AGENDA

Regular Meeting of the

CITY COUNCIL
OF THE CITY OF TROY

MARCH 20, 2006

CONVENING AT 7:30 P.M.

Submitted By
The Acting 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 M. Lamerato, Acting 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 M. Lamerato, Acting City Manager

CITY COUNCIL

AGENDA

March 20, 2006 – 7:30 PM
Council Chambers
City Hall - 500 West Big Beaver
Troy, Michigan 48084
(248) 524-3317

CALL TO ORDER: 1

INVOCATION & PLEDGE OF ALLEGIANCE: Reverend John Shearer – Central Woodward Christian Church 1

ROLL CALL: 1

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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.

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b) Proclamation from the National League of Cities Honoring the City of Troy for Thirty Years of Membership and Dedicated Service 5
c) Proclamation Celebrating 10 Years Smart Community Partnership Program 5

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CALL TO ORDER:

INVOCATION & PLEDGE OF ALLEGIANCE: Reverend John Shearer – Central Woodward Christian 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 Rezoning Request – East Side of Livernois, South of Wattles, Section 22 – R-1C to C-F (Z-713)

Suggested Resolution
Resolution #2006-03-
Moved by
Seconded by

RESOLVED, That the R-1C to C-F rezoning request, located on the east side of Livernois, south of Wattles, in Section 22, part of Parcel 88-20-22-101-005, being 2.84 acres in size, is described in the following legal description and illustrated on the attached Certificate of Survey drawing:

T2N, R11E, NW 1/4 of Section 22

Beginning at a point which is N 00°20’25” E, 1771.60 ft. along the West line of Section 22 and S 89°25’55” E, 285.00 ft. from the West ¼ corner of Section 22; thence N 00°20’25” E, 330.00 ft.; thence S 89°25’55” E, 375.00 ft.; thence S 00°20’25” W, 330.00 ft.; thence N 89°25’55” W, 375.00 ft. to the Point of Beginning.

Containing 2.84 acres, more or less, and subject to easements and restrictions of record.

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

Yes:
No:

C-2 Continuation of Public Hearing for Zoning Ordinance Text Amendment (ZOTA 214) – Article IV and X, Group Child Care Homes in the R-1A through R-1E Districts

Suggested Resolution
Resolution #2006-03-
Moved by
Seconded by

Proposed Resolution A

WHEREAS, ZOTA 214-B was approved by Troy City Council on November 21, 2005;

WHEREAS, ZOTA 214-B had the effect of permitting the temporary approval of Group Child Care Homes in the R-1A through R-1E One Family Residential Zoning District, not to exceed 30 days after the Troy City Council conducts a public hearing and takes final action on any proposed revisions to Chapter 39, Article X, related to the regulation of Group Child Care Homes, as set forth in ZOTA 214;

WHEREAS, City Council determined the final action, that no further changes to the Group Child Care Home provisions are required.

RESOLVED, That Section 10.25.05 of the City of Troy Zoning Ordinance is hereby **REPEALED**, effective 30 days from the date of this resolution.

Or Proposed Resolution B

RESOLVED, That City Administration is hereby **DIRECTED TO PREPARE** an ordinance amendment for future City Council action.

Yes:
No:

C-3 Continuation of Public Hearing for 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

Suggested Resolution
Resolution #2006-03-
Moved by
Seconded by

RESOLVED, That Article X (ONE FAMILY RESIDENTIAL DISTRICTS), of the City of Troy Zoning Ordinance, be **AMENDED** to read as written in the proposed Zoning Ordinance Text Amendment (ZOTA 218), City Council Public Hearing Draft, as recommended by the Planning Commission and City Management.

Yes:
No:

C-4 Community Development Block Grant (CDBG) Re-programming of Year 2003 Funds

Suggested Resolution
Resolution #2006-03-
Moved by
Seconded by

WHEREAS, The City Council of the City of Troy, after conclusion of a Public Hearing on this date, March 20, 2006, has determined that Year 2003 unspent funds of $55,637.70 should be **RE-PROGRAMMED** from the Flood Drain Improvements Account to the Sewer Benefit Fee (Special Assessment) Account and Sewer Benefit Fee (Special Assessment) for Charnwood Subdivision Area, Phase #1, Section 6 should be added to the list of CDBG projects for 2003.

Yes:
No:

C-5 Community Development Block Grant (CDBG) Re-programming of Year 2004 Funds

Suggested Resolution
Resolution #2006-03-
Moved by
Seconded by

WHEREAS, The City Council of the City of Troy, after conclusion of a Public Hearing on this date, March 20, 2006, has determined that Year 2004 unspent funds of $120,344.00 should be **RE-PROGRAMMED** from the Flood Drain Improvements Account to the Sewer Benefit Fee (Special Assessment) Account and Sewer Benefit Fee (Special Assessment) for Charnwood Subdivision Area, Phase #1, Section 6 should be added to the list of CDBG projects for 2004.

Yes:
No:

POSTPONED ITEMS:

D-1 **Appointment to Cable Advisory Committee**

Resolution
Moved by Broomfield
Seconded by Lambert

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

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

Brian Wattles Term Expires 02/28/09

Yes:
No:

CONSENT AGENDA:

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

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

Suggested Resolution
Resolution #2006-03-
Moved by
Seconded by

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

Yes:
No:

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

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E-2 Approval of City Council Minutes

Suggested Resolution
Resolution #2006-03-

RESOLVED, That the Minutes of the 7:30 PM Regular City Council Meeting of March 6, 2006 be **APPROVED** as submitted.

E-3 Proposed City of Troy Proclamations:

Suggested Resolution
Resolution #2006-03-

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

a) Proclamation Supporting Michigan's Quality Home Help Program
b) Proclamation from the National League of Cities Honoring the City of Troy for Thirty Years of Membership and Dedicated Service
c) Proclamation Celebrating 10 Years Smart Community Partnership Program

E-4 Standard Purchasing Resolutions

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

Suggested Resolution
Resolution #2006-03-

WHEREAS, On March 21, 2005, one-year contracts for ammunition with an option to renew for one additional year was awarded to the lowest acceptable bidders, TJ Conevera's, Inc., and Michigan Ammo Company, Inc. (Resolution #2005-03-123-E9);

WHEREAS, Both awarded bidders have agreed to exercise the option to renew under the same unit prices, terms, and conditions as the original contract.

NOW, THEREFORE, BE IT RESOLVED, That the options to renew the contracts are hereby **EXERCISED** with TJ Conevera's, Inc. and Michigan Ammo Company, Inc. for ammunition under the same contract prices, terms, and conditions expiring March 21, 2007.

b) Standard Purchasing Resolution 1: Award to Low Bidder – Liquid Calcium Chloride

Suggested Resolution
Resolution #2006-03-

RESOLVED, That a contract to provide one-year requirements of Liquid Calcium Chloride with an option to renew for one additional year is hereby **AWARDED** to the sole bidder, South Huron Industrial, Inc., of Flat Rock, MI, at an estimated total cost of $36,575.00, which includes $500.00 for the "additional insured endorsement" clause, at unit prices contained in the bid tabulation opened February 28, 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's submission of properly executed bid and contract documents, including bonds, insurance certificates and all other specified requirements.

c) Standard Purchasing Resolution 9: Approval to Expend Funds for Membership Dues and Renewals Over $10,000 – Renewal of Michigan Municipal League Membership

Suggested Resolution
Resolution #2006-03-

RESOLVED, That approval is **GRANTED** to pay the 2005/06 Michigan Municipal League membership fee covering the time period of May 1, 2006 through April 30, 2007 in the amount of $11,438.00.

d) Standard Purchasing Resolution 8: Best Value Award – Municipal Testing Services for the 2006-2009 Construction Seasons

Suggested Resolution
Resolution #2006-03-

RESOLVED, That two (2), three-year contracts to provide professional municipal testing services with an option to renew for three (3) additional years are hereby **AWARDED** to the best value proposals submitted by Professional Service Industries, Inc. (PSI), 1000 North Opdyke Road, Suite C, Auburn Hills, MI, and Testing Engineers and Consultants, Inc. (TEC), 1343 Rochester Road, Troy, MI, at unit prices contained in the bid tabulation opened February 22, 2006, with additional services priced as outlined in their respective rate schedules, copies of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That the awards are **CONTINGENT** upon contractors' submission of properly executed proposal and contract documents, including agreements, insurance certificates and all other specified requirements; and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** those agreements when in acceptable form.

E-5 Amendment #1 Sole Source – US Filter HRR Enhancer and Pulsar Plus Briquettes

Suggested Resolution
Resolution #2006-03-

WHEREAS, On May 9, 2005, the Troy City Council awarded a contract to purchase both Pulsar Products and HRR Enhancer from the authorized dealer/distributor in Michigan, B&B Pools and Spas, at dealer prices plus 25% and trade prices respectively for the Community Center Indoor Pool, (Resolution #2005-05-236);

WHEREAS, The City recommends changing to Pulsar as the main sanitation for the Troy Family Aquatic Center due to price increases and potential shortages of liquid chlorine.

NOW, THEREFORE, BE IT RESOLVED, That the contract be **AMENDED** to include the Troy Family Aquatic Center in the purchase of the Pulsar Plus Briquettes at the stated price of dealer prices plus 25%.

E-6 Act 51 Mileage Certification for 2005

Suggested Resolution
Resolution #2006-03-

WHEREAS, It is necessary to furnish certain road information to the State of Michigan for the purpose of obtaining funds under Act 51, P.A. 1951, as amended;

WHEREAS, The City of Troy hereby **ACCEPTS** the following platted and non-platted streets: Country Ridge, Firestone, New Castle, Wyngate, Amberwood, Norway, Dryden, Mayapple, Timbercrest, Ashton Court, Gunston Court, Mesa, Mirage, Jefferson and Langston.

THEREFORE, BE IT RESOLVED, That said streets are located within the City of Troy; right of way is under the control of the City of Troy; said streets are public streets and are for public street purposes and were open to the public prior to December 31, 2005; and said streets are **ACCEPTED** into the City of Troy local street system; and

BE IT FURTHER RESOLVED, That the City of Troy hereby **DECERTIFIES** the following streets: N. Eton Rd and Miner effective on December 31, 2005.

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.

NOTE: Any item selected by the public for comment from the Regular Business Agenda shall be moved forward before other items on the regular business portion of the agenda have been heard. Public comment on Regular Agenda Items will be permitted under Agenda Item 11 "F".

F-1 **Appointments to Boards and Committees: a) Mayoral Appointments: Brownfield Redevelopment Authority; Civil Service Commission (Act 78); and Economic Development Corporation b) City Council Appointments: Advisory Committee for Persons with Disabilities; Advisory Committee for Senior Citizens; Board of Zoning Appeals; Charter Revision Committee; Historic District Commission; Library Advisory Board; Liquor Advisory Committee; Municipal Building Authority; Personnel Board; and Traffic Committee**

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

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

(a) Mayoral Appointments

Suggested Resolution
Resolution #2006-03-
Moved by
Seconded by

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

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

_____ Term Expires 04/30/09

_____ Term Expires 04/30/09

Civil Service Commission (Act 78)
Appointed by Mayor; Council Approval (3) – 6 Year Terms

_____ Term Expires 04/30/12

Economic Development Corporation
Appointed by Mayor; Council Approval (9) 6 Year Terms

_____ Term Expires 04/30/12

Yes:
No:

(b) City Council Appointments

Suggested Resolution
Resolution #2006-03-
Moved by
Seconded by

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

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

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

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

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

_____ Term Expires 04/30/09

_____ Term Expires 04/30/09

_____ Term Expires 04/30/09

Board of Zoning Appeals
Appointed by Council (7) – 3 Year Terms

_____ Term Expires 04/30/09

_____ Term Expires 04/30/09

Charter Revision Committee
Appointed by Council (7) – 3 Year Terms

_____ Term Expires 04/30/09

_____ Term Expires 04/30/09

_____ Term Expires 04/30/09

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)**

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

Term Expires 04/30/09

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

Personnel Board
Appointed by Council (5) – 3 Year Terms

Term Expires 04/30/09

Term Expires 04/30/09

Term Expires 04/30/09

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

Term Expires 01/31/09

Yes:
No:

F-2 Bid Waiver – Wireless Data Service – US General Services Administration (GSA) Contract GS-35F-0119P

Suggested Resolution
Resolution #2006-03-
Moved by
Seconded by

WHEREAS, Wireless data services have been tested over the last year and Verizon Wireless has been found to provide data speed and reliability;

WHEREAS, Verizon Wireless has offered GSA contract pricing contained in GSA-FSS Contract GS-35F-0119P.

THEREFORE, BE IT RESOLVED, That formal bidding procedures are hereby **WAIVED** and a contract to purchase wireless data services from Verizon Wireless is hereby **APPROVED** at an estimated annual cost of $14,400.00.

Yes:
No:

F-3 Bid Waiver – One-Year Requirements of Asphalt Paving Materials for the Public Works Department

Suggested Resolution
Resolution #2006-03-
Moved by
Seconded by

WHEREAS, The Public Works Department of the City of Troy routinely performs seasonal street maintenance activities on local and major roads;

WHEREAS, The suppliers of the hot asphalt material for road repairs need to be within close proximity of Troy city limits;

WHEREAS, Only two known suppliers meet the criteria for plant location in order for material to be usable according to Michigan Department of State Highway Standards.

THEREFORE, BE IT RESOLVED, That formal bidding procedures are hereby **WAIVED** and one-year contracts to purchase asphalt paving materials from Ajax Materials Corporation of Rochester Hills as primary supplier of hot asphalt, and Barrett Paving Materials, Inc. of Troy for Item 6.) Tack Coat, at unit prices as detailed in Appendix I are **APPROVED**; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That the City is **AUTHORIZED** to use reciprocity between Ajax Materials and Barrett Paving in the event of a plant closing, inability to meet delivery times or to supply material as specified.

Yes:
No:

F-4 Cancellation of the May 22, 2006 Council Meeting

Suggested Resolution
Resolution #2006-03-
Moved by
Seconded by

RESOLVED, That due to the scheduling of additional Council meetings in April and May of 2006 for budget review, the May 22, 2006 Council meeting is hereby **CANCELLED**.

Yes:
No:

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

a) Rezoning Application – West Side of Dequindre Road, North of Big Beaver and South of Continental, Section 24 – CR-1 to B-1 (Z-712) – March 27, 2006

b) Zoning Ordinance Text Amendment (ZOTA 221) – Article II, Municipal Civil Infractions – March 27, 2006

G-2 Green Memorandums:

a) City Ordinance, Chapter 28 and the Tree Ordinance and Landscape Design and Tree Preservations Standards

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) Retiree Health Care Benefits Plan and Trust/Final – December 14, 2005
b) Advisory Committee for Persons with Disabilities/Draft – February 1, 2006
c) Advisory Committee for Persons with Disabilities/Final – February 1, 2006
d) Building Code Board of Appeals/Final – February 1, 2006
e) Advisory Committee for Senior Citizens/Final – February 2, 2006
f) Employees' Retirement System Board of Trustees/Final – February 8, 2006
g) Library Advisory Board/Draft – February 9, 2006
h) Civil Service Commission (Act 78)/Final – February 13, 2006
i) Planning Commission/Final – February 14, 2006
j) Planning Commission Special/Study/Draft – February 28, 2006
k) Troy Daze Advisory Committee/Draft – February 28, 2006
l) Advisory Committee for Senior Citizens/Draft – March 2, 2006
m) Planning Commission Special/Study/Draft – March 7, 2006
n) Civil Service Commission (Act 78)/Draft – March 8, 2006
o) Troy Daze Advisory Committee Special/Draft – March 8, 2006

J-2 Department Reports:

a) Building Department – Permits Issued During the Month of February, 2006
b) Police Department – 2005 Calls for Service
c) Purchasing Department – Final Reporting – BidNet On-Line Auction and Mid-Thumb Auctioneering, LLC
d) City of Troy Monthly Financial Report – February 28, 2006

J-3 Letters of Appreciation:

a) Letter of Appreciation to Mayor Schilling and City Council from Ruth Johnson, Oakland County Clerk, Regarding the Efforts and Contributions of Tonni Bartholomew
b) Letter of Thanks to the Troy Police Department from Claudia Pietras In Appreciation of the Assistance Received from Police Service Aide Vaillancourt
c) Letter of Appreciation to Chief Craft from Bill Brandt Commending Sgt. Bjork, Officer Fitzpatrick and Lynn McDaniels for Their Efforts During the Technical Traffic Crash Investigation Class
d) Letter of Thanks to John Abraham from Lisa Fontana In Appreciation of His Service to ITE as a Review Panel Member

J-4 Proposed Proclamations/Resolutions from Other Organizations:

a) A Resolution of the City of Royal Oak Strongly Supporting Full Formula Funding of State Revenue to Local Government

J-5 Calendar

J-6 Correspondence from Lynn Drake-Batts Regarding Zoning Ordinance Text Amendment 214 – Group Child Care Homes

J-7 **Correspondence from Sharon M. Schafer and David A. Schafer Regarding Zoning Ordinance Text Amendment 214 – Group Child Care Homes**

J-8 **Memorandum from Human Resources Regarding Costing of Tentative Agreement Between Troy Command Officers Association (TCOA) and City of Troy**

J-9 **Memorandum from City Attorney's Office Regarding Papadelis v. City of Troy**

J-10 **Correspondence from Lori Grigg Bluhm, City Attorney, Regarding First Amendment Article for Hot Topics in Municipal Law Practice**

J-11 **Survey Results from Parks and Recreation**

STUDY ITEMS:

K-1 **No Study Items Submitted**

PUBLIC COMMENT: Address of "K" Items

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

CLOSED SESSION:

L-1 **Closed Session: No Closed Session Requested**

ADJOURNMENT

Respectfully submitted,

John M. Lamerato, Acting City Manager

SCHEDULED CITY COUNCIL MEETINGS:

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 1, 2006 (Budget Study Session II) ..... Special/Study City Council
Monday, May 8, 2006..... Regular City Council
Monday, May 15, 2006..... Regular City Council
Monday, May 22, 2006..... Regular City Council
Monday, June 5, 2006..... Regular City Council
Monday, June 19, 2006..... Regular City Council

DATE: March 10, 2006

TO: John Lamerato, Acting City Manager

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

SUBJECT: AGENDA ITEM – PUBLIC HEARING – 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)

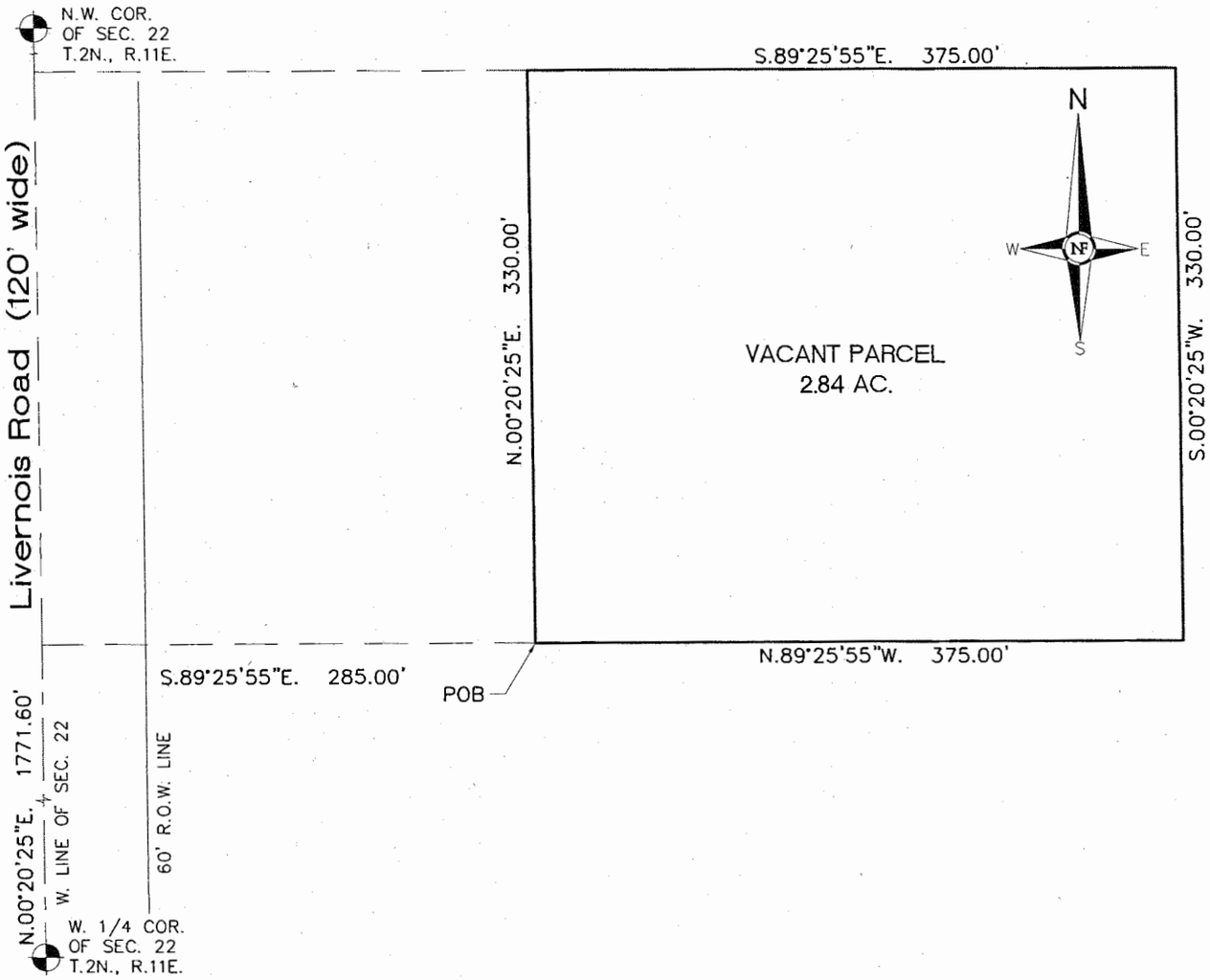
G:\REZONING REQUESTS\Z 713 Walsh College Addition Sec 22\CC Public Hearing Z 713 3 20 06.doc

REC'D

JAN 12 2006

PLANNING DEPT.

