October 20, 2005

We would be happy to discuss this matter with you further at your convenience. If you have any further questions, please give me a call.

Very truly yours,

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

By: 

Patrick F. McGow

cc: John Szerlag, City Manager
John Lamerato, Assistant City Manager
Joel Piell, Esq.
Robert C. Bendzinski

DELIB:2670604.1\091096-00012

July 14, 2005

To: John Szerlag, City Manager
 From: John Lamerato, Assistant City Manager - Finance/Administration
 Doug Smith, Director of Real Estate and Development
 Nino Licari, City Assessor
 Re: Agenda Item - Report and Communication
 Estimate of Taxes Generated by Proposed Monarch Project

Council has requested an estimate of taxes that might be generated by the proposed Monarch High-Rise condominium and retail project on the north side of Big Beaver, between Alpine and McClure.

The estimate is for City and/or DDA taxes, and makes assumptions based on project costs of \$90,000,000 from the developer. These costs cannot be verified at this time. Additionally, an estimated \$2,000,000 of Personal Property may be expected at the site.

The tax revenue estimate below will detail estimated total City taxes from the project, if it were removed from the current DDA boundaries, and total DDA taxes based on a \$46,000,000 Taxable Value (TV).

Total CITY Tax Revenue Calculation - Project Removed from DDA		
Total TV \$46,000,000	City Mills 9.4500	Total City Taxes \$434,700
Current TV \$589,500	City Mills 9.4500	Current Taxes \$5,571
Net TV \$45,410,500	City Mills 9.4500	Net New City Taxes \$429,129

As is DDA/City Tax Revenue Calculation		
*Total TV DDA \$37,310,500	DDA Mills 15.6865	DDA Taxes \$585,271
Current DDA Captured TV \$1,001,650	DDA Mills 15.6865	Current DDA Taxes \$15,712
Total TV DDA \$36,308,850	DDA Mills 15.6865	DDA Taxes \$569,559
Townhouses (not DDA) \$8,100,000	City Mills 9.4500	City Taxes \$76,545

DDA/City Tax Revenue Calculation - Podium Bldg Removed from DDA		
*Total TV DDA \$22,874,575	DDA Mills 15.6865	DDA Taxes \$358,822
Current DDA Captured TV \$1,001,650	DDA Mills 15.6865	Current DDA Taxes \$15,712
Total TV DDA \$21,872,925	DDA Mills 15.6865	DDA Taxes \$343,110
Townhouses (not DDA) \$8,100,000	City Mills 9.4500	City Taxes \$76,545
Podium Bldg (not DDA) \$13,434,275	City Mills 9.4500	City Taxes \$126,954

Assessment Year - 2005

**Analysis of
Taxes Paid
And
City Services Used**

**A Comparison of the Residential and
Commercial/Industrial Classes**

**Submitted by: Leger A. (Nino) Licari, City Assessor
11/22/05**

Assessment Year – 2005

Analysis of Taxes Paid and City Services Used

A Comparison of the Residential and Commercial/Industrial Classes

In order to determine how each class of property consumes, or uses, City services, and the proportionate share of the costs of those services to each class of property, a detailed analysis of the Assessment and Tax Rolls is necessary.

Certain assumptions must be made to make a usable analysis of this data. These assumptions will be explained as they are made. In all instances, any assumption made will be conservative in nature, and no favoritism will be shown to either class of property.

As this comparison is based upon City services, and the direct cost of these services to property owners in the City of Troy, only City taxes will be used as the cost basis. All other revenues that make up the total City budget cannot be directly linked to individual properties, and as such are not used (revenue sharing, sales and use taxes, grants, Federal highway monies, etc.).

All data used for this analysis is from the 2005 calendar year. The exception is the projected budgeted amounts, which have a fiscal year from July 1, 2005, through June 30, 2006.

The data being analyzed is summarized on ten (10) charts in this report. Source data is listed at the bottom of each chart, where pertinent.

Chart #1 – Detail of Taxes Paid

The first chart details the City taxes paid by Class of Property in four (4) categories: Overall, by Acreage, by Square Feet of Building Area, and by Parcel count.

As shown, the current Taxable Value and Taxes Paid is detailed by a 54.95% ratio of Residential to the 45.05% Commercial/Industrial Class (*variously labeled Commercial/Industrial, Comm/Ind, and C/I on the charts*).

There are 19,881.14 acres of land in the City of Troy. 74.25%, or 14,762.08 acres of this land has a Residential use. 25.75%, or 5,119.06 acres are used for Commercial/Industrial use. Taxes per acre are equal to \$1,852 for Residential, and \$4,378 for Commercial/Industrial.

There are 107,415,847 square feet of improved structures in the City of Troy. The percentage split for the two classes is very close, with 49.27% (52,923,461 square feet) being Residential, and 50.73% (54,492,386 square feet) being Commercial/Industrial.

There are 34,501 parcels of Property in the City of Troy. 77.90% of them, or 26,876, are Residential in nature. 22.10%, or 7,625 of the parcels are Commercial/Industrial. Of the 7,625 Commercial/Industrial parcels 1,917 are Real Property parcels, and 5,708 are Personal Property.

**City of Troy - Assessing Department
Detail and Analysis of Assessment/Tax Roll by Class**

Chart #1				
Detail of Taxes Paid - Overall, by Acres, by Square Feet & by Parcel Count				
Description	2005 Value	%	City Taxes	Ratio to Each
Residential Taxable Value	2,892,925,590	54.95	27,338,147	1.22 : 1.00
Comm/Ind Taxable Value	2,371,425,960	45.05	22,405,975	.8196 : 1.00
Total Taxable Value	5,264,351,550	100.00	49,748,122	
<i>Source: 2005 Starting Warrant</i>				
Description	2005 Acres	%	Taxes/Acre	Ratio to Each
Residential Acres	14,762.08	74.25	1,852	.4230 : 1.00
Comm/Ind Acres	5,119.06	25.75	4,378	2.36 : 1.00
Total Acres	19,881.14	100.00	2,502	
<i>Source: City of Troy Planning Department</i>				
Description	2005 Sq Ft	%	Taxes/SqFt	Ratio to Each
Residential Square Footage	52,923,461	49.27	0.5166	1.26 : 1.00
Comm/Ind Square Footage	54,492,386	50.73	0.4112	.8000 : 1.00
Total Square Footage	107,415,847	100.00	0.4631	
<i>Source: City of Troy Assessment Records</i>				
Description	2005 Count	%	Taxes/Parcel	Ratio to Each
Residential Parcels	26,876	77.90	1,017	.3462 : 1.00
Comm/Ind Parcels (+ 5,708 Pers)	7,625	22.10	2,938	2.89 : 1.00
Total Parcels	34,501	100.00	1,442	
<i>Source: City of Troy Assessment Records</i>				

Chart #1

Roadways

There are 325.04 miles of public roads in the City of Troy. Of this mileage, 269.27 miles are considered Local Roads, and 55.77 miles are considered Major Roads.

**** Assumption: While the concentration of Commercial/Industrial property does necessitate the need for additional width on some of the Major Roads, Residential property owners must still be able to traverse the area. Therefore, a division of the use and benefit is necessary.*

Census data estimates that 120,000 people work in the city of Troy, and 85,000 people live here. Of the 120,000 that work here, 8,000 are also residents of the City. This translates into a ratio of 56.85% of the working population (112,000) using the major roads, and 43.12% of the Residents (85,000) using the major roads.

Using the above calculation, 293.33 miles of roadway are considered Residential (90.24%), and 24.06 miles of roadway are considered Commercial/Industrial (9.76%).

Impervious Surfaces

It is necessary to determine the amount of impervious surfaces in the City of Troy to be able to draw some conclusions concerning the Drains necessary to handle water runoff created by these surfaces.

Residential impervious surfaces are comprised of the roofs, driveways, local roads, the Residential portion of major roads, and the pro-rata portion of the sidewalks in the City of Troy.

(There are 500 miles of sidewalks in the City. A four (4) foot width was used to calculate the square footage, and the same ratio of local to major roads was used to determine the area assignments by class).

The Residential class has 100,7288,715 square feet of impervious surfaces, which is 40.91% of the total area of imperviousness.

****Assumption: Churches, schools, and other exempt properties are not included in this calculation, as no data is kept on them in the Assessment records. These properties are considered Residential by zoning and use, and would tend to move this ratio more towards a 50/50 mix. This would trend the Drain service issue towards a Residential benefit.*

The Commercial/Industrial class of property has 145,487,683 square feet of impervious surfaces, or 59.09% of the total area. This is comprised of roofs, paving, the C/I portion of major roads, and the pro-rata share of the sidewalk area.

**City of Troy - Assessing Department
Detail and Analysis of Assessment/Tax Roll by Class**

Chart #2 Roadways and Impervious Surfaces			
Description	Count	%	Ratio to Each
Work in City	120,000		
Work/Live in City	8,000		
Net Work in City	112,000	56.85	
Live in City	85,000	43.12	
Total Road Use	197,000	100.00	
Description	Miles	%	Ratio to Each
Local Roads	269.27		
Major Roads	55.77		
Total Roads	325.04	100.00	
Residential Local Roads	269.27		
Res. Major Roads (2 lanes)	24.06		
Total Residential Roads	293.33	90.24	
C/I Major Roads (2 lanes)	31.71	9.76	
Total Roads	325.04	100.00	
<i>Source: City of Troy Engineering Department</i>			
Impervious Surface Area			
Description	Square Feet	%	Ratio to Each
Residential Colonial Roofs	13,230,865		
Residential Other Roofs	26,461,731		
Residential Driveways	14,513,040		
Local Roads	31,278,403		
Sidewalks	9,653,952		
Major Roads (2 Lanes)	5,590,724		
Total Residential Surfaces	100,728,715	40.91	.69237 : 1.00
Comm/Ind Roofs	31,202,014		
Comm/Ind Paving	106,013,859		
Sidewalks	906,048		
Major Roads (2 Lanes)	7,365,762		
Total Comm/Ind Surfaces	145,487,683	59.09	1.44 : 1.00
Total All Surfaces	246,216,398	100.00	
<i>Source: City of Troy Assessment Records, Engineering Department, DPW</i>			
<i>Chart #2</i>			

Chart #3 – Detail of City Tax Levies by Type

The City millage rate is comprised of levies for Operating, Capital projects, Refuse, and Debt service.

All of these various millages follow the 54.95% Residential, 45.05% Commercial/Industrial pro-ration determined by the 2005 Taxable Values on the City Assessment and Tax rolls.

Chart #4 – Police and Fire Service

The Police Service ratio is determined by excluding traffic stops, as a Residential or Commercial/Industrial stop cannot be broken out of the reports. Of the 24,538 calls for service, 13,300 were Residential calls (54.20%) and 11,238 calls were of a Commercial/Industrial nature (45.8%). This pro-ration is very close to the actual taxes paid, of 54.95% and 45.05%, respectively.

Of the 296 Fire calls for service reported, 229 were to Residential properties (77.36%) and 67 were to Commercial/Industrial properties (22.64%).

Chart #5 – Detail of All Tax Levies

As an informational item, Chart #5 details all of the taxes levied and collected by the City of Troy. The detail shows that the City Taxes account for approximately 24.73% of a property's total taxes. (*This percentage would be slightly lower for a Non-Homestead property, and slightly higher for a Principal Residence*).

County Taxes account for 11.90% of a tax bill. County School Taxes are an additional 11.54%. The total levy for County taxes is then 23.44%.

Local School Taxes are 51.84% of the tax bill. Local School taxes and County School taxes account for 63.38% of total taxes.

Chart #6 – Detail of Budgeted Tax Levies by Department

Departmental budgets are not solely funded by taxes. Since this analysis is of the cost of services by taxes paid, budgeted amounts are corrected to the tax contribution only. All other revenue sources are removed.

**City of Troy - Assessing Department
Detail and Analysis of Assessment/Tax Roll by Class**

**Chart #3
Detail of City Tax Levies by Type**

Description	Taxes	%	Ratio to Each
Res Operating Taxes	18,804,016	54.95	1.22 : 1.00
Comm/Ind Operating Taxes	15,414,269	45.05	.8198 : 1.00
Total Operating Taxes	34,218,285	100.00	
<i>Source: 2005 Starting Warrant and LT-1</i>			
Description	Taxes	%	Ratio to Each
Res Capital Taxes	4,686,539	54.95	1.22 : 1.00
Comm/Ind Capital Taxes	3,841,710	45.05	.8198 : 1.00
Total Capital Taxes	8,528,249	100.00	
<i>Source: 2005 Starting Warrant and LT-1</i>			
Description	Taxes	%	Ratio to Each
Residential Refuse Taxes	2,401,128	54.95	1.22 : 1.00
Comm/Ind Refuse Taxes	1,968,284	45.05	.8198 : 1.00
Total Refuse Taxes	4,369,412	100.00	
<i>Source: 2005 Starting Warrant and LT-1</i>			
Description	Taxes	%	Ratio to Each
Res Debt Taxes	1,446,463	54.95	1.22 : 1.00
Comm/Ind Debt Taxes	1,185,713	45.05	.8198 : 1.00
Total Debt Taxes	2,632,176	100.00	
<i>Source: 2005 Starting Warrant and LT-1</i>			
Chart #3			

**City of Troy - Assessing Department
Detail and Analysis of Assessment/Tax Roll by Class**

Chart #4			
Detail of Police/Fire Service			
Description		% of Calls	Ratio to Each
Residential Police Service	13,300	54.20	1.18 : 1.00
Comm/Ind Police Service	11,238	45.80	.845 : 1.00
Total Police Service (Structure)	24,538	100.00	
<i>Source: City of Troy Police Department</i>			
Description		% of Calls	Ratio to Each
Residential Fire Runs	229	77.36	3.42 : 1.00
Comm/Ind Fire Runs	67	22.64	.2929 : 1.00
Total Fire Runs	296	100.00	
<i>Source: City of Troy Fire Department</i>			
<i>Chart #4</i>			

**City of Troy - Assessing Department
Detail and Analysis of Assessment/Tax Roll by Class**

Chart #5 Detail of All Tax Levies				
Description		%	%	%
City Taxes	45,503,676			
From DDA Base	4,056,682			
From TBRA Base	51,236			
From SmartZone Base	136,528			
Total City Taxes	49,748,122	22.58	City Tax Total	
DDA Taxes	3,695,145	1.68	24.73	
Brownfield Taxes	810,756	0.37		
SmartZone Taxes	212,602	0.10		
Oakland County Taxes	23,086,284	10.48	County Tax Total	
Transportation Taxes	3,127,508	1.42	11.90	
Intermediate School Taxes	17,571,141	7.97	County School Total	
Community College Taxes	7,872,820	3.57	11.54	
State Education Taxes	31,586,109	14.33	Local School Total	
School Operating Taxes	45,362,851	20.59	51.84	
School Debt Taxes	21,790,454	9.89		All School Total
School Supplemental Taxes	15,490,050	7.03		63.38
Total Taxes	220,353,842	100.00		
<i>Source: 2005 Starting Warrant</i>				
<i>Chart #5</i>				

**City of Troy - Assessing Department
Detail and Analysis of Assessment/Tax Roll by Class**

Chart #6 Detail of Budgeted Tax Levies by Department General Fund				
\$60,100,000, of which \$34,377,200 is Tax Revenue (.572 Multiplier)				
Description	Budget	Multiplier	From Taxes	% of Total
Police	22,600,000	0.572	12,927,200	37.60
Parks & Rec	8,500,000	0.572	4,862,000	14.14
Streets & Drains	5,300,000	0.572	3,031,600	8.82
Library/Museum	5,000,000	0.572	2,860,000	8.32
Finance	4,700,000	0.572	2,688,400	7.82
Fire	4,100,000	0.572	2,345,200	6.82
Engineering	3,000,000	0.572	1,716,000	4.99
General Government	2,700,000	0.572	1,544,400	4.49
Building Department	2,100,000	0.572	1,201,200	3.49
Council/Executive	2,100,000	0.572	1,201,200	3.49
Total General Fund	60,100,000		34,377,200	100.00
<i>Source: City of Troy 2005 - 2006 Annual Budget</i>				
Capital Fund				
\$24,079,330, of which \$8,019,000 is Tax Revenue (.333 Multiplier)				
Description	Budget	Multiplier	From Taxes	% of Total
Police	316,010	0.333	1,051,231	11.73
Fire	487,000	0.333	162,171	1.81
DPW general & 4 Add'l	540,000	0.333	179,820	2.01
Major Roads	7,760,000	0.333	2,584,080	28.83
Local Roads	2,813,000	0.333	936,729	10.45
Sidewalks	1,000,000	0.333	333,000	3.71
Drains	2,270,920	0.333	756,216	8.44
Parks & Rec general & 2 Add'l	937,400	0.333	312,154	3.48
Park Development	1,501,000	0.333	499,833	5.58
Subdivision Improvement	2,000,000	0.333	666,000	7.43
Library/Museum	543,000	0.333	180,819	2.02
General Administration	3,911,000	0.333	1,302,363	14.53
Total Capital Fund	24,079,330		8,964,416	100.00
<i>Source: City of Troy 2005 - 2006 Annual Budget</i>				
Refuse Fund				
\$4,525,650 ALL of which is Tax Revenue (No Multiplier)				
Description	Budget	Multiplier	From Taxes	% of Total
Refuse	4,525,650	1.00	4,525,650	100.00
<i>Source: City of Troy 2005 - 2006 Annual Budget</i>				
Debt Fund				
\$2,819,530, of which \$2,475,000 is Tax Revenue (.877806 Multiplier)				
Description	Budget	Multiplier	From Taxes	% of Total
Proposal A - Streets	788,640	0.877806	692,273	27.97
Proposal B - Public Safety	1,316,720	0.877806	1,155,825	46.70
Proposal C - Recreational	714,170	0.877806	626,902	25.33
Total Debt Fund	2,819,530		2,475,000	100.00
<i>Source: City of Troy 2005 - 2006 Annual Budget</i>				
Chart #6				

Chart #7 – Summary of Taxes Budgeted to Departments by Property Class

Using the Taxes per Department from Chart #6, and ratios of Residential to Commercial/Industrial use established from Charts # 1 – 5, Departmental Budgeted amounts from taxes are pro-rated to the user of the service by class of property.

The Police ratio is established at 54.2% to 45.8%, Residential to Commercial/Industrial.

The General Government tax pro-ration follows the actual taxes paid as established by the 2005 Taxable Values for these properties.

**** Assumption: Per the Financial Services Director, the cost of General Government is the same to all properties. No one class requires any more General Government service than another.*

The DPW account is made up of the eight (8) separate budget lines listed. The overall ratio for the DPW account is 60.56% Residential and 39.44% Commercial/Industrial.

The DPW breakdown for Residential to Commercial/Industrial is 90.24% to 9.76% for roadways based on usage previously established. Drains are divided 40.91% to 59.09% based on impervious surfaces by class. Capital costs are set at 54.95% to 45.05% as these items are a direct calculation from the ratio of taxes paid by class at the headquarters. Major roads Capital funds are at the 43.12% to 56.85% ratio established by use, as are the Local roads Capital funds, Sidewalk Capital funds, and Drains Capital funds. Major Street Debt funds are also assigned in the same ratio as established by use.

Parks and Recreation has many activities and services that are paid for directly by the users. The measurement of services used compared to taxes paid does not account for any self supporting services. The usage per class estimate for Parks and Recreation is 79% Residential property and 21% Commercial/Industrial.

The Refuse account is used 100% by the Residential class. While the Commercial/Industrial Real and Personal Property parcels pay a Refuse millage and tax, there is no use, nor benefit to the properties.

As previously noted, the Fire Department taxes would be split on the 77.36% Residential to 22.64% Commercial/Industrial pro-ration.

Per the Library Director, there are 50,000 library card holders in the City of Troy. Non-residents card holders (people who work in the City, but do not live here) have 142 library cards. This is 2.8 tenths of 1% of the total library cards. The tax split for the Library is then 99.72% Residential to .28% Commercial/Industrial.

The Subdivision Improvement account is used 100% by the Residential class of properties.

**City of Troy - Assessing Department
Detail and Analysis of Assessment/Tax Roll by Class**

**Chart #7
Summary of Taxes Budgeted to Departments by Property Class
(Page 1 of 2)**

Description (Fund)	Taxes	Use	Residential	Comm/Ind
Police (General)	12,927,200	54.2 / 45.8	7,006,542	5,920,658
Police (Capital)	1,051,231	54.2 / 45.8	569,767	481,464
Police (Debt 1/2)	577,913	54.2 / 45.8	313,229	264,684
Police	14,556,344	54.2 / 45.8	7,889,538	6,666,806

Description (Fund)	Taxes	Use	Residential	Comm/Ind
General Admin (General)	1,544,400	54.95 / 45.05	848,648	695,752
Council/Exec (General)	1,201,200	54.95 / 45.05	660,059	541,141
Finance (General)	2,688,400	54.95 / 45.05	1,477,276	1,211,124
Engineering (General)	1,716,000	54.95 / 45.05	942,942	773,058
Building Dept (General)	1,201,200	54.95 / 45.05	660,059	541,141
General Admin (Capital)	1,302,363	54.95 / 45.05	715,649	586,714
General Government	9,653,563	54.95 / 45.05	5,304,633	4,348,930

Description (Fund)	Taxes	Use	Residential	Comm/Ind
Streets (General)	2,022,077	90.24 / 9.76	1,824,722	197,355
Drains (General)	1,009,523	40.91 / 59.09	412,996	596,527
DPW (Capital)	179,820	54.95 / 45.05	98,811	81,009
Major Roads (Capital)	2,584,080	43.12 / 56.85	1,114,255	1,469,825
Local Roads (Capital)	936,729	100.0 / 0	936,729	0
Sidewalks (Capital)	333,000	43.12 / 56.85	143,590	189,410
Drains (Capital)	756,216	43.12 / 56.85	326,080	430,136
Streets (Debt) Major	692,273	43.12 / 56.85	298,508	393,765
DPW	8,513,718	60.56 / 39.44	5,155,691	3,358,027

Description (Fund)	Taxes	Use	Residential	Comm/Ind
Parks & Rec (General)	4,862,000	79 / 21	3,840,980	1,021,020
Parks & Rec (Capital)	811,987	79 / 21	641,470	170,517
Parks & Rec (Debt)	626,902	79 / 21	495,253	131,649
Parks & Recreation	6,300,889	79 / 21	4,977,703	1,323,186

Description (Fund)	Taxes	Use	Residential	Comm/Ind
Refuse (Refuse)	4,525,650	100.0 / 0	4,525,650	0
Refuse	4,525,650	100.0 / 0	4,525,650	0

Description (Fund)	Taxes	Use	Residential	Comm/Ind
Fire (General)	2,345,200	77.36 / 22.64	1,814,247	530,953
Fire (Capital)	162,171	77.36 / 22.64	125,455	36,716
Fire (Debt 1/2)	577,913	77.36 / 22.64	447,074	130,839
Fire	3,085,284	77.36 / 22.64	2,386,776	698,508

Description (Fund)	Taxes	Use	Residential	Comm/Ind
Library/Museum (General)	2,860,000	99.72 / .28	2,851,992	8,008
Library/Museum (Capital)	180,819	99.72 / .28	180,313	506
Library/Museum	3,040,819	99.72 / .28	3,032,305	8,514

50,000 cardholders, 142 issued to people working in the City

**City of Troy - Assessing Department
Detail and Analysis of Assessment/Tax Roll by Class**

**Chart #7
Summary of Taxes Budgeted to Departments
(Page 2 of 2)**

Description (Fund)	Taxes	Use	Residential	Comm/Ind
Subdivision Improvement (Cap'l)	666,000	100.0 / 0	666,000	0
Subdivision Improvement	666,000	100.0 / 0	666,000	0
<i>Chart #7 (page 2 of 2)</i>				

Chart #7
Summary of Taxes Budgeted to Departments by Property Class

Description (Fund)	Taxes	Use	Residential	Comm/Ind	Equals 20.3% of Police Times % of Total			
					13.4% Total	22.7% Total	25.2% Total	17.5% Total
					2.72% Cost	4.61% Cost	5.12% Cost	3.55% Cost
					Acres	Sq Ft	Parcels	Taxes
Police (General)	12,927,200	54.2 / 45.8	7,006,542	5,920,658	161,042	272,942	303,138	210,183
Police (Capital)	1,051,231	54.2 / 45.8	569,767	481,464	13,096	22,195	24,651	17,092
Police (Debt 1/2)	577,913	54.2 / 45.8	313,229	264,684	7,199	12,202	13,552	9,396
Police	14,556,344	54.2 / 45.8	7,889,538	6,666,806				

Description (Fund)	Taxes	Use	Residential	Comm/Ind	13.4% Total	22.7% Total	25.2% Total	17.5% Total
					Acres	Sq Ft	Parcels	Taxes
General Admin (General)	1,544,400	54.95 / 45.05	848,648	695,752	93,231	157,936	175,330	121,757
Council/Exec (General)	1,201,200	54.95 / 45.05	660,059	541,141	72,513	122,839	136,368	94,700
Finance (General)	2,688,400	54.95 / 45.05	1,477,276	1,211,124	162,291	274,925	305,203	211,947
Engineering (General)	1,716,000	54.95 / 45.05	942,942	773,058	103,590	175,484	194,811	135,285
Building Dept (General)	1,201,200	54.95 / 45.05	660,059	541,141	72,513	122,839	136,368	94,700
General Admin (Capital)	1,302,363	54.95 / 45.05	715,649	586,714	78,620	133,184	147,852	102,675
General Government	9,653,563	54.95 / 45.05	5,304,633	4,348,930				

Description (Fund)	Taxes	Use	Residential	Comm/Ind	Acres	Sq Ft	Parcels	Taxes
Streets (General)	2,022,077	90.24 / 9.76	1,824,722	197,355	26,446	44,800	49,733	34,537
Drains (General)	1,009,523	40.91 / 59.09	412,996	596,527	79,935	135,412	150,325	104,392
DPW (Capital)	179,820	54.95 / 45.05	98,811	81,009	10,855	18,389	20,414	14,177
Major Roads (Capital)	2,584,080	43.12 / 56.85	1,114,255	1,469,825	196,957	333,650	370,396	257,219
Local Roads (Capital)	936,729	100.0 / 0	936,729	0	0	0	0	0
Sidewalks (Capital)	333,000	43.12 / 56.85	143,590	189,410	25,381	42,996	47,731	33,147
Drains (Capital)	756,216	43.12 / 56.85	326,080	430,136	57,638	97,641	108,394	75,274
Streets (Debt) Major	692,273	43.12 / 56.85	298,508	393,765	52,765	89,385	99,229	68,909
DPW	8,513,718	60.56 / 39.44	5,155,691	3,358,027				

Description (Fund)	Taxes	Use	Residential	Comm/Ind	Acres	Sq Ft	Parcels	Taxes
Parks & Rec (General)	4,862,000	79 / 21	3,840,980	1,021,020	136,817	231,772	257,297	178,679
Parks & Rec (Capital)	811,987	79 / 21	641,470	170,517	22,849	38,707	42,970	29,840
Parks & Rec (Debt)	626,902	79 / 21	495,253	131,649	17,641	29,884	33,176	23,039
Parks & Recreation	6,300,889	79 / 21	4,977,703	1,323,186				

Description (Fund)	Taxes	Use	Residential	Comm/Ind	Acres	Sq Ft	Parcels	Taxes
Refuse (Refuse)	4,525,650	100.0 / 0	4,525,650	0	0	0	0	0
Refuse	4,525,650	100.0 / 0	4,525,650	0	0	0	0	0

Description (Fund)	Taxes	Use	Residential	Comm/Ind	Acres	Sq Ft	Parcels	Taxes
Fire (General)	2,345,200	77.36 / 22.64	1,814,247	530,953	71,148	120,526	133,800	92,917
Fire (Capital)	162,171	77.36 / 22.64	125,455	36,716	4,920	8,335	9,252	6,425
Fire (Debt 1/2)	577,913	77.36 / 22.64	447,074	130,839	17,532	29,700	32,971	22,897
Fire	3,085,284	77.36 / 22.64	2,386,776	698,508				

Description (Fund)	Taxes	Use	Residential	Comm/Ind	Acres	Sq Ft	Parcels	Taxes
Library/Museum (General)	2,860,000	99.72 / .28	2,851,992	8,008	1,073	1,818	2,018	1,401
Library/Museum (Capital)	180,819	99.72 / .28	180,313	506	68	115	128	89
Library/Museum	3,040,819	99.72 / .28	3,032,305	8,514				

Description (Fund)	Taxes	Use	Residential	Comm/Ind	Acres	Sq Ft	Parcels	Taxes
Sub Improvement (Cap'l)	666,000	100.0 / 0	666,000	0	0	0	0	0
Sub Improvement	666,000	100.0 / 0	666,000	0	0	0	0	0

Acres	Sq Ft	Parcels	Taxes
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DDA Total of: 1,486,117 2,517,676 2,795,106 1,940,675

Total DDA Taxes from Base: 4,045,667 4,045,667 4,045,667 4,045,667

Acres	Sq Ft	Parcels	Taxes
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Net Difference in Taxes Paid and Service Cost: 2,559,550 1,527,991 1,250,561 2,104,992

Chart #8 – Detail of Costs and Net Benefit by Department

By comparing the actual taxes budgeted to the Departments with the pro-rata user of those tax dollar benefits, Chart #8 details the net benefit to the Residential and Commercial/Industrial property classes in four (4) categories: total taxes, cost and benefit per acre, cost and benefit per square foot of building area, and cost and benefit per parcel count.