Certificate of Survey



Legal Description

The land referred to in this Commitment, situated in the County of Oakland, City of Troy, State of Michigan, is described as follows:

Part of the Northwest ¼ of Section 22, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan being more particularly described as follows: Beginning at a point which is North 00 degrees 20 minutes 25 seconds East 1771.60 feet along the West line of Section 22 and South 89 degrees 25 minutes 55 seconds East 285.00 feet from the West ¼ corner of Section 22; thence North 00 degrees 20 minutes 25 seconds East 330.00 feet; thence South 89 degrees 25 minutes 55 seconds East 375.00 feet; thence South 00 degrees 20 minutes 25 seconds West 330.00 feet; thence North 89 degrees 25 minutes 55 seconds West 375.00 feet to the point of beginning.

Site containing 123,749 squore feet or 2.84 acres.

CERTIFICATE OF SURVEY

THE EROR OF CLOSURE IS NO GREATER THAN 1 IN 5000, WHICH IS WITHIN THE ACCURACY OF SURVEY AS REQUIRED IN ACT NO. 288 OF PUBLIC ACTS OF 1967.

WE HEREBY CERTIFY THAT WE HAVE SURVEYED THE PROPERTY HEREIN DESCRIBED AND THAT WE HAVE PLACED MARKER IRONS AT THE CORNERS OF THE PARCEL OR AS INDICATED IN THE ABOVE SKETCH AND THAT WE HAVE COMPLIED WITH THE SURVEY REQUIREMENTS OF PUBLIC ACT 132 OF 1970, AS AMENDED.

ALEX NICOLAESCU, PLS
NO.: 22705

STATE OF MICHIGAN
ALEXANDER NICOLAESCU
PROFESSIONAL SURVEYOR
NO. 22705
LICENSED PROFESSIONAL SURVEYOR

Date: 1-12-06

Prepared for

WALSH COLLEGE
3838 Livernois Rd.
Troy, MI, 48007-7006
Contact:
CHRISTINE L. STOUT
Tel. (248)689-8282

NF NOWAK & FRAUS

Consulting Engineers • Land Surveyors • Land Planners

1310 N. Stephenson Highway
Royal Oak, Michigan 48067-1508

Tel. (248) 399-0886
Fax. (248) 399-0805

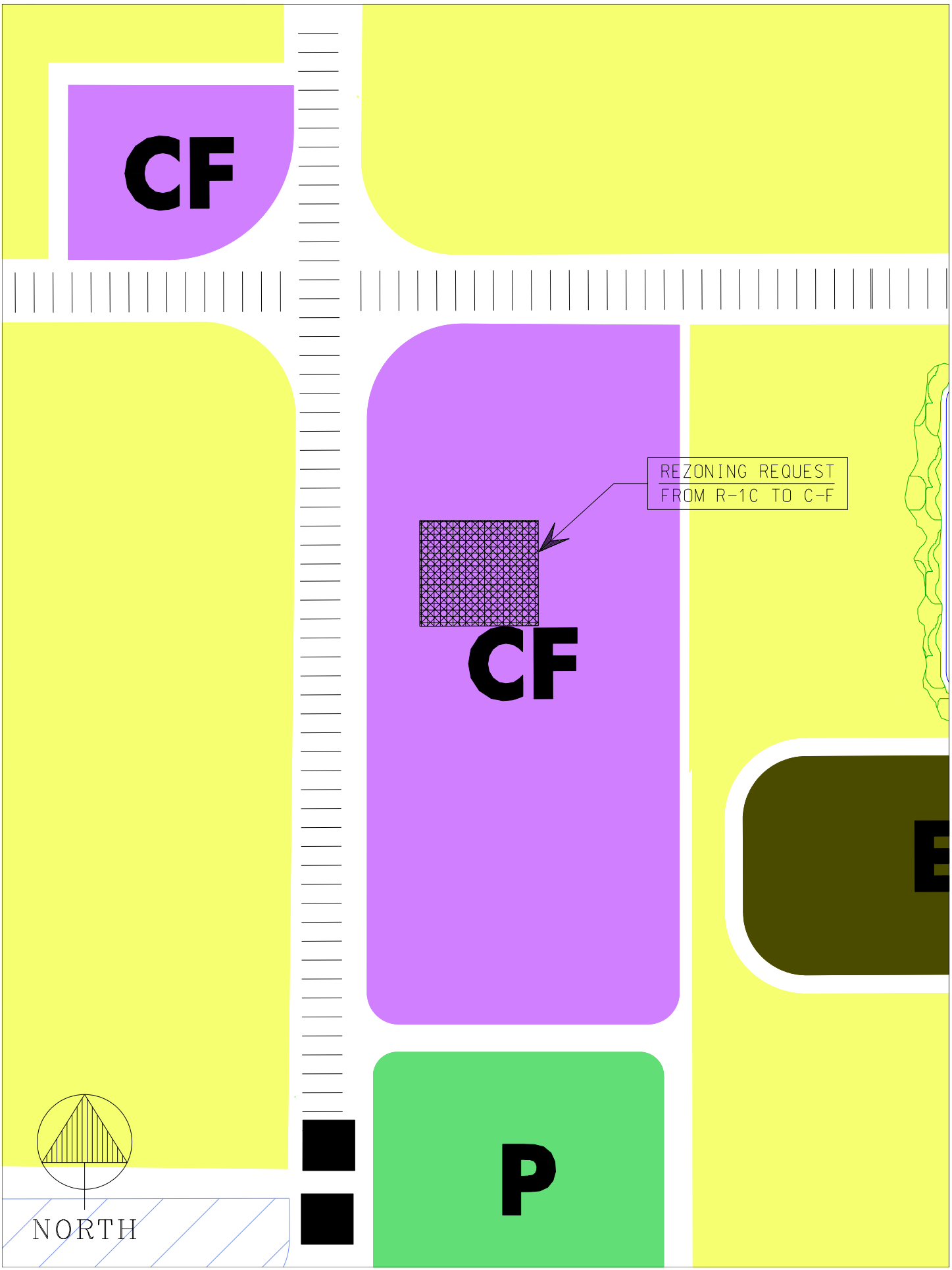
SCALE	DATE	DRAWN	JOB No.	SHEET
1" = 100'	1-12-06	A.G.	3809	1 of 1

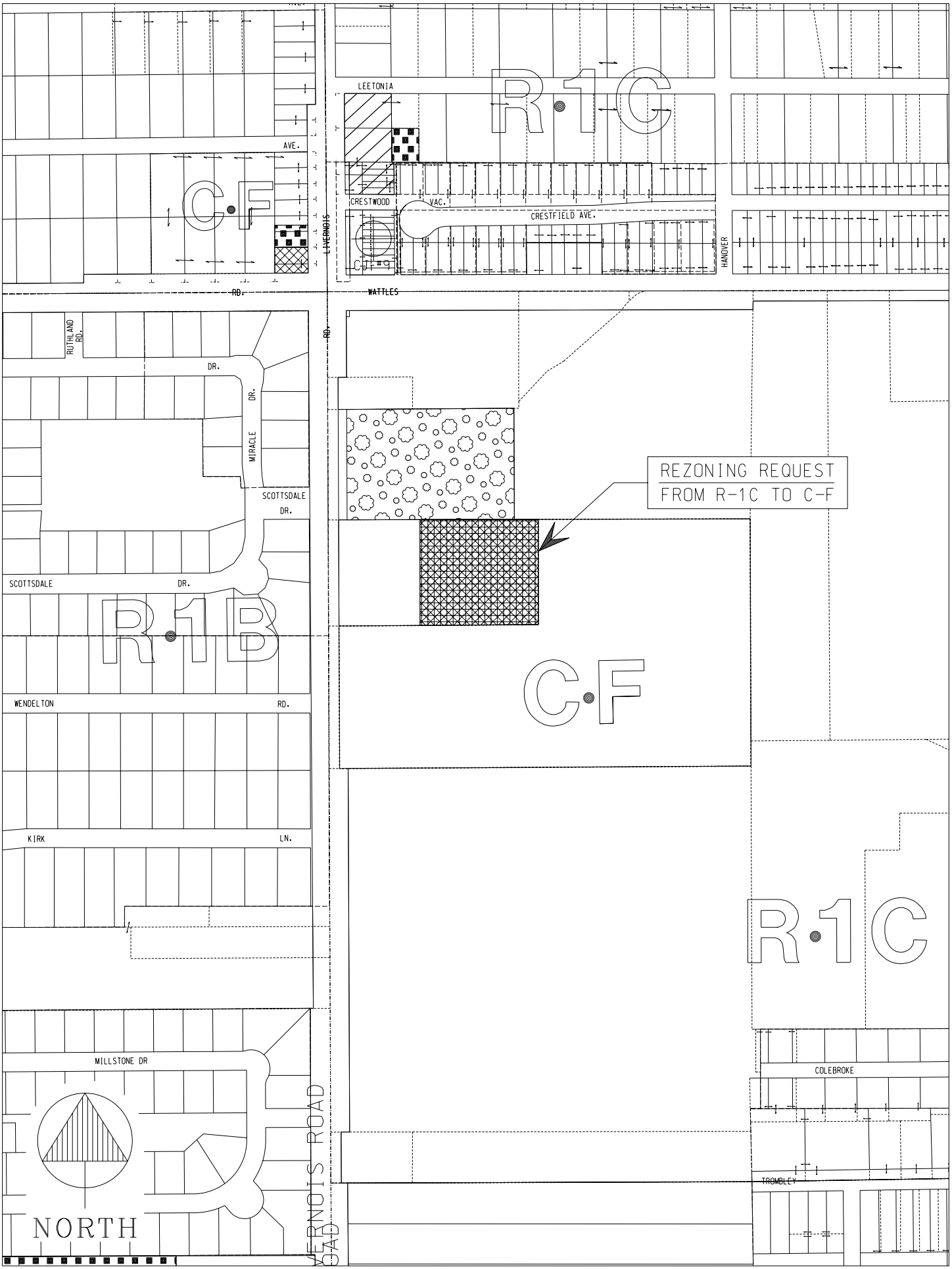
CITY OF TROY

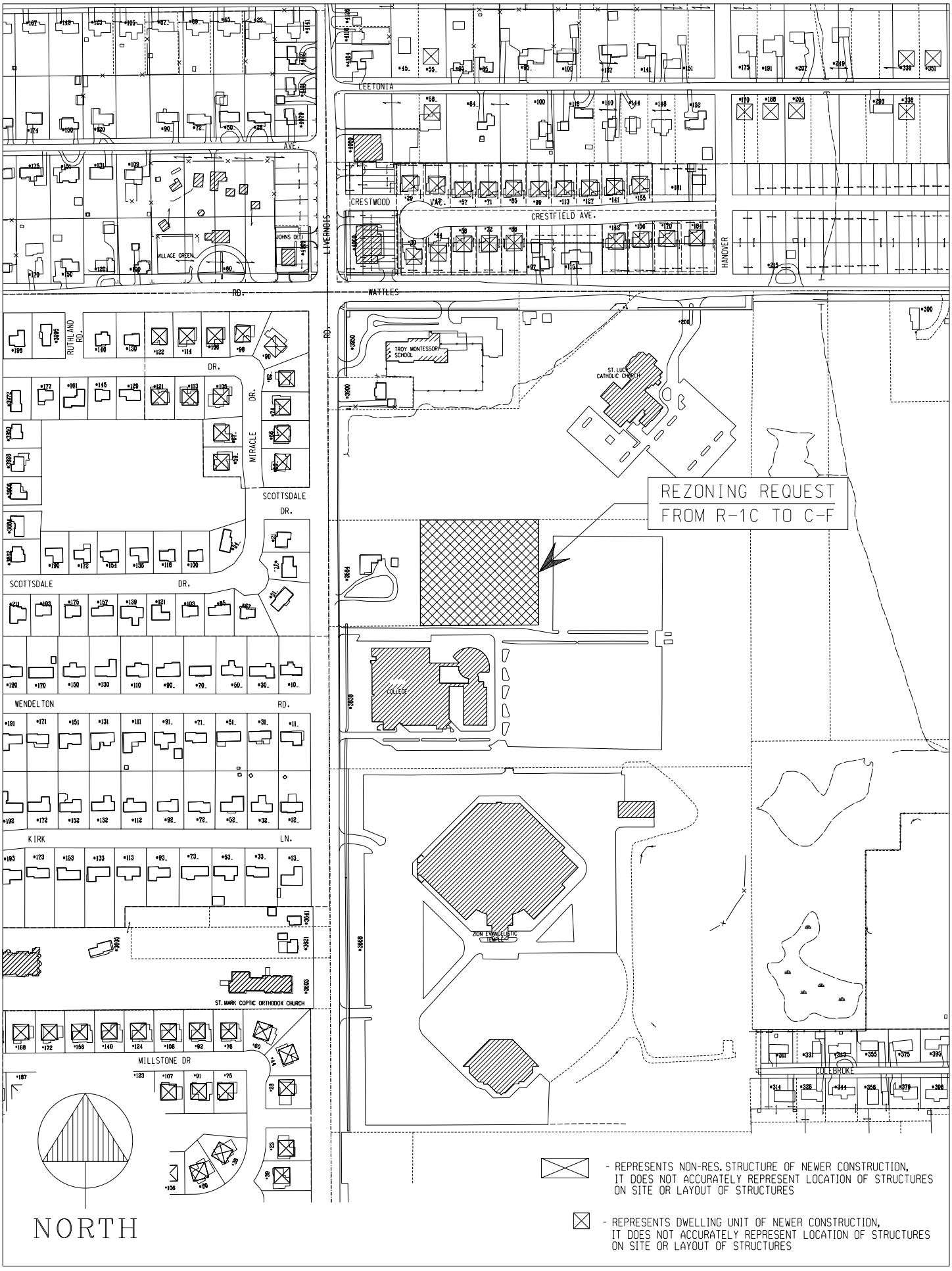
PREPARED BY CITY OF TROY PLANNING DEPT.

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
W WATTLES
E WATTLES
RUTHLAND
MIRACLE
LIVERNOIS
RUTHLAND
SCOTTSDALE
WENDELTON
KIRK
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
W WATTLES
E WATTLES
RUTHLAND
MIRACLE
LIVERNOIS
RUTHLAND
SCOTTSDALE
WENDELTON
KIRK
(R-1B) One Family Residential District
(E-P) Environmental Protection Distric
(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
P
NORTH


R-1C
LEETONIA
AVE.
C-F
CRESTWOOD
VAC.
CRESTFIELD AVE.
LIVERNOIS
HANOVER
RD.
WATTLES
RD.
RUTHLAND RD.
DR.
DR.
MIRACLE
SCOTTSDALE
DR.
SCOTTSDALE
DR.
R-1B
REZONING REQUEST
FROM R-1C TO C-F
C-F
WENDELTON
RD.
KIRK
LN.
R-1C
MILLSTONE DR
COLEBROKE
TROMBLEY
NORTH
LIVERNOIS ROAD



Z-713 / SEC. 22 / 01-18-06

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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RE
JAN 12 2006
PLANN

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

DATE: March 15, 2006

TO: John Lamerato, Acting City Manager

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

SUBJECT: AGENDA ITEM – PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 214) – Article IV and X, Group Child Care Homes in the R-1A through R-1E Districts (CONTINUATION)

This memo shall address the following:

- Planning Commission Recommendation.
- State and local laws related to in-home day care.
- Actions and outcomes.
- Intent of memorandum.

City Management has not taken a position on the issue of Group Child Care Homes, based on an understanding that the regulation of Group Child Care Homes within single-family residential neighborhoods is a community values issue. Issues regarding community values should be made by City Council, following consideration of a recommendation by the Planning Commission. City Management has a responsibility to identify options, issues and primary and secondary impacts on the surrounding environment.

PLANNING COMMISSION RECOMMENDATION

At the December 13, 2005 Regular meeting, the Planning Commission approved Resolution # PC-2005-12-197 which recommend that City Council make no changes to Articles IV and X, pertaining to Group Day Care Homes in the R-1A through R-1E Districts.

Furthermore, the Planning Commission resolved that if the current Zoning Ordinance is amended, the City Council should consider a number of provisions related to the regulation of Group Child Care Homes and Family Child Care Homes (see attached checklists).

STATE AND LOCAL LAWS RELATED TO IN-HOME DAY CARE

The City Attorneys Office determined that there is a statutory requirement under the City and Village Zoning Act for cities to permit Family Child Care Homes by right in single-family residential districts. Troy complies with this requirement, as Family Day Care Homes are permitted subject to special conditions in the R-1A through R-1E districts. There is no requirement that cities permit Group Child Care Homes in a single- family residential zoning district.

On November 21, 2005, City Council amended the Zoning Ordinance to permit Group Child Care Homes on a temporary basis and temporarily eliminated the City's obligation to issue ordinance violation notices for the existing Group Child Care Homes (see attached resolution). This temporary approval shall expire 30 days following final action on this item. Existing Zoning Ordinance provisions related to Family Child Care Homes and Group Child Care Homes are attached. Note that the Michigan Department of Human Services is responsible for preparing licensing rules for Family and Group Child Care Homes, which are listed in Admincode R 400.1801. These rules were revised in 2005 and became effective on January 1, 2006. The terms "Family Day Care Homes" and "Group Day Care Homes" were revised to "Family Child Care Homes" and "Group Child Care Homes", respectively, in the code. This memo and the attachments reflect this change by referring to these uses as "Family Child Care Homes" and "Group Child Care Homes".

ACTIONS AND OUTCOMES

A list of potential City Council actions on this item, and corresponding outcomes for each action, are attached.

INTENT OF MEMORANDUM

The goal of this memorandum is to request clear direction from City Council to City Management on how to proceed with this ZOTA. The attached checklists will assist in City Council's review of the potential ZOTA provisions for both Group Child Care Homes and Family Child Care Homes.

If City Council intends to amend the Zoning Ordinance to add additional provisions, City Management requests that they be given the task of drafting the ZOTA language that is to be presented to City Council at a future meeting.

Two resolutions are provided. If City Council determines that no further changes to the Group Child Care Home provisions are desired, Resolution A will repeal the temporary approval of Group Child Care Homes, effective 30 days after the date of the resolution. Resolution B directs City Management to prepare ZOTA for future City Council action.

Attachments:

1. City Council Resolution #2005-11-521 from November 21, 2005, Temporary Approval of Group Child Care Homes.
2. Existing Zoning Ordinance provisions for Family Child Care Homes (Section 10.25.02) and Group Child Care Homes (10.25.05).
3. Attachments Related to Group Day Care Homes:
   - Group Child Care Home Outcomes And Actions
   - Chart: Potential Group Child Care Home Requirements and City Management Concerns.
   - Checklist: Potential City Council Group Child Care Home Provisions.
4. Attachments Related to Family Day Care Homes:
   - Family Child Care Home Outcomes And Actions
   - Chart: Potential Family Child Care Home Requirements and City Management Concerns.
   - Checklist: Potential City Council Family Child Care Home Provisions.
5. Correspondence from residents.
6. City Management memo and attachments dated February 28, 2006.

Prepared by RBS/MFM

G:\ZOTAs\ZOTA 214 Group Day Care Homes\CC Public Hearing Memo ZOTA 214 02 20 06.doc

RESOLVED, That the B-1 to B-2 rezoning request, located on the northeast corner of Rochester and Wattles, Section 14, part of parcel 88-20-14-351-056, being 2.7 acres feet in size, is described in the following legal description and illustrated on the attached drawing:

T2N, R11E, SW ¼ of Section 14

Lots 9, 10, and 11, except the west 42 ft. of each lot taken for road, also except the south 27 ft. of Lot 11 taken for road, and also the west ½ of Lot 12, except the south 27 ft. taken for road of Supervisor's Plat No. 22 (Liber 13, page 45 of Oakland County Records). Containing 1.65 ac. of land, more or less, and subject to restrictions and easements of record.