Chart #9 – Summary of Net Benefit by Class

The summary of all of the data presented shows a Net Deficit in tax dollars paid by the Residential class by all departments except Police, and of course, General Administration, toward the cost of services it consumes.

In simple terms, the Residential class of properties consumes \$6,274,919 more dollars of taxes for services than its contribution for the same. This equates to a deficit of \$333 toward the cost of service per acre of land, a deficit of \$0.09 toward the cost of service per square foot of building, and a deficit of \$199 toward the cost of service per parcel.

The summary shows a Net Overage in tax dollars paid by the Commercial/Industrial class by all departments except Police, and again, General Administration, toward the cost of services it consumes.

The Commercial/Industrial class of property pays \$6,274,919 more in taxes than the costs of the services it uses. This equates to added payments of \$1,114 per acre of land, an additional payment of \$0.14 per square foot of building area, and an additional \$822 paid per parcel for services.

In other terms, the \$6,274,919 dollars of additional taxes paid by the Commercial/Industrial class to offset the usage by the Residential class amounts to \$664,012,593 dollars of Taxable Value ($(\$6,274,919 / 9.45 \text{ mills}) * 1,000$). The Commercial/Industrial class is currently \$521,499,630 less in Taxable Value than the Residential class.

The majority of the use to payment ratios will not change significantly than as they currently exist. As the tax ratio equalizes between Residential and Commercial/Industrial, or tips towards a Commercial/Industrial majority, the Residential class will pay even less of a portion of its costs of services compared to its usage.

This analysis demonstrates that the Commercial/Industrial class of properties is a 'donor' class of property. It pays more in taxes than the services it requires

**City of Troy - Assessing Department
Detail and Analysis of Assessment/Tax Roll by Class**

**Chart #8
Detail of Costs and Net Benefit by Department
(Page 1 of 2)**

POLICE	Taxes	Use %	Cost	Cost/Ben. Per Acre	Cost/Ben. Sq Ft	Cost/Ben. Parcel
Police TOTAL	14,556,344	100.00	14,556,344	732	0.14	447
Taxes - Residential	7,998,711	54.95		542	0.15	298
Benefit - Residential	7,889,538	54.20		534	0.15	294
Net Benefit - Residential	(109,173)			(8)	0.00	(4)
Taxes - Comm/Ind	6,557,633	45.05		1,281	0.12	860
Benefit - Comm/Ind	6,666,806	45.80		1,302	0.12	874
Net Benefit - Comm/Ind	109,173			21	0.00	14
GENERAL ADMINISTRATION						
GENERAL ADMINISTRATION	Taxes	Use %	Cost	Cost/Ben. Per Acre	Cost/Ben. Sq Ft	Cost/Ben. Parcel
General Admin. TOTAL	9,653,563	100.00	9,653,563	486	0.09	296
Taxes - Residential	5,304,633	54.95		359	0.10	197
Benefit - Residential	5,304,633	54.95		359	0.10	197
Net Benefit - Residential	0			0	0.00	0
Taxes - Comm/Ind	4,348,930	45.05		850	0.08	570
Benefit - Comm/Ind	4,348,930	45.05		850	0.08	570
Net Benefit - Comm/Ind	0			0	0.00	0
DPW						
DPW	Taxes	Use %	Cost	Cost/Ben. Per Acre	Cost/Ben. Sq Ft	Cost/Ben. Parcel
DPW TOTAL	8,513,718	100.00	8,513,718	428	0.08	261
Taxes - Residential	4,678,288	54.95		317	0.09	174
Benefit - Residential	5,155,691	60.56		349	0.10	192
Net Benefit - Residential	477,103			32	0.01	18
Taxes - Comm/Ind	3,835,430	45.05		749	0.07	503
Benefit - Comm/Ind	3,358,027	39.44		717	0.06	440
Net Benefit - Comm/Ind	(477,403)			(32)	(0.01)	(63)
PARKS & RECREATION						
PARKS & RECREATION	Taxes	Use %	Cost	Cost/Ben. Per Acre	Cost/Ben. Sq Ft	Cost/Ben. Parcel
Parks & Rec TOTAL	6,300,889	100.00	6,300,889	317	0.12	193
Taxes - Residential	3,462,339	54.95		235	0.07	129
Benefit - Residential	4,977,703	79.00		337	0.09	185
Net Benefit - Residential	1,515,364			102	0.02	56
Taxes - Comm/Ind	2,838,550	45.05		555	0.05	372
Benefit - Comm/Ind	1,323,186	21.00		258	0.02	174
Net Benefit - Comm/Ind	(1,515,364)			(297)	(0.03)	(198)

**City of Troy - Assessing Department
Detail and Analysis of Assessment/Tax Roll by Class**

**Chart #8
Detail of Net Benefit by Department
(Page 2 of 2)**

REFUSE	Taxes	Use %	Cost	Cost/Ben. Per Acre	Cost/Ben. Sq Ft	Cost/Ben. Parcel
Refuse TOTAL	4,525,650	100.00	4,525,650	228	0.04	139
Taxes - Residential	2,486,845	54.95		168	0.05	93
Benefit - Residential	4,525,650	100.00		228	0.04	139
Net Benefit - Residential	2,038,805			60	0.01	46
Taxes - Comm/Ind	2,038,805	45.05		398	0.04	267
Benefit - Comm/Ind	0	0.00		0	0.00	0
Net Benefit - Comm/Ind	(2,038,805)			(398)	(0.04)	(267)
FIRE						
FIRE	Taxes	Use %	Cost	Cost/Ben. Per Acre	Cost/Ben. Sq Ft	Cost/Ben. Parcel
Fire TOTAL	3,085,284	100.00	3,085,284	155	0.03	95
Taxes - Residential	1,695,364	54.95		115	0.03	63
Benefit - Residential	2,386,776	77.36		162	0.05	89
Net Benefit - Residential	691,412			47	0.02	26
Taxes - Comm/Ind	1,389,920	45.05		272	0.03	182
Benefit - Comm/Ind	698,508	22.64		136	0.01	92
Net Benefit - Comm/Ind	(691,412)			(136)	(0.02)	(90)
LIBRARY/MUSEUM						
LIBRARY/MUSEUM	Taxes	Use %	Cost	Cost/Ben. Per Acre	Cost/Ben. Sq Ft	Cost/Ben. Parcel
Library/Museum TOTAL	3,040,819	100.00	3,040,819	153	0.03	93
Taxes - Residential	1,670,930	54.95		113	0.03	62
Benefit - Residential	3,032,305	99.72		205	0.06	113
Net Benefit - Residential	1,361,375			92	0.03	51
Taxes - Comm/Ind	1,369,889	45.05		268	0.03	180
Benefit - Comm/Ind	8,514	0.28		2	0.00	1
Net Benefit - Comm/Ind	(1,361,375)			(266)	(0.03)	(179)
SUBDIVISION IMPROVEMENT						
SUBDIVISION IMPROVEMENT	Taxes	Use %	Cost	Cost/Ben. Per Acre	Cost/Ben. Sq Ft	Cost/Ben. Parcel
Sub. Imp. TOTAL	666,000	100.00	666,000	33	0.01	20
Taxes - Residential	365,967	54.95		25	0.01	14
Benefit - Residential	666,000	100.00		33	0.01	20
Net Benefit - Residential	300,033			8	0.00	6
Taxes - Comm/Ind	300,033	45.05		6	0.01	39
Benefit - Comm/Ind	0	0.00		0	0.00	0
Net Benefit - Comm/Ind	(300,033)			(6)	(0.01)	(39)
<i>Chart #8 (page 2 of 2)</i>						

**City of Troy - Assessing Department
Detail and Analysis of Assessment/Tax Roll by Class**

**Chart #9
Summary of Net Benefit by Class**

NET BENEFIT - RESIDENTIAL	Taxes			Benefit Per Acre	Benefit Sq Ft	Benefit Parcel
Police	(109,173)			(8)	0.00	(4)
General Administration	0			0	0.00	0
DPW	477,103			32	0.01	18
Parks & Recreation	1,515,364			102	0.02	56
Refuse	2,038,805			60	0.01	46
Fire	691,412			47	0.02	26
Library/Museum	1,361,375			92	0.03	51
Subdivision Improvement	300,033			8	0.00	6
Total Net Benefit Res'l	6,274,919			333	0.09	199
<hr/>						
NET BENEFIT - COMM/IND	Taxes			Benefit Per Acre	Benefit Sq Ft	Benefit Parcel
Police	109,173			21	0.00	14
General Administration	0			0	0.00	0
DPW	(477,103)			(32)	(0.01)	(63)
Parks & Recreation	(1,515,364)			(297)	(0.03)	(198)
Refuse	(2,038,805)			(398)	(0.04)	(267)
Fire	(691,412)			(136)	(0.02)	(90)
Library/Museum	(1,361,375)			(266)	(0.03)	(179)
Subdivision Improvement	(300,033)			(6)	(0.01)	(39)
Total Net Benefit Comm/Ind	(6,274,919)			(1,114)	(0.14)	(822)
<hr/>						
<i>Chart #9</i>						

City of Troy - Assessing Department
Detail and Analysis of Assessment/Tax Roll by Class

Chart #10						
Comparison of Millage Rates by Percent of Residential Property Assessment						
Unit of Government	Millage Rate	Total Commercial/ Industrial	C/I % of Total	Residential Real	Residential % of Total	Total Assessed Value
Auburn Hills	10.7902	2,022,452,080	81.63	455,193,045	18.37	2,477,645,125
Birmingham	15.0719	628,062,965	23.65	2,027,378,240	76.35	2,655,441,205
Bloomfield Hills	8.3000	216,725,300	19.98	867,837,350	80.02	1,084,562,650
Bloomfield Twp	10.9545	371,213,750	8.52	3,987,677,690	91.48	4,358,891,440
Farmington Hills	11.1077	1,540,099,480	32.57	3,187,827,470	67.43	4,727,926,950
Madison Heights	17.2970	713,018,560	51.51	671,080,850	48.49	1,384,099,410
Novi	10.5416	1,310,301,130	36.59	2,270,250,250	63.41	3,580,551,380
Rochester Hills	9.6681	921,726,640	22.97	3,090,629,810	77.03	4,012,356,450
Royal Oak	11.7816	661,629,560	23.04	2,209,896,130	76.96	2,871,525,690
Southfield	16.3428	2,303,962,950	54.36	1,934,412,027	45.64	4,238,374,977
Troy	9.4500	2,866,337,870	49.77	2,892,925,590	50.23	5,759,263,460
Waterford Twp	10.2910	696,296,848	22.02	2,465,227,902	77.98	3,161,524,750
West Bloomfield Twp	9.0619	475,885,820	10.39	4,102,197,380	89.61	4,578,083,200
(source data: 2005 Oakland County Apportionment Report)						
<i>Chart #10</i>						

CERTIFICATION BY ASSESSING OFFICER AUTHENTICATING TAX ROLL

Sec 211.41 CL of 1979, as amended

I HEREBY CERTIFY that the foregoing and annexed is the Tax Roll of the **CITY OF TROY** in the county aforesaid for the year 2005, with my warrant thereunto to annexed and that the aggregate amount of taxes spread upon the said tax roll is as follows:

State of Michigan))ss County of Oakland)	4,760,853,880	0	1,010,620	0	4,761,864,500
TAXABLE-REAL	4,760,853,880	0	1,010,620	0	4,761,864,500
TAXABLE-Homestead*	2,735,604,909	0	1,074,150	0	2,736,679,059
TAXABLE-Non-Homestead	2,026,248,971	0	(83,530)	0	2,025,165,441
TAXABLE-Personal	503,497,670	0	(215,900)	0	503,281,770
TAXABLE-Homestead*	0	0	0	0	0
TAXABLE-Non-Homestead	503,497,670	0	(215,900)	0	503,281,770
TAXABLE-Total Homestead*	2,735,604,909	0	1,074,150	0	2,736,679,059
TAXABLE-Total Non-Homestead	2,526,746,841	#VALUE!	(279,430)	#VALUE!	2,526,467,411
TAXABLE-Total on Tax Roll	5,262,351,550	#VALUE!	794,720	#VALUE!	5,262,821,270

ITEMS OF TAX COUNTY	CERTIFIED TAX RATE	WARRANT		MTT/STC/ASSESS CORR		JULY BOARD		DECEMBER BOARD		AMENDED TOTAL	
		TAXABLE VALUE	TAXES DUE	TAXABLE VALUE	TAXES DUE	TAXABLE VALUE	TAXES DUE	TAXABLE VALUE	TAXES DUE	TAXABLE VALUE	TAXES DUE
OPERATING	4.1900	4,968,959,732	20,619,941.27	#VALUE!	#VALUE!	734,630	3,078.09	#VALUE!	#VALUE!	#VALUE!	#VALUE!
PARKS & REC.	0.2415	4,968,959,732	1,200,003.77	#VALUE!	#VALUE!	734,630	177.41	#VALUE!	#VALUE!	#VALUE!	#VALUE!
H.C.M.A.	0.2146	4,968,959,732	1,066,338.75	#VALUE!	#VALUE!	734,630	157.65	#VALUE!	#VALUE!	#VALUE!	#VALUE!
CITY/TWP											
OPERATING	6.5000	4,968,959,732	32,298,238.25	#VALUE!	#VALUE!	734,630	4,775.09	#VALUE!	#VALUE!	#VALUE!	#VALUE!
REFUSE	0.8300	4,968,959,732	4,124,236.57	#VALUE!	#VALUE!	734,630	609.74	#VALUE!	#VALUE!	#VALUE!	#VALUE!
OCPTA	0.5950	5,256,316,710	3,127,505.44	#VALUE!	#VALUE!	794,720	472.85	#VALUE!	#VALUE!	#VALUE!	#VALUE!
CAPITAL	1.6200	4,968,959,732	8,046,714.78	#VALUE!	#VALUE!	734,630	1,190.10	#VALUE!	#VALUE!	#VALUE!	#VALUE!
DEBT	0.5000	4,976,994,572	2,488,497.28	#VALUE!	#VALUE!	734,630	367.31	#VALUE!	#VALUE!	#VALUE!	#VALUE!
BRA CAPTURED 035H	15.6805	22,840,383	358,148.62		0.00	120,920	1,899.06	#VALUE!	#VALUE!	#VALUE!	#VALUE!
BRA CAPTURED 036N	15.6805	28,864,325	452,607.04		0.00	(104,220)	(1,634.22)	#VALUE!	#VALUE!	#VALUE!	#VALUE!
DDA CAPTURED 265H	15.6805	66,670	1,045.41		0.00		0.00		0.00	66,670	1,045.41
DDA CAPTURED 265N	15.6805	235,565,900	3,694,100.00		#VALUE!	(76,790)	(1,204.10)	#VALUE!	#VALUE!	#VALUE!	#VALUE!
SZ CAPTURED 266H	17.4600		0.00		0.00		0.00		0.00		0.00
SZ CAPTURED 268N	26.4600	8,034,840	212,601.86		0.00		0.00		0.00	8,034,840	212,601.86
STATE EDUCATION TAX											
STATE OF MICHIGAN	6.0000	5,264,351,550	31,566,109.30		#VALUE!	794,720	4,786.32	#VALUE!	#VALUE!	#VALUE!	#VALUE!
SCHOOL											
TOTAL 010 AVONDALE		232,942,770									
H*	1.3203	204,322,080	269,766.44		0.00	53,480	70.80		#VALUE!	#VALUE!	#VALUE!
NH	18.0000	28,620,690	515,172.42		#VALUE!	(11,420)	(205.58)		#VALUE!	#VALUE!	#VALUE!
DEBT H*	7.5989	204,322,080	1,552,623.05		0.00	53,480	406.36		#VALUE!	#VALUE!	#VALUE!
DEBT NH	7.5989	28,620,690	217,485.78		#VALUE!	(11,420)	(88.77)		#VALUE!	#VALUE!	#VALUE!
TOTAL 030 BIRMINGHAM		140,005,020									
H*	8.9502	112,329,650	1,005,372.83		0.00	134,810	1,206.57		#VALUE!	#VALUE!	#VALUE!
NH	18.0000	27,675,370	498,156.66		#VALUE!	(134,810)	(2,426.58)		#VALUE!	#VALUE!	#VALUE!
DEBT H*	3.2600	112,329,650	366,194.65		0.00	134,810	439.48		#VALUE!	#VALUE!	#VALUE!
DEBT NH	3.2600	27,675,370	90,221.70		#VALUE!	(134,810)	(439.48)		#VALUE!	#VALUE!	#VALUE!
TOTAL 035 Troy Brownfield		56,912,680									
H*	8.9502	23,926,200	214,144.27		0.00	120,920	1,082.25		#VALUE!	#VALUE!	#VALUE!
NH	18.0000	32,986,480	593,756.84		0.00	(104,220)	(1,675.96)		#VALUE!	#VALUE!	#VALUE!
DEBT H*	3.2600	23,926,200	77,999.41		0.00	120,920	394.19		#VALUE!	#VALUE!	#VALUE!
DEBT NH	3.2600	32,986,480	107,535.92		0.00	(104,220)	(339.75)		#VALUE!	#VALUE!	#VALUE!
TOTAL 040 BLOOMFIELD HILLS		73,280,470									
H*	8.1155	66,756,270	541,841.66		0.00	(140,360)	(1,139.09)		#VALUE!	#VALUE!	#VALUE!
NH	18.0000	6,514,200	117,255.60		0.00	140,360	2,526.46		0.00	6,654,580	119,782.09
DEBT H*	2.1578	68,766,270	144,058.25		0.00	(140,360)	(302.86)		#VALUE!	#VALUE!	#VALUE!
DEBT NH	2.1578	6,514,200	14,056.34		0.00	140,360	302.86		0.00	6,654,580	14,359.20
TOTAL 160 LAMPHERE		124,926,520									

11/9/2005

ITEMS OF TAX	CERTIFIED TAX RATE	WARRANT		MTT/STC/ASSESS CORR		JULY BOARD		DECEMBER BOARD		AMENDED TOTAL	
		TAXABLE VALUE	TAXES DUE	TAXABLE VALUE	TAXES DUE	TAXABLE VALUE	TAXES DUE	TAXABLE VALUE	TAXES DUE	TAXABLE VALUE	TAXES DUE
H*	14.5000		0.00		0.00		0.00		0.00		0.00
NH	18.0000	124,928,520	2,248,677.96		#VALUE!		0.00		#VALUE!	#VALUE!	#VALUE!
DEBT H*	3.8993		0.00		0.00		0.00		#VALUE!	#VALUE!	0.00
DEBT NH	3.8993	124,928,520	487,125.97		#VALUE!		0.00		#VALUE!	#VALUE!	#VALUE!
TOTAL 230 ROYAL OAK			72,057,720								
H*	3.5030	20,682,150	72,449.57		0.00	78,670	275.58		0.00	20,760,820	72,725.15
NH	17.8061	51,375,570	914,798.53		#VALUE!	(78,670)	(1,400.80)		0.00	#VALUE!	#VALUE!
DEBT H*	2.5100	20,682,150	51,912.19		0.00	78,670	197.46		0.00	20,760,820	52,109.65
DEBT NH	2.5100	51,375,570	128,952.68		#VALUE!	(78,670)	(197.46)		0.00	#VALUE!	#VALUE!
TOTAL 260 TROY		3,470,479,070									
H*	5.7387	2,115,451,159	12,139,939.56		0.00	395,180	2,267.81		#VALUE!	#VALUE!	#VALUE!
NH	18.0000	1,355,024,911	24,390,448.39		#VALUE!	238,780	4,298.04		#VALUE!	#VALUE!	#VALUE!
DEBT H*	4.1300	2,115,451,159	5,736,813.29		0.00	395,180	1,632.09		#VALUE!	#VALUE!	#VALUE!
DEBT NH	4.1300	1,355,024,911	5,598,252.88		#VALUE!	238,780	986.16		#VALUE!	#VALUE!	#VALUE!
TOTAL 262 TROY TRANSFER		52,053,310									
H*	5.7387	44,715,380	256,808.03		0.00	85,170	373.99		#VALUE!	#VALUE!	#VALUE!
NH	18.0000	7,337,950	132,083.10		0.00	(69,500)	(1,251.00)		#VALUE!	#VALUE!	#VALUE!
DEBT H*	4.1300	44,715,380	184,674.43		0.00	85,170	289.15		#VALUE!	#VALUE!	#VALUE!
DEBT NH	4.1300	7,337,950	30,305.73		0.00	(69,500)	(287.03)		#VALUE!	#VALUE!	#VALUE!
DUE WARREN (H*)	0.0853	44,715,380	3,814.22		0.00	85,170	5.55		#VALUE!	#VALUE!	#VALUE!
DUE WARREN (NH)	0.0853	7,337,950	625.92		0.00	(69,500)	(5.92)		#VALUE!	#VALUE!	#VALUE!
TOTAL 265 TROY DDA		664,930,800									
H*	5.7387	185,070	1,062.06		0.00		0.00		0.00	185,070	1,062.06
NH	18.0000	664,745,730	11,965,423.14		#VALUE!	(76,790)	(1,382.22)		#VALUE!	#VALUE!	#VALUE!
DEBT H*	4.1300	185,070	764.33		0.00		0.00		0.00	185,070	764.33
DEBT NH	4.1300	664,745,730	2,745,399.86		#VALUE!	(76,790)	(317.14)		#VALUE!	#VALUE!	#VALUE!
TOTAL 268 TROY SmartZone		14,447,380									
H*	5.7387		0.00		0.00		0.00		0.00		0.00
NH	18.0000	14,447,380	260,052.84		0.00		0.00		0.00	14,447,380	260,052.84
NH NON-CAPTURE	9.0000	8,034,840	72,313.56				#VALUE!			#VALUE!	#VALUE!
DEBT H*	4.1300		0.00		0.00		0.00		0.00		0.00
DEBT NH	4.1300	22,482,220	92,851.56		0.00	#VALUE!	#VALUE!		0.00	#VALUE!	#VALUE!
TOTAL 750 WARREN		354,283,970									
H*	6.7186	147,228,970	988,864.66		0.00	368,280	2,460.15		#VALUE!	#VALUE!	#VALUE!
NH	18.0000	207,057,000	3,727,026.00		#VALUE!	(183,160)	(3,296.88)		#VALUE!	#VALUE!	#VALUE!
DEBT H*	3.2764	147,228,970	482,374.44		0.00	368,280	1,200.07		#VALUE!	#VALUE!	#VALUE!
DEBT NH	3.2764	207,057,000	676,401.55		#VALUE!	(183,160)	(600.10)		#VALUE!	#VALUE!	#VALUE!
INTERMEDIATE											
MACOMB	2.9430	354,283,970	1,042,657.72		#VALUE!	183,120	538.82		#VALUE!	#VALUE!	#VALUE!
OAKLAND	3.3690	4,902,032,740	16,514,948.30		#VALUE!	811,600	2,080.48		#VALUE!	#VALUE!	#VALUE!
OAKLAND SZ NON-CAPTURE	1.68450	8,034,840	13,534.68				#VALUE!			#VALUE!	#VALUE!
COLLEGE											
OAKLAND	1.5844	4,968,959,732	7,672,819.79		#VALUE!	734,690	1,183.94		#VALUE!	#VALUE!	#VALUE!
TOTAL GENERAL TAXES SPREAD			217,638,719.25		#VALUE!		#VALUE!		#VALUE!	#VALUE!	#VALUE!
ADMINISTRATIVE FEE FOR 2004 LEVY			1,678,905.97		#VALUE!		#VALUE!		#VALUE!	#VALUE!	#VALUE!
COUNTY DRAINS/LK LEVELS (includes @LARGE)			0.00		0.00		0.00		0.00		0.00
COUNTY SPECIAL ASSESSMENTS			0.00		0.00		0.00		0.00		0.00
CITY/TOWNSHIP SPECIAL ASSESSMENTS 05/16/05			490,872.02		0.00		0.00		0.00		490,872.02
EXCESS OF ROLL			0.00		0.00		0.00		0.00		0.00
PROPERTY TRANSFER AFFIDAVIT FINE			0.00		0.00		0.00		0.00		0.00
STATE TAX COMMISSION INCREASES (see attached)			0.00		0.00		0.00		0.00		0.00
TOTAL OF TAX ROLL			219,808,497.24		#VALUE!		#VALUE!		#VALUE!	#VALUE!	#VALUE!

DATED _____

2/5/2005 SIGNED _____

ASSESSOR OF THE CITY OF TROY

11/9/2005

LT-1 ANNUAL REPORT OF TAXES 2005 CITY of TROY, Oakland County, Michigan

Assessed Value	Fctr	Equalized	Taxable	ITEMS of TAX	RATE	Taxable	Code	Total Levies
Real Agricultural	0	0	0	COUNTY TAX LEVY				
Real Commercial	1,758,262,320	1.00	1,758,262,320	General	2.8000	5,264,351,550	1	14,740,184.34
Real Industrial	604,577,880	1.00	604,577,880	Parks & Rec	0.2415	5,264,351,550	2	1,271,340.89
Real Residential	3,659,736,460	1.00	3,659,736,460	Huron Clinton Authority	0.2146	5,264,351,550	2	1,129,729.84
Real Timber Cutover	0	0	0	Debt Service	1.3900		1	
Real Developmental	0	0	0	Oakland Count Public Trans Auth	0.5950	5,264,351,550	2	3,132,289.17
Total Real Property	6,022,576,660	1.00	6,022,576,660	Total County Levy	5.2411	5,264,351,550	2	27,590,992.90
Personal Property	503,497,670	1.00	503,497,670	1. TOTAL County TAX LEVY	5.2411	5,264,351,550	2	27,590,992.90
TOTAL	6,526,074,330	1.00	6,526,074,330	City, General Tax	6.5000	5,264,351,550	1	34,218,285.07
Homestead			2,711,678,709	Drains	0.5000	5,264,351,550	1	2,632,175.77
Non-Homestead			2,552,672,841	Refuse	0.8300	5,264,351,550	1	4,369,411.78
				Capital	1.6200	5,264,351,550	1	8,528,249.51
				2. TOTAL CITY TAX LEVY	9.4500	5,264,351,550	1	49,748,122.14

SCHOOL TAXES by DISTRICT	TAXABLE VALUE		STATE All (Taxes)	SCHL Rate	OP. NON (Taxes)	*** Extra Voted Taxes and Debt Service ***			BONDED DEBT - All	
	(dollars)	Rate				Supp'<18 Hmstd Rate	Supp'>18 All Rate (Taxes)	Enhanc't All Rate (Taxes)	Rate	(Taxes)
010 AVON Total	232,942,770	6.00	1,397,656.62							
010 Hmstd	204,322,080	6.00	1,225,932.48			1.3203	269,766.44		7.5989	1,552,623.05
010 Non	28,620,690	6.00	171,724.14	18.0000	515,172.42				7.5989	217,485.76
030 BIRM Total	140,005,020	6.00	840,030.12							
030 Hmstd	112,329,650	6.00	673,977.90			8.9502	1,005,372.83		3.2600	366,194.65
030 Non	27,675,370	6.00	166,052.22	18.0000	498,156.66				3.2600	90,221.70
035 Troy BRA Total	56,912,680	6.00	341,476.08							
035 Hmstd	23,926,200	6.00	143,557.20			8.9502	214,144.27		3.2600	77,999.41
035 Non	32,986,480	6.00	197,918.88	18.0000	593,756.64				3.2600	107,535.92
040 BLOOM Total	73,280,470	6.00	439,682.82							
040 Hmstd	66,766,270	6.00	400,597.62			8.1155	541,841.66		2.1578	144,068.25
040 Non	6,514,200	6.00	39,085.20	18.0000	117,255.60				2.1578	14,056.34
160 LAMPH Total	124,926,520	6.00	749,559.12							
160 Hmstd	0	6.00	0.00			14.5000	0.00		3.8993	0.00
160 Non	124,926,520	6.00	749,559.12	18.0000	2,248,677.36				3.8993	487,125.97
230 ROYOAK Total	72,057,720	6.00	432,346.32							
230 Hmstd	20,682,150	6.00	124,092.90			3.5030	72,449.57		2.5100	51,912.19
230 Non	51,375,570	6.00	308,253.42	17.8061	914,798.53				2.5100	128,952.68
260 TROY Total	3,470,476,070	6.00	20,822,856.42							
260 Hmstd	2,115,451,159	6.00	12,692,706.95			5.7387	12,139,939.56		4.1300	8,736,813.28
260 Non	1,355,024,911	6.00	8,130,149.46	18.0000	24,390,448.39				4.1300	5,596,252.88
262 W/TROY Total	52,053,310	6.00	312,319.86							
262 Hmstd	44,715,360	6.00	268,292.16			5.7387	256,608.03		4.2153	188,488.65
262 Non	7,337,950	6.00	44,027.70	18.0000	132,083.10				4.2153	30,931.66
265 TROYDDA Total	664,930,800	6.00	3,989,584.80							
265 Hmstd	185,070	6.00	1,110.42			5.7387	1,062.06		4.1300	764.33
265 Non	664,745,730	6.00	3,988,474.38	18.0000	11,965,423.14				4.1300	2,745,399.86
268 TROYSmartZoneTotal	22,482,220	6.00	134,893.32							
268 Hmstd	0	6.00	0.00			5.7387	0.00		4.1300	0.00
268 Non	22,482,220	6.00	134,893.32	18.0000	404,679.96				4.1300	92,851.56
750 WARR Total	354,283,970	6.00	2,125,703.82							
750 Hmstd	147,226,970	6.00	883,361.82			6.7166	988,864.66		3.2764	482,374.44
750 Non	207,057,000	6.00	1,242,342.00	18.0000	3,727,026.00				3.2764	678,401.55
INTERMTE SCHOOLS										
Oakland	4,910,032,740			0.2003	983,479.55	3.1687	15,558,420.74			
Macomb	354,283,970			0.2023	71,671.64	2.7407	970,986.07			
COMMUNITY COLLEGE										
Oakland	4,968,959,732			1.5844	7,872,819.79					
3. TOTAL SCHL LEVY	5,264,351,550									139,831,468.09

TOTAL GENERAL TAXES (Lines 1, 2 (Plus DDA, Plus Trans), and 3) 217,170,583.13
SPECIAL TAXES (Authorized to be Spread on Tax Roll, per Attached Resolution) 490,878.02
TOTAL TAXES 217,661,461.15

2005 Assessment Roll Summary

Percent Changes by Class

Assessed Value Percent Change		Taxable Value Percent Change	
	%		%
Residential (all)	4.95	Residential (all)	5.62
Residential	3.95	Residential	4.46
Condo	21.66	Condo	24.08
Commercial	3.27	Commercial	3.04
Industrial	0.02	Industrial	1.59
Personal	(6.08)	Personal	(6.08)
Overall A/V	2.98		3.33

Percent of Total Roll (Taxable Value)

	%		%
Commercial	26.02	Real	90.44
Industrial	9.46	Personal	9.56
Residential	54.95		
Personal	9.56		
Total	100.00	Total	100.00

Parcel Count (35,033) Breakdown

Real Property			Personal Property	
Commercial	947		Commercial	4,451
Commercial Vacant	121			
Commercial Improved	748			
Apartment Vacant	3			
Apartment Improved	64			
Utility	11			
Industrial	970		Industrial	1,238
Industrial Vacant	105			
Industrial Improved	865			
Residential	26,876		Utility	19
Residential Vacant	721			
Residential Improved	23,133			
Condo Vacant	134		Deletes	532
Condo Improved	2,368			
Exempt	520			
Total Real	28,793		Total Personal	6,240

Averages

	Sale Price	Market Value	Assessed Value	Taxable Value
Residential 1,118 sales @ 328,955,217	294,235	292,464	146,232	115,627
Condo 362 sales @ 83,280,469	230,057	198,866	99,433	84,273

**2005 Assessment Roll Summary
Ratio of Taxable Value to Market Value**

Total Market Value (including Personal Property)	13,052,148,660
Total Taxable Value (including Personal Property)	5,264,351,550
Ratio of T/V to M/V (including Personal Property) %	40.33

Total Market Value (No Personal Property)	12,045,153,320
Total Taxable Value (No Personal Property)	4,760,853,880
Ratio of T/V to M/V (No Personal Property) %	39.53

By Type (No Personal Property)	Market Value	Taxable Value	Ratio
Commercial	3,516,524,640	1,369,954,040	38.96
Industrial	1,209,155,760	497,974,250	41.18
Residential	7,319,472,920	2,892,925,590	39.52

DDA Statistics

	Base	05 T/V	05 Capture
Real	342,342,400	531,379,920	189,037,520
Personal	86,936,130	133,550,880	46,614,750
Total	429,278,530	664,930,800	235,652,270

Troy Brownfield (TBRA) Statistics

	Base	05 T/V	05 Capture
Real	5,421,830	52,659,750	47,451,778
Personal	0	4,252,930	4,252,930
Total	5,421,830	56,912,680	51,704,708

Troy Smart Zone (SZ) Statistics

	Base	05 T/V	05 Capture
Real	13,016,380	16,372,300	3,355,920
Personal	1,431,000	6,109,920	4,678,920
Total	14,447,380	22,482,220	8,034,840

Top Ten Taxpayers

Rank	Name	05 A/V	05 T/V	Activity	Parcels
1	Frankel Forbes Cohen	70,368,000	62,372,530	Somerset N & S	3
2	Nykel Management	85,129,670	56,361,080	Somerset Apt's	24
3	Liberty Property Trust	64,960,520	43,507,780	Office Leasing	26
4	Kmart	40,167,780	39,103,450	Retail & CorpHQ	7
5	Detroit Edison	33,890,730	33,882,660	Utility	16
6	Kelly Services & Properties	42,089,530	33,786,950	Corp HQ & Temps	11
7	888 W Big Beaver Assoc	33,373,440	32,532,870	Office Leasing	2
8	Rigg's & Co (Columbia Cntr)	38,103,890	28,079,400	Office Leasing	3
9	Oakland Mall LLC	36,076,900	28,047,750	Retail	8
10	Standard Federal	31,371,350	27,759,750	Banking/Corp HQ	5

**2005/06 ALL FUNDS COMBINED SUMMARY
OF REVENUES, EXPENDITURES AND FUND BALANCE**

DESCRIPTION	ENTERPRISE	INTERNAL SERVICE	TOTAL ALL FUNDS
<u>REVENUE</u>			
Taxes	\$ -	\$ -	\$ 48,954,190
Licenses & Permits	-	-	2,012,500
Federal Grants	-	-	522,320
State Grants	-	-	12,982,000
Contributions - Local	-	-	707,000
Charges for Service	28,606,750	3,758,450	38,651,000
Fines and Forfeits	-	-	995,000
Interest and Rents	882,300	3,802,300	6,704,900
Other Revenue	-	4,936,000	6,415,780
REVENUE	\$ 29,489,050	\$ 12,496,750	\$ 117,944,690
<u>EXPENDITURES</u>			
Personal Service Control	\$ 3,984,510	\$ 8,060,350	\$ 53,786,260
Supplies	854,140	1,112,150	5,121,130
Other Services/Charges	20,507,720	3,440,540	43,961,250
Capital Outlay	9,139,000	1,421,300	32,062,710
Debt Service	755,520	-	4,157,190
EXPENDITURES	\$ 35,240,890	\$ 14,034,340	\$ 139,088,540
<u>OTHER FINANCING SOURCES</u>			
Operating Transfer In	\$ -	\$ -	\$ -
OTHER FINANCING SOURCES	\$ -	\$ -	\$ -
<u>OTHER FINANCING USES</u>			
Operating Transfer Out	\$ -	\$ -	\$ -
OTHER FINANCING USES	\$ -	\$ -	\$ -
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	\$ -	\$ -	\$ 71,660
BEGINNING FUND BALANCE	\$ -	\$ -	\$ 42,485,699
ENDING FUND BALANCE	\$ -	\$ -	\$ 42,557,359

Note: Enterprise and Internal Service Funds report on the accrual basis, therefore retained earnings are not shown in the budget. The Annual Audit shows the retained earnings amount.

**2005/06 ALL FUNDS COMBINED SUMMARY
OF REVENUES, EXPENDITURES AND FUND BALANCE**

DESCRIPTION	GENERAL	SPECIAL REVENUE	CAPITAL PROJECTS	
			DEBT SERVICE	SPECIAL ASSESSMENT
REVENUE				
Taxes	\$ 34,351,690	\$ 4,108,500	\$ 2,475,000	\$ 8,019,000
Licenses & Permits	2,012,500	-	-	-
Federal Grants	32,320	185,000	-	305,000
State Grants	6,658,000	5,275,000	-	1,049,000
Contributions - Local	135,000	-	-	572,000
Charges for Service	5,969,200	149,600	-	167,000
Fines and Forfeits	995,000	-	-	-
Interest and Rents	1,110,300	160,000	100,000	650,000
Other Revenue	479,780	-	-	1,000,000
REVENUE	\$ 51,743,790	\$ 9,878,100	\$ 2,575,000	\$ 11,762,000
EXPENDITURES				
Personal Service Control	\$ 41,545,880	\$ 195,520	\$ -	\$ -
Supplies	3,131,430	23,410	-	-
Other Services/Charges	15,272,680	4,678,160	62,150	-
Capital Outlay	17,000	-	-	21,485,410
Debt Service	-	-	3,084,920	316,750
EXPENDITURES	\$ 59,966,990	\$ 4,897,090	\$ 3,147,070	\$ 21,802,160
OTHER FINANCING SOURCES				
Operating Transfer In	\$ 8,333,200	\$ 581,770	\$ 3,391,600	\$ 13,373,160
OTHER FINANCING SOURCES	\$ 8,333,200	\$ 581,770	\$ 3,391,600	\$ 13,373,160
OTHER FINANCING USES				
Operating Transfer Out	\$ 110,000	\$ 5,491,120	\$ 2,819,530	\$ 3,333,000
OTHER FINANCING USES	\$ 110,000	\$ 5,491,120	\$ 2,819,530	\$ 3,333,000
Excess of Revenues Over (Under) Expenditures	\$ -	\$ 71,660	\$ -	\$ -
Beginning Fund Balance	\$ 18,390,285	\$ 5,522,040	\$ 4,215,338	\$ 14,358,036
ENDING FUND BALANCE	\$ 18,390,285	\$ 5,593,700	\$ 4,215,338	\$ 14,358,036

**GENERAL DEBT SERVICE FUND
REVENUE AND EXPENDITURES**

DESCRIPTION	2003 ACTUAL	2004 PROJECTED	2004 BUDGET	2005 BUDGET
REVENUE				
Taxes	\$ 3,512,091	\$ 2,444,380	\$ 2,390,000	\$ 2,475,000
Interest and Rents	240,690	90,000	170,000	100,000
Operating Transfer In	-	298,800	949,690	306,680
Other Revenue	265,133	-	-	-
REVENUE	\$ 4,017,914	\$ 2,833,180	\$ 3,509,690	\$ 2,881,680
EXPENDITURES				
Other Services/Charges	\$ 39,730	\$ 40,920	\$ 60,920	\$ 62,150
Debt Service	8,703,519	1,780	-	-
Operating Transfer Out	5,461,488	2,790,480	3,448,770	2,819,530
EXPENDITURES	\$ 14,204,737	\$ 2,833,180	\$ 3,509,690	\$ 2,881,680
Revenue Over (Under) Expenditures	\$ (10,186,823)	\$ -	\$ -	\$ -

Capital Projects Funds

**1995 MTF DEBT SERVICE FUND
REVENUE AND EXPENDITURES**

DESCRIPTION	2003 ACTUAL	2004 PROJECTED	2004 BUDGET	2005 BUDGET
REVENUE				
Operating Transfer In	\$ 2,048,080	\$ -	\$ -	\$ -
REVENUE	\$ 2,048,080	\$ -	\$ -	\$ -
EXPENDITURES				
Debt Service	\$ 2,048,080	\$ -	\$ -	\$ -
EXPENDITURES	\$ 2,048,080	\$ -	\$ -	\$ -
Revenue Over (Under) Expenditures	\$ -	\$ -	\$ -	\$ -

**2000 MTF DEBT SERVICE FUND
REVENUE AND EXPENDITURES**

DESCRIPTION	2003 ACTUAL	2004 PROJECTED	2004 BUDGET	2005 BUDGET
<u>REVENUE</u>				
Operating Transfer In	\$ 1,693,250	\$ 247,740	\$ 247,740	\$ 265,390
REVENUE	\$ 1,693,250	\$ 247,740	\$ 247,740	\$ 265,390
<u>EXPENDITURES</u>				
Debt Service	\$ 228,713	\$ 247,740	\$ 247,740	\$ 265,390
EXPENDITURES	\$ 228,713	\$ 247,740	\$ 247,740	\$ 265,390
Revenue Over (Under) Expenditures	\$ 1,464,537	\$ -	\$ -	\$ -

**PROP. A BOND DEBT SERVICE FUND
REVENUE AND EXPENDITURES**

DESCRIPTION	2003 ACTUAL	2004 PROJECTED	2004 BUDGET	2005 BUDGET
<u>REVENUE</u>				
Operating Transfer In	\$ 763,313	\$ 776,090	\$ 776,170	\$ 788,640
REVENUE	\$ 763,313	\$ 776,090	\$ 776,170	\$ 788,640
<u>EXPENDITURES</u>				
Debt Service	\$ 763,313	\$ 776,090	\$ 776,170	\$ 788,640
EXPENDITURES	\$ 763,313	\$ 776,090	\$ 776,170	\$ 788,640
Revenue Over (Under) Expenditures	\$ -	\$ -	\$ -	\$ -

**CAPITAL FUND
REVENUE AND EXPENDITURES**

DESCRIPTION	2003 ACTUAL	2004 PROJECTED	2004 BUDGET	2005 BUDGET
REVENUE				
Taxes	\$ 7,586,118	\$ 9,142,000	\$ 8,938,000	\$ 8,019,000
Federal Grants	1,965	1,730	-	305,000
State Grants	1,644,881	3,237,770	4,267,750	1,049,000
Contributions - Local	1,371,444	-	-	572,000
Charges for Service	1,611,639	130,000	140,000	167,000
Interest and Rents	339,025	504,200	325,000	400,000
Other Revenue	680,280	539,000	-	800,000
Operating Transfer In	14,608,910	14,738,780	21,388,850	12,767,330
REVENUE	\$27,844,262	\$28,293,480	\$35,059,600	\$ 24,079,330
EXPENDITURES				
ATTORNEY				
Capital Outlay	\$ -	\$ -	\$ -	\$ 20,000
HUMAN RESOURCES				
Capital Outlay	-	-	-	30,000
PURCHASING				
Capital Outlay	-	7,500	20,000	-
TREASURER				
Capital Outlay	9,827	10,000	5,000	10,000
INFORMATION TECHNOLOGY				
Capital Outlay	93,214	502,135	1,213,270	600,000
CITY HALL				
Capital Outlay	245,115	345,000	487,250	450,000
Operating Transfer Out	4,583,152	3,100,000	3,100,000	2,333,000
CATV - COMMUNITY AFFAIRS				
Capital Outlay	-	50,000	120,000	60,000
DISTRICT COURT				
Capital Outlay	2,140	144,000	144,000	168,000
POLICE ADMINISTRATION				
Capital Outlay	33,545	137,000	146,480	9,000
POLICE UNIFORM PATROL				
Capital Outlay	27,340	125,000	125,360	41,310

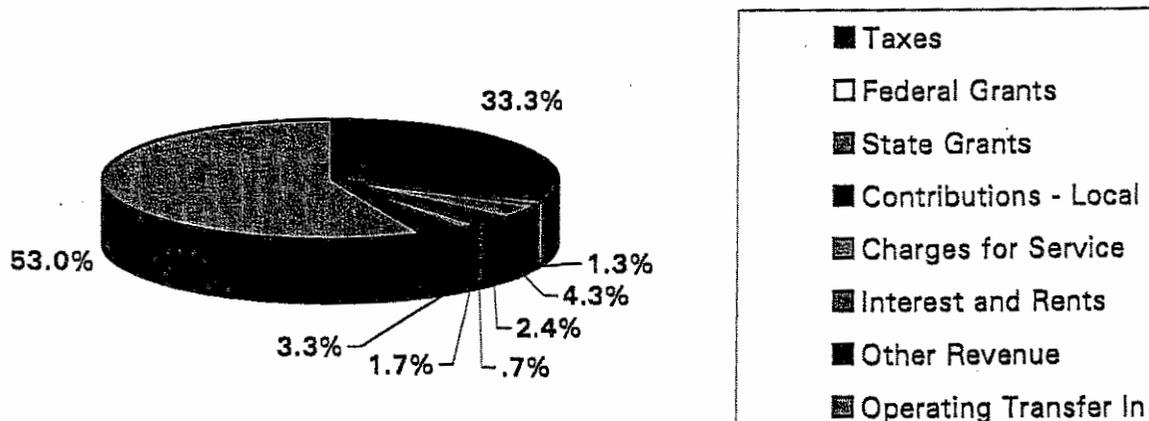
**CAPITAL FUND
REVENUE AND EXPENDITURES**

DESCRIPTION	2003 ACTUAL	2004 PROJECTED	2004 BUDGET	2005 BUDGET
POLICE COMMUNICATIONS				
Capital Outlay	\$ 123,242	\$ 256,500	\$ 402,880	\$ 265,700
FIRE VEHICLES				
Capital Outlay	-	394,000	400,000	400,000
FIRE COMMUNICATIONS				
Capital Outlay	37,248	-	-	-
FIRE BUILDINGS & REPAIR				
Capital Outlay	13,050	47,420	47,500	87,000
BUILDING INSPECTION				
Capital Outlay	56,212	20,000	20,000	20,000
GENERAL ENGINEERING				
Capital Outlay	21,604	12,000	42,520	-
STREET LIGHTING				
Capital Outlay	2,030	20,000	20,000	20,000
PUBLIC WORKS ADMINISTRATION				
Capital Outlay	100,270	418,000	525,780	540,000
MAJOR ROADS				
Capital Outlay	7,341,332	8,613,740	15,252,370	7,760,000
LOCAL ROADS				
Capital Outlay	1,370,589	1,692,000	3,904,480	2,813,000
SIDEWALKS				
Capital Outlay	493,538	1,172,210	1,350,570	1,000,000
DRAINS				
Capital Outlay	549,523	1,401,000	1,601,760	2,010,000
Debt Service	94,979	261,490	261,890	260,920
DRAINS	\$ 644,502	\$ 1,662,490	\$ 1,863,650	\$ 2,270,920
TRAFFIC SIGNALS				
Capital Outlay	88,363	200,000	311,640	200,000
PARKS & RECREATION				
SECTION 1 DEVELOPMENT				
Other Services/Charges	20,948	25,000	-	-
Capital Outlay	1,839,603	440,000	385,500	-
SECTION 1 DEVELOPMENT	\$ 1,860,551	\$ 465,000	\$ 385,500	\$ -

**CAPITAL FUND
REVENUE AND EXPENDITURES**

DESCRIPTION	2003 ACTUAL	2004 PROJECTED	2004 BUDGET	2005 BUDGET
PARKS & RECREATION ADMINISTRATION				
Capital Outlay	\$ 100,576	\$ 91,000	\$ 570,930	\$ 190,000
COMMUNITY CENTER				
Capital Outlay	24,623	502,000	556,000	137,400
MUNICIPAL GROUNDS				
Capital Outlay	25,731	110,000	222,320	610,000
PARK DEVELOPMENT				
Capital Outlay	392,499	354,000	963,700	1,501,000
SUBDIVISION IMPROVEMENTS				
Capital Outlay	-	2,000,000	2,000,000	2,000,000
LIBRARY				
Capital Outlay	213,622	381,390	381,390	25,000
MUSEUM				
Capital Outlay	1,460,743	328,320	477,010	518,000
EXPENDITURES	\$ 19,364,658	\$ 23,160,705	\$ 35,059,600	\$ 24,079,330
REVENUE OVER(UNDER) EXPEND.	\$ 8,479,604	\$ 5,132,775	\$ -	\$ -

CAPITAL FUND REVENUE



Sum of Count		
Establishment_type	Establishment Description	Total
1000	Residential Dwelling	11500
1000 Total		11500
1100	Parking Lot/Structure	2833
1100 Total		2833
3000	Gas Station	177
3000 Total		177
4000	Convenience Store	68
4000 Total		68
4200	Liquor Store	84
4200 Total		84
5200	Bank/Savings & Loan	312
5200 Total		312
6300	Industrial/Factory	199
6300 Total		199
7000	Office (Not medical)	370
7000 Total		370
7200	Drug Store/Doctor's Office	314
7200 Total		314
8000	Other Commercial	4448
8000 Total		4448
8120	Department/Discount Store	1278
8120 Total		1278
8163	Specialty Store (jewelry, fur)	266
8163 Total		266
8177	Hotel/Motel	236
8177 Total		236
8620	Supermarket/Grocery	152
8620 Total		152
8640	Restaurant/Fast Food	473
8640 Total		473
8660	Bar/Night Club	16
8660 Total		16
8710	Rental/Mini Storage	5
8710 Total		5
8800	Commercial Other	7
8800 Total		7
9000	Government/Public	1133
9000 Total		1133
9510	School	485
9510 Total		485
9550	College	20
9550 Total		20
9600	Government General	9
9600 Total		9
9800	Church/Synagogue/Temple	153
9800 Total		153
Grand Total		24538

POLICE

13,300 RES 54.20%
 11,238 C/I 45.80%
 24,538 TOT 100.00%

**City of Troy - Fire Department
Incident Report**

<u>Incident Number</u>	<u>Alarm Date</u>	<u>Incident Type</u>	<u>Property Use</u>	<u>Property Use Description</u>
0002298	08/31/2003 10:02:00	100	110	Fixed use recreation places, other
0002085	08/03/2004 00:37:46	160	110	Fixed use recreation places, other
0002694	10/09/2003 19:05:22	142	124	Playground
0002169	08/10/2004 22:07:40	154	124	Playground
0002181	08/26/2005 01:02:16	160	124	Playground
0002593	09/26/2004 13:18:44	131	131	Church, mosque, synagogue, temple, chapel
0001940	08/01/2005 18:10:04	111	131	Church, mosque, synagogue, temple, chapel
0001045	04/22/2003 19:53:23	100	134	Funeral parlor
0001339	05/26/2003 03:32:25	111	142	Clubhouse
0001531	06/14/2003 18:46:16	111	142	Clubhouse
0000403	02/16/2003 06:37:40	111	161	Restaurant or cafeteria
0002566	09/26/2003 08:00:53	113	161	Restaurant or cafeteria
0003341	12/17/2003 21:02:01	150	161	Restaurant or cafeteria
0000234	01/25/2004 06:20:56	111	161	Restaurant or cafeteria
0000571	02/28/2004 22:56:38	118	161	Restaurant or cafeteria
0001139	04/28/2004 05:37:34	111	161	Restaurant or cafeteria
0001152	04/29/2004 02:16:27	142	161	Restaurant or cafeteria
0001186	05/03/2004 10:45:00	113	161	Restaurant or cafeteria
0001353	05/19/2004 05:24:53	100	161	Restaurant or cafeteria
0001838	07/09/2004 10:36:57	113	161	Restaurant or cafeteria
0000005	01/01/2005 23:12:26	111	161	Restaurant or cafeteria
0000909	04/15/2005 15:17:46	140	161	Restaurant or cafeteria
0001195	05/17/2005 00:06:55	111	161	Restaurant or cafeteria
0001245	05/21/2005 08:59:06	111	161	Restaurant or cafeteria
0001787	07/15/2005 03:23:35	113	161	Restaurant or cafeteria
0002719	10/15/2005 19:53:22	116	161	Restaurant or cafeteria
0000935	04/11/2003 11:08:09	113	400	Residential, other
0001795	07/16/2003 22:37:18	120	400	Residential, other
0002655	10/05/2003 16:08:00	100	400	Residential, other
0000211	01/22/2004 14:23:45	113	400	Residential, other
0002191	08/13/2004 01:36:21	151	400	Residential, other
0003220	12/13/2004 18:44:46	121	400	Residential, other
0000008	01/02/2003 19:37:42	111	419	1 or 2 family dwelling
0000109	01/18/2003 03:19:32	131	419	1 or 2 family dwelling
0000109	01/18/2003 03:19:32	130	419	1 or 2 family dwelling
0000109	01/18/2003 03:19:32	111	419	1 or 2 family dwelling
0000134	01/20/2003 21:35:01	111	419	1 or 2 family dwelling
0000246	01/30/2003 20:03:15	118	419	1 or 2 family dwelling
0000278	02/03/2003 20:21:10	113	419	1 or 2 family dwelling
0000313	02/06/2003 14:47:47	113	419	1 or 2 family dwelling
0000334	02/08/2003 13:48:25	111	419	1 or 2 family dwelling
0000336	02/08/2003 21:36:37	110	419	1 or 2 family dwelling
0000343	02/10/2003 02:51:50	118	419	1 or 2 family dwelling
0000361	02/11/2003 14:24:36	113	419	1 or 2 family dwelling
0000395	02/14/2003 23:15:45	111	419	1 or 2 family dwelling
0000434	02/19/2003 19:03:21	131	419	1 or 2 family dwelling
0000480	02/24/2003 21:42:57	111	419	1 or 2 family dwelling
0000493	02/25/2003 15:47:20	111	419	1 or 2 family dwelling
0000566	03/04/2003 08:48:23	111	419	1 or 2 family dwelling