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

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

C-4 Zoning Ordinance Text Amendment (ZOTA 214-B) – Article IV and X, Approval of Group Child Care Homes on a Temporary Basis in the R-1A through R-1E Districts

Resolution #2005-11-521
Moved by Broomfield
Seconded by Fleming

RESOLVED, That Article IV (DEFINITIONS) and Article X (ONE FAMILY RESIDENTIAL DISTRICTS) of the City of Troy Zoning Ordinance, be **AMENDED** to read as written in the proposed Zoning Ordinance Text Amendment (ZOTA 214-B: Temporary Approval of Group Child Care Homes), as recommended by the Planning Commission and City Management.

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

POSTPONED ITEMS: No Postponed Items

The meeting **RECESSED** at 8:40 PM.

The meeting **RECONVENED** at 8:48 PM.

CONSENT AGENDA:

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

Resolution #2005-11-522
Moved by Lambert
Seconded by Broomfield

providing accommodation and care for elderly individuals who require 24 hour per day attention or supervision (sometimes involving limited nursing care), but are not bedfast.

(12-13-93)

04.20.47 ENTRANCE RAMP: A roadway connecting a feeder road with a limited access highway and used for access on to such limited access highway.

04.20.49 ERECTED: Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for the construction, excavation, fill, drainage, and the like, shall be considered a part of erection.

04.20.51 EXIT RAMP: A roadway connecting a limited access highway with a feeder road and used for access from such limited access highway to a feeder road.

04.20.53 ESSENTIAL SERVICES: The erection, construction, alteration or maintenance of public utilities or municipal departments of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution system, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection with, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, or welfare.

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

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

(Renumbered: 08-15-05)

04.20.57 FAMILY DAY CARE HOME: A private residence that the child care provider lives in and cares for up to six unrelated children for more than 4 weeks in a year when the children's parents/guardians are not immediately available.

(Rev: 11-21-05)

04.20.58 FAST FOOD RESTAURANT: An establishment that provides food and beverages to patrons that is primarily designed for over-the-counter sale of ready-to-eat foods and/or beverages from a limited, standardized menu, and which does not have waiter/waitress service at dining tables; and where the food is typically paid for prior to eating. Such facilities may also sell food and beverages through a drive-up or drive-through service window.
(08-15-05)

horizontal areas of all floors of the building (including malls, basements, mezzanines, atriums and service areas), as measured from the exterior faces of the exterior walls.

Office Buildings - (Other than medical office buildings) - Measurement of the gross floor area shall be the sum of the horizontal areas of all floors (including basements, service areas, mezzanines, atriums and lobbies), as measured from the exterior faces of the exterior walls. For the purpose of calculating the required parking, usable floor area shall exclude corridors, lobby areas, vertical shafts (elevators, pipe chases, etc.) sanitary facilities, mechanical spaces, and storage areas. In the absence of detailed floor plans, the usable floor area shall be equal to eighty (80) percent of the gross floor area. When detailed floor plans are available, they shall be used for the determination of usable floor area and the parking requirement.

Medical Office Buildings - Measurement of the gross floor area shall be the sum of the horizontal areas of all floors (including basements, service areas, mezzanines, atriums and lobbies), as measured from the exterior faces of the exterior walls. For the purpose of calculating the required parking, usable floor area shall exclude corridors, lobby areas, vertical shafts (elevators, pipe chases, etc.), sanitary facilities, mechanical spaces and storage areas. In the absence of detailed floor plans, the usable floor area of medical office buildings shall be equal to eighty-five (85) percent of the gross floor area. When detailed floor plans are available, they shall be used for the determination of usable floor area and the parking requirement.

04.20.64 FRONTAGE: The term "frontage" means and applies to any portion of a parcel of land abutting, touching, or bordering a street, thoroughfare, or freeway.

(02-03-92)

04.20.65 GARAGE, PRIVATE: An accessory building for parking or storage of not more than the number of vehicles as may be required in connection with the permitted use of the principal structure.

04.20.67 GARAGE, PUBLIC: Any garage other than a private garage available to the public, operated for gain, and used for storage, repair, rental, greasing, washing, sales, servicing, adjusting or equipping of automobiles or other motor vehicles.

04.20.68 GRADE: The term "grade" shall mean a ground elevation established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

(Renumbered: 11-21-05)

04.20.69 GROUP CHILD CARE HOME: A private residence that the child care provider lives in and cares for up to 12 unrelated children for more than 4 weeks in a year when the children's parents/guardians are not immediately available.

(11-21-05)

10.25.00 USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:
The following uses shall be permitted in all R-1A through R-1E One-Family Detached Residential Districts, subject to the conditions hereinafter imposed for each use.

10.25.01 Home Occupations, as defined in Section 04.20.71, subject to the following conditions:

A) In order to insure compatibility of the subject residential parcel with the surrounding residential area, to maintain the residential character of the area, and to avoid reduction of property values, the following activities or uses shall be prohibited in conjunction with Home Occupations:

1. Signs relating to any occupation or business.

2. Accessory buildings devoted primarily to the subject Home Occupation or Business.

3. Off-street parking area greater than that amount maintained by neighboring dwellings within three hundred (300) feet of the subject site.

4. Outside storage or display of any items related to the subject Home Occupation or Business, and thus not normally incident to a one-family dwelling.

5. Vehicular Traffic characterized by pick-up or delivery of materials, supplies or products, in excess of that normally incident to a one-family dwelling.

10.25.02 Family Day Care Homes, as defined in Section 04.20.60, subject to the following conditions:

A) The number of children so cared for who are not a part of the family residing in the subject dwelling unit shall not exceed six (6).

B) For each child on the premises a minimum of four hundred (400) square feet of outdoor play area shall be provided, in the rear or side yards of the subject dwelling unit.

C) The conditions applicable to Home Occupations, as defined in Section 04.20.71 and as listed in Section 10.25.01 shall also apply to Family Day Care Homes.

D) The resident-operator of the Family Day Care Home shall be licensed in accordance with applicable State Law.

10.25.03 Adult Foster Care Facilities, as defined by Section 400.702 (4) of Act 218, of 1979 of the State of Michigan, as provided for by said Act and to the extent exempted from local regulation by Section 400.733 (Sec. 33) thereof, and by Section 3 (b) of Act 207 of 1921 as amended (the Zoning Enabling Act).

10.25.04 The City Council may permit the temporary placement of a mobile office unit for lot and home sales on the site of a new residential development, for an initial period of twelve (12) months. A possible six (6) month extension of this approval may be granted by the City Council. Approval of the temporary placement of a mobile sales office unit shall further be subject to the requirements of Chapter 47, Section 6.41-(3) of the City Code.
(08-08-94)

10.25.05 Group Childcare Homes, as defined in Section 04.20.69, licensed by the State of Michigan and in operation as of [Date of Approval of ZOTA 214-B by City Council], shall be permitted to continue on a temporary basis not to exceed 30 days after the Troy City Council has had the opportunity to conduct a public hearing and take final action on any proposed revisions to Chapter 39, Article X, related to the regulation of Group Child Care Homes, as set fort in ZOTA 214.

(11-21-05)

10.30.00 USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL:
The following uses may be permitted in R-1A through R-1E, One-Family Residential Districts, subject to the conditions hereinafter imposed for each use; and also subject to the review and approval of the use by the Planning Commission. Before approving any such uses, the Planning Commission shall find that:

A. The land use or activity being proposed shall be of such location, size and character as to be compatible with the orderly development of the Zoning District in which it is situated, and shall not be detrimental to the orderly development, property values, environment or use of adjacent land and/or Districts.

B. The land use or activity under consideration is within the capacity limitations of the existing or proposed public services and facilities which serves its location.

Planning Commission approval of the Site Plan for such uses is also required. Site Plans for the expansion of such use shall also be subject to the approval of the Planning Commission.

(Rev. 07-10-00)

10.30.01 Persons seeking Special Use Approval for specified uses governed by this Article shall conform to the requirements of Section 03.30.00.

10.30.02 Schools:

(A) Public, parochial and other private elementary, intermediate (including junior high and middle) and/or high schools offering courses in general education, including those under the control of the State Superintendent of Education and those which are non- profit corporations in accordance with State Law, subject to the following conditions:

(1) Private and parochial schools shall be located so as to have at least one (1) property line abutting a Major Thoroughfare or Secondary Thoroughfare, as indicated on the Master Thoroughfare Plan. The frontage on such a thoroughfare shall be at least equal to the minimum frontage required by the applicable Zoning District.

(2) Sites for such facilities shall have a minimum area of at least five (5) acres, or one (1) acre for each 50 students permitted within the capacity of the proposed establishment, whichever is greater.

(3) The front side and rear yard setbacks shall be a minimum of fifty (50) feet.

ATTACHMENTS RELATED TO

GROUP CHILD CARE HOMES

GROUP CHILD CARE HOME OUTCOMES AND ACTIONS

City Management identified the following list of outcomes and actions available to City Council on the Group Child Care Homes issue.

Scenario #1: City Council supports the Planning Commission recommendation of no change to the existing Group Child Care Home provisions

- Existing licensed Group Child Care Homes shall be permitted to continue on a temporary basis not to exceed 30 days after final action.
- City Council should pass a resolution deleting the temporary Group Child Care Homes permitted in the Zoning Ordinance, effective 30 days following final action on ZOTA 214.
- Existing licensed Group Child Care Homes will be sent additional notice identifying the violation and giving them 30 days to comply.
- In order to comply existing Group Child Care Homes will need to change their license to Family Child Care Home or keep their existing Group Child Care Home License and certify that they will not care for more than six children or eliminate the child care home facility.

Scenario #2: City Council directs staff to develop language for Group Child Care Home provisions based upon Planning Commission alternate recommendations

- City Council shall determine which provisions to include in the text amendment (see attached check list). Once the provisions are determined, City Management shall create ZOTA language for consideration.
- City Council adopts new language.
- Existing Group Child Care Home license holders will be notified it is necessary to comply with the newly adopted ZOTA.
- If a Group Child Care Home is not in compliance with the dimensional requirements of the Zoning Ordinance, they are required to revise their homes to comply or seek variances from the Board of Zoning Appeals.
- If a Group Child Care Home is successful in acquiring variances or do not need variances they will need to apply for Special Use Approval (if required).
- If a Group Child Care Home obtains Special Use Approval from the Planning Commission (if required), they will need to apply for building permits for a change of occupancy.
- If a Group Child Care Home cannot comply with the building code provisions they will need to modify their homes to comply or apply for a variance from the Building Code Board of Appeals.
- If a Group Child Care Home cannot comply with accessibility requirements they can modify their home to comply or apply to the Barrier Free Design Board at the State of Michigan
- Once all plan review approvals are obtained, a permit will be issued.

- Once any work is completed, and all inspections are approved, a new certificate of occupancy would be issued.
- If a Group Child Care Home cannot comply or are unsuccessful in obtaining approvals or variances they will either need to change their license to Family Child Care Home or keep existing Group Child Care Home License and certify that they will not care for more than six children or eliminate the Group Child Care Home facility.

POTENTIAL GROUP CHILD CARE HOME REQUIREMENTS AND CITY MANAGEMENT CONCERNS

	Potential Requirement	Recommended or Mandated By	City Management Remarks
1	To maximize the safety and the privacy and to minimize noise for the neighboring properties, Group Child Care Homes shall be allowed on properties greater than one-half acre in size and having a minimum side yard setback of 20 feet.	Planning Commission	If the intent is to mandate that GCCH must be located on parcels greater than one-half acre in size, the term “only” should be used. The lot size requirement exceeds the minimum lot size requirements in all of the single-family residential zoning districts. 13 of the 20 existing GCCH presently licensed in the City would be unable to meet this requirement. The 20-foot side yard setback requirement exceeds the minimum lot size requirement for all of the single-family residential zoning districts. 15 of the 20 existing GCCH presently licensed in the City would be unable to meet this requirement.
2	The number of children so cared for who are not a part of the family residing in the subject dwelling unit shall not exceed twelve (12).	State of Michigan	
3	The resident-operator of the Group Child Care Home shall be licensed in accordance with applicable State Law.	State of Michigan	
4	To maximize the safety and the privacy for the neighboring properties, there shall be no dropping off of children between the hours of 10:00 p.m. and 6:00 a.m.	Planning Commission	
5	No structural changes or exterior alterations shall be made which would alter the residential character of the dwelling except as required by the State of Michigan licensing rules.	Planning Commission	

	Potential Requirement	Recommended or Mandated By	City Management Remarks
6	No sign shall be used on the premises to identify the Group Child Care Home.	City of Troy (current Zoning Ordinance requirement)	*This is a current Zoning Ordinance requirement.*
7	The conditions applicable to Home Occupations, as defined in Section 04.20.71 and as listed in Section 10.25.01, shall not apply to Group Child Care Homes.	Planning Commission	This should clarify that Section 10.25.01 as related to vehicular traffic does not apply; all other provisions should apply to GCCH.
8	Group Child Care Homes with vehicular access on a major thoroughfare shall be required to have a circular drive or an unobstructed turnaround area to allow for the safe egress of vehicles.	Planning Commission	2 of the 4 GCCH located on a major thoroughfare would be unable to meet this requirement
9	The Planning Director may waive any required site plan information provided it can be determined that the application meets the Group Child Care Home requirements of Section 10.30.10 and the general Special Use Approval standards of Section 03.31.05.	Planning Commission	
10	To maximize the safety and the privacy for the neighboring properties, if the outdoor play area is located on the premises, the play area shall be fenced or screened with a 6-foot high privacy fence.	Planning Commission	The requirement that Family and Group Child Care Homes require fenced or screened play areas could create equity issues for Group Child Care Homes within homes with deed restrictions or neighborhoods with bylaws prohibiting fences. This would create legal non-conforming structures.

	Potential Requirement	Recommended or Mandated By	City Management Remarks
11	The licensee shall register with the City upon commencing operation and on an annual basis each January thereafter, and the licensed premises shall be subject to a fire and building department inspection and shall provide a smoke detector in all daytime sleeping areas and otherwise comply with applicable building and fire codes.	Planning Commission	The requirement that Group Child Care Homes must register annually with the City seems unreasonable, since they require license renewal with the State of Michigan every two years. Few businesses in the City require annual registration. Since every use in the City must comply with Michigan Building Code requirements, including requirements for fire and building department inspection is unnecessarily repetitive.
12	The applicant shall identify the entrance(s) for drop-offs and pickups. The parking and drop-off areas shall be designed to maximize safety and privacy for the neighboring properties.	Planning Commission	

	Potential Requirement	Recommended or Mandated By	City Management Remarks
13	To prevent the commercialization of residential districts, Group Child Care Homes shall be not be located within 1,000 feet of another state licensed residential facility.	Planning Commission	The requirement that a Group Child Care Home shall not be located within 1,000 feet of another state licensed residential facility would be impossible to meet for 18 of the 20 Group Child Care Homes presently licensed in the City. This would create legal non-conforming structures. The City and Village Zoning Act prohibits a state licensed residential facility within 1,500 feet of another state licensed residential facility, unless permitted by local ordinance.

CHECKLIST
POTENTIAL CITY COUNCIL GROUP CHILD CARE HOME PROVISIONS

10.30.10 Group Child Care Homes, as defined in Section 04.20.69, subject to the following conditions:

	YES	NO	
1.	___	___	To maximize the safety and the privacy and to minimize noise for the neighboring properties, Group Child Care Homes shall be allowed on properties greater than one-half acre in size and having a minimum side yard setback of 20 feet.
2.	___	___	The number of children so cared for who are not a part of the family residing in the subject dwelling unit shall not exceed twelve (12). *Current State of Michigan requirement.*
3.	___	___	The resident-operator of the Group Child Care Home shall be licensed in accordance with applicable State Law. *Current State of Michigan requirement.*
4.	___	___	To maximize the safety and the privacy for the neighboring properties, there shall be no dropping off of children between the hours of 10:00 p.m. and 6:00 a.m.
5.	___	___	No structural changes or exterior alterations shall be made which would alter the residential character of the dwelling except as required by the State of Michigan licensing rules.
6.	___	___	No sign shall be used on the premises to identify the Group Child Care Home. *Current Zoning Ordinance requirement – no action necessary.*
7.	___	___	The conditions applicable to Home Occupations, as defined in Section 04.20.71 and as listed in Section 10.25.01, shall not apply to Group Child Care Homes.
8.	___	___	Group Child Care Homes with vehicular access on a major thoroughfare shall be required to have a circular drive or an unobstructed turnaround area to allow for the safe egress of vehicles.
9.	___	___	The Planning Director may waive any required site plan information provided it can be determined that the application meets the Group Child Care Home requirements of Section 10.30.10 and the general Special Use Approval standards of Section 03.31.05.

	YES	NO	
10.	___	___	To maximize the safety and the privacy for the neighboring properties, if the outdoor play area is located on the premises, the play area shall be fenced or screened with a 6-foot high privacy fence.
11.	___	___	The licensee shall register with the City upon commencing operation and on an annual basis each January thereafter, and the licensed premises shall be subject to a fire and building department inspection and shall provide a smoke detector in all daytime sleeping areas and otherwise comply with applicable building and fire codes.
12.	___	___	The applicant shall identify the entrance(s) for drop-offs and pickups. The parking and drop-off areas shall be designed to maximize safety and privacy for the neighboring properties.
13.	___	___	To prevent the commercialization of residential districts, Group Child Care Homes shall be not be located within 1,000 feet of another state licensed residential facility.

ATTACHMENTS RELATED TO

FAMILY CHILD CARE HOMES

FAMILY CHILD CARE HOME OUTCOMES AND ACTIONS

The Planning Commission discussed potential changes to provisions related to Family Child Care Homes. City Management identified the following list of outcomes and actions available to City Council on the Family Child Care Homes issue.

Scenario #1: City Council supports the Planning Commission recommendation of no change to the existing Family Child Care Home provisions

- Existing licensed Family Child Care Homes shall be permitted to continue indefinitely provided they continue to meet State and local requirements.

Scenario #2: City Council directs staff to develop language for Family Child Care Home provisions based upon Planning Commission recommendations

- City Council shall determine which provisions to include in the text amendment (see attached check list). Once the provisions are determined, City Management shall create language for adoption.
- Existing Family Child Care Homes would be legal non-conforming. The new rules would not apply. Existing Family Child Care Home license holders will be sent an additional notice of the newly adopted rules.
- If existing Family Child Care Home license holders are not in compliance with the technical requirements of the Zoning Ordinance, they will be considered legal non-conforming uses or structures subject to the requirements of Section 40.50.00 of the Zoning Ordinance.
- Prospective Family Child Care Homes shall be required to meet all requirements prior to being granted Special Condition Approval.

POTENTIAL FAMILY CHILD CARE HOME REQUIREMENTS AND CITY MANAGEMENT CONCERNS

	Potential Requirement	**Recommended or Mandated By**	**City Management Remarks**
1	The number of children so cared for who are not a part of the family residing in the subject dwelling unit shall not exceed six (6).	State of Michigan (current Zoning Ordinance requirement)	The Michigan Building Code should be changed to permit Family Child Care Homes with up to six children without requiring significant physical improvements to the home. *This is a current Zoning Ordinance requirement.*
2	The conditions applicable to Home Occupations, as defined in Section 04.20.71 and as listed in Section 10.25.01 shall not apply to Family Child Care Homes.	Planning Commission	*This is contrary to the current Zoning Ordinance requirement, which requires that FCCH comply with Home Occupation requirements.*
3	The resident-operator of the Family Child Care Home shall be licensed in accordance with applicable State Law.	State of Michigan	
4	To maximize the safety and the privacy for the neighboring properties, there shall be no dropping off of children between the hours of 10:00 p.m. and 6:00 a.m.	Planning Commission	
5	To maximize the safety and the privacy for the neighboring properties, if the outdoor play area is located on the premises, the play area shall be fenced or screened with a 6-foot high privacy fence.	Planning Commission	This requirement could create equity issues for Group Child Care Homes within homes with deed restrictions or neighborhoods with bylaws prohibiting fences. This would create legal non-conforming structures.
6	No structural changes or exterior alterations shall be made which would alter the residential character of the dwelling except as required by the State of Michigan licensing rules.	Planning Commission	
7	No sign shall be used on the premises to identify the Family Child Care Home.	City of Troy (current Zoning Ordinance requirement)	*This is a current Zoning Ordinance requirement.*
8	Family Child Care Homes with vehicular access on a major or secondary thoroughfare shall be required to have a circular drive or an unobstructed turnaround to allow for the safe egress of vehicles.	Planning Commission	

POTENTIAL CITY COUNCIL FAMILY CHILD CARE HOME PROVISIONS

10.25.02 Family Child Care Homes, as defined in Section 04.20.60, subject to the following conditions:

	YES	NO	
1.	___	___	The number of children so cared for who are not a part of the family residing in the subject dwelling unit shall not exceed six (6). *Current Zoning Ordinance requirement – no action necessary.*
2.	___	___	The conditions applicable to Home Occupations, as defined in Section 04.20.71 and as listed in Section 10.25.01 shall not apply to Family Child Care Homes. *Contrary to current Zoning Ordinance requirement.*
3.	___	___	The resident-operator of the Family Child Care Home shall be licensed in accordance with applicable State Law. *Current State of Michigan requirement.*
4.	___	___	To maximize the safety and the privacy for the neighboring properties, there shall be no dropping off of children between the hours of 10:00 p.m. and 6:00 a.m.
5.	___	___	To maximize the safety and the privacy for the neighboring properties, if the outdoor play area is located on the premises, the play area shall be fenced or screened with a 6-foot high privacy fence.
6.	___	___	No structural changes or exterior alterations shall be made which would alter the residential character of the dwelling except as required by the State of Michigan licensing rules.
7.	___	___	No sign shall be used on the premises to identify the Family Child Care Home. *Current Zoning Ordinance requirement – no action necessary.*
8.	___	___	Family Child Care Homes with vehicular access on a major or secondary thoroughfare shall be required to have a circular drive or an unobstructed turnaround to allow for the safe egress of vehicles.

Paula P Bratto

From: Cynthia A Stewart

Sent: Tuesday, March 07, 2006 1:42 PM

To: Cristina Broomfield (E-mail); Cynthia A Stewart; Dave Lambert (E-mail); Jeanne Stine (E-mail); John Lamerato; Louise Schilling (E-mail); Martin Howrylak (E-mail); Robin Beltramini (E-mail); Wade Fleming (E-mail)

Cc: Paula P Bratto

Subject: FW: Group Daycare Homes - A rebuttal of a paper submitted to City Council

-----Original Message-----
From: Curtis Childs [mailto:cdchilds@msn.com]
Sent: Tuesday, March 07, 2006 1:16 PM
Cc: Cynthia A Stewart
Subject: Group Daycare Homes - A rebuttal of a paper submitted to City Council

A Rebuttal to the "Analysis of Child Daycare Home problems abstract paper by CJ Chung"

Group daycare homes have existed in the City of Troy for upwards of 30 years, legally or not. Many group daycare owners contacted the City prior to opening and were told, in so many words, that group daycare homes were allowed. In those 30 years there has not been any complaints filed on a group daycare home by any of their neighbors, until recently. There was one complaint that brought this whole issue out. **One complaint in 30 years!**

The writer of the "abstract" that this paper rebuts states that "However, child care in private homes has caused a lot of problems, mainly due to the fact that homes were not designed for public services." There is no direct evidence of any reported problems in the City of Troy, except for the ONE complaint that brought this whole issue up. The complaint was about one car parking in front of another person's house. Well the streets are public streets and anyone can park anywhere anytime as long as they are not violating the law such as a no parking sign. As far as homes not being designed for public services, I would agree. Homes were designed for families. Families include children and taking care of them. There is no difference in a family or group daycare home and a large family that lives in a home, except for the fact that there is an exchange of money. Do any of the statements in the "abstract" apply if there is a family that has 12 of their own children? Are we going to regulate how many children people can have because of the *possibility* of some of the *alleged* problems?

The writer states "day care homes in the residential zoning area caused problems such as noise, parking, invasion of privacy, traffic, safety, increased city services, lowering property value of neighboring homes, and among others." Again, there are a lot of allegations and no substantiating evidence to support the claims. A recent FOIA of the City of Troy's complaints against daycare homes resulted in ONE being found, but actually it wasn't against the daycare. It was a barking dog complaint. Any home can have barking dog. The complaint wasn't about loud children or any other factor that related to daycare.

Many people would like to try and say that people don't know how to make a complaint. Anyone who works in government knows this is not true. It is the government's job to hear complaints and act on them, which is part of protecting the general welfare of the people. As a police officer I know that people do complain when they feel it necessary. They know how to call the police about neighborhood issues and the police know whether or not it is a police issue or they will redirect the complainant to call the city ordinance offices.

The writer of the abstract states "Currently, townships and counties can not prohibit licensed group homes. In the case of cities except some cities like Farmington Hills that changed their ordinance in 2005, current State laws do not have the same restrictions [OYC 2005]. That means there are a lot of group day care homes in most cities that have been operated illegally in their homes for years without much attention from the cities." **This true and the reason that many may have been operating without much attention is because they are not a problem**. In addition, why are they legal in townships and counties but not cities? Shouldn't citizens of the City of Troy or the people who work here have all the options of child care available to them that citizens of townships do? Farmington Hills changed their ordinance because they realized that times have changed and group daycare homes are needed. Would they have made the ordinance change if group daycare homes were bad for the City of Farmington Hills? I think not. Livonia changed their ordinance in 1998 to allow group daycare homes and the Livonia Mayor is on record stating that the ordinance change has not had any negative effects on the City of Livonia.

In section 2.1 the writer has a table showing the business hours of home child day care business to be 6am to 10pm. That is not accurate and I question how that data was obtained. Many if not all group daycare homes in Troy close no later than 6pm. The table shows that there is a special license required, is that a bad thing? The table shows a special inspection required, again is that a bad thing? Both are done by the State of Michigan to ensure the safety of the children that are in the care of the home. The table shows that there is a "large" amount of extra city services needed. Where is the proof? I would argue that there are no more services needed than a family that has a few children. Does the trash pickup require an extra trip to the home? NO. The water bills are paid based on usage and I would argue that the water bills of a day care home are no larger than a family with a few children.

In section 2.1 the writer displays a graph showing the percentage of violation by the three types of care. According to the paper "It is explicitly revealed that there have been more accidents in home day care facilities." What the writer doesn't tell you is that currently there are almost 18,000 licensed child care facilities in Michigan and less than 5,000 of those are day care centers, so obviously there will be less accidents since there are far less day care centers. This also points out simple economics of supply and demand. **Obviously, parents prefer their children in home settings. If parents preferred their children in day care centers there would be more of them**.

The writer then goes on to list types of violations that have occurred in day care homes. I am sure that these violations have occurred throughout the State of Michigan but the way these are portrayed makes it seems as though we should eliminate child care altogether. These must be kept in perspective. Is there any place that we can go as a society that has not had negative incidents? The writer, I believe, is a school teacher. With all the recent reporting of teachers having inappropriate or illegal relationships with students should we stop sending our children to school? NO, I think not. There is not a single place in society that has not had a negative incident, even our most sacred areas such as churches have had recent negative incidents.

In section 2.4 the writer states "Inherently homes are de(s)igned and build for protecting privacy. We do not know what is going on inside a house. While, day care centers are designed and built for public use. I believe that is the main reason why there have been so many accidents/violations occurring in family/group day care homes..." Obviously, the writer has not visited a day care center. Many of them are built with very good security and not a lot of area to view in so that they children stay protected. The public cannot just walk right into a day care center. Many places have to "buzz" you in electronically. This is to protect the children.

The writer also states "Homes are located, designed and build to maximize privacy." Earlier in the abstract that was one of the complaints that day care homes are an invasion of privacy. Which one is correct? The writer mentions the criminal record check required for family or group day care home operators. I believe there are also some concerns with teachers and they are doing criminal checks on them as well. Is that a bad thing?

In section 2.5 the writer suggests that many day care homes are using the basement to provide care. How did he obtain this information? It is an unsubstantiated guess, where is the evidence to back up this claim? Even if true the area would have to be

licensed by the State of Michigan prior to using. One of the licensing requirements is two means of egress from the basement, one being the staircase to the upstairs and the other being an egress window or walkout, not just a regular window. The State will not license any area that is not safe for the children.

In section 2.6 the writer points out that DHS states that prior to submitting an application it is 'wise' to contact local zoning authorities to see if operating a group home is allowed in a designated neighborhood. I repeat that many group daycare homes in Troy did that.

The writer then mentions House Bill 4398 and some of the conditions including the 1,500 foot requirement. The writer leaves out the fact that section 206, subsection 8 of House Bill 4398 also includes the following statement in regards to it requirements "**The requirements of this section shall not prevent a local unit of government from issuing a special use permit, conditional use permit, or other similar permit to a licensed or registered group day-care home that does not meet the standards listed under subsection (4)**" Obviously the intent of the Bill is to allow for group daycare homes whenever possible.

In section 2.7 the writer lists "Business noise problems" such as slamming the entrance door, slamming car doors, starting the car, shoveling the snow and when they talk on the phone outside. These "noises" are no different than any other home. I would think most people would complain about snow not being shoveled. It seems to me that someone has to be intentionally listening for these sounds in order to hear them. I cannot tell when my neighbor starts their car or leaves their house.

In section 2.7.2 the writer states "Home owner of the side by side neighbor could not open the window due to eye contacts with strangers; they can easily look into the very deep inside of the house, if the blinds (or curtain) are open." Eye contact can only occur if both people are looking at each other. If someone doesn't want someone looking in their house then they shouldn't open the blinds. Day care homes or not, if blinds are open people may look in. How many times has someone looked inside my front window when they drive or walk down the street? I don't know. I don't stand there and watch, but I am sure it happens. I know that I have looked in homes that have blinds open when I walk or drive past. That is not an invasion of privacy, there can be no expectation of total privacy if the blinds and/or drapes are open.

In section 2.7.4 the writer mentions a maximum of 13 cars. That is the maximum but that is **not** reality. Many group daycare homes have siblings and many have families that are in walking distance. (Statistics have been submitted to City Council)

In section 2.7.5 the writer mentions that most accidents occur in driveways. The writer does not give Troy statistics but sites an insurance companies study. We submitted to the planning commission statistics from the State of Michigan based specifically on Troy traffic. Most of the accidents in Troy were on main or secondary roads not residential and certainly not in driveways.

In section 2.7.8 the writer mentions that property values are lower. Again, there is no direct evidence to support that unsubstantiated claim. The property values in Troy have, according to the City's website "Due to the passage of Proposal A in 1994, Troy homeowners have seen, at most, a 3.2% increase in Taxable Values in any one year, **despite a 7.2% average increase in Market Values.** Family and group daycare homes are scattered throughout the City. The website does not state any exception to areas that have family or group daycare homes. I am aware of a home that sold for at or above market value in Troy that is right next to a group daycare home. Back in 2002 the house at 1919 Atlas sold for $210,000. Maybe there is more to tell about the writer's home and that may be the reason for the low demand.

There is strong disagreement with section 3.3 of the writer's abstract paper. The minutes from the planning commission may state that some of the commissioners believed that public input and other things demonstrated that group daycare homes have a negative impact

on neighboring property. I would argue that this is not factual, but an opinion. There were a total of four (4) public hearings. For each public hearing almost 1,000 letters were sent out. That is a total of 4,000 letters. There have been complaints I am sure, but many have been from the same person or a few people. Some are multiple complaints from the same person. At the first public hearing on August 9th, 2005 there were 36 people that spoke out positively in support of group daycare homes in Troy. There were no negative comments from anyone. At each subsequent public hearing there were always more people in support, there were only 1 or 2 people that spoke out against and they were the same people each time.

In the writers conclusion it is represented that homes are not built for 12 babies. Does the writer know of any daycare home that cares for 12 "babies"? I would state to you that there are not. 12 "babies" would require 5 additional assistants since that is the State's regulation (1 person for every 2 infants). If by "babies" the writer means children then I would argue again that homes are built for caring for children. If we were to look I believe that we could find a family in Troy that cares for more than 6 children of their own. Many of the group daycare homes may not even have 12 many only have the group license because they care for more than 6 because of siblings, not that they have 12 children every day. Many group daycare homes do not care for 12 children; they may just have more than 6.

The Group Daycare Homes should be allowed and there should be some regulations attached, no one is arguing that point, but to not allow something that has ***peacefully existed in the City of Troy for 30 years previously is outrageous***. It is not something new that would be allowed. The State Act allowing for group daycare homes was enacted in 1973. There is no slippery slope that the City would be heading down. There should not be a concern of "businesses in residential neighborhoods" because Group Daycare homes are not like other commercial businesses. It is not like a drive thru window at McDonalds, there is not a constant flow of traffic. Group Daycare homes are not manufacturing anything so there are no environmental issues to be concerned with. They are caring for children. Since when has caring for children in a residential area become illegal? There are many businesses operating peacefully in residential neighborhoods. People are operating websites that sell products and they receive deliveries daily. People are giving music lessons where their various students come to and from their house each day. Other are doing nails where they have customers come and go. Is Troy going to put an end to those "businesses" as well? What about tutors, consultants and accountants who do taxes? Is the City going to regulate them or is caring for children going to be singled out as a bad thing for the City of Troy?

It cannot be stressed enough that these Group Daycare homes have been here in the City of Troy quietly, legally or not, **THEY HAVE BEEN HERE FOR 30 YEARS!!!!!**

Paula P Bratto

From: Cynthia A Stewart

Sent: Tuesday, March 07, 2006 8:00 AM

To: Cristina Broomfield (E-mail); Cynthia A Stewart; Dave Lambert (E-mail); Jeanne Stine (E-mail); John Lamerato; Louise Schilling (E-mail); Martin Howrylak (E-mail); Robin Beltramini (E-mail); Wade Fleming (E-mail)

Cc: Paula P Bratto

Subject: FW: Public Hearing on Troy Day Care Centers

-----Original Message-----
From: Eric Belmont [mailto:E_Belmont@msn.com]
Sent: Monday, March 06, 2006 9:42 PM
To: Cynthia A Stewart
Subject: Public Hearing on Troy Day Care Centers

Dear Troy City Council -
I understand that there is a public hearing scheduled for Mon, Mar 6, '06 to discuss day care centers located within Troy's city limits.
I am a Troy resident: Eric Belmont, 5425 Hertford, in Sylvan Glen. My children are all grown, and live out of state with families of their own.
The Collins Family lives across the street and has resided there for about 10 years, also operating a day care center in their residence for many years.
I think they has done an admirable job in operating their day care facility. I have not ever had a single complaint about the way in which they have handled the children under their care in all the years they have been doing it.
In fact, talking to the Collins family members is the only way I know thay have a day care center.
I personally think that the day care services offerred by Troy families should be encouraged. They provide a valuable service to the community. And from my experience, there are no negative consequences whatsoever.
I suppose that its possible some other day care centers may not comport thenmselves as carefully as does the Collins family. I think that under such circumstances, the situation would be best dealt with individually. Ii does not make sense from my point of view to try to devise regulations to control the entire day care community based on the behavior of a small minority of its members.
In summary, I 'd like to repeat that the Collins family provides an important service to the City of Troy, without adversely affecting this neighbor. I would be happy to see their day care service continue.

Eric Belmont
Troy Citizen

Paula P Bratto

From: Cynthia A Stewart
Sent: Tuesday, March 07, 2006 8:00 AM
To: Cristina Broomfield (E-mail); Cynthia A Stewart; Dave Lambert (E-mail); Jeanne Stine (E-mail); John Lamerato; Louise Schilling (E-mail); Martin Howrylak (E-mail); Robin Beltramini (E-mail); Wade Fleming (E-mail)
Cc: Paula P Bratto
Subject: FW: Group Daycare Homes

-----Original Message-----
From: Curtis Childs [mailto:cdchilds@msn.com]
Sent: Tuesday, March 07, 2006 7:40 AM
To: Cynthia A Stewart
Subject: Group Daycare Homes

As citizens of Troy we would like to know your position on the Group Daycare issue? We feel that we as citizens should be afforded the courtesy of knowing what way our elected council members are leaning on this very important issue.

We would like to sit down and discuss this issue (hopefully before March 20th) and find out your opinion on our value to the community and the City of Troy. We understand that you have received a wealth of information on this topic however we are willing to answer any questions that you may have and clear up any misinformation or misunderstandings that there may be.

Curtis and Nichol Childs

Paula P Bratto

From: Cynthia A Stewart

Sent: Wednesday, March 08, 2006 7:05 PM

To: Cristina Broomfield (E-mail); Cynthia A Stewart; Dave Lambert (E-mail); Jeanne Stine (E-mail); John Lamerato; Louise Schilling (E-mail); Martin Howrylak (E-mail); Robin Beltramini (E-mail); Wade Fleming (E-mail)

Cc: Paula P Bratto

Subject: FW: Day care In Troy

-----Original Message-----
From: gigi stone [mailto:gigilake1@yahoo.com]
Sent: Wednesday, March 08, 2006 6:52 PM
To: Cynthia A Stewart
Subject: Day care In Troy

I just got wind that the council is considering shuting down daycare at places that the state has given them permits and licenses to operate at certain locations. It is in my opinion that since the state will them operate at these locations, The council should tell the trouble makers to take there case to the state and not to you people.Furthermore if council shuts down a business such as day care, It should also shut down any business that operates out of a home address. Whats good for the goose ya know.

In closing, I heard the daycare had quite a lot of support at your last meeting.If you people shut them down I wouldn't be surprised if they start a new campaign, and would be to vote the current council out and you what, I wouldn't blame them. Government is supposed to be of the people, by the people and for the people. I tell my family if there not doing ther jobs get rid of. Ask your self are you doing the job you were elected to do.

Sincerely Andrew

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

Paula P Bratto

From: Cynthia A Stewart
Sent: Wednesday, March 08, 2006 4:11 PM
To: Cristina Broomfield (E-mail); Cynthia A Stewart; Dave Lambert (E-mail); Jeanne Stine (E-mail); John Lamerato; Louise Schilling (E-mail); Martin Howrylak (E-mail); Robin Beltramini (E-mail); Wade Fleming (E-mail)
Cc: Paula P Bratto
Subject: FW: day care

-----Original Message-----
From: Ruth West [mailto:muffin7261@yahoo.com]
Sent: Wednesday, March 08, 2006 3:16 PM
To: Cynthia A Stewart
Subject: day care

To whom it may concern,

I'm writing to protest the closing of 19 Day care home centers..

Those that are caring for the children are mostly state licensed and reliable.

If these home centers are closed it'll put 19 persons out of work, plus their helpers, and the teachers will have to take their children out of Troy for day care. Is this fair, because of one persons complaint, that didn't involve anything connected with daycare?

I strongly SUPPORT the in-home centers.

Thank you.

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

Paula P Bratto

From: Cynthia A Stewart
Sent: Thursday, March 09, 2006 7:32 AM
To: Cristina Broomfield (E-mail); Cynthia A Stewart; Dave Lambert (E-mail); Jeanne Stine (E-mail); John Lamerato; Louise Schilling (E-mail); Martin Howrylak (E-mail); Robin Beltramini (E-mail); Wade Fleming (E-mail)
Cc: Paula P Bratto
Subject: FW: group childcare

-----Original Message-----
From: mocherries01@wowway.com [mailto:mocherries01@wowway.com]
Sent: Thursday, March 09, 2006 12:51 AM
To: Cynthia A Stewart
Cc: childsplayhome@msn.com; jmz12761@hotmail.com
Subject: group childcare

Troy City Council,
This letter comes to you in support of group daycare homes. My name is Joseph Moceri and I am a resident of Royal Oak and a teacher at Troy High School. My son A.J. has been enrolled at Cherished Moments Child Care for the past three years and has flourished under the care of Cherished Moments provider Judy Collins. My wife and I interviewed several Royal Oak and Troy daycare providers in larger commercial establishments and found Ms. Collins facility to be significantly more desirable. We contacted several of her references prior to our enrolling our son in Cherished Moments and found all to be completely satisfied as well.

The service these group daycare homes provide is necessary and much more personal than those of big, commercial daycare facilities. These small businesses should be commended and encouraged instead of being challenged and threatened. Cherished Moments provides a loving, nurturing atmosphere which our son looks forward to attending each and every day. We have another child on the way and are planning to send her to Cherished Moments as well.

I am deeply concerned about the direction you are taking as a council with regards to community and families. As you can surely understand, safety and security are main components for any parent when choosing daycare for loved ones. By being placed securely in a Troy neighborhood, Cherished Moments and other Troy group daycare homes provide this type atmosphere. Please allow them to remain in operation under the guidelines the state provides.

Please contact me if you have any questions.