**City of Troy - Fire Department
Incident Report**

<u>Incident Number</u>	<u>Alarm Date</u>	<u>Incident Type</u>	<u>Property Use</u>	<u>Property Use Description</u>
0000637	03/13/2003 10:41:26	113	419	1 or 2 family dwelling
0000651	03/15/2003 10:52:25	113	419	1 or 2 family dwelling
0000709	03/20/2003 21:40:45	130	419	1 or 2 family dwelling
0000709	03/20/2003 21:40:45	111	419	1 or 2 family dwelling
0000863	04/04/2003 10:30:05	113	419	1 or 2 family dwelling
0000880	04/05/2003 05:53:43	111	419	1 or 2 family dwelling
0000880	04/05/2003 05:53:43	100	419	1 or 2 family dwelling
0000888	04/06/2003 13:25:22	113	419	1 or 2 family dwelling
0000909	04/08/2003 15:47:00	100	419	1 or 2 family dwelling
0000911	04/09/2003 02:43:02	111	419	1 or 2 family dwelling
0000920	04/09/2003 12:45:23	111	419	1 or 2 family dwelling
0000942	04/11/2003 21:45:54	110	419	1 or 2 family dwelling
0000950	04/13/2003 05:03:09	111	419	1 or 2 family dwelling
0000952	04/13/2003 10:44:49	142	419	1 or 2 family dwelling
0001001	04/18/2003 03:29:20	164	419	1 or 2 family dwelling
0001096	04/27/2003 09:14:07	113	419	1 or 2 family dwelling
0001123	04/29/2003 22:51:54	110	419	1 or 2 family dwelling
0001149	05/02/2003 17:05:36	113	419	1 or 2 family dwelling
0001150	05/02/2003 20:07:39	162	419	1 or 2 family dwelling
0001411	05/31/2003 22:48:12	111	419	1 or 2 family dwelling
0001433	06/04/2003 08:13:00	164	419	1 or 2 family dwelling
0001458	06/05/2003 13:58:44	113	419	1 or 2 family dwelling
0001463	06/05/2003 22:58:15	113	419	1 or 2 family dwelling
0001507	06/12/2003 02:05:08	111	419	1 or 2 family dwelling
0001514	06/12/2003 10:44:08	113	419	1 or 2 family dwelling
0001529	06/14/2003 16:35:11	151	419	1 or 2 family dwelling
0001538	06/16/2003 10:00:47	113	419	1 or 2 family dwelling
0001574	06/19/2003 18:09:36	100	419	1 or 2 family dwelling
0001584	06/20/2003 19:21:38	111	419	1 or 2 family dwelling
0001585	06/21/2003 10:23:32	113	419	1 or 2 family dwelling
0001660	06/28/2003 12:39:06	113	419	1 or 2 family dwelling
0001664	06/29/2003 23:03:55	111	419	1 or 2 family dwelling
0001764	07/11/2003 18:29:08	118	419	1 or 2 family dwelling
0001817	07/18/2003 12:35:22	111	419	1 or 2 family dwelling
0001940	07/30/2003 05:24:51	111	419	1 or 2 family dwelling
0002033	08/08/2003 17:42:57	118	419	1 or 2 family dwelling
0002146	08/16/2003 12:26:57	111	419	1 or 2 family dwelling
0002153	08/17/2003 12:54:08	113	419	1 or 2 family dwelling
0002172	08/18/2003 18:51:31	113	419	1 or 2 family dwelling
0002210	08/25/2003 00:01:00	110	419	1 or 2 family dwelling
0002348	09/08/2003 15:10:28	100	419	1 or 2 family dwelling
0002364	09/09/2003 19:18:12	111	419	1 or 2 family dwelling
0002521	09/22/2003 14:00:42	160	419	1 or 2 family dwelling
0002706	10/10/2003 18:21:58	111	419	1 or 2 family dwelling
0002714	10/11/2003 17:41:08	113	419	1 or 2 family dwelling
0002743	10/14/2003 22:32:00	160	419	1 or 2 family dwelling
0002776	10/18/2003 20:00:12	113	419	1 or 2 family dwelling
0002889	10/30/2003 11:20:01	113	419	1 or 2 family dwelling
0002935	10/31/2003 21:28:00	164	419	1 or 2 family dwelling

**City of Troy - Fire Department
Incident Report**

<u>Incident Number</u>	<u>Alarm Date</u>	<u>Incident Type</u>	<u>Property Use</u>	<u>Property Use Description</u>
0002936	10/31/2003 21:28:00	164	419	1 or 2 family dwelling
0002968	11/06/2003 15:59:15	111	419	1 or 2 family dwelling
0002995	11/08/2003 14:10:31	113	419	1 or 2 family dwelling
0003210	12/02/2003 04:16:17	110	419	1 or 2 family dwelling
0003263	12/08/2003 19:47:35	118	419	1 or 2 family dwelling
0003413	12/28/2003 19:47:17	113	419	1 or 2 family dwelling
0000013	01/05/2004 05:28:01	131	419	1 or 2 family dwelling
0000172	01/20/2004 02:12:08	111	419	1 or 2 family dwelling
0000183	01/20/2004 12:13:52	113	419	1 or 2 family dwelling
0000388	02/09/2004 12:47:24	111	419	1 or 2 family dwelling
0000555	02/26/2004 17:56:07	118	419	1 or 2 family dwelling
0000569	02/28/2004 20:43:29	111	419	1 or 2 family dwelling
0000690	03/11/2004 13:45:29	114	419	1 or 2 family dwelling
0000693	03/11/2004 18:57:04	160	419	1 or 2 family dwelling
0000848	03/27/2004 23:47:43	111	419	1 or 2 family dwelling
0000994	04/12/2004 12:16:25	113	419	1 or 2 family dwelling
0001064	04/19/2004 12:03:13	142	419	1 or 2 family dwelling
0001113	04/23/2004 22:21:09	110	419	1 or 2 family dwelling
0001191	05/03/2004 23:07:57	111	419	1 or 2 family dwelling
0001194	05/04/2004 10:08:32	113	419	1 or 2 family dwelling
0001262	05/11/2004 10:52:09	112	419	1 or 2 family dwelling
0001325	05/16/2004 16:45:11	111	419	1 or 2 family dwelling
0001329	05/17/2004 05:32:05	160	419	1 or 2 family dwelling
0001359	05/19/2004 17:04:32	113	419	1 or 2 family dwelling
0001512	06/04/2004 10:04:19	114	419	1 or 2 family dwelling
0001562	06/09/2004 21:24:32	111	419	1 or 2 family dwelling
0001611	06/14/2004 18:55:18	111	419	1 or 2 family dwelling
0001847	07/09/2004 19:05:33	142	419	1 or 2 family dwelling
0001858	07/11/2004 21:56:36	110	419	1 or 2 family dwelling
0001878	07/13/2004 14:52:15	111	419	1 or 2 family dwelling
0001880	07/14/2004 00:12:20	100	419	1 or 2 family dwelling
0002002	07/25/2004 12:46:29	151	419	1 or 2 family dwelling
0002102	08/03/2004 20:08:45	111	419	1 or 2 family dwelling
0002231	08/18/2004 13:22:46	112	419	1 or 2 family dwelling
0002329	08/28/2004 15:38:17	113	419	1 or 2 family dwelling
0002363	09/01/2004 17:13:22	151	419	1 or 2 family dwelling
0002519	09/17/2004 18:36:57	114	419	1 or 2 family dwelling
0002536	09/20/2004 00:01:00	111	419	1 or 2 family dwelling
0002565	09/22/2004 14:04:36	111	419	1 or 2 family dwelling
0002581	09/23/2004 21:54:17	111	419	1 or 2 family dwelling
0002752	10/16/2004 00:54:15	162	419	1 or 2 family dwelling
0002825	10/22/2004 17:32:30	111	419	1 or 2 family dwelling
0002852	10/28/2004 18:31:47	151	419	1 or 2 family dwelling
0002903	11/02/2004 18:49:06	111	419	1 or 2 family dwelling
0002920	11/04/2004 17:39:18	113	419	1 or 2 family dwelling
0002994	11/13/2004 11:16:45	143	419	1 or 2 family dwelling
0003079	11/25/2004 17:59:10	113	419	1 or 2 family dwelling
0003178	12/08/2004 22:48:41	110	419	1 or 2 family dwelling
0003211	12/12/2004 12:07:00	111	419	1 or 2 family dwelling

**City of Troy - Fire Department
Incident Report**

<u>Incident Number</u>	<u>Alarm Date</u>	<u>Incident Type</u>	<u>Property Use</u>	<u>Property Use Description</u>
0003257	12/16/2004 12:38:45	111	419	1 or 2 family dwelling
0003354	12/25/2004 09:34:23	111	419	1 or 2 family dwelling
0003415	12/31/2004 21:52:31	111	419	1 or 2 family dwelling
0000014	01/04/2005 03:13:09	114	419	1 or 2 family dwelling
0000049	01/07/2005 23:16:11	121	419	1 or 2 family dwelling
0000094	01/14/2005 15:03:15	111	419	1 or 2 family dwelling
0000105	01/15/2005 16:05:20	113	419	1 or 2 family dwelling
0000110	01/16/2005 23:32:34	121	419	1 or 2 family dwelling
0000175	01/22/2005 21:04:27	111	419	1 or 2 family dwelling
0000195	01/24/2005 20:27:14	111	419	1 or 2 family dwelling
0000209	01/25/2005 20:03:49	114	419	1 or 2 family dwelling
0000303	02/03/2005 11:10:06	131	419	1 or 2 family dwelling
0000306	02/03/2005 12:50:46	113	419	1 or 2 family dwelling
0000401	02/15/2005 21:33:18	111	419	1 or 2 family dwelling
0000433	02/18/2005 11:19:15	111	419	1 or 2 family dwelling
0000441	02/20/2005 08:35:59	111	419	1 or 2 family dwelling
0000465	02/22/2005 12:24:26	111	419	1 or 2 family dwelling
0000564	03/04/2005 20:15:05	111	419	1 or 2 family dwelling
0000635	03/11/2005 18:34:59	111	419	1 or 2 family dwelling
0000662	03/15/2005 16:38:51	111	419	1 or 2 family dwelling
0000725	03/21/2005 20:00:00	111	419	1 or 2 family dwelling
0000720	03/22/2005 16:46:43	150	419	1 or 2 family dwelling
0000819	04/03/2005 17:10:34	111	419	1 or 2 family dwelling
0000832	04/05/2005 11:26:00	118	419	1 or 2 family dwelling
0000869	04/09/2005 23:49:06	111	419	1 or 2 family dwelling
0000872	04/10/2005 12:01:00	151	419	1 or 2 family dwelling
0000875	04/11/2005 00:01:00	111	419	1 or 2 family dwelling
0000879	04/11/2005 13:49:00	151	419	1 or 2 family dwelling
0000886	04/12/2005 11:40:00	151	419	1 or 2 family dwelling
0000917	04/16/2005 15:33:09	142	419	1 or 2 family dwelling
0000957	04/20/2005 13:52:19	162	419	1 or 2 family dwelling
0001040	04/28/2005 20:20:46	111	419	1 or 2 family dwelling
0001041	04/28/2005 20:52:29	110	419	1 or 2 family dwelling
0001046	04/29/2005 21:48:17	118	419	1 or 2 family dwelling
0001093	05/05/2005 20:22:18	111	419	1 or 2 family dwelling
0001164	05/12/2005 20:52:54	142	419	1 or 2 family dwelling
0001283	05/24/2005 20:58:40	111	419	1 or 2 family dwelling
0001453	06/10/2005 20:35:32	162	419	1 or 2 family dwelling
0001454	06/11/2005 03:08:54	110	419	1 or 2 family dwelling
0001677	07/02/2005 18:20:00	151	419	1 or 2 family dwelling
0001685	07/04/2005 18:45:42	111	419	1 or 2 family dwelling
0001716	07/07/2005 14:30:00	113	419	1 or 2 family dwelling
0001739	07/10/2005 10:25:21	113	419	1 or 2 family dwelling
0001749	07/11/2005 13:28:32	111	419	1 or 2 family dwelling
0001777	07/14/2005 08:10:56	100	419	1 or 2 family dwelling
0001941	08/01/2005 21:34:30	111	419	1 or 2 family dwelling
0001994	08/07/2005 22:18:52	113	419	1 or 2 family dwelling
0002034	08/10/2005 16:45:00	116	419	1 or 2 family dwelling
0002131	08/19/2005 19:15:50	111	419	1 or 2 family dwelling

**City of Troy - Fire Department
Incident Report**

<u>Incident Number</u>	<u>Alarm Date</u>	<u>Incident Type</u>	<u>Property Use</u>	<u>Property Use Description</u>
0002180	08/26/2005 00:53:05	141	419	1 or 2 family dwelling
0002230	08/29/2005 00:12:07	151	419	1 or 2 family dwelling
0002231	08/29/2005 23:01:56	131	419	1 or 2 family dwelling
0002237	08/30/2005 11:19:49	142	419	1 or 2 family dwelling
0002273	09/02/2005 20:36:38	100	419	1 or 2 family dwelling
0002283	09/05/2005 15:01:00	110	419	1 or 2 family dwelling
0002339	09/11/2005 16:23:03	111	419	1 or 2 family dwelling
0002414	09/19/2005 14:52:48	110	419	1 or 2 family dwelling
0002650	10/08/2005 13:03:02	111	419	1 or 2 family dwelling
0002652	10/09/2005 02:59:15	111	419	1 or 2 family dwelling
0002653	10/09/2005 08:36:02	110	419	1 or 2 family dwelling
0002672	10/11/2005 11:44:04	118	419	1 or 2 family dwelling
0000720	03/22/2003 13:31:07	111	429	Multifamily dwellings
0001054	04/23/2003 11:27:51	113	429	Multifamily dwellings
0001137	05/01/2003 22:03:59	111	429	Multifamily dwellings
0001415	06/02/2003 01:21:03	113	429	Multifamily dwellings
0001539	06/16/2003 10:33:34	113	429	Multifamily dwellings
0001720	07/05/2003 20:08:56	113	429	Multifamily dwellings
0001821	07/19/2003 15:37:37	113	429	Multifamily dwellings
0001881	07/25/2003 13:14:13	118	429	Multifamily dwellings
0001881	07/25/2003 13:14:13	154	429	Multifamily dwellings
0002398	09/13/2003 06:19:35	111	429	Multifamily dwellings
0002499	09/20/2003 11:18:57	113	429	Multifamily dwellings
0002523	09/22/2003 14:36:08	113	429	Multifamily dwellings
0002705	10/10/2003 16:56:19	113	429	Multifamily dwellings
0002793	10/21/2003 15:27:37	111	429	Multifamily dwellings
0003074	11/15/2003 14:20:39	111	429	Multifamily dwellings
0003319	12/16/2003 08:22:49	113	429	Multifamily dwellings
0000346	02/05/2004 01:24:31	113	429	Multifamily dwellings
0000389	02/09/2004 00:02:00	111	429	Multifamily dwellings
0000511	02/23/2004 18:29:07	113	429	Multifamily dwellings
0000524	02/24/2004 20:26:02	113	429	Multifamily dwellings
0000570	02/28/2004 22:56:16	110	429	Multifamily dwellings
0001196	05/04/2004 13:35:57	113	429	Multifamily dwellings
0001209	05/05/2004 15:00:25	111	429	Multifamily dwellings
0001278	05/12/2004 15:38:03	111	429	Multifamily dwellings
0001433	05/25/2004 21:07:48	113	429	Multifamily dwellings
0001833	06/25/2004 00:01:00	160	429	Multifamily dwellings
0001785	07/01/2004 15:07:24	111	429	Multifamily dwellings
0001786	07/01/2004 18:11:18	111	429	Multifamily dwellings
0001951	07/20/2004 18:26:22	113	429	Multifamily dwellings
0001969	07/21/2004 18:32:09	111	429	Multifamily dwellings
0002146	08/08/2004 22:47:14	111	429	Multifamily dwellings
0002202	08/14/2004 18:59:54	151	429	Multifamily dwellings
0002566	09/22/2004 16:54:29	111	429	Multifamily dwellings
0003285	12/19/2004 08:41:32	111	429	Multifamily dwellings
0000196	01/24/2005 22:02:46	111	429	Multifamily dwellings
0000383	02/13/2005 21:37:56	111	429	Multifamily dwellings
0000794	03/31/2005 17:50:25	154	429	Multifamily dwellings

**City of Troy - Fire Department
Incident Report**

<u>Incident Number</u>	<u>Alarm Date</u>	<u>Incident Type</u>	<u>Property Use</u>	<u>Property Use Description</u>
0000987	04/23/2005 03:36:03	111	429	Multifamily dwellings
0001185	05/15/2005 19:44:14	113	429	Multifamily dwellings
0001190	05/16/2005 09:03:33	110	429	Multifamily dwellings
0001875	07/25/2005 20:47:45	113	429	Multifamily dwellings
0001986	08/05/2005 21:46:11	113	429	Multifamily dwellings
0002141	08/20/2005 20:12:05	113	429	Multifamily dwellings
0002281	09/04/2005 19:49:14	154	429	Multifamily dwellings
0002460	09/22/2005 13:39:36	111	429	Multifamily dwellings
0002528	09/28/2005 12:32:32	113	429	Multifamily dwellings
0002666	10/10/2005 17:33:58	113	429	Multifamily dwellings
0001806	07/17/2003 15:49:04	110	439	Boarding/rooming house, residential hotels
0002154	08/17/2003 14:38:26	130	449	Hotel/motel, commercial
0001525	06/04/2004 18:18:00	111	500	Mercantile, business, other
0001652	06/18/2004 17:25:16	100	500	Mercantile, business, other
0001331	05/29/2005 03:52:59	118	511	Convenience store
0001730	07/09/2005 09:02:32	111	511	Convenience store
0001296	05/19/2003 22:11:47	113	519	Food and beverage sales, grocery store
0003395	12/29/2004 15:20:46	111	519	Food and beverage sales, grocery store
0001282	05/17/2003 09:17:03	100	529	Textile, wearing apparel sales
0002361	09/09/2003 16:23:53	100	529	Textile, wearing apparel sales
0001585	06/23/2005 19:09:37	111	529	Textile, wearing apparel sales
0000790	03/28/2003 18:43:54	142	549	Specialty shop
0003251	12/07/2003 16:14:16	162	549	Specialty shop
0001335	05/17/2004 13:13:39	100	549	Specialty shop
0000995	04/12/2004 12:41:58	111	557	Personal service, including barber & beauty shops
0003306	12/13/2003 02:53:51	162	571	Service station, gas station
0001191	05/16/2005 09:23:22	131	571	Service station, gas station
0001330	05/29/2005 02:39:41	131	571	Service station, gas station
0002071	08/13/2003 18:57:45	130	579	Motor vehicle or boat sales, services, repair
0000979	04/21/2005 20:39:30	111	580	General retail, other
0002142	08/20/2005 21:09:38	154	580	General retail, other
0002251	08/28/2003 13:08:16	131	592	Bank
0001025	04/15/2004 18:33:25	142	592	Bank
0002318	09/08/2005 10:04:51	113	592	Bank
0000433	02/19/2003 15:04:02	131	599	Business office
0000595	03/07/2003 17:24:16	111	599	Business office
0000961	04/14/2003 11:50:46	142	599	Business office
0001557	06/17/2003 19:02:42	118	599	Business office
0001654	06/27/2003 10:54:32	142	599	Business office
0002378	09/11/2003 11:45:15	113	599	Business office
0003131	11/20/2003 21:50:32	154	599	Business office
0000273	01/28/2004 10:56:52	111	599	Business office
0000343	02/04/2004 19:18:13	131	599	Business office
0000415	02/11/2004 19:05:15	111	599	Business office
0001052	04/19/2004 02:29:47	142	599	Business office
0001079	04/20/2004 16:22:12	117	599	Business office
0002382	09/02/2004 19:40:20	117	599	Business office
0002406	09/07/2004 10:42:27	131	599	Business office
0002616	09/29/2004 11:48:22	131	599	Business office

City of Troy - Fire Department
Incident Report

<u>Incident Number</u>	<u>Alarm Date</u>	<u>Incident Type</u>	<u>Property Use</u>	<u>Property Use Description</u>
0001423	06/08/2005 12:37:25	100	599	Business office
0001587	06/24/2005 23:07:35	111	599	Business office



STATE OF MICHIGAN
DEPARTMENT OF TREASURY
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

JAY B. RISING
STATE TREASURER

December 21, 2005

Leger Licari, Assessor
City of Troy, Oakland County
500 West Big Beaver
Troy, MI 48084

Dear Mr. Licari:

We have received your letter requesting a formal response from the State Tax Commission on if the City's Downtown Development Authority (DDA) can properly capture taxes within its entire geographical boundary or whether the capturing of taxes is limited to those areas that are under construction. You mention in your letter that the City has sought the opinion of outside counsel and the City Attorney, who have both reviewed and approved the DDA's procedures and implementation. As a result of the legal advice already obtained, it is unclear why you are seeking an additional and "formal" response from the STC.

We would suggest that your legal counsel is in the best position to answer these questions. Especially given the fact that the STC is not privy to a review of the entire DDA documents. However, we can offer that if the City Manager or City Council still believes they need another legal opinion, we can ask the Attorney General to give us informal advice on this issue. I do need to advise you that receipt of that informal advice could take several months as the AG for the STC is currently involved in some critical legal cases and in the rendering of advice on several important issues for the STC.

Sincerely,

Kelli Sobel, Executive Secretary
State Tax Commission

John Szerlag

From: Nino A Licari
Sent: Monday, December 05, 2005 7:46 AM
To: John Szerlag
Cc: John M Lamerato; Brian P Murphy; Douglas J Smith; Mary F Redden
Subject: FW: Questions on Troy's DDA

John,

This is the response from the State Tax Commission to the questions we posed concerning the DDA.

Nino Licari
Assessor, City of Troy
(248) 524-3305
www.ci.troy.mi.us

-----Original Message-----

From: Dianne Wright [mailto:WrightD3@michigan.gov]
Sent: Friday, December 02, 2005 4:48 PM
To: Nino A Licari
Subject: Re: Questions on Troy's DDA

Dear Mr. Licari,

You have asked if it is or isn't a proper capture of taxes for a project which involves the capture of taxes collected within a District, to be used to pay for a project described in the development plan, and located entirely within the boundaries of that same District. I refer to the Frequently Asked Questions adopted by the State Tax Commission, specifically:

Can a DDA or TIFA plan spend revenue outside of its development area?

Answer:

According to state law, the plan may spend revenue only for projects described in the development plan and/or tax increment financing plan, and the projects must be allowable under the law. The revenue must be spent for the benefit of the development area. Revenue of one plan may not be used to pay an obligation or expense of another plan. The State Tax Commission's policy is that revenue must also be spent on improvements or properties located in the plan's development area. The State Tax Commission will enforce this policy on a prospective basis as of April 14, 1998, but not retroactively. After April 14, 1998, a plan may not start any new projects outside of that plan's development area. The State Tax Commission may waive this requirement for certain infrastructure improvements made in the development plan that must extend outside the development area's boundaries. Note: LDFA's are not included here because section 12(2) of the Local Development Financing Act (P.A. 281) has specific provisions regarding restrictions on the use of tax increment revenue.

<http://www.michigan.gov/treasury/0,1607,7-121-3218---F,00.html>

Please see the attached link for the Department of Treasury Frequently Asked Questions Website.

If I can be of further assistance, please feel free to call me at 517-373-2408.

Sincerely,

Dianne Wright, Manager
Tax Exemptions Section

>>> "Nino A Licari" <LicariLA@ci.troy.mi.us> 12/2/2005 10:55 AM >>>
Diane Wright
State Tax Commission

Diane,

We have a citizen making repeated claims that our DDA is improperly collecting taxes outside of a development project area. The original project is entirely within the DDA

district boundaries (it was a widening of the main road and some intersections, along with the building of a parking deck). I have attached the pertinent pages of the plan, along with a map that distinguishes the difference between the DDA District (which we are capturing taxes from), and the construction area that we are using the funds to pay for. Would it be possible for you to review this information and let me know if this is or isn't a proper capture of taxes for this project.

Thank you for your time!

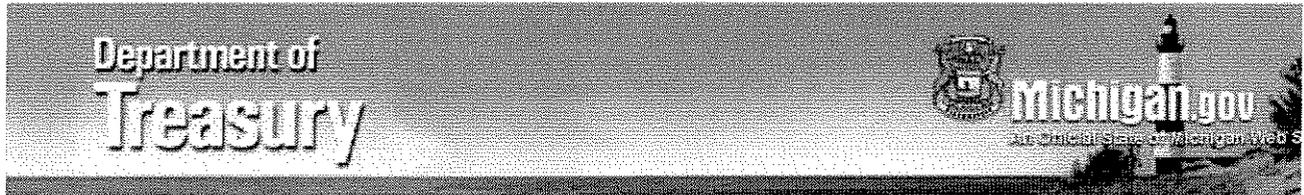
<<DDA Plan1 STC 12.02.05.pdf>>

Nino Licari

Assessor, City of Troy

(248) 524-3305

www.ci.troy.mi.us



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A A

< Back to Tax Increment Financing Page

Frequently Asked Questions _____

Tax Increment Financing

What is the difference between an authority district and a plan?

Answer:

First – The local unit establishes an **authority** (DDA, LDFA, TIFA) with a specific geographic **district**, and appoints an authority board.

Then – The board writes a **development plan** (and usually a **tax increment financing plan** to fund it) for a specific geographic area within the district area. There can be more than one plan area in an authority district, but plans may not overlap. (Overlap information does **not** apply to Brownfields and certified technology parks.) The development plan and TIF plan must be adopted by the local unit before the plans are valid.