Joseph Moceri
3123 Glenview
Royal Oak, Mi 48073
(248)435-9951
--
WOW! Homepage (http://www.wowway.com)

Paula P Bratto

From: Cynthia A Stewart
Sent: Thursday, March 09, 2006 7:32 AM
To: Cristina Broomfield (E-mail); Cynthia A Stewart; Dave Lambert (E-mail); Jeanne Stine (E-mail); John Lamerato; Louise Schilling (E-mail); Martin Howrylak (E-mail); Robin Beltramini (E-mail); Wade Fleming (E-mail)
Cc: Paula P Bratto
Subject: FW: Save home daycare

-----Original Message-----
From: Alicia Wahls [mailto:aliciawahls@hotmail.com]
Sent: Wednesday, March 08, 2006 7:28 PM
To: Louise.Schilling@troy.mi.us; Cynthia A Stewart
Cc: jmz12761@hotmail.com; childsplayhome@msn.com
Subject: Save home daycare

We are writing as concerned parents. I work at Smith Middle School in Troy and our 19 month old son is in a home daycare in Troy and has blossomed there. The daycare providers are loving and structured everday. Our son loves going to see his friends and be with his providers. We like the fact that the daycare is in a home as we see it as a more warm, loving environment for children.
Please keep home daycares open and running. We can't afford to lose this wonderful service our children and us have grown to love and treasure.
Thank you,
Robert and Alicia Wahls

Paula P Bratto

From: Cynthia A Stewart

Sent: Monday, March 13, 2006 10:47 AM

To: Cristina Broomfield (E-mail); Cynthia A Stewart; Dave Lambert (E-mail); Jeanne Stine (E-mail); John Lamerato; Louise Schilling (E-mail); Martin Howrylak (E-mail); Robin Beltramini (E-mail); Wade Fleming (E-mail)

Cc: Paula P Bratto

Subject: FW: In home Day care

-----Original Message-----
From: Klau, Christopher [mailto:ChristopherKlau@rockfinancial.com]
Sent: Monday, March 13, 2006 10:39 AM
To: Cynthia A Stewart; louise.schilling@troy.mi.us
Cc: childsplayhome@msn.com; jmz12761@hotmail.com
Subject: In home Day care

To Whom It May Concern:

I wanted to write and let you know that I am 100% in favor of allowing group daycare homes in Troy! I would be very turned off by the city of Troy if this were shut down and I know MANY other citizens and patrons of the city would be as well. I do not think this would be in the best interest of the city and would be very disappointed and upset if this were to happen.

Make the choice for the children who are part of the day care and what is in THEIR best interest!!! They are what matters most!

Chris Klau

Executive Mortgage Banker
Rock Financial
248-427-3363 Direct
248-762-0118 Mobile
734-805-8538 Fax
chris.klau@rockfinancial.com

Research and apply at:

www.chrisklau.com

Paula P Bratto

From: Cynthia A Stewart

Sent: Monday, March 13, 2006 7:38 AM

To: Cristina Broomfield (E-mail); Cynthia A Stewart; Dave Lambert (E-mail); Jeanne Stine (E-mail); John Lamerato; Louise Schilling (E-mail); Martin Howrylak (E-mail); Robin Beltramini (E-mail); Wade Fleming (E-mail)

Cc: Paula P Bratto

Subject: FW: Group Day Care

-----Original Message-----
From: Mary Lowe [mailto:mdlowe@wideopenwest.com]
Sent: Saturday, March 11, 2006 10:54 AM
To: Cynthia A Stewart
Subject: Group Day Care

I am a neighbor of a Group Day Care provider. She has been doing this for years and I have never had a problem with it. I admire her for what she does. I could never do it. I would like to see her continue.

Mary Lowe

Paula P Bratto

From: Cynthia A Stewart
Sent: Monday, March 13, 2006 7:35 AM
To: Cristina Broomfield (E-mail); Cynthia A Stewart; Dave Lambert (E-mail); Jeanne Stine (E-mail); John Lamerato; Louise Schilling (E-mail); Martin Howrylak (E-mail); Robin Beltramini (E-mail); Wade Fleming (E-mail)
Cc: Paula P Bratto
Subject: FW: Daycare 1268 Glaser

-----Original Message-----
From: Kimberyl Marvin [mailto:themarvfam@msn.com]
Sent: Saturday, March 11, 2006 5:53 PM
To: Cynthia A Stewart
Subject: Daycare 1268 Glaser

City Council Members and Planning Commission Members

My name is Kim Marvin, 1268 Glaser I have been a family daycare provider for Ten years five of them in Troy. I would like to express to you my thoughts on daycare and the complaints against them. I hope that you listen to all the positive things we have to offer the community.

As parents, caregivers and community members it is our responsibility to keep our children safe, healthy, happy and active this includes plenty of outdoor play. We know where our children are and what they are doing. We are an important part of this community; we are the extended family of these children. Troy is known for being a great place to raise a family. I hope you will continue to encourage this, and not change because of the complaints of a few.

As a daycare provider I would like to point out that we do not keep the children outside for hours on end. We go in and out as part of our daily routine. I would also like to point out that neighborhoods in general are louder in the summer as more people are out and about having fun and kids are out of school. That's what summer is all about playing ball, swimming, playing tag, biking, running through a sprinkler, etc. These are the joys of summer. For years we have told our children to use their inside voices inside and their outdoor voices outside. What a shame it would be to tell our children they can no longer have an outside voice.

I know some of you have heard the complaints of the man renting the home next to mine at 1250 Glaser. I would like you to note that this man has complained to the city for many years on many people in the neighborhood (all unfounded). I fear he is using the city to harass the neighborhood. He has actually yelled at my son and husband for playing basketball on our driveway on a Saturday. (No daycare on weekends)
We have spent many hours landscaping and put a lot of money into making improvements to our home. While my neighbor Mr. Milostan has much debris in his yard as well as an overwhelming wood pile he uses as a privacy fence 2 rows deep, approx. 7ft. high and approx. 250 feet long on both sides of the property. I believe this to be unsafe and attract animals and varmint. He also runs his chainsaw and log splitter almost everyday as he has wood dropped off in his driveway on a regular basis. He has complained of noise and traffic when he himself runs an astrology business out of his home where he has cars coming and going all day and evening. Where as a daycare only has a light morning and afternoon drop off and pick up, and is a valuable asset to the community.
(Five of the children enrolled in my daycare can walk to my home)

I have never made a complaint against Mr. Milostan until his attacks on my

family and daycare got to be overwhelming. Marlene and Joe from the city inspection office have visited me many times and have told me to continue doing what I am doing. At that time he then went to the city attorney, three of my neighbors talked to the city attorney to explain the situation with this neighbor. They have been dealing with him for more years than I have been here. I have tried to work things out with Mr. Milostan, but I have come to the conclusion that no matter what I do it will never be to his satisfaction. Two years ago, I put my play equipment on the other side of my home away from him and yet he continues to complain. He has also contacted the state on my daycare. When my representative came out the first thing she asked me was; is there someone that doesn't like you or doesn't like children? She found his complaint to be under false pretense.

I walk with my child, as well as neighborhood children, to Costello School everyday. I am a familiar face on the walk to school for many kids. When I am outside with my daycare, I can hear the children in the playground at Costello, another valuable asset to the community. Yet, no one complains about the joyful screams of the children out for recess nor should they.

We must continue to show our children that the community cares about them. It takes a special type of person to run a daycare. I do daycare so other families can go to their jobs knowing that their children are in an at home atmosphere and are loved and well taken care of, to these children my home is a home away from home, and that is just what the parents want.

Some women have the desire to have a career and a family and this is where I come in. I have always wanted a large family and to be a stay at home mom however, it is almost impossible to have a large family with one income. I do daycare to contribute to the family income. In this way I am getting the large family I want as well as helping others have their careers and raise a family.

I ask you to take all sides into consideration and also consider today's world. Most families need two incomes; some of us choose careers outside the home and some inside the home. The families of Troy need in home daycare services. Please do not let the complaints of a few control the majority, and please do not feel like you have to view me from Mr. Milostan's property, my door is always open. Unlike Mr. Milostan hiding behind the city I have nothing to hide. I would appreciate it if you would give me and all my neighbors the common courtesy of hearing the entire situation and not just the view of an extremely bitter man.

Thank you
Kim Marvin
1268 Glaser
Troy, MI
themarvfam@msn.com

Paula P Bratto

From: Cynthia A Stewart

Sent: Tuesday, March 14, 2006 7:58 AM

To: Cristina Broomfield (E-mail); Cynthia A Stewart; Dave Lambert (E-mail); Jeanne Stine (E-mail); John Lamerato; Louise Schilling (E-mail); Martin Howrylak (E-mail); Robin Beltramini (E-mail); Wade Fleming (E-mail)

Cc: Paula P Bratto

Subject: FW: Group Day Care Issue

-----Original Message-----
From: Chuck Rogers [mailto:chuckie99@wowway.com]
Sent: Monday, March 13, 2006 5:32 PM
To: Cynthia A Stewart; louise.schilling@troy.mi.us
Cc: childsplayhome@msn.com
Subject: Group Day Care Issue

Troy City Council, et al:

I would like to voice my opinion that as a neighbor to Childs Play Home I have observed NO negative impact relative to traffic, noise and/or attractiveness of the neighborhood.

I would strongly recommend that Childs Play Home be allowed to operate in the same manner that they have done for the past years. I consider their home and activities an asset to the neighborhood.

We are only four homes away from the facility on Atlas and would easily observe any issues as this is likely the choice for most drivers to reach the home. We also are able to observe the outside/general upkeep of the property during our walks in the neighborhood.

Again, let them continue to operate with their current attendance levels.

Sincerely,

Charles & Sharon Rogers
2039 Atlas Drive
Troy, MI 48083-2664

Paula P Bratto

From: Cynthia A Stewart
Sent: Tuesday, March 14, 2006 8:45 AM
To: Cristina Broomfield (E-mail); Cynthia A Stewart; Dave Lambert (E-mail); Jeanne Stine (E-mail); John Lamerato; Louise Schilling (E-mail); Martin Howrylak (E-mail); Robin Beltramini (E-mail); Wade Fleming (E-mail)
Cc: Paula P Bratto
Subject: FW: YES for Group Daycare

-----Original Message-----
From: Michelle Hornberger [mailto:mhornsy@yahoo.com]
Sent: Tuesday, March 14, 2006 8:40 AM
To: Cynthia A Stewart; louise.schilling@troy.mi.us
Subject: YES for Group Daycare

Dear City Council and Mayor Schilling,
I am a Troy resident and firmly believe in the value of group daycare homes. They provide a warm, loving and nurturing environment for many children, and also provide tremendous support to parents such that when parents leave their children for 8+ hours each day, they feel confident that their children are being well cared for in a home-like environment.

The City of Troy needs to continue to think like a "futuristic" city and supporting any adversarial action against group daycare would be in complete contradiction to the current Futures Process being conducted right now. I am positive that Ed Barlow would be ashamed of any and all city council members that do not support existing group daycare homes in Troy and the resulting negative impact that such a shortsighted decision would have on the children. You, as Troy residents, should be thinking outside the box and supporting any and all programs for children, especially those that mimic a family-oriented environment. (Lest you remember that Troy was ranked as one of the safest cities in the U.S. and no doubt due to the strong, family-rooted culture in Troy, propagated also through group daycare homes.)

Finally, it is unbelievable that you have allowed so much of your valuable time to be devoted to the question of whether to continue to allow stable, compliant, well-functioning, and highly desirable group daycare homes. I find it extremely disappointing that this issue is on the same agenda as Troy's issues with the civic infrastructure, loss of corporate businesses (i.e. KMart) and the current state of the economy. Troy residents deserve better.

Sincerely,
Michelle H.
Troy Resident

Yahoo! Mail
Bring photos to life! New PhotoMail makes sharing a breeze.

Michelle Moorton Fragnoli
3455 Eagle Dr.
Troy, Mi
48083

3/14/06

To City Council Members of Troy,

I have been a resident of Troy for five years now. My decision for moving to this city was based on location and the school system. I was pregnant with my first child at the time, so my husband and I were trying to find a location close to family, as well as, an area that would have great opportunities for our children. Since, I am a teacher myself, I researched the school system thoroughly, as well as, the neighborhood. I found Troy to be one of the most safe and culturally diverse suburban areas in the Metropolitan Detroit area, and I found Troy Public Schools to be among the best in Michigan. Therefore, it seemed like a great place for families, and I wanted my family to live in this type of community.

There was one drawback in moving to Troy. This move would require me to work at least part time to pay our mortgage. However, the benefits in moving to Troy outweighed the one negative. Also, at that time I researched and found many options for day care right here in the city of Troy. I thought with all of the options I would be able to find nurturing, and affordable daycare that would help my children develop and learn socially, and educationally in my absence. I did find one such day care provider for my second child, who was one last summer when I returned to work after a family leave of absence from work. It was a group daycare right here in my own city, who was licensed through the state, and who had passed all of my tough requirements from my own strict checklist.

Originally, my husband and I planned on having my son be apart of this safe, and nurturing environment until he is ready for school. However, a few months ago my husband and I have learned that our city is contemplating closing the door to this opportunity for my son and our family. Since, we learned of the news both my husband

and I have been following the cities actions and the residents responses closely. I am appalled that such a minimal amount of complaining by few people, who sleep odd hours and are bothered by the sound of children playing, or complain about a few too many cars driving near their home and going into other peoples driveways, could change my family's opportunity as well as, many other families schedules and plans. My son along with dozens more children and families will be displaced and have to make transitions that will cause hours of anxiety, and sleeplessness, not to mention total disruptions in sleep patterns, as well as, eating patterns, playing patterns, learning patterns etc.

The thought of this taking place completely infuriates me, and brings several other questions to mind regarding other freedoms. Will other Troy residents, who have several children of their own, be asked to keep their children indoors, or will they be ticketed for noise? Will residents, who have children's birthday parties or pool parties be asked to stop, or ticketed? Will citizens, who have frequent visitors be asked to keep cars and traffic to a limit, or will they be ticketed? Will families who own four or more vehicles in Troy be asked to sell or store their cars, or will they be ticketed?

Thank you for your consideration.

Sincerely,
Michelle Moorton

Paula P Bratto

From: Melissa Boehms [melissaboehms@hotmail.com]
Sent: Tuesday, March 14, 2006 4:25 PM
To: Paula P Bratto
Subject: Fences

Dear City Council:

Thank you for your time. My name is Melissa Boehms (pronounced Beams) and I care for one child in my home. I am a licensed Day Care.

I have a beautiful back yard that is maintained beautifully. It is completely surrounded by a four foot wooden post fence with a black coated wire. On one side, I have planted eight privet bushes, that will grow up to eight to nine feet tall. Because of these bushes, during the summer my fence is graced by a solid wall of green, trimmed shrubbery. If you walk to the back of my yard, my neighbor maintains six beautiful rose shrubs that grow six to eight feet tall. They produce the most beautiful pink double blossoms you can ever imagine. They need the sun light from my yard to grow and flourish. On the third side, I plant morning glories that grace both my neighbors and my yard during the summer. Because of the sunlight, they bloom mostly on their side of the fence.

As a single woman, I do everything I can to maintain the beauty of my yard. I cut my lawn at least one time a week, but in the growing months, sometimes twice a week. I have pride in my yard regardless of my child care.

Please think about your proposal insisting that Day Care providers install a six foot privacy fence. They are ugly and a solid wood fence will kill any shrubs or rose bushes planted either by me or my neighbor. My neighbors are very upset that you are thinking about requiring a solid fence and plan to either write the City Council or attend the meeting March 20th.

I have no problem to yearly ask my neighbors to sign a consent form releasing me of having to install an ugly six foot solid wood fence facing their property just because I take care of little children. Any other alternative that you suggest, I am sure, will be welcomed. Also, according to the by-laws of our Forest View Subdivision, six foot fences are not permitted but I believe that it will and can be overrided by the city of Troy.

Anyways, thank you for reading my email. Please have all the members reconsider their proposal. A six foot high solid wood fence will only take away from the beauty of our yards and definitely our property values.

Sincerely, Melissa Boehms

Paula P Bratto

From: Cynthia A Stewart

Sent: Wednesday, March 15, 2006 7:26 AM

To: Cristina Broomfield (E-mail); Cynthia A Stewart; Dave Lambert (E-mail); Jeanne Stine (E-mail); John Lamerato; Louise Schilling (E-mail); Martin Howrylak (E-mail); Robin Beltramini (E-mail); Wade Fleming (E-mail)

Cc: Paula P Bratto

Subject: FW:

-----Original Message-----
From: jaikort@aol.com [mailto:jaikort@aol.com]
Sent: Wednesday, March 15, 2006 6:31 AM
To: Cynthia A Stewart
Subject:

To Whom It May Concern:

My children currently attend a licensed group home day care in Troy. I am a parent who has no choice but to work full time outside my home. Although I would much rather stay home with my children this is not the case. I do not have family members who can help me out on a consistent basis.
I am very fortunate to be able to send my child to this group home day care. I am opposed to Centers that provide day care because of the employee turn-over rate and the excess of 25-40 children. Centers also do not provide children with the feeling of being in a home setting.
My children are well cared for each day and have the benefit of being with a consistent adult. Please consider to approve having licensed Group home day-cares in Troy. Put a working mom's worries to rest.

Thank you,
A concerned working mom

Paula P Bratto

From: Donnelly, Mary Ann [maryann.donnelly@eds.com]
Sent: Wednesday, March 15, 2006 7:31 AM
To: Paula P Bratto
Subject: FW: Fences

I am this lady's backyard neighbor. I certainly do NOT want a 6-foot solid fence between our yards.

I do not believe that this is something that can and should be mandated by others. I cannot think of one of her neighbors that support this measure.

We all have somewhat small backyards and would not appreciate a fence that would further restrict the feeling of openness, not to mention neighborliness.

We all maintain our yards quite nicely and take enjoyment in viewing the neighboring yards.

This should NOT be forced upon people who do not want it. Where there is a problem, that problem should be addressed. But this should not be handled by forcing a solution on people who do not have problems.

Thank you for your time and attention to this.

Mary Ann Donnelly
1844 Flemington
Troy
Day 313 592-7401
Evening 248 641-8593

-----Original Message-----
From: Melissa Boehms [mailto:melissaboehms@hotmail.com]
Sent: Tuesday, March 14, 2006 4:25 PM
To: planning@ci.troy.mi.us
Subject: Fences

Dear City Council:

Thank you for your time. My name is Melissa Boehms (pronounced Beams) and I care for one child in my home. I am a licensed Day Care.

I have a beautiful back yard that is maintained beautifully. It is completely surrounded by a four foot wooden post fence with a black coated wire. On one side, I have planted eight privet bushes, that will grow up to eight to nine feet tall. Because of these bushes, during the summer my fence is graced by a solid wall of green, trimmed shrubbery. If you walk to the back of my yard, my neighbor maintains six beautiful rose shrubs that grow six to eight feet tall. They produce the most beautiful pink double blossoms you can ever imagine. They need the sun light from my yard to grow and flourish. On the third side, I plant morning glories that grace both my neighbors and my yard during the summer. Because of the sunlight, they bloom mostly on their side of the fence.

As a single woman, I do everything I can to maintain the beauty of my yard.
I cut my lawn at least one time a week, but in the growing months, sometimes
twice a week. I have pride in my yard regardless of my child care.

Please think about your proposal insisting that Day Care providers install
a six foot privacy fence. They are ugly and a solid wood fence will kill any
shrubs or rose bushes planted either by me or my neighbor. My neighbors are
very upset that you are thinking about requiring a solid fence and plan to
either write the City Council or attend the meeting March 20th.

I have no problem to yearly ask my neighbors to sign a consent form
releasing me of having to install an ugly six foot solid wood fence facing
their property just because I take care of little children. Any other
alternative that you suggest, I am sure, will be welcomed. Also, according
to the by-laws of our Forest View Subdivision, six foot fences are not
permitted but I believe that it will and can be overrided by the city of

Troy.

Anyways, thank you for reading my email. Please have all the members
reconsider their proposal. A six foot high solid wood fence will only take
away from the beauty of our yards and definitely our property values.

Sincerely, Melissa Boehms

DATE: February 28, 2006

TO: John Szerlag, City Manager

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

SUBJECT: AGENDA ITEM – PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 214) – Article IV and X, Group Child Care Homes in the R-1A through R-1E Districts

RECENT ACTIONS

At the February 27, 2006 Regular meeting, City Council passed the following resolution (draft):

> **Vote on Resolution to Set a Date Certain for the Continuation of Public Hearings for Zoning Ordinance Text Amendments: ZOTA 218 and ZOTA 214**
>
> Resolution #2006-02-113
> Moved by Schilling
> Seconded by Broomfield
>
> RESOLVED, That Troy City Council hereby **SETS A DATE CERTAIN** for the continuation of Public Hearings for Zoning Ordinance Text Amendment (ZOTA 218) – Article 10.30.03, Permit Child Care Centers by a Special Use Approval in the R-1A through R-1E Zoning Districts and Zoning Ordinance Text Amendment (ZOTA 214) – Article IV and X, Group Child Care Homes in the R-1A through R-1E Districts **TO THE REGULAR CITY COUNCIL MEETING SCHEDULED FOR MONDAY, MARCH 20, 2006.**
>
> BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** City **S**taff to **REPUBLISH** the *Notice of Public Hearing* in the official newspaper of record and **RENOTICE** those members of the public that previously received notice by first class mail.

Yes: All-7

The Public Hearing will be continued to the March 20, 2006 City Council Regular meeting.

PLANNING COMMISSION RECOMMENDATION

At the December 13, 2005 Regular meeting, the Planning Commission approved the following resolution:

Resolution # PC-2005-12-197
Moved by: Vleck
Seconded by: Chamberlain

WHEREAS, The State of Michigan as provided by Public Act 207 of 1921 and Public Act 285 of 1931 and subsequent changes thereto provides for city planning and authorizes Planning Commissions and their powers; and

WHEREAS, The City of Troy Planning Commission is empowered by the City of Troy Zoning Ordinance to approve matters coming before it and to make recommendations to City Council, where the Council holds the approval power for themselves.

THEREFORE, IT IS RESOLVED, That the Planning Commission does not recommend to the City Council the changing of Articles IV and X, pertaining to Group Day Care Homes in the R-1A through R-1E Districts, for the following reasons:

WHEREAS, It has been demonstrated by public input, letters and photos that family and group day care homes do have a negative impact on the neighboring property owners.

WHEREAS, According to City of Troy Assistant Attorney, Allan Motzny, and City of Troy Director of Building & Zoning, Mark Stimac, any building or structure or portion thereof that is used for the education, supervision or personal care services for more than five (5) children older than 2-1/2 years of age would be classified as a Group E occupancy. This has significant implications on the ability of the structure to comply with building code requirements such as automatic sprinklers in basements, Michigan barrier-free design and the Federal Americans with Disabilities Act.

WHEREAS, There is nothing within the child care licensing law that exempts these facilities from the Michigan Building Code provisions.

WHEREAS, The current ordinance allows for family day care homes but limits enrollment thus permitting a needed service while minimizing the intrusion and negative impact on neighboring properties.

BE IT ALSO ADVISED TO CITY COUNCIL, That if the current zoning is revised, the Planning Commission makes the following recommendations:

10.25.02 Family Day Care Homes, as defined in Section 04.20.60, subject to the following conditions:

A. The number of children so cared for who are not a part of the family residing in the subject dwelling unit shall not exceed six (6).
B. The conditions applicable to Home Occupations, as defined in Section 04.20.71 and as listed in Section 10.25.01 shall not apply to Family Day Care Homes.
C. The resident-operator of the Family Day Care Home shall be licensed in accordance with applicable State Law.
D. To maximize the safety and the privacy for the neighboring properties, there shall be no dropping off of children between the hours of 10:00 p.m. and 6:00 a.m.
E. To maximize the safety and the privacy for the neighboring properties, if the outdoor play area is located on the premises, the play area shall be fenced or screened with a 6-foot high privacy fence.
F. No structural changes or exterior alterations shall be made which would alter the residential character of the dwelling except as required by the State of Michigan licensing rules.
G. No sign shall be used on the premises to identify the Family Day Care Home.
H. Family Day Care Homes with vehicular access on a major or secondary thoroughfare shall be required to have a circular drive or an unobstructed turnaround to allow for the safe egress of vehicles.

10.30.10 Group Day Care Homes, as defined in Section 04.20.69, subject to the following conditions:

A. To maximize the safety and the privacy and to minimize noise for the neighboring properties, Group Day Care Homes shall be allowed on properties greater than one-half acre in size and having a minimum side yard setback of 20 feet.

B. The number of children so cared for who are not a part of the family residing in the subject dwelling unit shall not exceed twelve (12).
C. The resident-operator of the Group Day Care Home shall be licensed in accordance with applicable State Law.
D. To maximize the safety and the privacy for the neighboring properties, there shall be no dropping off of children between the hours of 10:00 p.m. and 6:00 a.m.
E. No structural changes or exterior alterations shall be made which would alter the residential character of the dwelling except as required by the State of Michigan licensing rules.

F. No sign shall be used on the premises to identify the Group Day Care Home.
G. The conditions applicable to Home Occupations, as defined in Section 04.20.71 and as listed in Section 10.25.01, shall not apply to Group Day Care Homes.
H. Group Day Care Homes with vehicular access on a major thoroughfare shall be required to have a circular drive or an unobstructed turnaround area to allow for the safe egress of vehicles.
I. The Planning Director may waive any required site plan information provided it can be determined that the application meets the Group Day Care Home requirements of Section 10.30.10 and the general Special Use Approval standards of Section 03.31.05.
J. To maximize the safety and the privacy for the neighboring properties, if the outdoor play area is located on the premises, the play area shall be fenced or screened with a 6-foot high privacy fence.
K. The licensee shall register with the City upon commencing operation and on an annual basis each January thereafter, and the licensed premises shall be subject to a fire and building department inspection and shall provide a smoke detector in all daytime sleeping areas and otherwise comply with applicable building and fire codes.
L. The applicant shall identify the entrance(s) for drop-offs and pickups. The parking and drop-off areas shall be designed to maximize safety and privacy for the neighboring properties.
M. To prevent the commercialization of residential districts, Group Day Care Homes shall be not be located within 1,000 feet of another state licensed residential facility.

<u>Discussion on the motion on the floor.</u>

Mr. Miller questioned if the condition to require a circular drive or unobstructed turnaround area could be placed on Family Child Care Homes that have vehicular access on a major or secondary thoroughfare.

Mr. Motzny, upon further review, said he believed it is a valid condition should the Planning Commission reason that it is a public health, safety and welfare concern.

At the request of Ms. Drake-Batts, Mr. Vleck provided a brief overview of the motion.

Ms. Drake-Batts said the proposed requirements with respect to the one-half acre lot size and the 1,500-foot distance between licensed facilities

would make the existence of Group Child Care Homes almost impossible. She said, however, that the Commission owes it to the residents to get the matter up to City Council for a final decision. Ms. Drake-Batts said she would vote in favor of the motion even though she does not agree with a lot of the proposed conditions.

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

MOTION CARRIED

CITY MANAGEMENT COMMENTS

City Management has not taken a position on the issue of Group Child Care Homes, based on an understanding that the regulation of Group Child Care Homes within single-family residential neighborhoods is a community values issue. Issues regarding community values should be made by City Council, following consideration of a recommendation by the Planning Commission. While not providing specific recommendations, City Management has a responsibility to consider options, cause and effect and home rule. The following issues related to the Planning Commission recommended draft of ZOTA 214 have been raised by City Management:

1. The Michigan Building Code should be changed to permit Family Child Care Homes with up to six children without requiring significant physical improvements to the home.
2. The requirement that Family and Group Child Care Homes require fenced or screened play areas could create equity issues for Group Child Care Homes within homes with deed restrictions or neighborhoods with bylaws prohibiting fences. This would create legal non-conforming structures.
3. The requirement that Group Child Care Homes must register annually with the City seems unreasonable, since they require license renewal with the State of Michigan every two years. Few businesses in the City require annual registration.
4. Since every use in the City must comply with Michigan Building Code requirements, including requirements for fire and building department inspection is unnecessarily repetitive.
5. The requirement that a Group Child Care Home shall not be located within 1,000 feet of another state licensed residential facility would be impossible to meet for 12 of the 20 Group Child Care Homes presently licensed in the City (see attached table). This would create legal non-conforming structures.

6. The one-half acre minimum lot size requirement exceeds the minimum lot size requirements in all of the single-family residential zoning districts. This would be impossible to meet for 16 of the 20 existing Group Child Care Homes presently licensed in the City (see attached table). This would create legal non-conforming structures.
7. The 20-foot side yard setback requirement, which exceeds the minimum lot size requirement for all of the single-family residential zoning districts, would be difficult for many homes to meet. This would create legal non-conforming structures.

HISTORY OF ZOTA 214

ZOTA 214 was initiated by the Planning Commission during the May 4, 2004 Special/Study meeting, with the following resolution:

Resolution # PC-2004-05-052
Moved by: Shultz
Seconded by: Khan

RESOLVED, That the Planning Commission request from the Building Department a written confirmation that, based upon the Planning Commission's attempts to move forward with zoning ordinance changes, the notice of violation for the day care home located at 5593 Mandale Drive be held in abeyance, as was communicated to the homeowner.

Discussion on the motion.

Mr. Strat suggested that Ms. Schafer provide a written communication to the Building Department, with a copy to the Planning Department, detailing her interpretation of the Building Department's pending action.

Vote on the motion.

Yes: All present (7)
No: None
Absent: Chamberlain, Wright

MOTION CARRIED

The Planning Commission began the process of considering a proposed text amendment following this meeting.

The attached Planning Commission Actions on ZOTA 214 lists the meetings at which ZOTA 214 was an agenda item. Note that four public hearings were held in 2005 to solicit public comment on the group day care home issue: August 9,

September 27, October 25 and December 13. Minutes for these four meetings are attached.

On October 3, 2005, City Council adopted a resolution requesting that the Planning Commission set a public hearing to consider a proposed amendment that would allow for Group Child Care Homes in the R-1A through R-1E districts on a temporary basis. This would permit Group Child Care Homes on a temporary basis, until after the City Council conducts a public hearing on proposed ordinance revisions. City Council approved this text amendment on November 21, 2005. This temporary text amendment shall be rescinded at the same time that the new provisions related to Group Child Care Homes are adopted.

The following definitions are provided by the Family Independence Agency of the State of Michigan:

> Family Child Care Home – "A private residence that the child care provider lives in and cares for up to six unrelated children for more than 4 weeks in a year when the children's parents/guardians are not immediately available".
>
> Group Child Care Home – "A private residence that the child care provider lives in and cares for up to 12 unrelated children for more than 4 weeks in a year when the children's parents/guardians are not immediately available".
>
> Child Care Center - A facility, other than a private residence, where child care is provided for 1 or more children whose parents/guardians are not immediately available. Centers must be licensed if they provide care for more than 2 consecutive weeks per year. Centers include public and private preschools, nursery schools, parent cooperative preschools, full-day child care centers and drop in centers.

The text amendment approved by City Council on November 21, 2006 that permitted Group Day Care Homes on a temporary basis also included new definitions for Group Day Care Homes and Family Day Care Homes. The State licensing regulations were recently amended and the uses are now referred to as Group Child Care Homes and Family Child Care Homes. City Management recommends that the Zoning Ordinance be modified so that all references to these uses are consistent with State regulations.

Presently there are 42 Family Child Care Homes in Troy, which represents a capacity of 252 children (see table). There are 19 Group Child Care Homes, which represents a capacity of 228 children. There are 48 Child Care Centers with a capacity of 3,621 children. Combined, there is presently a capacity of 4,101 children in State licensed daycare facilities in the City of Troy. If Group

Child Care Homes are not permitted, it would have the effect of eliminating licensed daycare capacity for 114 children, as each of the 19 Group Child Care Homes would only be able to accommodate 6 children rather than 12. The 2000 US Census indicated there were 4,991 children under 5 years of age in the City of Troy.

A City Council Public Hearing is scheduled for March 6, 2006, to be continued to the March 20, 2006 City Council Regular meeting.

Attachments:

1. Planning Commission Actions on ZOTA 214.
2. Minutes from May 4, 2004 Planning Commission Special/Study meeting.
3. Minutes from August 9, 2005 Planning Commission Public Hearing.
4. Minutes from September 27, 2005 Planning Commission Public Hearing.
5. Minutes from October 25, 2005 Planning Commission Public Hearing.
6. Minutes from December 13, 2005 Planning Commission Public Hearing.
7. Minutes from November 21, 2005 City Council meeting.
8. Table: Existing Group Child Care Homes, dated 1/12/06.
9. Table: Child Care Centers and Child Care Homes in Troy.
10. Map of State licensed care facilities, dated January 9, 2006.
11. Public comment.

Prepared by RBS/MFM

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CITY OF TROY
PUBLIC HEARING

At the February 27, 2006 City Council meeting the following resolution was passed:

Vote on Resolution to Set a Date Certain for the Continuation of Public Hearings for Zoning Ordinance Text Amendments: ZOTA 218 and ZOTA 214

Resolution #2006-02-113
Moved by Schilling
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **SETS A DATE CERTAIN** for the continuation of Public Hearings for Zoning Ordinance Text Amendment (ZOTA 218) - Article 10.30.03, Permit Child Care Centers by a Special Use Approval in the R-1A through R-1E Zoning Districts and Zoning Ordinance Text Amendment (ZOTA 214) - Article IV and X, Group Child Care Homes in the R-1A through R-1E Districts **TO THE REGULAR CITY COUNCIL MEETING SCHEDULED FOR MONDAY, MARCH 20, 2006**.

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** City Staff to **REPUBLISH** the *Notice of Public Hearing* in the official newspaper of record and **RENOTICE** those members of the public that previously received notice by first class mail.

Yes: All-7

THEREFORE:

A Public Hearing will be held by and before the City Council of the City of Troy at City Hall, 500 W. Big Beaver, Troy, MI on Monday, March 20, 2006, at 7:30 P.M., or as soon thereafter as the agenda will permit, to consider amending the text of Article IV Definitions and Article X One Family Residential Districts R-1A through R-1E of the Zoning Ordinance.

PLEASE NOTE THAT A PREVIOUSLY SCHEDULED PUBLIC HEARING WILL BE OPENED ON MARCH 6, 2006 BUT IN ORDER TO HAVE A FULL COMPLEMENT OF

CITY COUNCIL, IT IS THE INTENTION OF COUNCIL TO TAKE TESTIMONY AND CONSIDER ACTION AT THE MARCH 20, 2006 MEETING.

The proposed amendments would revise the text regarding definitions for family day care homes and group day care homes and revise the text of R-1A through R-1E One Family Residential Districts to amend the requirements for Family Daycare Homes and to amend the text to permit and provide requirements for Group Daycare Homes in the R-1A through R-1E One Family Residential Districts.

You may express your comments regarding this matter by e-mail to planning@ci.troy.mi.us, by contacting the Planning Department at (248) 524-3364, or by attending the Public Hearing.

Tonni Bartholomew, MMC
City Clerk

NOTICE: *People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk by e-mail at clerk@ci.troy.mi.us or by calling (248) 524-3317 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.*

Planning Commission Actions on ZOTA 214 Group Daycare Homes in the R-1 Residential Zoning Districts

MEETING DATE	TYPE OF MEETING	ACTION
April 27, 2004	Study Meeting	Potential Ordinance Revision Discussion and Presentation by Ms. Schafer
May 4, 2004	Study Meeting	Potential Ordinance Revision Discussion followed by Resolution #PC-2004-05-052 - Request for written confirmation that the Building Dept. violation at 5593 Mandale be held in abeyance while PC attempts to move forward with ZOTA, MOTION APPROVED
July 27, 2004	Study Meeting	Potential Ordinance Revision Discussion
Sept. 28, 2004	Study Meeting	Potential Ordinance Revision Discussion
March 1, 2005	Study Meeting	Brief Discussion after Planning & Zoning Report
June 7, 2005	Study Meeting	Zoning Ordinance Text Amendment Discussion followed by Resolution #PC-2005-06-094, directing the Planning Dept. not to extend any more effort on ZOTA 214, and to look into applicability of the State Building Code for family daycare homes to see if anything should be done in the City Ordinances to clear up potential legalities, MOTION FAILED
June 28, 2005	Study Meeting	Zoning Ordinance Text Amendment Discussion followed by Resolution #PC-2005-06-108, that a Public Hearing on ZOTA 214 be scheduled for August 9, 2005 and notices be sent to residents within 300 ft. of the existing 19 group daycare homes and that City Management provide a memo outlining pros and cons on the matter and that additional Special Use criteria be developed, MOTION APPROVED
July 12, 2005	Regular Meeting	During Good of the Order comments, Mr. Motzney provided an explanation to his memo addressing the Public Hearing for ZOTA 214
August 2, 2005	Study Meeting	Discussion of House Bill 4398 including Sec. 206 (4) the requirement to permit conditionally group day care homes in residential districts
August 9, 2005	Regular Meeting	Public Hearing, followed by Resolution #PC-2005-08-131, Planning Commission shall take no further action related to group day care homes until State Legislature and Governor have taken final action on House Bill 4398, MOTION APPROVED

Planning Commission Actions on ZOTA 214 Group Daycare Homes in the R-1 Residential Zoning Districts

August 23, 2005	Study Meeting	During Good of the Order comments, Chair Strat notified members that City Manager notified him that the State legislature is not going forward with modifications regarding group day care homes in House Bill 4398 and that Mr. Szerlag requested they resume action on ZOTA 214
September 13, 2005	Regular Meeting	During Good of the Order comments, Mr. Miller notified members that City Council adopted a resolution requesting the Planning Commission take action on ZOTA 214 at the September 27, 2005 Public Hearing
September 27, 2005	Study Meeting	Resolution #PC-2005-09-150 rescinding resolution PC-2005-08-131, MOTION APPROVED. Planning Commission then held a Public Hearing followed by Resolution #PC-2005-09-152 that the Planning Commission hold a Public Hearing for ZOTA 214 at the Planning Commission Regular Meeting in December, MOTION APPROVED.
October 4, 2005	Study Meeting	Mr. Miller notified members that City Council adopted a resolution requesting the Planning Commission have a public hearing to consider an amendment that would **temporarily** allow for child group day care homes, which are State licensed, to be located in the R-1 Zoning Districts until 15 days after the Troy City Council has had the opportunity to conduct a public hearing on ZOTA 214. Discussion of ZOTA 214 B (Group Daycare Homes on a Temporary Basis) followed by Resolution #PC-2005-10-158, that a Public Hearing for ZOTA 214 B (Group Daycare Homes on a Temporary Basis) be held at the Planning Commission Study Meeting of October 25, 2005, MOTION APPROVED. Discussion of ZOTA 214, no resolution passed.
October 11, 2005	Regular Meeting	Discussion of ZOTA 214, no resolution passed.
October 25, 2005	Study Meeting	Public Hearing on ZOTA 214 B (Group Daycare Homes on a Temporary Basis) followed by Resolution #PC-2005-10-171, recommending approval of ZOTA 214 B - Group Daycare Homes on a Temporary Basis, MOTION APPROVED. Discussion of ZOTA 214, no resolution passed.

Planning Commission Actions on ZOTA 214 Group Daycare Homes in the R-1 Residential Zoning Districts

November 1, 2005	Study Meeting	Discussion of ZOTA 214, no resolution passed.
November 29, 2005	Regular Meeting	Discussion of ZOTA 214, no resolution passed.
December 13, 2005	Regular Meeting	Public Hearing, followed by Resolution #PC-2005-12-197, recommending denial of ZOTA 215 and furthermore recommending that if the City Council revises the Ordinance they consider a list of standards for Family Child Care Homes and Group Child Care Homes, MOTION APPROVED.

7. POTENTIAL ORDINANCE REVISION DISCUSSION – Group Day Care Homes in R-1 Districts

The potential ordinance revision relating to group day care homes and the Planning Commission discussion at its April 27, 2004 Special/Study Meeting were reviewed by Chair Waller and Mr. Miller.

Mr. Savidant briefly reviewed regulations of family day care homes and group day care homes in selected southeast Michigan communities.

Sharon Schafer of 5593 Mandale, Troy, was present.

Kim Duford, 3141 McClure, Troy, was present. Ms. Duford, President of the Oakland County Child Care Association (OCCCA), said she represents 400 children in day care homes licensed by the State of Michigan. Ms. Duford said she would like to see the City ordinance brought up-to-date from its inception in 1968/1970. Ms. Duford indicated that during her years with the OCCCA, there have been no home day care incidences relating to City regulations.

Chair Waller opened the floor for discussion. Information was shared on the following:

- Definitions of family day care and group day care
- Requirement(s) for the number of caregiver(s)
- Differences between city and township regulations
- State licensing and regulations
- State home inspections
- Traffic and parking concerns
- Restrictions (i.e., designated drop-off and pick-up times)
- Public education of day care in homes
- Accreditation from the National Association for Family Child Care
- Food program
- Hours of operation

Chair Waller asked Mses. Schafer and Duford to provide a written summary of tonight's discussion to the Planning Department as a reference for future discussion on the matter.

Mr. Schultz voiced concern with respect to legalizing boarding houses in which children would be boarded for more than a 24-hour period.

Chair Waller distributed copies of *Child Care Today*, a publication of the Oakland County Child Care Council provided by Ms. Schafer.

There was a brief discussion on the status of Ms. Schafer's notice of violation. Ms. Schafer said the Building Department indicated the notice of violation would be held in abeyance as long as she was diligently pursuing a change in the ordinance.

Mr. Motzny reported the Commission could pass a resolution to request an abeyance of the notice of violation, but noted the Building Department would not be obligated to honor the resolution.

Resolution # PC-2004-05-052
Moved by: Shultz
Seconded by: Khan

RESOLVED, That the Planning Commission request from the Building Department a written confirmation that, based upon the Planning Commission's attempts to move forward with zoning ordinance changes, the notice of violation for the day care home located at 5593 Mandale Drive be held in abeyance, as was communicated to the homeowner.

Discussion on the motion.

Mr. Strat suggested that Ms. Schafer provide a written communication to the Building Department, with a copy to the Planning Department, detailing her interpretation of the Building Department's pending action.

Vote on the motion.

Yes: All present (7)
No: None
Absent: Chamberlain, Wright

MOTION CARRIED

7. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 214) – Article XXVIII, Group Day Care Homes in the R-1A through R-1E Districts

Mr. Miller outlined the material provided to the members in addition to their regular meeting packet information.