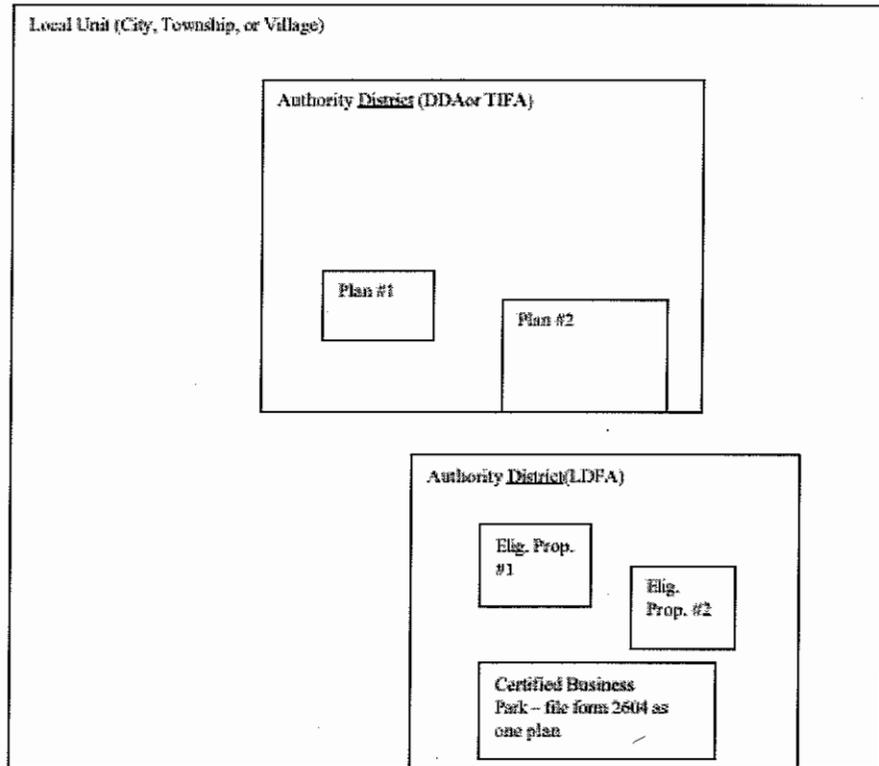
DDA mills are levied within the **district** boundaries.

DDAs and TIFAs capture property taxes within the **plan** boundaries. LDFAs capture within each eligible property, or within a certified **business park** (formerly called a "certified industrial park"), or certified **technology park**.

- State De
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FAQ (

- Indivc Tax
- Busin
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- Status Refun
- Delinc Accou
- Indust Exem
- Michig Trust
- Michig Bond
- Motor
- Native
- Payro Depos
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A Regular Meeting of the Troy City Council was held Monday, February 20, 2006, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:31 P.M.

Ms. Jan Staton of the The Bahá'í Faith 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) On behalf of the City of Troy, Mayor Schilling presented the *Law Day 2005-Outstanding Activity Award* to the City Attorney's office and the *Philo T. Farnsworth Award for Excellence in Community Programming* to the City Attorney's office and Community Affairs in recognition of their achievement of receiving these prestigious awards.
- b) Mayor Schilling presented a *Certificate of Appreciation* on behalf of the City of Troy to retiring City employee Jackie Sherwin-Wright in recognition of her 27 years of service.

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

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

Resolution #2006-02-062
 Moved by Howrylak
 Seconded by Stine

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: All-7

C-2 Approval of 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)

Resolution #2006-02-063

Moved by Fleming

Seconded by Howrylak

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: All-7

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

Resolution #2006-02-064
Moved by Stine
Seconded by Broomfield

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; and

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

MOTION CARRIED

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

Resolution #2006-02-065
Moved by Stine
Seconded by Fleming

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; and

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

MOTION CARRIED

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

Resolution #2006-02-066
Moved by Beltramini
Seconded by Stine

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: Lambert, Stine, Schilling, Beltramini, Broomfield, Fleming

No: Howrylak

MOTION CARRIED

POSTPONED ITEMS:

D-1 Request to 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

Vote on Resolution to Postpone

Resolution #2006-02-067

Moved by Beltramini

Seconded by Stine

RESOLVED, That Troy City Council hereby **POSTPONES** *Request to Transfer Class C-SDM License for Corradi's-1090 Rochester Road* until the Regular City Council Meeting scheduled for Monday, March 6, 2006.

Yes: All-7

(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 #2006-02-
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).

CONSENT AGENDA:

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

Resolution #2006-02-068
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 Item E-2, which shall be considered after Consent Agenda (E) items, as printed.

Yes: All-7

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

Resolution #2006-02-068-E-4a

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**

Resolution #2006-02-068-E-4b

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**

Resolution #2006-02-068-E-4c

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

Resolution #2006-02-068-E-5

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;

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

Resolution #2006-02-068-E-6

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

Resolution #2006-02-068-E-7

RESOLVED, That the permanent easement for sidewalk from the property owner, Velampudi A. Rdi 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.

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

E-2 Approval of City Council Minutes

Resolution #2006-02-069

Moved by Lambert

Seconded by Broomfield

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 as submitted and the Regular City Council Meeting of February 15, 2006 be **APPROVED** as corrected.

Yes: All-7

PUBLIC COMMENT: Limited to Items Not on the Agenda

REGULAR BUSINESS:

F-1 **Appointments to Boards and Committees: a) Mayoral Appointments: Brownfield Redevelopment Authority b) City Council Appointments: Advisory Committee for Senior Citizens; Charter Revision Committee; Municipal Building Authority**

(a) Mayoral Appointments

Resolution #2006-02-070
Moved by Schilling
Seconded by Lambert

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

Al Aceves Unexpired Term Expires 04/30/08

Yes: All-7

(b) City Council Appointments

Resolution
Moved by Broomfield
Seconded by Howrylak

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

Advisory Committee for Senior Citizens

Appointed by Council (9) – 3 Year Terms

Frank Shier Term Expires 04/30/08

Charter Revision Committee

Appointed by Council (7) – 3 Year Terms

David Eisenbacher & William Weisgerber Unexpired Term 04/30/06

Vote on Resolution to Separate the Vote for City Council Appointments

Resolution #2006-02-071
 Moved by Broomfield
 Seconded by Beltramini

RESOLVED, That Troy City Council hereby **STIPULATES** that the vote for *City Council Appointments* be separated.

Yes: All-7

Vote on Resolution for Appointment to Advisory Committee for Senior Citizens

Resolution #2006-02-072
 Moved by Broomfield
 Seconded by Howrylak

RESOLVED, That the following person is hereby **APPOINTED BY THE CITY COUNCIL** to serve on the below Board and Committee as indicated:

Advisory Committee for Senior Citizens

Appointed by Council (9) – 3 Year Terms

Frank Shier

Term Expires 04/30/08

Yes: All-7

Roll Call Vote for Nominations to Charter Revision Committee

Resolution #2006-02-073
 Moved by Broomfield
 Seconded by Howrylak

RESOLVED, That the following persons are hereby **NOMINATED** to serve on the Charter Revision Committee for the vacancy with an unexpired term of April 30, 2006:

ROLL CALL VOTE

Nominated by: Broomfield David Eisenbacher
Howrylak
Lambert
Stine
Broomfield
Fleming

Nominated by: Beltramini William Weisgerber
Schilling
Beltramini

David Eisenbacher received the nomination for appointment to serve on the Charter Revision Committee.

Vote on Resolution for Appointment to Charter Revision Committee

Resolution #2006-02-074
Moved by Broomfield
Seconded by Howrylak

RESOLVED, That the following person is hereby **APPOINTED BY THE CITY COUNCIL** to serve on the below Board and Committee as indicated:

Charter Revision Committee

Appointed by Council (7) – 3 Year Terms

David Eisenbacher Unexpired Term 04/30/06

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

MOTION CARRIED

Vote on Resolution for Appointment to Municipal Building Authority

Resolution #2006-02-075
Moved by Beltramini
Seconded by Stine

RESOLVED, That the following person is hereby **APPOINTED BY THE CITY COUNCIL** to serve on the below Board and Committee as indicated:

Municipal Building Authority

Appointed by Council (5) – 3 Year Terms

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

Yes: All-7

F-2 Council Rules of Procedure Proposed Amendment

Resolution #2006-02-076
Moved by Broomfield
Seconded by Fleming

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

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

MOTION FAILED

F-3 Board and Committee Term Limits**(a) Suggested Reconsidered Resolution**

Resolution #2006-02-077

Moved by Stine

Seconded by Howrylak

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: All-7

Vote on Resolution to Amend #1

Resolution 2006-02-078

Moved by Stine

Seconded by Lambert

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: All-7

Vote on Resolution to Amend #2

Resolution 2006-02-079

Moved by Beltramini

Seconded by Broomfield

RESOLVED, That Resolution 1998-540 be **AMENDED** by **STRIKING** “and” as it appears **BEFORE** “Traffic Committee” and **INSERTING** “Board of Review; Brownfield Redevelopment Authority; Election Commission; Downtown Development Authority; Ethnic Issues Advisory Board; Historic District Study Committee; Troy Daze Advisory Board and Youth Council” **AFTER** “Traffic Committee.”

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

MOTION FAILED

Vote on Reconsidered Resolution as Amended

Resolution 2006-02-080
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 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: Stine, Broomfield
No: Fleming, Howrylak, Lambert, Schilling, Beltramini

MOTION FAILED

F-4 Human Resources Renovation

Resolution #2006-02-081
Moved by Stine
Seconded by Beltramini

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: All-7

F-5 Request for Annual Evaluation – City Attorney – To appear as an agenda item on the Monday, February 27, 2006 Agenda

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

Resolution #2006-02-082

Moved by Lambert

Seconded by Beltramini

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: All-7

F-7 Compensation for Interim City Manager

Resolution

Moved by Fleming

Seconded by Stine

RESOLVED, That Mr. John Lamerato, Assistant City Manager/Finance and Administration, is to be **COMPENSATED** an additional \$300.00 dollars per week during the time frame he acts in the capacity of Interim City Manager.

Vote on Resolution to Amend

Resolution #2006-02-083

Moved by Beltramini

Seconded by Fleming

RESOLVED, That the Resolution for *Compensation for Interim City Manager* be **AMENDED** by **STRIKING** "\$300.00" and **INSERTING** "\$350.00", and by **STRIKING** "Interim" and **INSERTING** "Acting."

Yes: Schilling, Beltramini, Broomfield, Fleming, Stine

No: Howrylak, Lambert

MOTION CARRIED**Vote on Resolution as Amended**

Resolution #2006-02-084
Moved by Fleming
Seconded by Stine

RESOLVED, That Mr. John Lamerato, Assistant City Manager/Finance and Administration, is to be **COMPENSATED** an additional \$350.00 dollars per week during the time frame he acts in the capacity of Acting City Manager.

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

MOTION CARRIED

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

Resolution #2006-02-085
Moved by Stine
Seconded by Beltramini

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: All-7

F-9 2005-2006 Budget Amendment No. 2

Resolution #2006-02-086
Moved by Beltramini
Seconded by Stine

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

MOTION CARRIED

Vote on Resolution to Suspend Council Rules

Resolution #2006-02-087
Moved by Schilling
Seconded by Lambert

RESOLVED, That Troy City Council hereby **SUSPENDS** *Rules of Procedure for the City Council, Rule #6 Order of Business, Article 15-I. Council Comments* and **AUTHORIZE** City Council to discuss and take action on an item that does not appear on the agenda.

Yes: All-7

Vote on Resolution to Schedule Special Joint Meeting

Resolution #2006-02-088

Moved by Schilling

Seconded by Beltramini

RESOLVED, That Troy City Council hereby **SCHEDULES** a Special Joint Meeting with the Troy Daze Advisory Committee on Tuesday, February 28, 2006 at 7:30 PM at the Troy Community Center – 3179 Livornois for the purpose of discussing the *Troy Daze Festival*.

Yes: All-7

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

Noted and Filed

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)

Noted and Filed

COUNCIL REFERRALS: Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda**H-1 No Council Referrals 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
- Noted and Filed

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
- Noted and Filed

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
- Noted and Filed

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
- Noted and Filed

J-5 Calendar

Noted and Filed

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

Noted and Filed

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

Noted and Filed

STUDY ITEMS:

K-1 No Study Items Submitted

PUBLIC COMMENT: Address of “K” Items

CLOSED SESSION:

L-1 Closed Session

Resolution #2006-02-089
Moved by Broomfield
Seconded by Fleming

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.

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

MOTION CARRIED

The meeting **RECESSED** at 9:48 P.M.

The meeting **RECONVENED** at 11:20 P.M.

Vote on Resolution to Suspend Council Rules

Resolution #2006-02-090
Moved by Beltramini
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **SUSPENDS** *Rules of Procedure for the City Council, Rule #6 Order of Business, Article 15-1. Council Comments* and **AUTHORIZE** City Council to discuss and take action on items that do not appear on the agenda.

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

MOTION CARRIED

Vote on Resolution to Schedule a Special Meeting

Resolution #2006-02-091
Moved by Beltramini
Seconded by Stine

RESOLVED, That Troy City Council hereby **SCHEDULES** a Special Meeting on Thursday, February 23, 2006 at 5:30 P.M. in the City Council Chambers for the purpose of discussing *Troy v. Premium Construction, L.L.C (Section 36-Park)*.

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

MOTION CARRIED

Vote on Resolution to Rescind Abated Tax Obligation for COBASYS/Texaco Ovonix

Resolution #2006-02-092
Moved by Stine
Seconded by Fleming

RESOLVED, That Troy City Council hereby **RESCINDS** COBASYS/Texaco Ovonix's obligation to pay estimated abated taxes in the amount of \$175,005.63 for the Tax Years 2003 through 2008 as it appears in Resolution #2004-10-532.

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

MOTION CARRIED

The meeting **ADJOURNED** at 11:29 P.M.

Louise E. Schilling, Mayor

Barbara A. Holmes, Deputy City Clerk

A Regular Meeting of the Troy City Council was held Wednesday, February 22, 2006, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:31 P.M.

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

ROLL CALL:

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

Vote on Resolution to Excuse Council Members Broomfield and Howrylak

Resolution #2006-02-093
Moved by Lambert
Seconded by Fleming

RESOLVED, That Council Members Broomfield and Howrylak's absence at the Regular City Council meeting of February 22, 2006 is **EXCUSED** due to being out of town.

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 Liquor Violations (Class C):

- a) Name: Mon Jin Lau, Inc.. (dba: Mon Jin Lau)
Address: 1515 East Maple Road, 48083
License No.: Class C (353-2004 SS)
- b) Name: Maggiano's/Corner Bakery Holding (dba: Maggiano's Little Italy)
Address: 2089 West Big Beaver, 48084
License No.: Class C (130954-2004 SS / 130955-2004)
- c) Name: Mayur Indian Cuisine, Inc. (dba: Mayur Indian Cuisine)
Address: 5113 Rochester Road, 48085
License No.: Class C (132851-2004 SS)

2.0 Liquor Violations (SDD/SDM):

- a) Name: Jill-Nick Corporation (dba: Buscemi's Party Shoppe)
Address: 3296 Rochester, 48083
License No.: SDD/SDM (SDD 73920-2004 SS / SDM 14525-2004)

1.0 Liquor Violations (Class C): (a) Mon Jin Lau, Inc. (dba: Mon Jin Lau); (b) Maggiano's/Corner Bakery Holding (dba: Maggiano's Little Italy); (c) Mayur Indian Cuisine, Inc. (dba: Mayur Indian Cuisine)

(a) Mon Jin Lau, Inc. (dba: Mon Jin Lau)

Resolution #2006-02-094
Moved by Lambert
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 22, 2006 for the following licensed establishment:

Name: Mon Jin Lau, Inc. (dba: Mon Jin Lau)
Address: 1515 East Maple Road, 48083
License No.: Class C (353-2004 SS)

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

WHEREAS, This licensee had a prior violations dated: October 29, 2003 – SALE TO MINOR (Compliance Test); October 19, 2000 – SALE TO MINOR (Compliance Test); April 11, 1998 – CUSTOMERS AFTER-HOURS; November 7, 1994 – GAMBLING (Citizen Complaint); August 11, 1994 – SALE TO MINOR (Compliance Test); June 17, 1992 – SALE TO MINOR (Compliance Test); April 10, 1984 – NON-EMPLOYEES ON PREMISES AFTER HOURS; HINDER AND OBSTRUCT POLICE OFFICERS DURING INVESTIGATION; and October 15, 1978 – SALE TO MINORS

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 22, 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 353-2004 SS in the name of Mon Jin Lau, Inc. in the City of Troy, **BE RENEWED** with the **STIPULATION** that all management employees and 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.

Yes: All-5

No: None

Absent: Broomfield, Howrylak

(b) Maggiano's/Corner Bakery Holding (dba: Maggiano's Little Italy)

Resolution #2006-02-095

Moved by Stine

Seconded by Fleming

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 22, 2006 for the following licensed establishment:

Name: Maggiano's/Corner Bakery Holding (dba: Maggiano's Little Italy)
Address: 2089 West Big Beaver, 48084
License No.: Class C (130954-2004 SS / 130955-2004)

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

WHEREAS, This 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 22, 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 130954-2004 SS / 130955-2004 in the name of Maggiano's/Corner Bakery Holding in the City of Troy, **BE RENEWED** with the **STIPULATION** that all management employees and 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.

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

(c) Mayur Indian Cuisine, Inc. (dba: Mayur Indian Cuisine)

Resolution
Moved by Beltrami
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 22, 2006 for the following licensed establishment:

Name: Mayur Indian Cuisine, Inc. (dba: Mayur Indian Cuisine)
Address: 5113 Rochester Road, 48085
License No.: Class C (132851-2004 SS)

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

WHEREAS, This 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 22, 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 132851-2004 SS in the name of Mayur Indian Cuisine, 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 Amendment

Resolution #2006-02-096
Moved by Stine
Seconded by Lambert

RESOLVED, That the Resolution to make a recommendation to the Michigan Liquor Control Commission that Class C License Number 132851-2004 SS in the name of Mayur Indian Cuisine, 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 #2006-02-097
Moved by Beltramini
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 22, 2006 for the following licensed establishment:

Name: Mayur Indian Cuisine, Inc. (dba: Mayur Indian Cuisine)
 Address: 5113 Rochester Road, 48085
 License No.: Class C (132851-2004 SS)

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

WHEREAS, This 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 22, 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 132851-2004 SS in the name of Mayur Indian Cuisine, 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

2.0 Liquor Violations (SDD/SDM): (a) Jill-Nick Corporation (dba: Buscemi's Party Shoppe)

(a) Jill-Nick Corporation (dba: Buscemi's Party Shoppe)

Resolution #2006-02-098
 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 not be renewed after a Public Hearing on Wednesday, February 22, 2006, for the following licensed establishment:

Name: Jill-Nick Corporation (dba: Buscemi's Party Shoppe)
 Address: 3296 Rochester, 48083
 License No.: SDD/SDM (SDD 73920-2004 SS / SDM 14525-2004)

and, having found violation for the following codes and/or regulations: February 11, 2005 – SALE TO MINOR (Compliance Test);
WHEREAS, This licensee has had a prior violation dated: March 21, 2000 – CHARGED WITH “..TRANSFER INTEREST WITHOUT PRIOR APPROVAL” ON OR ABOUT 01/01/97; October 17, 1990 – 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 22, 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 SDD License Number SDD 73920-2004 SS and SDM License Number SDM 14525-2004 in the name of Jill-Nick Corporation. in the City of Troy, **NOT BE REVOKED** and that a certified copy of this resolution be **SENT** to the Michigan Liquor Control Commission.

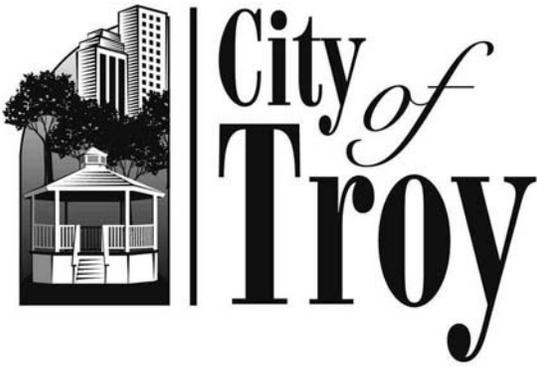
Yes: All-5
No: None
Absent: Broomfield, Howrylak

PUBLIC COMMENT

The meeting **ADJOURNED** at 8:39 P.M.

Louise E. Schilling, Mayor

Barbara A. Holmes, Deputy City Clerk



Date: February 22, 2006
To: John Szerlag, City Manager
From: Peggy E. Clifton, Human Resources Director
Re: **Agenda Item** – Contract Ratification - Troy Command Officers Association (TCOA) and City of Troy

RECOMMENDATION

City management supports and recommends approval of the tentative agreement for a three-year collective bargaining agreement between the City of Troy and the Troy Command Officers Association.

BACKGROUND

On February 20, 2006 the TCOA membership ratified a tentative agreement for a three-year collective bargaining agreement between the City of Troy and TCOA. This agreement replaces the contract that expired June 30, 2005.

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.

PEC/bjm

Attachment

TENTATIVE AGREEMENT SUMMARY
City of Troy and TCOA
2006-2009 Collective Bargaining Agreement

<u>ISSUE</u>	<u>SOLUTION</u>
Wages	7/01/05 3% 7/01/06 3% 7/01/07 3%
Pension	a. Defined Contribution Plan: <ol style="list-style-type: none"> 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.



City of Troy

Date: February 22, 2006
To: John Szerlag, City Manager
From: Peggy E. Clifton, Human Resources Director
Re: **Agenda Item** – Contract Ratification - Troy Fire Staff Officers Association (TFSOA) and City of Troy

RECOMMENDATION

City management supports and recommends approval of the tentative agreement for a three-year collective bargaining agreement between the City of Troy and the Troy Fire Staff Officers Association.

BACKGROUND

On February 20, 2006 the TFSOA membership ratified a tentative agreement for a three-year collective bargaining agreement between the City of Troy and TFSOA. This agreement will replace the contract that will expire June 30, 2006.

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.

PEC/bjm

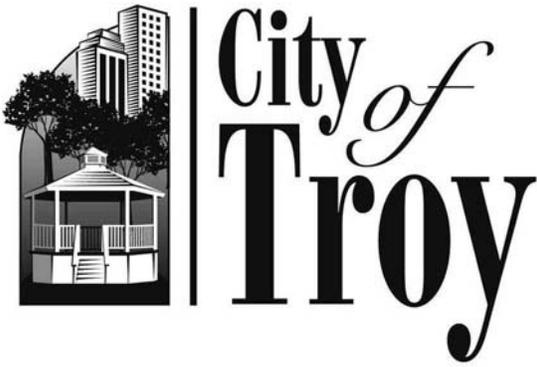
Attachment

TENTATIVE AGREEMENT SUMMARY
City of Troy and TFSSOA
2006-2009 Collective Bargaining Agreement

<u>ISSUE</u>	<u>SOLUTION</u>
Wages	3% per year, 3 year contract
Retiree Medical Insur.	<ul style="list-style-type: none">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.	<ul style="list-style-type: none">a. Cash payment to employees who opt out of health insurance reduced to \$250/mo. from \$420b. Eliminated dual coverage for employees who are married to each other, and the spouse who opts out of health insurance is 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	<ul style="list-style-type: none">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 22, 2006
To: John Szerlag, City Manager
From: Peggy E. Clifton, Human Resources Director
Re: **Agenda Item** – Contract Ratification – American Federation of State, County and Municipal Employees (AFSCME) and City of Troy

RECOMMENDATION

City management supports and recommends approval of the tentative agreement for a three-year collective bargaining agreement between the City of Troy and AFSCME (hourly employees).

BACKGROUND

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.

PEC/bjm

Attachment

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

DATE: February 17, 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 20, 2006) – REZONING REQUEST – East side of Livernois, south of Wattles, Section 22 – R-1C to C-F (Z-713)

RECOMMENDATION

The application is consistent with the intent of the Future Land Use Plan and compatible with existing zoning districts and land uses. The Planning Commission recommended approval of this item at the February 14, 2006 Regular meeting. City Management agrees with the Planning Commission and recommends approval of the rezoning application.

GENERAL INFORMATION

Name of Owner / Applicant:

The owner and applicant is Walsh College.

Location of Subject Property:

The property is located on the east side of Livernois, south of Wattles, in Section 22.

Size of Subject Parcel:

The parcel is approximately 2.84 acres in area.

Current Use of Subject Property:

The property is presently vacant.

Current Zoning Classification:

R-1C One Family Residential.

Proposed Zoning of Subject Parcel:

C-F Community Facilities.

Proposed Uses and Buildings on Subject Parcel:

Walsh College intends to expand its educational facilities, including additional library and classroom space. The subject property is intended to provide additional parking for the expansion.

Current Use of Adjacent Parcels:

North: St. Lucy Croation Catholic Church.
South: Walsh College.
East: Walsh College.
West: Single family residential.

Zoning Classification of Adjacent Parcels:

North: E-P Environmental Protection and R-1C One Family Residential.
South: C-F Community Facilities.
East: C-F Community Facilities.
West: R-1C One Family Residential.

ANALYSIS

Range of Uses Permitted in the Proposed C-F Community Facilities Zoning District and Potential Build-out Scenario:

PRINCIPAL USES PERMITTED:

One-family dwelling units developed according to the standards of the One-Family residential (R-1A through R-1E) District in effect immediately prior to the application of the C-F District.

Publicly owned and operated offices, public safety facilities, libraries, museums, fine and performing arts facilities, conference and meeting facilities, parks, and recreational facilities.

Cemeteries in locations where such would not abut platted and developed residential land.

USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

Private non-commercial recreational, cultural and arts facilities, institutional or community recreation centers.

Publicly-owned service buildings, public utility buildings, telephone exchange buildings, electric transformer stations and sub-stations, gas regulator stations, and water and sewage pumping stations, without storage yards.

USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL:

Churches and other facilities normally incidental thereto.

Childcare centers, nursery schools or daycare nurseries (not including dormitories).

General hospitals.

Special purpose hospitals.

Colleges, universities, and other institutions of higher learning, both public and private, offering courses in general, technical or religious education, and established as non-profit corporations in accordance with State law.

Vehicular and Non-motorized Access:

The subject parcel is contiguous to Walsh College, which has access to Livernois.

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 some woodlands located on the property.

Compliance with Future Land Use Plan:

The Future Land Use Plan classifies the parcel as Public and Quasi Public/Community Facilities. The parcel has had this classification since 1999. This correlates with the Community Facilities Zoning District in the Future Land Use Plan. The rezoning application complies with the Future Land Use Plan.

Compliance with Location Standards

There are no location standards for the C-F Community Facilities District.

Attachments:

1. Maps.
2. Letter from Walsh College.
3. Minutes from February 14, 2006 Planning Commission Regular Meeting.

cc: Applicant
File (Z-713)

CITY OF TROY





REZONING REQUEST
PROPOSED PARKING LOT EXPANSION
FROM R-1C TO C-F
E SIDE OF LIVERNOIS, S OF WATTLES RD.
SEC. 22 (Z-713)

REZONING REQUEST
FROM R-1C TO C-F

0 100 200 400
Feet



REZONING REQUEST
PROPOSED PARKING LOT EXPANSION
FROM R-1C TO C-F
E SIDE OF LIVERNOIS, S OF WATTLES RD.
SEC. 22 (Z-713)

REZONING REQUEST
FROM R-1C TO C-F

(E-P) Environmental Protection District

(R-1B) One Family Residential District

(C-F) Community Facilities District

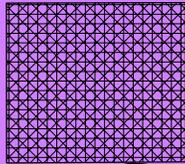
(R-1C) One Family Residential District

0 100 200 400 Feet



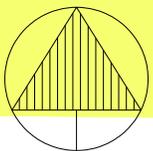
CF

REZONING REQUEST
FROM R-1C TO C-F



CF

E



NORTH



P

R1C

C.F

LEETONIA

CRESTWOOD

CRESTFIELD AVE.

ILLINOIS

HANDOVER

RD

WATFLES

RUTLAND
RD.

DR.

MIRACLE
DR.

SCOTTSDALE
DR.

SCOTTSDALE
DR.

R1B

WENDELTON
RD.

RD.

C.F

REZONING REQUEST
FROM R-1C TO C-F

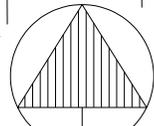
KIRK
LN.

LN.

R1C

MILLSTONE DR

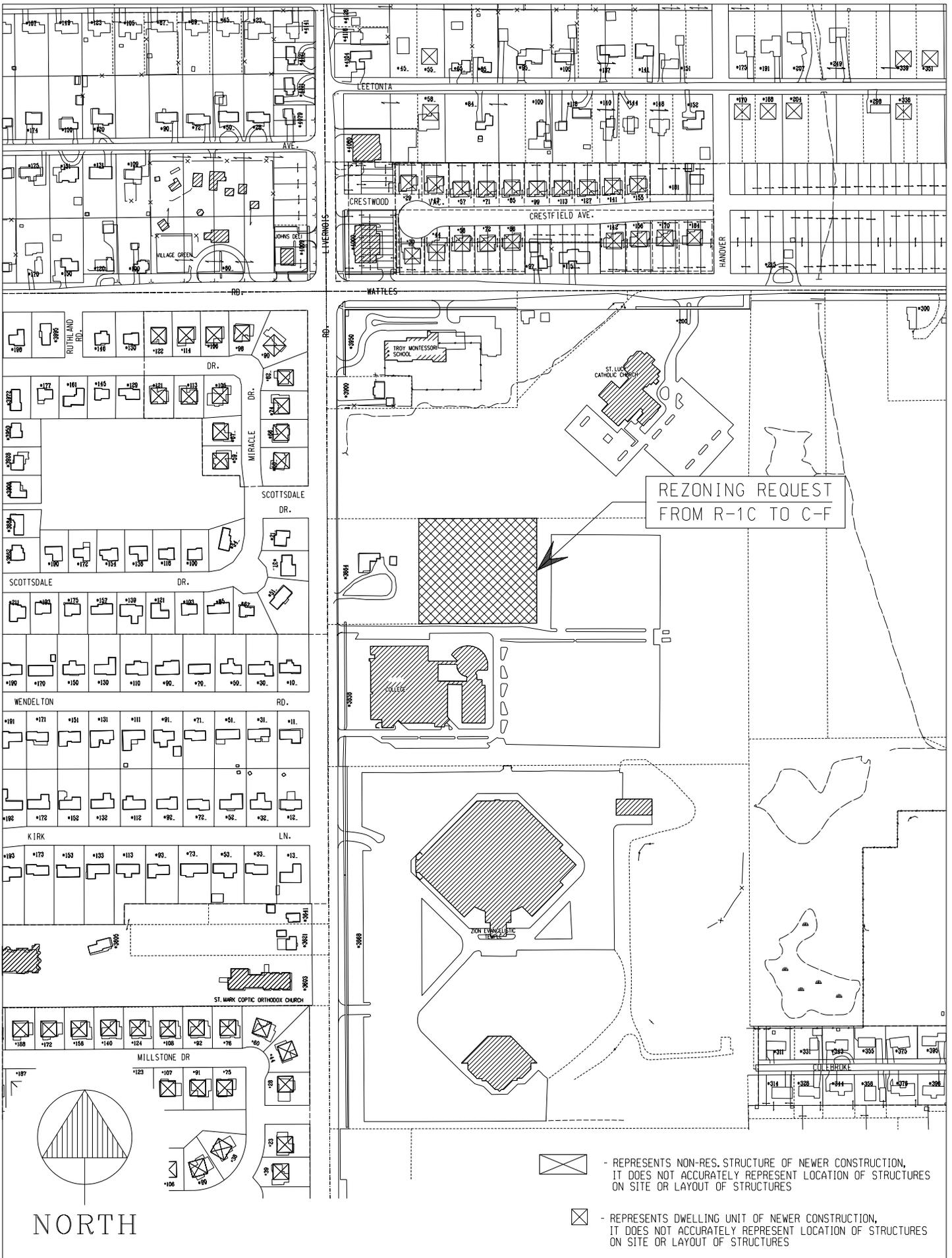
COLEBROKE



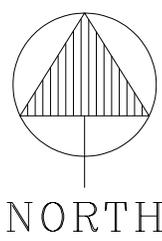
NORTH

VERNOIS ROAD
CJAD

TROMBLEY



REZONING REQUEST
FROM R-1C TO C-F



-  - 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

STATEMENT IN SUPPORT OF REQUEST FOR REZONING

Walsh College respectfully requests that the City rezone a parcel of vacant land, consisting of approximately 2.84 acres, from R-1C to C-F (community facilities). Walsh College operates an educational facility at 3838 Livernois Road, which is on the east side of Livernois and south of Wattles. Walsh College seeks to expand its educational facilities and, subject to City site plan approval, proposes to build an addition to its facility on its current property. The property at issue was purchased in connection with Walsh College's expansion plans and is intended to serve as additional parking for the College.

The property at issue abuts Walsh College on the south (also zoned C-F), vacant property on the east (zoned C-F), the St. Lucy Croatian Catholic Church to the north and an existing single-family residence to the west along Livernois. Future access to the property would be through Walsh College's existing property. The property is master-planned for CF uses in the City's current Future Land Use Plan. Thus, the rezoning is consistent with the City's planning and is compatible with surrounding land uses and will not be a detriment to those surrounding land uses. The land is necessary to allow Walsh College to expand its facilities to provide more comprehensive education opportunities and to remain a strong and vital educational institution and asset to the community.

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IDVAMG

RECEIVED

JAN 12 2006

PLANNING DEPARTMENT

7. PUBLIC HEARING – PROPOSED REZONING (Z 713) – Walsh College Proposed Parking Expansion, East side of Livernois, South of Wattles, Section 22 – From R-1C (One Family Residential) to C-F (Community Facility) District

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

Alan Greene, legal counsel for the petitioner, 39577 North Woodward Avenue, Bloomfield Hills, was present. Mr. Greene indicated the petitioner would like to proceed with the approval process, and that representatives from Walsh College are present should there be any questions. He asked for the Commission's support in the first stage of the Walsh College renovation expansion plan.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2006-02-026

Moved by: Khan
Seconded by: Waller

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1C to C-F rezoning request, located on the east side of Livernois, south of Wattles, within Section 22, being approximately 2.84 acres in size, be granted, for the following reasons:

1. The rezoning is consistent with the intent of Future Land Use Plan and is compatible with the existing zoning districts and land uses.

Discussion on the motion on the floor.

Mr. Littman identified that he was at one time a member of the President's Advisory Council at Walsh College.

Mr. Waller disclosed that he is a current member of the President's Advisory Council at Walsh College.

Ms. Bluhm said it is the discretion of the Commission to exclude Messrs. Littman and Waller from voting on the matter should they feel there is some prejudice or inability to act impartially.

It was the consensus of the members that there were no conflicts of interest.

Vote on the motion on the floor.

Yes: All present (6)
No: None
Absent: Strat, Vleck, Wright

MOTION CARRIED

February 2006

February 2006							March 2006						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
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										29	30	31	

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		February 1	2	3	4
		8:30am BUILDING CODE BOARD OF APPEALS (Conference Room LL)			5
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5:30pm City Council-Special (Council Boardroom) 7:30pm City Council Meeting (Council Chambers)	7:30pm Planning Commission Special/Study (Council Boardroom)				12
13	14	15	16	17	18
7:30pm City Council-Closed Session (Council Boardroom)	7:30pm Planning Commission Regular Meeting (Council Chambers)	7:30am DDA Meeting (Conference Room Lower Level) 7:30pm City Council Liquor Hearing			19
20	21	22	23	24	25
7:30pm City Council Meeting (Council Chambers)	7:30pm BZA (Chambers) 7:30pm Historic District Commission (Conference Room C)	7:30pm City Council Liquor Hearing	5:30pm CC-Closed Session (Council Boardroom) 5:30pm City Council-Special Meeting (Council Chambers)		26
27	28				
7:30pm City Council Meeting (Council Chambers)	7:30pm Planning Commission Special/Study (Council Boardroom) 7:30pm City Council-Special Joint with Troy Daze Advisory Committee				

3/6/06 PH Zota 218 Child Care Cntrs.
 3/6/06 PH Zota 214 Group Child Care Homes
 3/6/06 Rez. Binson's Sec. 3
 3/20/06 Rez. Req. Sec. 22-R1C to C-F (Z-713)

March 2006

March 2006							April 2006						
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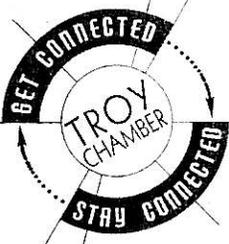
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	7:30pm Planning Commission Regular Meeting (Council Chambers)	7:30am DDA Meeting (Conference Room Lower Level)			19
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7:30pm City Council Meeting (Council Chambers)	7:30pm Planning Commission Special/Study (Council Boardroom)				

April 2006

April 2006						
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					24
24	25	26	27	28	29
7:30pm City Council Meeting (Council Chambers)	7:30pm Planning Commission Special/Study (Council Boardroom)				30
					31



4555 Investment Dr. Suite 300 Troy, MI 48098-6338 www.troychamber.com PH: 248.641.8151 F: 248.641.0545

TROY CHAMBER OF COMMERCE
MEMORANDUM

Troy Chamber
President
Michele Hodges

2006 Board of Directors
Chairman
Julia Baran
ALCOS, Inc.

Vice Chairman
Kevin Shea
Cushman & Wakefield of
Michigan, Inc.

Treasurer
John Bailey
John Bailey & Assoc., Inc.

Secretary
Anna Maiuri
Miller, Canfield, Paddock
and Stone, P.L.C.

Marie Baloga
Beaumont, Troy

Ann Comiskey
Troy Community Coalition

Brad Frederick
Media Genesis

Dave Grenville
LaSalle Bank

Tasneem Hakim
ALYKO Enterprises

Mike Kidder
Altair Engineering

Bill Lafontaine
Delphi Corp.

Jim McIntire
Kelly Services

John Podsiadlik
Detroit Pencil Company

Keith Pretty
Walsh College

Sam Segesta
Auburn MetalFab, Inc.

Duané Swanson
Somerset Inn

John Tagle
John Tagle Associates

Ted Wilson
Featherstone Corp.

Pat Zafina
Chase Investment
Services Corp.

TO: Honorable Mayor and Members of Troy City Council

FROM: Michele Hodges
President

DATE: 20 February 2006

RE: 27 February 2006 Public Hearing to Consider
Amendment of Troy Downtown Development
Authority (TDDA) District Boundaries

ACTION

**REQUESTED: Immediately Forego Consideration to Amend TDDA
Boundaries**

A core value of the Troy Chamber of Commerce is to ensure viability of both the business and residential communities of Troy. It is important to recognize this principle when making decisions central to Troy's future.

Preserving and continuing such viability includes maintaining the TDDA and its existing boundaries. The Troy Chamber has arrived at this conclusion for the following reasons, and believes a move to amend the boundaries would be unwise.

- 1) First and foremost, the City of Troy has a "moral obligation to bondholders" (Bendzinski & Co., 20 October 2005, page 8). It would be acting in bad faith to move forward with a boundary amendment.
- 2) "The City and the DDA would most likely face a reduction in the City's outstanding credit rating of AAA and the DDA's outstanding credit rating of AA." (Bendzinski & Co., 20 October 2005, page 9). If a reduction in rating occurs, costs to taxpayers will increase.
- 3) Industry experts are on record in opposition of the action, including professional City staff, Miller, Canfield, Paddock and Stone, PLC, and Bendzinski & Co.
- 4) A reduction in boundaries would discourage mixed-use development, seriously mitigating Troy's ability to embrace emerging land use trends, and thereby disabling its ability to compete.
- 5) It would create uncertainty for future investors and developers, and would likely make the City vulnerable to litigation.

Troy Chamber of Commerce

Memorandum

Page 2

- 6) The TDDA currently generates General Fund revenues in excess of the value of City services consumed within the District. Thereby not negatively impacting the General Fund.
- 7) The TDDA's ability to implement recommendations of the Big Beaver Corridor Study would be severely limited.
- 8) The TDDA would have difficulty implementing projects such as the Big Beaver expansion, the Rochester Road intersection, the ongoing landscape/maintenance/enhancement of the Corridor, the Troy Community Center, the Somerset North parking deck, and the MEGA matches for companies like HTC Global, Axletech, and the Kmart Data Center.
- 9) The TDDA was legally formed per provisions of Public Act 197, of 1975, in July of 1993. The boundaries were established based on land use trends at the time, resulting in minimal residential use within the District. Given the trend toward mixed-use development, it is now rational, and sensible, to allow residential uses within the District. To ensure the needs of residents are met, the legislation provides for representation on the TDDA Board of Directors.
- 10) The TDDA would no longer be able to capture non-City taxes, resulting in a loss in revenue.

Recent articles demonstrating the value of DDAs in neighboring jurisdictions are attached. Nowhere is a DDA seen as a hindrance, or as a drain on City resources.

CC: John Szerlag, City Manager
Doug Smith, Director of Real Estate & Economic Development

MADE POSSIBLE BY THE TDDA



BIG BEAVER EXPANSION & ROCHESTER ROAD INTERSECTION



BIG BEAVER LANDSCAPING & ONGOING MAINTENANCE



BIG BEAVER ENHANCEMENTS



TROY COMMUNITY CENTER



SOMERSET NORTH PARKING DECK



HTC GLOBAL FINANCIAL MATCH

Allow the good work of the TDDA to continue. Keep it whole.

Downtown Development Authority Articles from The Detroit News

<u>Page#</u>	<u>Article Title</u>
1.	Warren supports downtown growth, project
2.	City (St. Clair Shores) eyes business hub as a destination spot (9/22/05)
3.	DDA boundary (Farmington Hills) expansion considered (9/27/05)
3.	How can a bustling suburb (Royal Oak) be broke? (9/29/05)
5.	Main St. rebirth gains momentum (Highland Twp. & Keego Harbor), (9/29/05)
6.	Farmington hopes DDA growth will spell cash (9/30/05)
7.	Macomb is eager to provide wireless access (11/8/05)
8.	Falling bond rating should alarm Detroit (11/25/05)
9.	White Lake Twp. Considers pursuing a DDA (12/19/05)
10.	Shelby Twp. Aims to link businesses on Van Dyke (12/23/05)
11.	Lofts remake Mount Clemens (12/29/05)
12.	Proposal to stretch downtown (Rochester) advances (1/18/06)
12.	Residents (New Haven) can weigh in on downtown districts (1/23/06)

Warren supports downtown growth, projects

■ The City Council rejects president's proposal to freeze expansion of DDA for two years till economy improves.

By CHARLES E. RAMIREZ
The Detroit News

WARREN — The City Council has rejected a plan to freeze any further expansion of the city's Downtown Development Authority.

City Council President Jim Fouts introduced the proposal, which called for the agency to put on hold any new undertakings for at least two years to give the authority more time to complete its current projects and for the economy to improve.

The Downtown Development Authority — or DDA — is a city agency

charged with economic development in a particular part of Warren.

The council turned down Fouts' proposal by a 6-3 vote at its meeting Tuesday.

Fouts, who has been a vocal critic of Warren's DDA, said he was disappointed by the council's decision.

"I just don't think the city should be spending a lot of money for more DDA projects when the economy is shaky," he said. "All I was saying was complete what's already been started and then if the economy is better in two years, then go ahead and take on more.

"Right now is not the time."

The DDA is funding a \$75 million project to build a new civic center, which includes a new City Hall, public library, parking structure, fountain and a 2-acre urban park with retail stores

and housing. The project was started last year.

Joe Munem, a spokesman for the city and Warren Mayor Mark Steenbergh, disagreed and praised the council's move.

"We're pleased the council had enough foresight to reject the proposal," Munem said. "Especially when the mayor is proposing to take advantage of state legislation that would allow the city to expand the boundaries of the DDA into the south end — the city's oldest neighborhood — and use (the agency) to make improvements there.

"Fouts' proposal was an attack on the city's south end."

Warren business owner Paul Petrykowski said he's glad the DDA can continue its plan to expand into the city's south end. Petrykowski owns Ed & Lil's

Flower Shop, on Van Dyke near Nine Mile in the southern half of the city

"I think expanding the DDA here is a great idea," he said. "It's better than doing nothing, right?"

The city of Warren established its DDA in 1993. The agency uses a portion of the taxes the city collects on properties in an area that stretches north from Interstate 696 to 14 Mile and west between Van Dyke and Mound to pay for economic development projects in that district.

In January, Steenbergh unveiled a proposal to extend the DDA district to include a strip of Van Dyke between 8½ Mile and 9½ Mile roads.

You can reach Charles E. Ramirez at (586) 468-2905 or cramirez@detnews.com

City eyes business hub as a destination spot

■ The mature community of St. Clair Shores revamps 6-mile stretch of Harper to attract shoppers, businesses.

By EDWARD L. CARDENAS *9/22/05*
The Detroit News

ST. CLAIR SHORES — Can a settled, inner-ring suburb like St. Clair Shores compete with growing communities in northern Macomb County for new residents and businesses?

The city is going to try with an overhaul of its hodgepodge central business district on Harper.

Over the past 50 years, the six-mile stretch has developed with no real coordination or theme.

After four years of planning, however, developers have a master plan to follow for revitalization that includes new housing along the roadway and "out-lot" development in parking lots of large strip malls.

The Harper Overlay District ordinance came out of the revitalization plan for businesses that are located between Eight Mile to 14 Mile, which are the city boundaries.

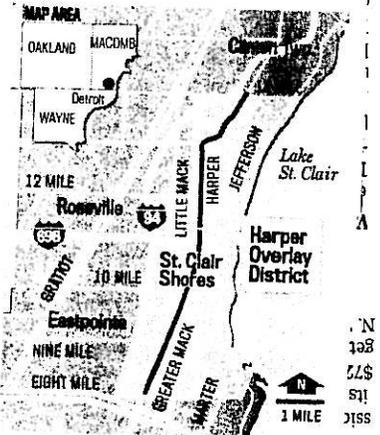
"We need to reinvigorate the city. If we are not moving forward, we are moving backward," said Blair Gilbert, second-generation owner of Gilbert's Hardware and president of the Harper Avenue Business Association. "We want to make Harper Avenue more of a destination for shoppers who forget that we are here with over 600 businesses."

The City Council recently gave its approval to a pair of proposed developments that would be the first to fall under the overlay district.

The projects include two medical buildings to be built on two vacant lots on the west side of Harper between Gaukler and Alger and a retail development on the site of the former Bruno's Appliance on the east side of Har-



Ironworkers Mic Camacho, left, of South Lyon and Robert Neil of Auburn Hills hook up cords to move beams.



The Detroit News 101

per, just north of Nine Mile.

While the district provides for a long-term plan, it would only apply when significant changes are made to a building. Current businesses won't be affected.

"The revitalization plan is the vision of what we want the city to look like. The overlay district is how we do it," said Liz Mancini Koto, city planner for St. Clair Shores.

Long-term plans for the district include a possible Downtown Development District, which would capture tax revenue from properties within the district to be reinvested along Harper; streetscape additions such as park benches, flowers and landscaping; and wider, more pedestrian-friendly sidewalks.

"This establishes our identity for the future," said St. Clair Shores City Manager Kenneth Podolski, who wants the vision for the city to become a vehicle for investors and provide a variety of retail and business options for residents. "We are a mature community. This is how we get fresh tax dollars into the city."

Outlined in the plan are ways to distinguish the district from other

roads, including creating identifying places at the mile roads and promote it as a "lively area."

Examples of the distinct structures include a Flagstar Bank to be built on the northeast corner of Harper and Nine Mile that will feature a clock tower and a sculpture at 12 Mile and Harper that will be placed in front of Walgreens.

Other improvements include allowing signs to be perpendicular to buildings to allow drivers on Harper to identify businesses.

Lifelong St. Clair Shores resident Linda Ramsey supports the plans to improve the Harper corridor.

"If it looks attractive, it will tempt someone to come in," said Ramsey, who likes the pedestrian-friendly characteristics of the businesses district. As they develop the new district, St. Clair Shores officials say they are looking at similar efforts in Royal Oak and Ferndale, cities similar in age and development patterns.

You can reach Edward L. Cardenas at (586) 468-0529 or ecardenas@detroitnews.com.

FARMINGTON HILLS *Detroit News 9/2/05*
DDA boundary expansion considered

Farmington Hills officials are considering an expansion of the boundaries of the city's Downtown Development Authority. The DDA is allowed to spend money on enhancements only within the district boundaries, so an expansion would mean improvements to even more of the downtown. Although no specific new boundaries have been discussed, officials hope to establish a committee that will study the issue.



Charles V. Tines / The Detroit News

With its walkable downtown, Royal Oak is a big draw. But many wonder how a town so rich in development can face a \$6.4 million tax deficit, a proposed tax increase and perhaps fewer services.

How can a bustling suburb be broke?

9/24/05
BY MAUREEN FEIGHAN
The Detroit News

ROYAL OAK — Cranes dot downtown Royal Oak's skyline as a piece of big-city living makes its way to one Motor City suburb.

As many as 13 loft and condo projects, boasting swanky kitchens, high ceilings and exposed brick, are planned or under construction in Royal Oak. Concentrated downtown, they'll eventually add as many as 900 housing units to the tax rolls and up to \$1.2 million in revenue.

But the building explosion transforming the town once known as "Royal Joke" is likewise

confounding residents and on-lookers. They wonder how a town rich in development can face a \$6.4 million tax deficit, a proposed tax increase and potentially fewer city services.

In a region where many suburbs are hurting because of a lack of economic activity, Royal Oak stands apart as one that is building — and going broke.

"Just look at all those high rises. The city of Royal Oak is booming," said Ted Kenyon, an eight-year resident. "For us to have a budget crisis is ridiculous."

Please see Royal Oak, Page 5A

There is no discussion underway to reduce the scope of the DDA, despite the budget crisis, and despite the significant amount of new residential projects.

Royal Oak

Continued from Page 1A

Loft projects increase

City leaders say comments such as Kenyon's are a familiar refrain. And with a November ballot proposal looming that will ask voters for a 1.75-mill tax increase, officials are planning two town hall meetings at 7 p.m. Oct. 12 and Nov. 2 at Mahany-Meining Senior Community Center to explain.

They point to two major problems: A retirement fund that nose-dived after the September 11 terrorist attacks and will require a \$4.1 million contribution this year, and employee health care costs that have risen 98 percent since 1998.

And while hundreds of new condos and lofts will certainly help ease the financial crunch, they won't erase it, said Jan Hunt, the city's treasurer and interim financial director.

Proposal A and the Headlee amendment, which limits property tax increases to the rate of inflation, also are factors, she said.

"We're not rolling in dough," Hunt said. "It's good for a city to have development. It's a great thing. It generally just doesn't bring in money hand over fist, as much as we'd like it."

The corner of East 11 Mile and Main Street is ground zero for Royal Oak's boom.

Two loft projects are under construction side by side, with several more blocks away. Billboards carry signs with messages such as "80 percent sold" and "www.trueloftliving.com."

Chicago-based Joseph Freed and Associates LLC is building one of the city's biggest new developments — a \$120 million mixed-use development on a six-acre block at E. 11 Mile and Main. Plans call for building three towers with 405 units, a 45,000-square-foot organic grocery store, restaurants and a parking structure.

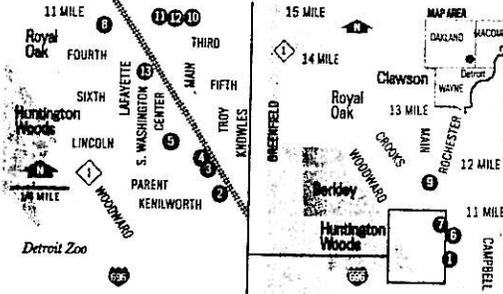
The first nine-story tower with 94 units is 90 percent sold, said Kris Gosselein, director of sales and marketing for Joseph Freed.

"When you look at other products, there's not many that move at that pace," Gosselein said.

Royal Oak's walkable downtown was a big draw for Lory DeLosier and her partner, Cathy Ambrose. The couple had been living in separate houses in the Pleasant Ridge/Ferdale area when they decided they were tired of shoveling and cutting grass and wanted the

Royal Oak building boom

As many as 13 loft and condo projects are now planned or under construction.



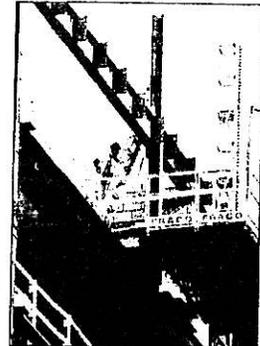
Project	Units	Project	Units
1. Crossings At Irving	82	8. 622 W. 11 Mile	67
2. 416 & 420 E. Parent Avenue	8	9. 1103 N. Main	3
3. Metro Lofts	30	10. Main North, Main North Terraces, Main North Phase II	405
4. Station 3 Lofts	45	11. Main Street Lofts	22
5. E. Lincoln and S. Main Street	52	12. 120 W. 11 Mile	19
6. Grant Park Condominiums	17	13. 422 S. Washington Avenue	92
7. SkyLofts MarketSquare	88		

Source: Royal Oak Planning Department

The Detroit News

contemporary feel of a loft. After checking out the different lofts, they decided on Metro Lofts, a development slightly off the beaten path with 30 units ranging in price from \$300,000 to \$800,000. "We just loved them," DeLosier

said. But even with hundreds of lofts on their way to the city's tax rolls, city officials say only 21 percent of the property taxes will go to Royal Oak. The biggest share — 39 percent — will go to Royal Oak schools and the state for education,



Charles V. Times / The Detroit News

As many as 13 loft and condo projects are planned or under construction in Royal Oak.

according to the city. And with Proposal A and the Headlee amendment, which requires municipalities to roll back their millage rates when growth on existing property exceeds the inflation rate, Royal Oak's local millage has dropped from 8.09 mills in 2000 to 7.48 mills in 2005.

Pensions, benefits hit budget

Two factors already working against Royal Oak are its retirement fund and health care costs.

Royal Oak, like communities across the state, has been hit hard by the post-September 11 stock market drop. Its retirement fund dropped from 140.7 percent funded with assets valued at \$159 million in 2000 to 94.2 percent funded with values worth \$137 million in 2004.

A retirement system that is 100 percent funded means it has enough contributions that will accumulate value to cover pensions for employees throughout their retirement years.

State law requires municipal retirement funds be 100 percent funded. The city now has to make a \$4.1 million contribution to the fund this year and as much as \$4.4 million next fiscal year. City officials say the

reason the investment losses weren't felt sooner is because retirement fund losses are usually spread out over a three-year period.

"After 9/11, everything tanked so we weren't earning as much on our investments," said Britt Winter, the city's deputy finance director. "Those 2001 losses were finally being realized in 2004."

Health care costs are another major challenge.

Royal Oak spent \$3.8 million on employee health care and \$8.1 million for retiree health costs in the 2004-05 fiscal year, the bulk of which came from the city's general fund. A health care reserve fund that covered some retiree costs ran out of money in 2003.

The city did change health benefits this year to require more contributions from new hires in three unions, but the changes don't apply to Royal Oak's biggest unions.

City looks to cut costs

Royal Oak is investigating other ways to cut costs and may hire a consultant to review its operations.

Bids are due Friday for the city-owned Normandy Oaks Golf Course, which if sold could bring up to \$8 million to the city that would likely be spent over a three-year period. And Royal Oak may cut costs by not filling several positions, which could save up to \$1 million.