Chair Strat stated the intent of the Public Hearing and reported that notices of the Public Hearing were sent to residents within 300 feet of group day care home locations. Chair Strat announced guidelines that would be utilized for the Public Hearing due to the size of the audience and the possible number of people who might wish to speak: a time limit of 3 minutes would be set for each person who wishes to speak, repetitive comments would be discouraged, and no clapping. Chair Strat designated Vice Chair Schultz as the timekeeper.

Chair Strat asked the members for a vote of confidence on the guidelines established for the Public Hearing.

Roll Call

Yes: All present (9)
No: None

Mr. Khan provided an explanation and apologized for his lateness to the meeting. Mr. Khan said one of the purposes of the Public Hearing is to receive comments from neighbors of the existing 19 group day care homes to determine the impact, whether negative or positive, the homes might have on the neighbors.

PUBLIC HEARING OPENED

Nichol Childs of 1931 Atlas Court, Troy, was present. She said the issue is heartfelt because it is about our children. Ms. Childs is a group day care home provider and a parent of 3 small children under the age of 6. She said she is sad to see the “City of Tomorrow Today” taking a stance of not recommending such an important issue. She addressed the service provided and said it is from their hearts and not a money-making standpoint. She said child care providers must be patient, loving and kind and are tested on a daily basis. Providers must enjoy what they are doing. Ms. Childs has a degree in early childhood development. She said she called the City of Troy before opening her day care. The Zoning Department informed her that the City allows what the State requires. Ms. Childs said that either people in the office should have the knowledge to give correct information, or should be held accountable for information provided. Ms. Childs addressed the charts provided by the Planning Department that were included in their notebook under tab 2. The charts list which cities permit and do not permit group day care homes. Ms. Childs said she personally called the cities and received contrary information. She said there are 8 cities that allow group day care homes. Ms. Childs said group day care home providers have been in Troy

for 32 years, and the City has yet to formulate a real problem associated with the homes. She said she has a problem with members of the commission who appear not to be open-minded and have their minds made up. Ms. Childs referenced a conversation with Mr. Miller in which he said the City does not need to provide a service such as day care homes just because there is a need for it. Ms. Childs said children are not commodities, such as oil refineries to which Mr. Miller said would not be permitted in back yards should there be a need for them.

Don Dandenberghe of 4856 Kings Row, Shelby, was present. Mr. Dandenberghe, principal of Wass Elementary School, said he sees a need for more home care for children in the neighborhood because in this day and age both parents work outside of the home. Mr. Dandenberghe personally knows Sharon Schafer, a group day care home provider, and said she provides an excellent service. He asked the members to consider the needs of children and their parents, and to vote from their hearts in order to provide what is best for the children.

Ken Shepherd of 45538 Sterritt, Utica, was present. Mr. Shepherd is a former Council person and mayoral candidate for the City of Utica and an ordained minister. Mr. Shepherd's two children attend Sharon Schafer's day care home. He said they receive the best of care and learn more than they would if they were to attend a licensed day care facility that can care for more than 12 children. Mr. Shepherd said he and his wife looked very hard to find the best day care provider for their children. Mr. Shepherd said he understood the difficult choices the Planning Commission members face. He referenced a particular challenge that the City of Utica faced as relates to the safety of children. Mr. Shepherd asked that the members consider what is best for the both the children and the city.

Sharon Manning of 2651 E. Square Lake Road, Troy, was present. Ms. Manning has been a child care provider in the City of Troy for 12 years. She indicated Ms. Drake-Batts has been to her child group day care home. Ms. Manning addressed personal property taxes, and asked why the City would collect personal property taxes on her group child care home if they were opposed to the home-based business. Ms. Manning believes child care service should be grandfathered into the City ordinance. She said a child care provider service is no different than those services that sell computer services, hair services, flower services, lawn services, vehicle garage repairs, in-home maid services, etc. She asked if those services have a special ordinance and are monitored. She asked if the City collects personal property taxes on other home-based businesses. Ms. Manning said child care providers are in compliance, audited, monitored and licensed by the State of Michigan, as well as monitored and audited by Oakland County Child Care Association. She said additional taxes in a single dealt service would be additionally burdensome whereby the reduction to a family size home would substantially reduce and even eliminate some livelihoods, to a point where child care could not be provided. Ms. Manning asked the City to stand by their motto and not increase unemployment, or reduce or eliminate quality

educational child care for Troy's pre-schoolers and elementary age students after school.

Michael Upton of 1267 Hartland, Troy, was present. Mr. Upton addressed changing society and the economy with respect to working parents. He said the City would lose valuable, non-replaceable workers, business owners and residents by denying or limiting working parents' options for child care. Mr. Upton said group day care homes provide personalized child care that offers unmatched attention to a child's needs, individual stimulation, education and development. He said they offer more structured and disciplined programs and more flexibility for working parents (i.e., drop off/pick up times, special parental requests and special children needs). Mr. Upton said home child care providers have little or no staff changes and are able to bond with children on a consistent basis. Mr. Upton said home child care providers offer lower child care rates and focus more on the development of a child, instead of the physical care such as feeding, diaper changing, or sanitation. Mr. Upton said no one could replace the love he has for his daughter, and asked that the option be his to choose a day care provider that gives his daughter the next best thing, and that is his group day care home provider.

Jill Gelder of 152 MacLynn, Troy, was present. Ms. Gelder is a 15-year resident of Troy who worked at Honeybee Child Care for 7 years. She addressed the changing society and the closeness that is established in a group day care home for both children and parents. Ms. Gelder said she still talks to the parents and children that she cared for 7 years ago. Ms. Gelder said child care centers are sterile, cold and impersonal. She said group day care homes accommodate expectant mothers. She addressed pick-up/drop off times and noted the standard hours between 7:30 and 9:30 a.m. generate little traffic. Ms. Gelder said she loved working at Honeybee Child Care, she loved the parents and children, and asked the members to reconsider its decision.

F. M. Sheridan, M.D., of 1930 Atlas Court, Troy, was present. Dr. Sheridan is a retired Emeritus pediatrician on the staff of Beaumont Hospital. Dr. Sheridan lives across the street from Nichol Childs, a group day care provider. He said he knows Ms. Childs personally and knows the place she runs. Dr. Sheridan thinks it is great. He said he has dealt with kids for 45 years; he knows mothers and kids, and said group child care providers are a needed service.

Syed Mohiuddin of 6150 Country Ridge, Troy, was present. Mr. Mohiuddin and his wife operate a group day care center from their home. Mr. Mohiuddin submitted a petition of 22 neighbors in the Crescent Ridge West subdivision who attested they are aware of and are not adversely or negatively affected by the day care center at 6150 Country Ridge.

Angela Andrews of 13133 Concord, Sterling Heights, was present. Ms. Andrews stated that the group day care center operated by herself and her mother in

Sterling Heights received approval by the City's zoning board on June 3, 2004. She said the city recognizes its obligation to protect the availability of day care openings because of the increase in the number of families seeking day care. Ms. Andrews said they had no opposition from their neighbors, and indicated one neighbor considers it as a neighborhood watch. Ms. Andrews said the hours of operation at their day care are as early as 4:30 a.m. for parents working at factory positions, and later evening hours than provided at commercial centers to accommodate parents when necessary.

Bernie LaBute of 636 Vanderpool, Troy, was present. Mr. LaBute addressed the special needs of his daughter. He chose to move to Troy from Ohio because of the excellent school system and child care providers. He said after a short period of time at Mrs. Kay's child care facility, his daughter's skills improved. His daughter is able to sign several sentences, her wants and needs, and is a happier child. Mr. LaBute said his daughter has reached levels of development that were once thought unapproachable, and he attributes it to the warm and caring environment of the child care provider.

Shannon Hougenid of 1715 Gardenia, Royal Oak, was present. Ms. Hougenid is a child care provider and the daughter of a child care provider. Ms. Hougenid's mother stayed home during her father's illness to help put her and her sister through school, as well as provide care for 12 children. Ms. Hougenid said home day centers provide good values and morals to children of dual income parents and separated families. Ms. Hougenid said employees at corporate day care centers are not allowed to hug children under their care. She addressed the delight that many neighbors experience with children in the neighborhood; i.e., Halloween parade, dandelion bouquets, etc.

Kathleen Peterson of 1175 Garwood, Troy, was present. Ms. Peterson has been a group day care provider for over 12 years and a family day care provider for 6 years. She said the difference between group day care and family day care is phenomenal. Ms. Peterson said there is a waiting list for parents seeking home child day care because providers have a proven track record, are licensed by the State and are competitive with commercial providers. She cited businesses such as Ford, Visteon, and EDS who utilize their services. Ms. Peterson referenced an e-mail message she received from a parent voicing the negative impact should the City not allow group child care providers. Ms. Peterson said she has lived in three different homes in Troy and has never had any complaint from a neighbor.

Kevin Brown of 1079 Rochelle Park, Rochester, was present. Mr. Brown works in Troy. He addressed commercial day care centers with respect to the inconsistency of care, employee turnover, and violations. He encouraged the members to compare the violations cited against commercial day care providers and group and family day care providers. Mr. Brown said home day care providers accommodate the siblings; commercial day care does not. He said Ms.

Duford of Honeybee Child Care creates and maintains a file on each child in terms of development, interaction with other children, following directions, etc.; commercial day care do no child evaluations.

Amanda Sanday of 51472 Merowske, Shelby Twp, was present. Ms. Sanday has been a group day care employee in Troy for approximately three years. She said the low employee turnover rate of group day care homes provide a comfort to the children. The kids come in every morning and know Ms. Amanda, Ms. Nicole and Mr. Curtis are there to take care of them. Ms. Sanday said child care homes are the eyes and ears of the neighbors who are at work and, in essence, provide a neighborhood watch. Ms. Sanday asked what the members would tell the 100 plus families should day care homes not be permitted, and where would the families go for child care.

Hung Dam of 4104 Livernois, Troy, was present. Mr. Dam is currently a group day care provider in Centerline and would like to open a group day care home in Troy. The home would specialize in the care of children who cannot speak English.

Roberta Rapp of 930 John R, Troy, was present. Ms. Rapp addressed the change in society and her reaction to news stories of children who are unsupervised and uncared for. Ms. Rapp said day care providers who are willing to give children the type of care similar to what they receive at home should be supported. She is very much in favor of group day care homes.

Karen M. Kriscovich-Mukalla of 3784 Forge Drive, Troy, was present. Ms. Kriscovich-Mukalla operates Mrs. Kay's group day care home and has been in business for 26 years. She asked the record to reflect that she never had a complaint from any of her neighbors; neighbors located on either side of her, older neighbors, or newer neighbors. Ms. Kriscovich-Mukalla said the operative word in day care is "care" and asked the City to look at the real issue -- the care of our children. She asked the rationale in not permitting group day care homes because of one complaint related to traffic, whereas a biting dog is given three chances before action is taken. Ms. Kriscovich-Mukalla said child care providers answer to parents and must always put forth their best. She said good care cannot be faked, and if a provider were not good at what he/she does, then parents would opt to go elsewhere, or the State would close down the home.

Lenique Gibson of 685 E. Maple, Troy, was present. Ms. Gibson operates God's Precious Creations group day care. She is married with 5 children, and has been in business for approximately one year. Ms. Gibson says she provides child care because that is where her heart is, and not for the money. Ms. Gibson relayed a story of a client whose child suffers epileptic seizures triggered from stress. The child's parent has seen an improvement in the child's behavior and amount of seizures. Ms. Gibson said the children of today are going to be sitting in the

seats of the members in a few years. She fully supports group day care and asked the members to allow it.

Suzanne and Chris DeNeen of 3639 Coseyburn, Waterford, were present. A Troy group day care provider cares for Mr. and Mrs. DeNeen's son. Mrs. DeNeen asked if an actual study has been undertaken on traffic in areas where there are group day care homes. Mr. DeNeen said he drops off and picks up his son and has never experienced any problems relating to parking or traffic. Mr. DeNeen is a teacher in Troy, and Mrs. DeNeen is a General Motors employee. Mrs. DeNeen said they do their jobs well because their son is in a good day care home.

Chair Strat asked the audience, by a show of hands, (1) how many people in the audience would approach the podium with similar comments as those that have been heard so far; (2) how many in attendance live in Troy; and (3) how many in attendance do not live in Troy. Chair Strat said the Planning Commissioners recognize the value and importance of day care whether it is limited to 6 children or 12 children.

Curtis Childs of 1931 Atlas Court, Troy, was present. Mr. Childs addressed the "cons" of group day care that were identified by City Management, as follows: (1) Additional Neighborhood Traffic - There might be an increase in traffic but it is a public road, and the public has a right to use those roads. (2) Potential Parking Problems – There has been one parking complaint, the one that started this issue. (3) Increase in Non-residential Activity in Neighborhoods – What is more residential than caring for children? (4) Potential Increase in Traffic on Major Thoroughfares – Public roads cannot be regulated and the public has the right to use them. (5) Result from Freedom of Information Act (FOIA) Request related to 19 Group Day Care Homes – One barking dog complaint, which could apply to any house.

Mr. Childs addressed the City of Troy's Vision and Value Statement, as follows: (1) "Externally focused on customers" – Child care providers are your customers. (2) "Aggressive in our efforts to improve service delivery by using the best means available" – Group day care is one of the best means available. (3) "We value honesty, courtesy, responsiveness, diversity, lifelong learning, ethical behavior, quality, cooperation, accessibility, dedication, loyalty and excellence." Individual terms addressed were: "Honesty" – Ms. Childs called Troy and was told group day care was permitted. "Diversity" – Group day care is an option. "Lifelong Learning" – Starts in a home and continues in group day care. "Accessibility" – If you eliminate group day care as an option, you are not providing access. "Dedication", "Loyalty", and "Excellence" – Each child care provider here tonight is dedicated and loyal to the families and children and provides an excellent service.

Mr. Childs said the Michigan Municipal League (MML) strongly supports House Bill 4398, and provided a list of communities and contact persons from communities that permit group day home providers. Mr. Childs believes that incorrect information was provided to the members on both respects. Mr. Childs said the members should consider the needs of the City and the residents, and the issue should not be a personal preference.

Sharon Schafer of 5593 Mandale, Troy, was present. Ms. Schafer said group day care homes are not usually full and that gives flexibility to family day care providers should a mother become pregnant. Ms. Schafer clarified that she did not knowingly or intentionally open her group day care home without contacting the City. In 1990, when she applied for her license, the State did not say anything about making contact with the municipality, and Internet access was not available at that time. Ms. Schafer referenced an acceptance speech given by President Bush in New York City on September 2, 2004, and quoted a phrase made in the statement: "To build a more hopeful America, we must help our children as far as their vision and character can take them." Ms. Schafer said she believes the service provided to working families by day care homes helps the children and their parents reach as far as their vision and character can take them. She asked for support of group day care in the "City of Tomorrow Today". She asked that Troy give working families all the options available so children of today will have a sound foundation to build a better tomorrow for Troy. Ms. Schafer said a copy of the book prepared by child day care providers and distributed to Planning Commissioners would be available in the City library.

Walter Ladouceur of 3376 Alpine Drive, of Troy, was present. Mr. Ladouceur is a parent of three children and his wife is a day care home provider. Mr. Ladouceur addressed the concerns of parking and traffic. He noted that Alpine is used for easier egress around Somerset Collection, and curious people are attracted to the monster garage site. The people have free access to "his" street and there is nothing he can do to stop it. Mr. Ladouceur encouraged members to visit a day care home provider. An employee of his wife's child care home, and one of three teenagers in her family, said there is constant activity at her house with cars pulling in and out and parking on site. Mr. Ladouceur asked the members to balance traffic and parking from child care home providers with other home-based activities, such as prayer groups, bible studies, accountants, and monster garages.

Michelle Sinutko of 2331 Cumberland Drive, Troy, was present. Ms. Sinutko is a licensed family day care home provider. She is the parent of three children under the age of 7 and occasionally cares for her two nieces and nephew. Ms. Sinutko brought to the attention of the members that, according to State law and licensing rules, she could have a total of 9 children under her care. The State does not include in their total count children under the age of 7 who are related to the family day care home provider. Ms. Sinutko also addressed traffic with respect to the location of the day care home provider.

Deborah Reynolds of 1285 W. Wattles, Troy, was present. Ms. Reynolds was a group day home provider in Troy for over 20 years. She believes group day care homes are the best option for children outside of the home. Ms. Reynolds completed her Master's Degree in Special Education at Wayne State University and is pursuing a specialty in early childhood autism. She offered her professional perspective on the positives of group day care home providers and cited several quotes. Ms. Reynolds concluded that a move to prohibit group day care homes in the City would violate the expressed mission of the City and its dedication and commitment to children and their families.

Michelle Lambert of 1903 Alexander Drive, Troy, was present. Ms. Lambert is a stay-at-home mom who uses a group day care home. She lives within 300 feet of the group day care home operated by Nicole Childs. Ms. Lambert said she was not aware of Ms. Childs' group day care home until after one year of living in the neighborhood. She did not notice any extra traffic as a result of the home, and said she is outside with her two children most of the day.

George Porretta of 3583 Bellows Court, Troy, was present. Mr. Porretta's two children attended group day care homes for a combined 8 years. He addressed the members as a businessman, not a child care home provider or resident living within 300 feet of one. Mr. Porretta said the Troy School District does an outstanding job in promoting its schools, and attracting and retaining new families to Troy. Mr. Porretta said Troy's population and tax base would be affected should group day care homes be prohibited, and asked the members to do what is right for the children and future citizens of Troy.

Mary Ellen Ladouceur of 3376 Alpine Drive, Troy, was present. Ms. Ladouceur has been a family care provider for 4 years. She has a Master's Degree in early childhood education. Ms. Ladouceur challenged the members to read 300 to 400 pages of research on early childhood, brain development, attachment issues, and the higher occurrence of autism in children who are warehoused versus children who are cared for in homes. She said State law requires her to have an assistant because 100% of the children she cares for are under the age of 2. Ms. Ladouceur said they are minutes away from foreclosure if they do not provide care for children in their home. Ms. Ladouceur's credits the training and education of her 12-year old daughter to the family environment provided her by Honeybee Child Care. Ms. Ladouceur is a convert from commercial child care providers to the family environment provided by home child care providers. She considers the parking concern is a non-issue. Ms. Ladouceur said her staff takes early childhood classes at Athens High School, and have indicated a preference to send their children to home day care providers.

Ms. Kriscovich-Mukalla addressed the City Management's "con" that group day care homes result in an increased use of emergency services. She cited one incident in which she used emergency services.

Kim Duford of 3141 McClure, Troy, was present. Ms. Duford has operated Honeybee Child Care for 13 years and has lived on McClure for 22 years. She has the sponsorship of Ford Motor Company, an accreditation received by meeting a standard of excellence in providing care to children. Ms. Duford stated that Oakland County is the third highest county in Michigan for the number of parents in the work force, and Troy is the largest city in Oakland County with an employment population of approximately 100,000 people. Ms. Duford said Troy is out of date with its child care choices, noting that parents of young children need to have more than two options for child care. Studies have proven that the first five years of a child's life are the most important years. She quoted a statement made by Mark Sullivan, Executive Director of the Michigan Child Care Council: "When parents can't find child care, they can't work." Ms. Duford referenced a common phrase: Michigan works when child care works. Ms. Duford cited an article published in the summer 2004 edition of the Planning Commission Journal that addressed child care solutions for a growing city and family child care homes as a key element in strengthening a neighborhood. Ms. Duford said locating child care homes near areas of high employment centers could contribute to reduce commutes and cross town traffic. Ms. Duford cited the growing numbers of best companies to work for that offer in-house child care (statistics obtained from Fortune Magazine). She asked that the Planning Department be creative in providing day care options as it has been in providing the City with housing, restaurants, places to worship, shopping and education. In conclusion, she said there would not be a traffic problem if the City would stop taking away lots that formerly housed single family residences and putting up developments that house 500 people.

Tony Anderanin of 3777 Root, Troy, was present. Mr. Anderanin asked the members' consideration in allowing group day care homes. He and his wife both work, and said it was difficult to find a child care provider who provides the love that he cannot give while he is at work. He said it is not fair to not have an opportunity to choose. Mr. Anderanin addressed neighborhood security and the open door policy of a child care home provider.

Jacqueline Taliaferro of 2714 Dover Drive, Troy, was present. Ms. Taliaferro's three grandchildren are cared for in a group day care home. Ms. Taliaferro said her grandchildren receive quality individual care, and languages and computer skills are among many subjects taught. She said it is her children's prerogative to place their children in a group environment. Ms. Taliaferro said her lifestyle would change should group day care homes not be permitted. She has worked hard all of her life and raised her children and now wants to live her own life.