Gosselein isn't worried that Royal Oak's financial woes, which may result in service or program cuts, will steer people away from the city. She believes downturns are often instigated from such problems.

"Royal Oak is a great place to be, but the financial woes they're experiencing are not unlike any other municipality in the area," Gosselein said.

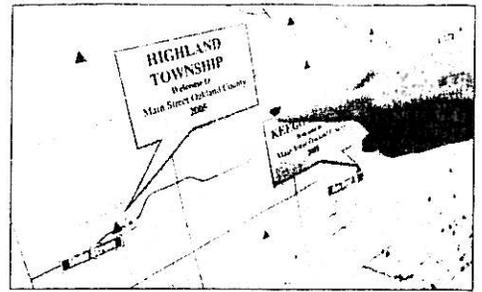
"The additional residences are going to generate additional revenue, and I think they had good foresight that allowing this will end up benefiting the city in the long run."

You can reach Maureen Feighan at (248) 647-7416 or mfeighan@detnews.com.

"We feel we're a diamond in the rough. Our goal ... is to get the word out that Keego Harbor is a good place to do business."

CAROLYN LEHR, Keego Harbor city manager

Main St. rebirth gains momentum



Highland Township hopes to recharge its historic district.

■ Highland Township, Keego Harbor join 10 other Oakland communities in upgrading downtown hubs.

By MIKE MARTINDALE
The Detroit News

SPRINGFIELD TOWNSHIP — Oakland County's Main Street program, designed to make its downtowns more user-friendly, got two new members last week in Highland Township and Keego Harbor.

The municipalities will join 10 other Oakland communities in the program, which provides expertise and training to help the county's commercial centers improve themselves and become more attractive to visitors.

The two were named as about 200 local and regional officials, developers, architects and others met amid the rolling hills and woods of Indian Springs Metropark.

The Oakland County government-sponsored conference included segments on how Ferndale is encouraging environmentally friendly buildings and how the village of Lake Orion is rebuilding after a restaurant fire took out a portion of a block and affected the area.

Keego Harbor, between Sylvan and Orchard lakes, has 2,800 residents. Highland Township, bisected by M-59 in western Oakland County, has nearly 21,000 residents.

"We're very excited," said Keego Harbor City Manager Carolyn Lehr. "We feel we're a diamond in the rough. Our goal is to create a program to set up a mix of business and entertainment potential. To get the word out that Keego Harbor is a good place to do business."

Tim Shepherd, who runs the TWC sporting goods-surf shop in Keego Harbor, believes its location, in the middle of a number of lakes, should be emphasized more.

"A lot of people turn to the lakes for recreation and we should be doing more in line with that," Shepherd said.

David Milan of Milan Co. is developing a boardwalk project along Dollar



Max Ortiz/The Detroit News

"What we would like to do is enhance what is already there," says Highland Township Supervisor Triscia Pilchowski, with Downtown Development Authority Chairman Keith Rhodes, at Highland Station House in the historic district.

Oakland County's Main Streets

Communities that have been accepted into Oakland County's Main Street economic development programs to date.

- Rochester, Royal Oak, Walled Lake (2000)
- Ferndale, Holly, Lake Orion (2001)
- Farmington, Pontiac (2002)
- Ortonville, Oxford (2003)
- None added in 2004
- Keego Harbor, Highland Township (2005)

Source: Oakland County Planning & Economic Development Services

Lake that he envisions as a future draw.

"We're building Keego Harbor Square and redeveloping property and expanding it along the lake, including patio seating, boat docking, and maybe two or three restaurants," Milan said,

"kind of a waterfront downtown in Oakland County. This is long overdue."

Highland Township Supervisor Triscia Pilchowski and Downtown Development Authority Director Jill Bahm hope to recharge a historic district at Milford and Livingston roads just south of M-59. Some of the late 1800s circa buildings are already in use for community activities and nearby Highland Recreation Area is a huge resource.

"It's a mixture of residential and small businesses and what we would like to do is enhance what is already there," Pilchowski said.

Township residents are invited to a 5:30 p.m. Oct. 5 meeting at Highland Senior Center at 209 N. John St.

"Our first step will be to get residents involved and on committees," she said. "Main Street will provide direction for our whole community. It's that important."

Attendees at last week's conference

heard about the importance of preserving land, park expansion and how Main Street communities are helping define the county.

"We're very high on the Oakland County economy and how it remains stable in a tightening economy, and part of the reason is the balance of all aspects of life here," said Oakland County Executive L. Brooks Patterson, in his opening remarks.

"We are also challenged as government stewards to preserve the environment."

Patterson ticked off Oakland County statistics that any county would envy: 40,000 businesses; 750,000 jobs; 650 foreign-owned firms; 211 Fortune 500 companies along with 1,400 lakes, pristine natural areas and interconnecting hiking and biking trails.

You can reach Mike Martindale at (248) 647-7226 or mmartindale@detnews.com.

Farmington hopes DDA growth will spell cash

■ Downtown master plan calls for district expansion that would bring in more taxes to fund improvements.

By DELORES PATTERSON
The Detroit News

9/30/05

FARMINGTON — The city wants to expand its Downtown Development Authority district to collect more money for community improvements.

The expansion is being sought now that Farmington has completed a new downtown master plan as part of Oakland County's Main Street revitalization program.

"This will not only help bring in more dollars to make enhancements throughout the DDA district, but more importantly, we need to do a better job of link-

ing the corridors along Grand River and Farmington Road with the downtown area, especially some of the older commercial areas," City Manager Vincent Pastue said.

The DDA board helps maintain the viable businesses in the downtown area, encourages historical preservation and creates development plans to promote economic growth. The current DDA district is shaped a bit like a jigsaw puzzle with Liberty Street on the west, Slocum Street on the south, Mayfield on the east and just a little beyond Grand River on the north, he said.

The district is funded through taxes from commercial property within the district and not through the city's general fund. As a result, the money can only be used for projects within the defined boundaries even if some properties are

just on the edge of the district.

About \$150,000 is garnered from taxes on commercial properties, and a special assessment levy of the principal shopping district also brings in another \$150,000. These combined with a general 2-mill levy and some county revenue accounts for the DDA's \$350,000 annual budget, which doesn't provide the 11-member authority with a lot of resources, City Councilman James Mitchell said.

Funding has been used for street-scape improvements, assisting businesses with building facade enhancements, demolition costs and redevelopment projects like the Orchard Condominiums on Orchard Street.

The city's initial DDA and tax increment financing plan and boundaries were adopted in 1988 and are set to ex-

pire in 2008, creating another need to re-evaluate and update the DDA district in order for Farmington to participate in any long-term capital improvement projects. The special assessment levy of the principal shopping area is also set to expire in December 2006, Pastue said.

"We would like to be able to reach out beyond the current jurisdiction to help some of the other businesses and property owners that are near to the downtown," Mitchell said.

The City Council recently gave approval to establish a committee that is expected to be formed by mid-October to study the district and offer new boundary recommendations by spring 2006.

You can reach Delores Patterson at (248) 647-7225 or dpatterson@detnews.com.

Macomb is eager to provide wireless access

■ Downtown Authority, county board call for bids to equip Mount Clemens for high-speed connectivity.

By GEORGE HUNTER 11/8/2005
The Detroit News

MOUNT CLEMENS — Karen Feigel would like a little high-speed Internet access to go with her coffee.

"It would be cool if I could bring a laptop here and go online," said Feigel, 18, a Macomb Township resident who is a frequent visitor to the Conga coffee house in downtown Mount Clemens. "I come here all the time, and it would be nice to have high-speed Internet access."

Feigel's wish may soon come true. City and county officials are taking the first steps in a three-phase plan to equip

all of Macomb County with high-speed wireless Internet technology. The first phase is to enable wireless access for all of downtown Mount Clemens.

The Mount Clemens Downtown Development Authority and the Macomb County Board of Commissioners are calling for bids from Internet service providers to equip downtown Mount Clemens for high-speed connectivity. A vendor will likely be selected in January, 2006, and the system is expected to be operational by June 1.

"It's important to have this technology available in downtown Mount Clemens," said Arthur Mullen, executive director for the Mount Clemens DDA. "We're the county seat, and one big thing is, we have (Macomb Circuit Court) here. If an attorney is in the area working on a case, he could go online to quickly get whatever document he

What's next

The Mount Clemens Downtown Development Authority will hold a meeting at 2 p.m. on Nov. 21 at the DDA offices at 49 Macomb Place in Mount Clemens, for companies interested in bidding to become the city's high-speed wireless Internet provider. Bids must be submitted to the DDA by 2 p.m. on Jan. 9. For more information, call (586) 469-4168.

needed."

Devices called "repeaters," which route radio signals, would be affixed to light poles and other objects about every 300 feet downtown, in order to blanket the entire area for high-speed connectivity, Mullen said.

If the plan is implemented, computer users downtown would be able to purchase high-speed Internet access by the

minute or hour. "We have a lot of bars and restaurants downtown, so if someone is waiting for a friend, they could purchase high-speed time and surf the Net while they're waiting," Mullen said. "Of course, you could go onto the Internet at a slower speed for free — but if you want high speed, you have to log on to the provider's Web site and purchase it."

Many of the details of the plan — such as cost — have not yet been worked out, Mullen said.

"We're hoping whatever company gets the bid will finance (the cost of installing repeaters) 100 percent," Mullen said. "Nothing firm has been established, but if we find we can't get a company to finance this at a reasonable cost, the project may not go through."

You can reach George Hunter at (586) 468-7396 or ghunter@detnews.com.

The Detroit News

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EDITORIALS: OUR OPINION

Falling bond rating should alarm Detroit

City shrugs as Standard & Poor's says clock ticks on city finances

Detroit's financial indicators

- The city spends \$15 million more a month than it takes in in revenue, says the city auditor general.
- The city's budget deficit varies from \$139 million to more than \$300 million, depending on the estimate.
- Standard & Poor's has downgraded the city's bond rating to one step above junk status.
- Standard & Poor's says the city's financial outlook is "negative."

Detroit Mayor Kwame Kilpatrick is way too cavalier about the city's slipping bond rating, which this week dropped to a hair above "junk" status.

The mayor responded by downplaying the slide. And that's no way to run a city, much less haul it back from the brink of bankruptcy.

Junk bonds scare many investors. And those who buy low-rated paper want higher interest to compensate for their risk, a demand that will cost taxpayers more money.

"The outlook is negative given the economic challenges that could further threaten revenues and create additional budget gaps," says a grim Standard & Poor's analysis published Monday. "Delays in addressing its structural imbalance have also increased the city's deficit and led to a deterioration of liquidity."

In response, the mayor said many companies and other cities are in bond trouble, too. And he tried a positive spin on the Standard & Poor's analysis.

The rating, however, reflects chronic inaction. The city has been whistling past the budget graveyard, sort of hoping things will take care of themselves. They won't.

Earlier this year, for example, City Council member Sharon McPhail suggested Detroit downsize its payroll from 18,000 to 12,000 employees.

That's the right call. But so far, no one in city government has the will to make it happen.

Meanwhile, "the clock is ticking" on Detroit, says

an S&P analyst. The "ticks" include a city that spends \$15 million more a month than it brings in, a finding by Detroit Auditor General Joe Harris.

Others predict the city's general fund will run low in a few months, forcing the city to pick and choose which bills to pay. Michigan has its own financial problems and can't afford a bailout.

Besides, the state is gun shy after its ill-fated takeover of schools stirred a strong backlash and raised issues of local control.

In struggling to balance the books, the city is pretty much on its own.

Yet, the City Council says it cannot get reliable cash flow numbers, making it hard to assess the problem and propose budget fixes.

Detroit is overdue for cutbacks along the lines of those made recently by Delphi Corp. and General Motors Corp.

Kilpatrick, while running for re-election, delayed budget calls as a campaign strategy. It worked. He won re-election.

But now is the time to stop campaigning and start governing.

White Lake Twp. board considers pursuing a DDA

■ As township population increases, officials envision creating downtown district along the M-59 corridor.

By DELORES PATTERSON 12/19/05
The Detroit News

WHITE LAKE — The township Board of Trustees will discuss Tuesday whether to move ahead with plans to create a Downtown Development Authority in White Lake.

The steadily growing township doesn't have a downtown and wants to map one out.

The 7 p.m. meeting will take place at White Lake Township Hall, 7525 Highland.

The population in White Lake has increased to nearly 32,000 since the 2000 U.S. Census, up from 28,000, Township Supervisor Mike Kowall said.

DDAs are intended to help communities promote downtown business, encourage historic preservation and

create development plans.

The districts are funded through taxes from commercial property within the DDA.

Kowall said he brought up the idea for a DDA because White Lake is "virtually in need of everything," from a new fire station and township hall to new water mains and sewer lines.

"And the only way I can see us dealing with anything in terms of the funding we have available is to develop an authority," he said.

"So we are anxious to get this going."

Officials are considering creating the district along the M-59 corridor.

When developing a DDA, a community must show that the area is economically depressed.

The M-59 corridor in White Lake is home to several original township buildings that need refurbishing, Kowall said.

It's also an ideal location because the corridor runs through the middle of the community, he said.

To make the downtown authority a reality, the township board must adopt a resolution stating its intention and work with the Oakland County Board of Commissioners, since county taxes would be part of the DDA budget.

Residents, schools, businesses and governments within the DDA district would have 60 days to offer opinions once the process begins.

If there is support, a board would be formed to oversee projects within the district.

Kowall said the process will likely take a year.

If it is successful, White Lake would join other rural Oakland County townships that have explored DDAs.

Highland Township recently completed the process, and Independence Township is considering a DDA district.

You can reach Delores Patterson at (248) 647-7225 or dpatterson@detnews.com

Shelby Twp. aims to link businesses on Van Dyke

Establishing downtown authority would generate money for improvements within the district.

BY GEORGE HUNTER *ghunter@detnews.com*
The Detroit News

SHELBY TOWNSHIP — Arena Bridal and Formal has been through many changes since the boutique opened in 1938, and more alterations may be on the horizon.

Arena Bridal is in the heart of the Van Dyke business corridor, which is a hodgepodge of restaurants, jewelry stores, specialty shops and big box retailers. Officials are considering a plan to tie those businesses together and, they hope, attract new development while sprucing up existing businesses.

The township Board of Trustees is considering creating a Downtown Development Authority to fund improvements along Van Dyke from 21 Mile to 26 Mile. They envision a downtown area with a uniform appearance, where shoppers will walk from store to store.

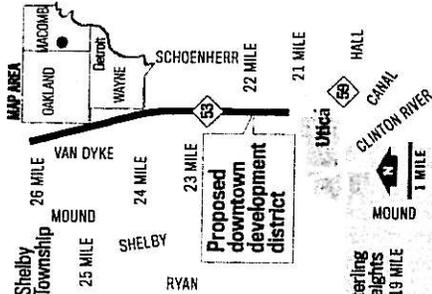
Board members are reviewing the steps required to form the DDA. Establishing a downtown district would promote economic development and revitalize the township's older businesses through property taxes, officials say.

Liz Ventimiglia, whose family owns Arena Bridal, thinks the DDA is a good idea.

"I think it would really spruce up this area, and create a nice downtown where people want to come," Ventimiglia said. "If you build a nice area to shop in, it'll bring in more people."

If the DDA plan becomes a reality, it would capture any increase in property taxes on existing businesses, and all the taxes for new structures. That money would be earmarked for improvements within the downtown district.

DDA would help older businesses at the south side of the township compete with the new businesses on the northern end of the Van Dyke business district, Township Supervisor Ralph



The Detroit News

Maccaroni said. "If you look at Shelby Township, most development is occurring north of 23 mile, along Van Dyke," Maccaroni said. "And if we look at what has happened in other communities, they often allow their older retail areas to the south to deteriorate and decline in value, while a lot of new development takes place in the north. A DDA would be a tool to rejuvenate and regenerate interest in those businesses to the south, and still promote development in the northern end."

"Many of these businesses in the southern end are still viable," Maccaroni said, "but the question is: Can they compete with the state-of-the-art modern buildings that are being built in the northern end?"

In addition, the downtown district would give the township character, Trustee Paula Filar said.

"Utica has a DDA, and they have a nice downtown where visitors immediately know they're in Utica," Filar said. "It would be nice to have that in Shelby Township. The goal is to have an entranceway, so when you come into the township, there's a sense of place."

Filar also pointed to Rochester as one community that has successfully

added a downtown. "They have nice street lighting all the way through the downtown area, brick pavers — things that have a nice curb appeal."

There have been several new developments along the Van Dyke corridor, including a new CVS pharmacy and a mixed-use development at 24 Mile and Van Dyke, under construction, that will include 250 condominium units, and retail and office space. Other projects are in the works, including a proposed movie theater and shopping center at 26 Mile and Van Dyke.

A public hearing on the proposed DDA is scheduled for 7 p.m. Jan. 17 in the township offices.

Not everyone thinks DDAs are good for communities. Warren City Councilman James Fouts said DDAs disenfranchise voters.

"You have political appointees (members of the Downtown Development Authority), making decisions instead of elected officials making decisions," Fouts said.

Filar acknowledged there are drawbacks to DDAs. "But the advantages outweigh the negatives," she said. "I realize that it does put another layer between the taxpayers and the people who are making decisions, and that's going to be a sticky point. But you have the same situation with county road commissions — the county board appoints members of the road commissions, and those appointees make decisions, not elected officials."

One remedy, Filar said, would be to put several board members on the DDA. "By law, the township supervisor has to have a seat, but we could make sure there are other board members (on the authority), too," Filar said.

Filar stressed that plans to create a DDA are still in the preliminary stages. "None of this is written in stone," she said. "At this point, it's just something we're looking into. If at some point, the board decides this isn't the best thing for the township, we can pull out of it."

You can reach George Hunter at (586) 468-7396 or ghunter@detnews.com.



David Coates / The Detroit News

Andrea Cereska models a wedding dress as her maid of honor, Deborah Surma, saleswoman Ida Matalavy, and Cereska's mother, Clorinda, look on at Arena Bridal and Formal, in the heart of the Van Dyke business corridor in Shelby Township.

Lofts remake Mount Clemens

■ Official says development in downtown is another step in turning the city into a hot spot for the affluent.

By CHRISTINA STOLARZ 12/29/05
The Detroit News

MOUNT CLEMENS — Trase Kreucher loves downtown living, including walking to quaint art shops and other nearby amenities.

"Downtowns appeal to me," said Kreucher, 35, a technical support specialist at Crain Communications in Detroit. "I don't like taking care of a yard."

That's why she's packing up and selling her two-bedroom Eastpointe house and moving into a one-bedroom loft this spring in downtown Mount Clemens. She's one of two tenants signed up to live in the River Lofts phase II, a 24-unit building that overlooks the Clinton River.

It's the latest of several upscale loft housing projects in the works along the Clinton River. The unexpected housing boom has downtown business owners and residents excited, said Arthur Mullen, executive director of the Mount Clemens Downtown Development Authority.

"People really love the proximity to downtown," he said. "It helps the entire city. This is really an establishment of a tax base on property that was underused."

"It's bringing a new product into Macomb County."

Construction of the three-story River Lofts phase II, which also features a 36-space secured and heated parking garage, began in late September on the 1-acre parking lot of the city's former VFW Hall along northbound Gratiot near Church. It was built adjacent to the River Lofts phase I, a 13-unit building constructed in the former VFW Hall.

All the lofts in phase II include one bedroom and one bathroom and range in size from 900 to 1,370 square feet, said developer Ted Schollenberger, president of Mineral Springs Development in Grosse Pointe Park.

However, because of the 17-foot-high ceilings, a second level can be added to each unit providing a 300- to 400-square-foot bedroom with a bathroom and walk-in closet.

The lofts, which range in price from \$148,000 to \$225,000, also feature 8-inch concrete block walls, stained concrete floors and exposed duct work, he



Todd McInturf / The Detroit News

Trase Kreucher snaps a photo of her future home, a loft development overlooking the Clinton River in Mount Clemens.



Kreucher is one of two tenants signed up to live in the River Lofts phase II. She'll be moving into her one-bedroom loft this spring.

said.

"It's another step toward making downtown Mount Clemens the hot spot to be in Macomb County," said Schollenberger, chairman of the DDA's Board of Directors.

He's hoping to revitalize the city's downtown by mimicking communities like Royal Oak and Ferndale, which have eclectic pedestrian-friendly downtowns. The lofts are geared toward singles, 20-

somethings and empty nesters.

"I fell in love with Mount Clemens," Schollenberger said. "I just think there's so much potential there."

Kreucher said all she can think about is hosting cocktail and fondue parties and decorating her loft in modern furniture.

She's also looking forward to walking her two Boston terriers through the downtown streets.

"I'm thrilled," she said. "It is the focus of my attention right now. I think it's just going to be ideal."

Kathy Peruzzi is excited to move into the River Lofts because it'll be much more convenient than her three-bedroom home in Sterling Heights.

She doesn't want to deal with maintenance problems that come with a house and yard.

She also won't have to drive to work anymore; she'll just have to walk across Gratiot to the post office where she works as a mail carrier.

"I thought they were awesome," said Peruzzi, 56. "I saw the first phase and they sold out so fast that I couldn't get one. They have a New York-y appeal."

Schollenberger said he ultimately hopes to construct 1,000 lofts and condominiums in downtown Mount Clemens in the next five years.

Construction of two additional loft projects will likely begin in late 2006, he said. They include two 52-unit mid-rise loft buildings along the Clinton River.

You can reach Christina Stolarz at (586) 468-0343 or costolarz@detnews.com

NEW HAVEN 1/23/06
**Residents can weigh in
on downtown districts**

Residents will have the opportunity to tell the Village Council what they think about creating a downtown district and Downtown Development Authority in New Haven at a public hearing scheduled for 7 p.m. Feb. 14. The hearing will be held in the library of the New Haven High School, 57700 Gratiot. *Detroit News*

ROCHESTER 1/18/06
**Proposal to stretch
downtown advances**

Detroit News
The Rochester Downtown Development Authority will finalize its plan to extend the downtown district east of Main Street to the Paint Creek at 7:30 p.m. today at City Hall, 400 Sixth St. The city has recently expressed interest in recruiting more businesses east of downtown since the Royal Park Hotel opened on University at the creek. Once completed, the plan will be forwarded to the City Council for approval.



TO: Mayor and Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
Allan T. Motzny, Assistant City Attorney
DATE: February 22, 2006
SUBJECT: Papadelis v. City of Troy

Enclosed please find a copy of the Opinion and Order issued by Oakland County Circuit Court Judge Colleen A. O'Brien in the most recent Papadelis v. Troy lawsuit. The initial litigation between the City of Troy and the Papadelis family was commenced in May 1991, in an effort to stop the tremendous expansion of Telly's Nursery in a residentially zoned district. The litigation between the parties has continued since that time, since Telly's Nursery continues to expand.

In the most recent case, the Papadelis family filed a complaint against the City and Troy Building and Zoning Director Mark Stimac and Housing and Zoning Inspector Supervisor Marlene Struckman. In this complaint, they asserted three separate counts. First, they argued that the City and its officials had allegedly violated their constitutional rights, and asserted that the City was required to pay damages and reimburse costs and attorney fees under 42 U.S.C. Section 1983. Second, they requested declaratory relief that would allow them to retain their business as is, since it was allegedly protected by the Right to Farm Act (RTFA) and/or the City's ordinance allowing agricultural uses on residential parcels over 5 acres. Third, they requested an injunctive order that would "permanently enjoin the Defendants (City) from interfering with the Plaintiff's agricultural use of the Property by issuing or enforcing previously issued misdemeanor citations, stop work orders or other tickets related to the Plaintiff's use of the Property, or pursuing any action against the Plaintiffs contrary to the RTFA, the State Construction Code Act, any ruling in the Prior Action, and the July 23 Order."

As to Count III, Judge O'Brien held that there was no authority or basis "for issuing such a blanket order" for injunctive relief. In addition, Judge O'Brien held that "there is no question of fact that the actions of Defendants do not implicate any constitutional violations," and dismissed the request for damages and reimbursable costs and attorney fees.

The City's victory in this case was not absolute, however. Judge O'Brien, in her opinion, found that the Papadelis family was conducting agricultural activities, rather than retail sales, on the northern parcel. As a result, the current use of the property is protected by the RTFA. In addition, Judge O'Brien also determined that the Papadelis family was not required to obtain permits from the City to construct the greenhouses on the northern parcel. Under the State Construction Code Act, permits are not required for buildings or structures that are "incidental to agricultural uses of land." Since she found that agricultural uses were occurring, rather than retail sales, Plaintiffs were exempt from the permitting process for their greenhouses. Judge O'Brien also dismissed the City's counter-claim, since she found that they were using the property for agricultural purposes.

If you have any questions concerning the above, please let us know.



STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

GUST PAPADELIS, NIKI PAPADELIS,
TELLY'S GREENHOUSE AND GARDEN
CENTER, INC., a Michigan Corporation,
AND TELLY'S NURSERY, L.L.C., a
Michigan Limited Liability Company,

Plaintiffs/Counter-Defendants,

v

Case No. 05-067029-CZ
Hon. Colleen A. O'Brien

CITY OF TROY, A MICHIGAN MUNICIPAL
CORPORATION, MARK STIMAC, MARLENE
STRUCKMAN, AND JOHN/JANE DOE(S).

Defendants/Counter-Plaintiffs.

OPINION AND ORDER

I. INTRODUCTION

This matter is before the Court on Plaintiffs/Counter-Defendants' Plaintiffs' motion for partial summary disposition and Defendants/Counter-Plaintiffs' ("Defendants") motion for summary disposition pursuant to MCR 2.116(C)(10). The Court, having heard oral argument and having reviewed the parties' respective motions, responses and supporting documentation in light of applicable law, enters the following opinion and order.

Plaintiffs claim this case is about the arbitrary, capricious and unlawful actions of Defendant City of Troy and its officials who have refused to comply with the City's

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DEPUTY COUNTY CLERK

ordinances, Michigan law and this Court and are attempting to shut down Plaintiffs' lawfully operating greenhouse and plant nursery. In contrast, Defendants claim this case is about Plaintiffs' efforts to expand a retail business in violation of the City of Troy's zoning ordinances.

II. BACKGROUND

The instant case arises out of Plaintiffs' construction of greenhouses on their property, specifically the northern portion of their property. The parties are not new to the Court and have a long and tortured history of litigation. Thus, a detailed background is helpful here.

Plaintiffs Gust Papadelis and Niki Papadelis, husband and wife, are the record titleholders of two contiguous parcels of property located at 3301 John R. Road (the "North Parcel") and 3305 John R. Road (the "South Parcel"). The area, which has been farmed for many years, was zoned for residential use in 1956. Plaintiff Telly's Greenhouse and Garden Center is a Michigan corporation. Plaintiff Telly's Nursery is a limited liability company. The Papadelises, Telly's Greenhouse and Garden Center and Telly's Nursery shall be collectively referred to as Plaintiffs.

Defendant City of Troy ("City") is a municipal corporation. Defendant Mark Stimac is the Director of Building and Zoning for the City. Defendant Marlene Struckman is employed by the City as an inspector. Defendants John/Jane Does(s) are municipal agencies or boards and/or those persons within the City whose decisions constitute the official policy of the City.

Mr. and Mrs. Papadelis purchased the North Parcel in 1974 and purchased the South Parcel in 1977 or 1978. The Papadelis residence is located on the North Parcel.

On the South Parcel is a greenhouse/nursery operation. Both parcels are zoned for residential use. The retail nursery operation on the South Parcel, as discussed below, has been found to be a legal nonconforming use of that parcel.

Plaintiffs have utilized the South Parcel for the storage, growing and display of flowers, plants, perennials and shrubs since 1978. In 1980, Mr. Papadelis received permission from the Zoning Board of Appeals to build a pole barn. In 1988, he received permission to build a new greenhouse to replace seven dilapidated greenhouses on the South Parcel. The new greenhouse was approximately 4000 square feet larger than the variance granted by the City. Subsequent to the widening of John R in 1988, Plaintiffs constructed a parking lot on the North Parcel, the residential parcel.

In May of 1991, the City initiated a lawsuit in the Oakland County Circuit Court entitled City of Troy v Gust and Niki Papadelis d/b/a Telly's Greenhouse and Garden Center, Case No. 91-410854-CZ (the "Prior Action"). The City sought injunctive relief against certain uses, which Plaintiffs were making of their property. The City claimed that Plaintiffs' use of their property for a nursery constituted a nuisance per se because it did not conform with the City's zoning regulations.

Circuit Court Judge Jessica Cooper ruled and the Court of Appeals affirmed that the Defendants' operation of a nursery on the South Parcel could continue as a valid nonconforming use. City of Troy v Papadelis, unpublished opinion per curiam of the Court of Appeals, decided May 10, 1996 (Docket No. 172026), affirmed in part and reversed in part. However, with regard to the North Parcel, the Court of Appeals found that Plaintiffs had no right to violate the zoning ordinance because "the expansion of the nursery business onto the residential parcel occurred after the zoning ordinance was

enacted and was not protected by the Right to Farm Act (RTFA).” The Court of Appeals found that the trial court’s finding to the contrary was erroneous. Id. at *3.

After the Court of Appeals issued its opinion, the defendants in the appeal, Plaintiffs herein, appealed to the Michigan Supreme Court, arguing that the circuit court erred in finding that they could not continue to use the residential parcel for parking and other nursery-related uses. Troy v Papadelis (On Remand), 226 Mich App 90, 94 (1997). Plaintiffs claimed that since the time they had filed the appeal in the Court of Appeals, the RTFA had been amended to provide greater protection to farming operations. Id. Thereafter, the Michigan Supreme Court vacated the Court of Appeals’ earlier decision and remanded the case back to the Court of Appeals for reconsideration in light of the amendment of the RTFA. Id.

On remand, the Court of Appeals reaffirmed that the trial court was correct that Plaintiffs’ operation of a nursery on the South Parcel could continue as a valid nonconforming use because it had been used for farming, greenhouse, and nursery purposes since the area was zoned for residential use in 1956. Id. at 95-96. However, as stated by the Court of Appeals, the “closer question” was defendants’, Plaintiffs herein, use of the North residential parcel for the operation of the nursery, including the storage and display of farm products and the parking of customer and employee automobiles. Id. at 96. The Court of Appeals found that because there had been no commercial use of the property on the North residential parcel before 1974, when defendants, Plaintiffs herein, purchased it, it was not a valid nonconforming use. The Court of Appeals found that the RTFA did not preclude the application of the Township Rural Zoning Act. Accordingly, because the prior action was filed to enforce a zoning ordinance, the RTFA did not apply.

Id. The Court of Appeals then remanded the case for entry of an order enjoining the commercial use of the North Parcel. Id. at 98. This ruling was in October of 1997.

However, the order was not entered until March of 2002, as more fully discussed below.

After the Court of Appeals decision on remand, the Plaintiffs continued to use the North Parcel for parking, selling, receiving, and growing. On February 18, 2002, an item agenda for the City Council meeting was entitled, "Telly's Proposed Consent Judgment." However, Plaintiffs' proposed Consent Judgment was not entered and the City Council was directed to obtain an order regarding the remand from the Court of Appeals.

Finally, on March 27, 2002, an order, approved as to form by both sides, was entered in the Oakland County Circuit Court, which provided:

1. Defendants Gust Papadelis and Niki Papadelis, d/b/a Telly's Greenhouse and Garden Center, are hereby enjoined from commercial use of the northern parcel, more commonly known as 3301 John R. Road, in the City of Troy.
2. Defendant's use of the northern parcel (3301) John R. Road in the City of Troy shall be consistent with the R-1-D residential zoning district of the City of Troy.
3. The Circuit Court shall retain jurisdiction over this matter to enforce the provisions of this order.
4. Defendants shall remove all commercial materials within 30 days of entry of this order on the northern parcel. (3301 John R. Rd.).
5. Defendants shall immediately cease all commercial parking on the northern parcel.

At the time of the Prior Action, the North Parcel consisted of the property with the residential home on it. However, Plaintiffs acquired some additional property north of the home on the North Parcel. Plaintiffs believed that because they owned in excess of

five acres, they could now conduct agricultural/farming operations on the North Parcel under City ordinance.

On April 25, 2002, Plaintiffs wrote a letter to the City Attorney indicating that they believed the purchase of the additional property met the requirements of the ordinance definition for agricultural use. Plaintiffs further indicated that in order to conform with the March 22, 2002 Order, they were moving non-agricultural products from the North Property. Plaintiffs then continued to remove commercial activity from the North Parcel.

On May 13, 2002, the City filed an ex parte motion for order to show cause in the Prior Action case alleging that the Papadelises failed to comply with the terms of the March 27, 2002 Order. On June 26, 2002, this Court conducted an evidentiary hearing. At the evidentiary hearing, Plaintiffs indicated they used the North Parcel for storage, production of annuals, perennials, trees and shrubs. Plaintiffs indicated that what they were doing on the North parcel was consistent with the ordinance. They asserted they did not allow customers on the North Parcel. Annuals were grown in pots on the North Parcel and taken to the South Parcel to be sold.

On July 23, 2002, this Court issued an Opinion and Order, which contained the following findings:

Although the Papadelises were in contempt of court for their failure to comply with the order entered on March 27, 2002, the actions of the City contributed to the Papadelises' inability to comply with the court's order.

Papadelises are currently in compliance with the Court's order based upon changes they made to the property.

Papadelises' purchase of five acres allows them to use the North Parcel for agricultural use under the City's zoning ordinance.

The City's motion for reconsideration was denied and its claim of appeal to the Michigan Court of Appeals was rejected.

It appears things were somewhat peaceful between the parties until Plaintiffs built two large greenhouses on the North Parcel, behind the house. The business entity, Telly's Greenhouse and Garden Center, owns the greenhouses.

Apparently, Defendant Struckman received a complaint after the greenhouses were constructed. She then inspected the property on April 2, 2003. After Struckman's inspection, she issued two citations to Plaintiff Gust Papadelis for constructing a greenhouse without Board of Zoning Appeals approval as required by Section 57.10 of the zoning ordinance and for constructing a building over 660 square feet in size and more than one-half the ground floor area of the main building contrary to Section 40.57.04 of the zoning ordinance. The tickets were filed in the 52/4 District Court.

On April 10, 2003, Plaintiffs' attorney made a written request to the City to dismiss the tickets premised on the allegation that this Court's July 23, 2002 Order and that the Michigan Right to Farm Act, MCL 286.471, et seq., allowed the structures to be built. Plaintiffs counsel also asserted that the issuance of the tickets constituted contempt of the circuit court's July 23, 2002 order. The tickets were not dismissed.

Thereafter, on April 15, 2003, Plaintiffs filed a lawsuit in federal court. Shortly after filing the federal lawsuit, upon stipulation of the parties, a stay of proceedings was entered in the 52/4 District Court pending final outcome of the federal litigation. The stay in that court has been modified so that it will continue until a final outcome of the instant case now before this Court.

In response to the federal court complaint, the City of Troy filed a counterclaim. Plaintiffs then filed a motion to dismiss the City's counterclaim for procedural reasons. That motion was granted and the City's counterclaim was dismissed without prejudice. The City of Troy then filed its own motion to dismiss Plaintiffs' complaints for both procedural grounds and on the merits. The federal court granted the motion based on procedural reasons but declined to reach the merits on the case. The federal court order directed Plaintiffs to re-file its complaint in this Court. In accordance with that order, Plaintiffs have filed the present cause of action and the Defendants have filed a counterclaim.

III. DISCUSSION

In Plaintiffs' motion for partial summary disposition, Plaintiffs assert that Defendants' Counterclaim should be dismissed, a judgment entered in favor of Plaintiffs on Counts II and III of their Complaint, that Defendants should be adjudged liable to the Plaintiffs on Count I of their Complaint, and that trial should be limited to the issue of damages and attorney fees on the Plaintiffs' claims under 42 USC 1983 and 1988.

In response, Defendants request summary disposition in their favor and request an order dismissing Plaintiffs' Complaint in its entirety with prejudice and an order granting judgment in favor of Defendant City of Troy on its Counterclaim.

A motion for summary disposition under MCR 2.116(C)(10) tests the factual support of a claim. Spiek v Dep't of Transportation, 456 Mich 331, 337 (1998). When deciding the motion, the court must consider the pleadings, affidavits, depositions, admissions, and other documentary evidence in the light most favorable to the nonmoving party. Ritchie-Gamester v Berkley, 461 Mich 73, 76 (1999). The moving

party has the initial burden of supporting its position with documentary evidence, and the party opposing the motion then has the burden of showing that a genuine issue of fact exists. Smith v Globe Life Ins Co, 460 Mich 446, 455 (1999). The nonmoving party may not rest on mere allegations or denials but must set forth specific facts--through documentary evidence--showing that a genuine issue of fact exists. Karbel v Comerica Bank, 247 Mich App 90, 97 (2001).

Count I of Plaintiffs' Complaint asserts a violation of 42 USC 1983. Count II of Plaintiffs' Complaint seeks declaratory relief. Count III of Plaintiffs' Complaint seeks injunctive relief. What can be gleaned from the Counterclaim is that Defendants seek an abatement of nuisance and injunctive relief.

Count I – Violation of 42 USC 1983

Both sides seek summary disposition in their favor as to this count. Plaintiffs have brought their claim under 42 USC 1983, which provides a federal remedy against any person who, under color of state law or custom having the force of law, deprives another of rights protected by the constitution or laws of the United States. See Payton v City of Detroit, 211 Mich App 375, 398 (1995). The state and federal constitutions guarantee that no person will be deprived of life, liberty, or property without due process of law. US Const, Am XIV; Const 1963, art 1, section 2; In re Hawley, 238 Mich App 509, 511 (1999). The essence of a claim of violation of substantive due process is that the government may not deprive a person of liberty or property by an arbitrary exercise of power. Id.

Plaintiffs allege that Defendants violated their substantive due process rights by entering into a course of action designed to impermissibly interfere with their ability to

conduct business. Plaintiffs argue the right that is impacted is their right to put the Property to a use that is not only lawful, but is designated as a principal permitted use under the City's zoning ordinance. Defendants respond that Plaintiffs failed to produce evidence establishing an issue of fact with respect to the Section 1983 claims.

A property owner's right to use its property for lawful purposes is a protected right under the law. A property owner possesses the right to build or improve his or her property, although this right can be subject to legitimate permitting requirements or application of a land-use regulations. Nollan v California Coastal Comm'n, 483 US 825, 834 (1987). Malicious, irrational and arbitrary governmental actions, which place restraints on an individual's property rights violate substantive due process. Sinaloa Lake Owners Ass'n v City of Simi Valley, 882 F2d 1398 (CA 9,1989). A substantive due process claim does not require proof that all use of property has been denied, but rather that the interference with property rights was irrational or arbitrary. Id.

Plaintiffs' arguments regarding the constitutional violations are based primarily on their indignation and frustration with Defendants over the events leading up to the instant case. Certainly, the same is fueled by the past dealings and litigation between the parties. However, Plaintiffs fail to provide facts or law that would actually implicate any constitutional violations.

This Court addresses individually Plaintiffs' claims that Defendants engaged in certain arbitrary actions regarding the property and Plaintiffs:

- A. The City encourages Plaintiffs to negotiate and spend thousands of dollars on a site plan, then refused to enter into a consent judgment

Plaintiffs claim that in 2001, they approached the City about the possibility of resolving the prior action. Plaintiffs contend they spent a lot of money on site plans but that a consent judgment was never entered. Recall that the issue of Plaintiffs' proposed consent judgment was discussed at the February 18, 2002 City Council meeting. During such meeting, various people opposed the same. The City Council rejected the entry of the consent judgment.

However, Plaintiffs fail to demonstrate how the City's failure to enter into a consent judgment rises to the level of a constitutional violation. Plaintiffs provide no authority for their argument that the City's decision not to enter into a consent judgment constitutes an arbitrary or unreasonable action in violation of the United States or Michigan Constitutions.

Moreover, the evidence shows that Plaintiffs freely took it upon themselves to try and secure a consent judgment. Here, George Papadelis, the son of Plaintiffs Gust and Niki Papadelis, stated in his affidavit that he "believed it would be better for both the City and my family if a consent agreement was in place that governed the use of the Property and allowed us to redevelop the Property to accommodate the business and its potential impact on the neighbors." According to Mr. Papadelis, his family spent thousands of dollars with a professional planner and surveyor in order to develop a plan that would "fairly meet the needs and concerns of our businesses, the City of Troy and our neighbors."

Therefore, the Court concludes that the City's actions in regard to Plaintiffs expenditures and its eventual rejection of the Plaintiffs' proposed does not implicate any constitutional violations.

Plaintiffs further argue that rather than enter into a consent judgment, the City Council voted at the meeting on February 18, 2002 to take Plaintiffs to court. Plaintiffs characterize this as some kind arbitrary action taken against them. However, the evidence indicates that the City Council was not directed to institute any new action. The order sought was based upon the Court of Appeals' ruling on remand from the Supreme Court that commercial activity was prohibited on the North Parcel.

Therefore, the Court concludes that the City Council's seeking of an order corresponding to the Court of Appeals decision on remand does not constitute an arbitrary or unreasonable action that violated Plaintiffs' constitutional rights.

- B. The City ignores this Court's finding that the Papadelises own more than five acres of property.

Recall that on July 23, 2002, this Court issued an Opinion and Order, which found that Defendants were in compliance with the Court's order of March 27, 2002 based on the changes they made and the purchase of the five additional acres which allowed Defendants to use the northern parcel for agricultural use under the Zoning ordinance. Plaintiffs claim that after this Court so ruled they attended a meeting with representatives of the City of Troy, including the City Assessor, Mark Stimac and others, at which time the City's representatives told Plaintiffs that they could not use the Property for agricultural uses because the Property was divided into more than one parcel. At the same meeting, Plaintiffs were told that the City would not combine the parcels into one tax identification. However, the Court concludes that merely being told the same at some meeting, which has no legal effect, does not rise to the level of a constitutional violation of Plaintiffs' property rights.

C. The City initiates a program of placing the Property under surveillance.

The accusation of some kind of "surveillance" is not substantiated. Plaintiffs claim that in February of 2002, the City began to regularly "inspect" the Property looking for violations of the Zoning Ordinance. Plaintiffs claim that the city conducted twenty-one inspections. Plaintiffs have attached at Exhibit J, certain print outs, which are unreadable. Plaintiffs claim that a significant portion of these "inspections" were conducted without any City employees coming on the Property. All that can be gleaned from the evidence is that the City responded to some complaints concerning Plaintiffs' property. Plaintiffs fail to demonstrate how any of the alleged activity violates their constitutional rights.

D. The City's failure to uniformly apply its zoning ordinance.

In their Complaint, Plaintiffs have made no specific claim of a constitutional violation other than substantive due process. However, under Count I, Plaintiffs contend that the City has attempted to preserve the residential character of their Property while at the same time allowing commercial development of nearby property where the Troy Sports Center is located. This appears to invoke an equal protection argument. In their brief, Plaintiffs raise further equal protection violations concerning Defendants' treatment of a poultry farm and another resident with a large garage.

In broad terms, the equal protection doctrine mandates that persons in similar circumstances be treated similarly. See Dowork v Oxford Charter Twp, 233 Mich App 62, 72-73 (1998). However, notwithstanding the fact that the equal protection claim has not been pled, Plaintiffs fail to provide any specific factual support for their broad assertions. Therefore, the equal protection claim is without merit.

Accordingly, summary disposition as to Count I is granted in favor of Defendants. There is no question of fact that the actions of Defendants do not implicate any constitutional violations.

Count II – Declaratory Relief

Plaintiffs ask this Court to issue a declaratory judgment in their favor that Plaintiffs’ agricultural uses of the Papadelises property is a protected activity under the Michigan Right to Farm Act (“RTFA”), MCL 286.471, et seq., and is exempt from the City’s zoning ordinance, that, the exemption notwithstanding, the Plaintiffs’ use of the property complies with the City’s zoning ordinance, and that the Plaintiffs’ agricultural uses are exempt from the State Construction Code.

MCL 286.473(1) of the RTFA provides:

- (1) A farm or farm operation shall not be found to be a public or private nuisance if the farm or farm operation alleged to be nuisance conforms to generally accepted agricultural and management practices according to policy determined by the Michigan commission of agriculture. Generally accepted agricultural and management practices shall be reviewed annually by the Michigan commission of agriculture and revised as considered necessary.

The purpose of the RTFA is to protect farmers from nuisance suits. See Travis v Preston (On Rehearing), 249 Mich App 338, 342 (2002). A “farm” is defined as “the land, plants, animals, buildings, structures, . . . used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.” MCL 486.472. “Farm operation” is defined as “the operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products, . . .” MCL 486.472(b). “Farm products” are “those plants and animals useful to human beings produced by agricultural and includes . . . herbs, fruits,

vegetables, flowers, seeds, grasses, nursery stock, trees and tree products.” MCL 286.4719(c).

MCL 286.474(6) provides:

Beginning June 1, 2000, except as otherwise provided in this section, it is the express legislative intent that this act preempt any local ordinance, regulation, or resolution that purports to extend or revise in any manner the provisions of this act or generally accepted agricultural and management practices developed under this act. Except as otherwise provided in this section, a local unit of government shall not enact, maintain, or enforce an ordinance, regulation, or resolution that conflicts in any manner with this act or generally accepted agricultural and management practices developed under this act.

According to the City, Plaintiffs are not farmers facing the possibility of losing the farm. Rather, Plaintiffs are business people trying to justify the unlawful expansion of their retail business under the pretense of operating a farm. The City contends it is not seeking an order to preclude Plaintiffs from engaging in farming activities. The City contends it is seeking an order to prevent the continued unlawful expansion of Plaintiffs’ retail business. More specifically, according to the City, the greenhouses on the North Parcel constitute an unlawful expansion of Plaintiffs’ retail business, in violation of Section 40.50.03(A) of Troy’s Zoning Ordinance. This section provides:

Non-Conforming Uses of Land

Where, at the effective date of adoption or amendment of this chapter, lawful use of land exists that is made no longer permissible under the terms of this chapter as enacted or amended such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter.

In contrast, it is Plaintiffs’ position that the operations on the North Parcel are restricted to agricultural uses, including the growing, sustaining and nurturing and

wholesale of various floriculture and horticulture products including flowers, shrubs, trees and bushes. Plaintiffs contend that all of these are farming activities, which are protected under the RTFA.

Accordingly, the issue becomes whether retail sales are taking place on the North Parcel. The Court's focus is directed to the greenhouses that were built on the northern parcel after Plaintiffs' acquired additional property. The City claims there is no dispute that the greenhouses are used for retail. The Plaintiffs claim that Defendants have no evidence that retail sales take place in the greenhouses.

First, the City relies on the fact that Telly's Greenhouse and Garden Center, which operates a retail business on the southern parcel, also owns the greenhouses. Thus, according to the City, the greenhouses must be part of the retail operations. However, this conclusion, without more, does establish that retail operations are taking place out of the greenhouses.

Additionally, the City relies upon the depositions of certain persons residing on neighboring properties. However, such depositions do not establish that retail sales are taking place on the North Parcel.

Here, Rosalie Allie, whose property is adjacent to the northern parcel, was deposed on December 14, 2004. In reference to the North Parcel, Ms. Allie contends that she "has seen customers on the property." Ms. Allie reaches this conclusion because such people were "not dressed in the green that designate Telly's Greenhouse." Ms. Allie also asserts that such people, supposedly not in green, are choosing plants and "someone comes and takes them after they choose them." Ms. Allie cannot state the time when she has seen such activity other than those times when she is in her kitchen because her

“dining nook faces that property so you see everything.” Ms. Alie also testified that she had not seen the exchange of any money. In addition, she doesn’t know why the people she allegedly saw were on the northern parcel. Thus, all that such testimony shows is that certain unidentified persons, not wearing green, were observed on the northern parcel from a window of a neighbor. The Court finds such evidence does not show that retail operations are taking place on the North Parcel.

The City also relies on the deposition testimony of Donna Dodoro. Ms. Dodoro claims she knows that the people on the northern property are customers because she can see them from her backyard. She states such people are “mothers and fathers, sometimes they have their children with them; other times they have an actual Telly’s employees with them pointing out different merchandise and directing them to various plants and materials.” She contends she has observed the aforesaid mothers, fathers, and children and employees “over the past several years.” She never saw money changing hands but that “they would take it to the cash register, which is on the southern property.”

Again, the Court finds such testimony to be speculative and not supportive of Defendants’ position that retail sales are taking place on the North Parcel. If anything, what the testimony shows is that a cash register is on the southern parcel, which would actually support Plaintiff’s position that sales are not taking place on the northern parcel.

Finally, the City points to the admission of Mr. Papadelis that the northern parcel is used by employees and for the purposes of storing overflow product from the retail business. The Court fails to see how this supports the City’s argument that retail sales are taking place on the northern parcel. This admission actually supports Plaintiff’s position that retail sales are only taking place on the southern parcel.

In contrast, the evidence presented by Plaintiffs shows that customers are not allowed on the North Parcel. George Papadelis, the president of Plaintiff Telly's Greenhouse and Garden Center, Inc. and the son of Plaintiffs Gust and Niki Papadelis in his affidavit states that the greenhouses and cold frames on the North Parcel are used for cultivation, only. Customers are not allowed inside of them. When the plants inside are ready for retail sale, they are moved from the North Parcel to the South Parcel. Any customers who wander into the area are immediately escorted back to the South Parcel. There is no evidence that cash registers are located on the North Parcel or that any exchange of money is taking place on the North Parcel.

Defendants offer no contrary evidence that would create a question of fact as to whether retail sales are occurring on the North Parcel. Accordingly, because the evidence demonstrates that only agricultural activities are taking place, such use of the property is protected activity under the RTFA.

Plaintiffs further seek a declaration from this Court that the State Construction Code Act, MCL 125.1501, et seq allows the Plaintiffs to construct greenhouses without the need to apply for building permits from the City. The State Construction Code act does not require building permits for buildings or structures that are incidental for agricultural uses of land, so long as they are not used in the business of retail trade. MCL 125.1510(8); MCL 125.1502a(1)(f); MCL 125.1502a(1)(z).

Defendants argue that the State Construction Code Act is not applicable here for the reason that the activities taking place on the North Parcel are retail. However, as set forth above, the Court has found there is no issue of fact that retail sales are not taking

place on the North Parcel. Accordingly, the Court finds the exemption under the State Construction Code Act to be applicable to Plaintiffs.

At this point, the Court wishes to address Defendants' Counterclaim. Defendants give scant attention, let alone any analysis, to this particular claim in their brief. In any event, Defendants claim they are entitled to summary disposition for the reason that Plaintiffs' continued use of the northern parcel for activity related to the retail business on the southern parcel is a nuisance per se which must be abated by order of this Court. Pursuant to Section 7 of the City and Village Zoning Act, MCL 125.587, any building erected or use carried on in violation of the zoning ordinance is a nuisance per se entitling the City to a court order abating such nuisance.

As can be gleaned from Defendants' Counterclaim, Defendants are specifically claiming that Plaintiffs' "present use of their property is not in accordance with Section 10.20.02 of Troy's Zoning Ordinance. Section 10.20.01 lists the principal uses permitted in One Family Residential District (R-1A through R-1E). This section provides that "no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Chapter.

Section 10.20.02 provides:

Agriculture on those parcels of land separately owned outside the boundaries of either a proprietary or supervisor's plat, having an area of not less than five (5) acres; all subject to the health and sanitation provisions of the Code of the City of Troy.

However, buried in another portion of their briefs, the City contends that Section 10.20.02 is "not applicable to the present case because Plaintiffs are not using the northern parcel located at 3301 John R. for agricultural purposes." The City contends that Plaintiffs "instead, have used that parcel as an expansion of their retail business on

the south parcel in violation of the zoning ordinance.” See “Brief in Support of Defendants’ Answer to Plaintiffs’ Motion for Partial Summary Disposition.”

Recall that this Court has previously found that the activities on the North Parcel are agricultural and not retail. Moreover, as correctly noted by Plaintiffs, this Court previously found after the evidentiary hearing on June 26, 2002 that the “Papadelises’ purchase of five acres allows them to use the North Parcel for agricultural use under the City’s zoning ordinance.” Thus, Section 10.20.02 provides no basis for the relief requested by Defendants in their Counter Claim for abatement of a nuisance.

The Court finds the real issue in the Counterclaim to be the expansion of a nonconforming use by Plaintiffs. This would implicate a violation of Section 40.50.03(A) of Troy’s Zoning Ordinance. However, as set forth above, this Court has found that retail sales are not taking place on the North Parcel. Thus, there is no expansion of a nonconforming use. Accordingly, there is no violation of Section 40.50.03(A).

Therefore, the Court grants summary disposition in favor of Plaintiffs as to the Counterclaim.

Count III – Injunctive Relief

Plaintiffs ask this Court to permanently enjoin the Defendants from interfering with the Plaintiffs’ agricultural uses of the Property by issuing or enforcing previously issued misdemeanor citations, stop work orders or other tickets related to the Plaintiffs’ use of the Property, or pursuing any action against the Plaintiffs’ contrary to the RTFA, the State Construction Code Act, any ruling in the Prior Action, and the July 23 Order.

Plaintiffs fail to cite to any authority or provide a basis for issuing such a blanket order. The Court finds the language in the order, as requested by Plaintiffs, to be over broad, overreaching and ambiguous.

THEREFORE, IT IS HEREBY ORDERED that summary disposition is granted in favor of Defendants' as to Count I of Plaintiffs' Complaint.

IT IS FURTHER ORDERED that as to Count II, the Court finds that Plaintiffs' use of the North Parcel constitutes an agricultural use, which is a protected activity under Michigan Right to Farm Act ("RFTA"), MCL 286.471, et seq; that Plaintiffs are exempt from Section 40.50.03(A) of the City of Troy's Zoning Ordinance; and that Plaintiffs are exempt under the State State Construction Code Act, MCL 125.1501, et seq,

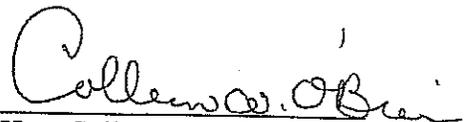
IT IS FURTHER ORDERED that the relief as requested in Count III is DENIED.

IT IS FURTHER ORDERED that summary disposition in favor of Plaintiffs as to Defendants' Counterclaim is GRANTED.

IT IS FURTHER ORDERED that this Opinion and Order resolves the last pending claim and closes the case.

IT IS SO ORDERED.

Dated: 2-17-06


Hon. Colleen A. O'Brien

A TRUE COPY
RUTH JOHNSON
Oakland County Clerk - Register of Deeds
By: S. Wagner
S. Wagner Deputy