Chris Thornton of 2978 Wessels, Troy, was present. Mr. Thornton formerly lived at 1590 Crestline and 1821 Flemington. He said that a visit to a group day care center would let one see that it provides the best of both worlds. They provide structure and consistency in its employees. Mr. Thornton encouraged members to look at every option. He said every child and every parent who has a child

attending group day care would inevitably be ousted should the homes not be permitted,

Barbara Webb of 787 Marengo Drive, Troy, was present. Ms. Webb, a recent retiree from the Troy School District, has a degree in elementary education with a specialty in early childhood. Ms. Webb asked that group day care homes be allowed to exist in Troy. She said that would allow the professionally trained people who love to care for children the opportunity to do so. Ms. Webb said she would be pleased if someone bought the house that is for sale next to her and opened a child care home. She would rather have the traffic and noise that would be generated from the day care home as opposed to the semi's and trucks that currently go up and down her street – the street that she and her neighbors paid to have paved 15 years ago.

Justina Dixon of 4791 Liberty Court, Sterling Heights, was present. Ms. Dixon was a group day care provider for 13 years. Ms. Dixon indicated she started as a family day care provider until the number of children increased with the care of siblings. Ms. Dixon currently works for the food program that monitors and regulates the food provided in day care homes. As coordinator from Macomb County Child Care Providers Association, Ms. Dixon was present to show support to the Troy group. She commented that Mr. Chamberlain has been sleeping and should be paying more attention, and corrected the reference to "centers" as opposed to child care home providers. Ms. Dixon indicated that the State of Michigan recognizes family and group day care homes as residential use of property. She noted that there are several agency representatives present should the members have any questions of them.

David Schafer of 5593 Mandale, Troy, was present. Mr. Schafer addressed the "cons" listed by City Management; i.e., traffic, noisy children, increase need for emergency services, and called them a red herring. Mr. Schafer noted that there have been group day cares homes in Troy for decades, and the number of family and group day care homes and the number of commercial day care centers has each been determined by the marketing dynamics of supply and demand. He said to suggest there is a pent-up demand for more of any one of the kinds of day care and that traffic and noise would increase is not logical. He said their research disclosed that there were no noise or traffic complaints of any kind. Mr. Schafer said it is logical that there would be fewer calls from day care homes for emergency services because of the State requirements; smoke detectors, fire extinguishers, fire drills, first aid and CPR training. Mr. Schafer said the real question is whether or not the members support the children of Troy. Mr. Schafer said that tonight's comments exhibited facts, emotion, persuasion and personal experiences and he believes that any of the commissioners listening tonight with an honest open mind would feel that approval of the Zoning Ordinance text amendment is right for the City of Troy.

Chair Strat requested a recess at 10:00 p.m.

The meeting reconvened at 10:08 p.m.

Sue O'Connor of 2104 Lakeside Drive, Troy, was present. Ms. O'Connor said there would be no place to care for mentally disabled children should child day care homes not be permitted. She stated commercial day care centers do not accommodate the mentally disabled. Ms. O'Connor said Sharon Schafer cared for her daughter two days a week so she could work.

Mark Swolem of 23832 Palace, Hazel Park, was present. He said the next best thing to being cared for by mom and dad is being cared for by a child care home provider. He said the City has a jewel and he cannot imagine why the City would think of taking it away.

PUBLIC HEARING CLOSED

Mr. Schultz offered the following resolution based upon the pending House Bill 4398 and the volume and input, both fact and opinion, provided by the public this evening and in the past. Mr. Schultz said he felt it would be premature and inappropriate to put a recommendation forward to City Council at this time.

Resolution # PC-2005-08-131
Moved by: Schultz
Seconded by: Wright

RESOLVED**,** That the City of Troy Planning Commission shall take no further action related to group day care homes until such time as both houses of the State legislature and the Governor's office has taken final action on House Bill 4398, or its corresponding Senate Bill.

Discussion on the motion on the floor.

Ms. Drake-Batts addressed concern in taking no action should the passage of the House Bill be detained. She asked if day care providers would be allowed to continue in the interim. Ms. Drake-Batts suggested that the Resolution be tabled to a certain date so the item could come back to the Commission should the House Bill be delayed or not passed.

Mr. Khan suggested the 19 group day care home providers currently operating in the City should maintain status quo but no new group day care providers should be permitted.

Chair Strat said it is his understanding that the existing day care home providers have been notified that it is a status quo situation.

Mr. Miller confirmed that the Building Department sent notifications to the existing group day care homes informing them of the current situation and that active enforcement would not be occurring. Mr. Miller provided clarification of the Zoning Ordinance with respect to family day care homes and group day care homes. He noted that group day care homes are not being withdrawn from the ordinance, but they have never been included in the ordinance and therefore not permitted. Mr. Miller said a newly initiated group day care home provider would not be in compliance with the current Zoning Ordinance.

A brief discussion followed on the closing of current, existing child day care homes.

Mr. Miller said it is his understanding that City Management would not be providing full enforcement. He said, however, that he does not make the enforcement decision, so he would have to clarify City Management's position at a later date.

Mr. Littman explained the procedure followed for proposed zoning ordinance text amendments. City Council would have final approval, at which time the public would have another opportunity to speak. Mr. Littman said there has been no proposed language drafted for a vote at this time. He noted that should the proposed zoning ordinance text amendment go before City Council, a recommendation from City Management would accommodate the City Council report. Mr. Littman said it is on record that City Management is opposed to any text change. Mr. Littman expects the House Bill to pass and he feels it would be advantageous for the City to be prepared for it.

Mr. Khan said approximately 36 people spoke tonight in favor of group day homes. He said there appears to be a misconception that the members are trying to close group day care homes. Mr. Khan said from the onset of Ms. Schafer's approach, the Planning Commission requested additional information before taking any action. He said he does not remember anyone on the board requesting to close group day care homes.

Mr. Wright questioned the inconsistencies between the two lists provided by the Planning Department as relates to the regulations of group day care homes in neighboring communities. He asked for a definitive resolution on the lists.

Mr. Miller explained that the most recent list comprises the research and actual reading of ordinance language from neighboring communities. The first list comprised of information received over the phone.

Vote on the motion on the floor.

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

MOTION CARRIED

Ms. Drake-Batts said she has publicly supported group day care homes. She said she would have preferred a date on the Resolution to protect the group day care home providers. She said if the State does not pass the Bill, or the Bill gets stuck some place, then group day care homes would be in limbo. Ms. Drake-Batts said it is important to start working on the language now.

Mr. Littman said his previous comments expressed why he voted no on the Resolution. He stated that City Manager and staff work for City Council.

Chair Strat provided an explanation of the Resolution passed this evening. He said nothing would happen to existing day care home providers but new day care home providers would have to adhere by the current Zoning Ordinance; in essence not be permitted. Chair Strat said that Ms. Schafer would be okay.

Ms. Schafer said she would like to hear from Mark Miller that she would not be cited with another violation until passage of the Bill. Ms. Schafer noted that there are members on the Planning Commission who said they were dead set against group day care homes.

Mr. Miller said he unfortunately could not give Ms. Schafer the assurance for which she is asking because the Planning Department does not have jurisdiction on enforcement issues. He said he would guarantee to get an opinion and direction from City Management based upon tonight's decision. Mr. Miller provided clarification with respect to a City Council action relating to day care centers in the O-S-C, R-C and O-M districts.

ZONING ORDINANCE TEXT AMENDMENT

7. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 214) – Articles 04.20.00 and 10.30.00, Group Day Care Homes in the R-1A through R-1E Districts

Resolution # PC-2005-09-150
Moved by: Vleck
Seconded by: Schultz

RESOLVED, That the Planning Commission hereby rescinds Resolution #PC-2005-08-131, which resolved that the Planning Commission take no further action on ZOTA 214 until the State Legislature and the Governor have taken final action on HB 4398.

Yes: All present (8)
No: None
Absent: Littman

MOTION CARRIED

Ms. Drake-Batts questioned proposed language relating to a minimum square footage requirement for outdoor play areas.

Chair Strat said the members have not had an opportunity to discuss in detail the proposed verbiage provided by the Planning Department.

Mr. Vleck explained the procedure normally followed by the Planning Commission to reach consensus on proposed zoning ordinance text amendments. Mr. Vleck said the members have not had time to reach a consensus on proposed verbiage for consideration and approval by the City Council, and noted that tonight's Public Hearing was at the request of the City Council.

Chair Strat addressed the chart of Planning Commission actions, prepared by the Planning Department. He said the chart could be misleading to the City Council in that it appears the Planning Commission studied the verbiage in detail and at great length.

A brief discussion continued on the time the Planning Commission studied proposed verbiage.

Mr. Khan asked why City Management changed its stance to a position of neutrality on group day care homes.

Mr. Miller said initially City Management recommended that group day care homes not be permitted in residential areas because traffic statistics indicate that

the impact of traffic generated from the number of trips to/from a group day care home would be beyond what normally occurs in a residential area. After further study, City Management determined that although the traffic would have an affect on the health, safety and welfare of residents, it would not be an immediate or dangerous affect. City Management decided group day care homes is a community value that needs to be determined via a recommendation from the Planning Commission and an ultimate decision by the City Council.

Mr. Schultz said it is unfortunate that City Management had not shared their change of position on the matter prior to this evening in which the Planning Commission was dictated to have a Public Hearing and requested to send a recommendation to the City Council.

Mr. Khan agreed.

Mr. Miller reviewed the number of responses received by the Planning Department in favor and in opposition to the proposed zoning ordinance text amendment since the August 9, 2005 Regular Meeting.

Mr. Vleck emphasized the procedure followed by the Planning Commission for proposed zoning ordinance text amendments, and indicated the members have not had sufficient time to discuss the proposed text on group day care homes. Mr. Vleck said, in his opinion, the members can either table the matter for further discussion and draft proposed text or send to the City Council a recommendation of no change to the Zoning Ordinance. He stated he has read all the public comment provided to him by the Planning Department, and will read all public comment received thereafter.

Mr. Schultz concurred with Mr. Vleck's comments, and asked speakers at tonight's Public Hearing to not repeat the same comments and information that was heard at the previous Public Hearing.

Chair Strat announced guidelines that would be utilized for the Public Hearing due to the size of the audience and the possible number of people who might wish to speak: (1) a time limit of 3 minutes for each speaker and limited to speaking once; (2) repetitive comments are discouraged; (3) maintain professional image; and (4) no clapping. Chair Strat designated Vice Chair Schultz as the timekeeper.

Chair Strat asked the members for a vote of confidence on the guidelines established for the Public Hearing.

Resolution # PC-2005-09-151
Moved by: Wright
Seconded by: Waller

RESOLVED, To approve the procedures set forth for the Public Hearing.

Yes: All present (8)
No: None
Absent: Littman

MOTION CARRIED

Mr. Khan asked speakers to address specifically the proposed options and text prepared by City Management.

Mr. Waller asked everyone to consider that tonight's Public Hearing was called by City Management, not the Planning Commission; and reminded everyone that it was discussed at the August 9, 2005 Regular Meeting how the Planning Commission members were not prepared to vote on any proposed text.

Chair Strat commented on the professional booklet received by child care providers and the information received both in support and opposition of the proposed zoning ordinance text amendment. He said it is his opinion that the Zoning Ordinance would be amended, but it is necessary to review in detail the options prepared by City Management and regulations as relates to group day care homes. Chair Strat asked speakers to address those issues.

PUBLIC HEARING OPENED

David Schafer of 5593 Mandale, Troy, was present. Mr. Schafer noted that the Planning Commission members have asked speakers to limit their comments to the proposed language, with no assurances that the proposed amendment would go forward. He said that it is most likely that the Planning Commission members would still hear comments from speakers on the efficacy, validity and value of day care in Troy.

Nichol Childs of 1931 Atlas Court, Troy, was present. Ms. Childs highlighted statistics obtained from surveys distributed to group day care homes in Troy with respect to the number of families utilizing group day care, Troy residency, proximity to residency, and outdoor play areas. Ms. Childs said the State requires a total of 400 square feet for outdoor play areas, not 400 square feet per child. She cited several quotes of the Mayor relating to existing and future jobs, future plans and redevelopment and diversification of existing land uses.

Curtis Childs of 1931 Atlas Court, Troy, was present. Mr. Childs highlighted a recent U.S. Department of Treasury report relating to the composition of the labor force. He addressed a Public Hearing held by the City of Farmington Hills Planning Commission with respect to day care providers, and quoted a comment from the City of Farmington Hills chairman, "Child care truly is not a business, it

is a requirement of modern society." Mr. Childs commented on the City Management options as follows: Option 2 is good; Option 3 is reasonable other than the required 400 square feet of outdoor play area per child; and Option 4 should not even be an option. Mr. Childs cited statistics from the Michigan State Police relating to crashes on major thoroughfares within the City of Troy.

Kelsey Ciccone of 1336 Lamb Drive, Troy, was present. Ms. Ciccone, 12 years old, and her sister attended the group day care home operated by Sharon Schafer, from birth to a year ago. She asked the City to not take away the opportunity from other kids to have the love and attention that she and her sister had growing up at the Schafer home.

Tom Mason of 929 E. Third Street, Royal Oak, was present. Mr. Mason spoke in support of group day care homes. His children attend a home day care in Troy, and he and his wife are considering moving to Troy to be closer to the day care provider.

Sharon Schafer of 5593 Mandale, Troy, was present. Ms. Schafer addressed the options prepared by City Management, and noted that Option 1 is to stay "status quo" which would mean that group day care homes would be closed down. She shared the accomplishments of her three children that she believes is a reflection to friends, neighbors, day care families and the Troy school district. Ms. Schafer asked the City of Troy to have the vision to be leaders in the State of Michigan and show other cities that group day care homes are good for the State.

Patricia Rencher of 208 Mack Avenue, Detroit, was present. Ms. Rencher is the Vice President of Programs with the Detroit Urban League. Ms. Rencher said the program is administered by the State of Michigan through the U.S. Department of Agriculture to insure proper nutrition is followed by the 200-plus licensed day care providers. She noted that it is also their obligation to observe and report through announced and un-announced visits any violation of health and safety. Ms. Rencher expressed support for group day care homes as a viable choice to parents.

April Orselli of 894 Sylvanwood, Troy, was present. Ms. Orselli spoke in favor of group day care homes. She said allowing group day care homes would promote the City's motto.

Kim Duford of 3141 McClure, Troy, was present. Ms. Duford addressed the original proposed zoning ordinance text amendment, and said it was simple and should remain simple. Ms. Duford said child care providers responded to the Planning Commission's request for information in the form of a booklet based on facts and statistics that answered most of the Commission's questions and concerns. She noted that the Commission has heard from Troy residents who use child care services, Troy businesses, teachers, doctors and neighbors.

Kara White of 22640 Wildwood, St. Clair Shores, was present. Ms. White, Vice President of a Troy business, said it is very important for the City of Troy to have group day care providers as a day care option for businesses. She indicated parents like to have their children cared for near their workplace.

Syed Mohiuddin of 6150 Country Ridge Drive, Troy, was present. Mr. Mohiuddin spoke in support of home day care providers. He said home day care providers are not like typical commercial businesses, and have been recognized as legitimate home businesses by both the State and Federal governments.

Sharon Manning of 2651 E. Square Lake Road, Troy, was present. Ms. Manning said there is a need for quality day care, and suggested that existing group day care homes be grandfathered in. Ms. Manning asked that the proposed language address personal property taxes. She informed the members that she is the only group day care provider who is assessed personal property taxes.

Kathy McDonald of 196 Birchwood, Troy, was present. Ms. McDonald addressed group day care homes in comparison to adult foster care homes with respect to traffic, employees, and noise.

Deane Castilloux of 90 Chopin, Troy, was present. Ms. Castilloux, a family day care provider, is strongly against grandfathering in existing group day care homes because it would eliminate her option to expand into a group day care provider, and could potentially jeopardize her business with respect to fees charged for care.

Chris Komasara of 5287 Windmill, Troy, was present. Mr. Komasara compared traffic concerns related to group day care homes to the traffic generated from public schools located within residential subdivisions. Mr. Komasara spoke in support of group day care homes.

[Mr. Wright stated that the City has no control over public schools and cannot control the locations of public schools.]

[Mr. Miller noted that the Zoning Ordinance requires schools to be located on major thoroughfares, but public schools are exempt from the Zoning Ordinance.]

Barb Webb of 787 Marengo, Troy, was present. It is her understanding that there is a 14% greater demand for infant child care in Oakland County than there are centers to care for infants. Ms. Webb asked that the members vote in favor of group day care homes.

Ramzi Daloo of 2016 Connolly Drive, Troy, was present. Mr. Daloo informed the members that his niece and nephew operate a day care center for approximately 110 children in Farmington Hills. His niece and nephew are very much in support

of group day care homes. Mr. Daloo asked that consideration be given to the young families moving into the City of Troy, as older residents choose to leave.

John Bjelobrk of 5581 Mandale Drive, Troy, was present. Mr. Bjelobrk, a neighbor of a home day care provider, asked that home day care providers respect the space, feelings, lifestyle and freedom of their neighbors.

PUBLIC HEARING CLOSED

Mr. Vleck indicated he is not in receipt of information he requested from the State Building Department and Human Resources Department, and would like to study the item further. Mr. Vleck said a Study Session, not a formal Public Hearing, is the proper format for review and discussion of the item.

Mr. Khan addressed concerns with proposed language with respect to the requirement for outdoor play areas, employees, and site plan waivers. Mr. Khan said he is not ready to vote on the item.

Chair Strat said he personally is in favor of group day care homes, but recognizes that regulations must be stipulated in the Zoning Ordinance. Chair Strat said the item is of priority and would be more appropriately studied at an informal Study Session.

Resolution # PC-2005-09-152
Moved by: Vleck
Seconded by: Wright

WHEREAS, The State of Michigan as provided in Public Act 207 of 1921 and Public Act 285 of 1931 and subsequent changes thereto provides for city planning and authorizes Planning Commissions and their powers; and

WHEREAS, The City of Troy Planning Commission is empowered by the City of Troy Zoning Ordinance to approve matters coming before it and recommend to City Council, where City Council holds that approval power for themselves.

THEREFORE BE IT RESOLVED, To hold a Public Hearing for ZOTA 214 at the Planning Commission Regular Meeting in December and to expedite necessary actions to study this item in the next Planning Commission Study Session in October due to the following reasons:

WHEREAS, This Public Hearing was not initiated by the Planning Commission.

WHEREAS, This Planning Commission is not ready to send any recommendations to the City Council regarding ZOTA 214.

WHEREAS, Staff prepared the verbiage for the proposed ZOTA and the Planning Commission has had very limited discussion on the verbiage of the proposed ZOTA and a consensus as to any necessary changes to the ordinance language has not yet been reached by the Planning Commission.

WHEREAS, Although there may be intent, the status of House Bill No. 4398 has not changed.

WHEREAS, The previous Public Hearing held for by this Body was to get public information from both group day care operations and the neighbors within 300 feet from the existing group day care homes and use that information to help in the formation of any proposed ZOTA language.

WHEREAS, According to the City of Troy Assistant Attorney, Allan Motzny, City of Troy Director of Building and Zoning, Mark Stimac, and the State of Michigan Construction Codes and Fire Safety Department, any building or structure or portion thereof that is used for education, supervision or personal care services for more than five children older than 2-1/2 years of age would be classified as a Group E occupancy and would require the inspection by a State or City Building Inspector before that building could be used for that purpose.

WHEREAS, There is nothing within the child care licensing law that exempts these facilities from the Michigan Building Code provisions.

AND WHEREAS, we would request that the Building Department will hold in abeyance any enforcement of the zoning laws regarding the existence of the group day care homes that are currently licensed and operating in the City until this matter has been resolved by the Planning Commission and the City Council.

<u>Discussion on the motion on the floor.</u>

Mr. Waller stated for clarification that the Public Hearing in December would be a new Public Hearing because the Chair tonight officially closed the Public Hearing.

Chair Strat said the intent of the Public Hearing would be to get public input on detailed items relating to the proposed language.

Mr. Waller said publication of the Public Hearing notice should carry with it all the language that has been developed to that point by the Planning Commission in their Study Sessions.

Vote on the motion on the floor.

Yes: All present (8)
No: None
Absent: Littman

MOTION CARRIED

Chair Strat explained the procedure that would be followed by the Planning Commission for its Study Session and Public Hearing in December. He said the proposed draft language would be prepared in advance of the December Public Hearing so the public could comment on the proposed language. Chair Strat asked that public comment be limited at the Study Session so members can focus on the proposed language.

Chair Strat opened the floor for comments and questions. He addressed specific questions and comments posed by Syed Mohiuddin of 6150 Country Ridge, Troy; Curtis and Nichol Childs of 1931 Atlas Court, Troy; and Michael Upton of 1267 Hartland, Troy.

Mr. Miller said the proposed draft language that is arrived at by a consensus of the Planning Commission would be made available to those who request it prior to the Public Hearing in December.

Mr. Schultz addressed the two Public Comment portions listed on every Planning Commission agenda.

ZONING ORDINANCE TEXT AMENDMENT

9. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 214-B) – Articles 04.20.00 and 10.30.00, Group Day Care Homes in the R-1A through R-1E Districts on a Temporary Basis

Mr. Miller reviewed the Resolution adopted by City Council on October 3, 2005 that requested the Planning Commission to set a Public Hearing on a proposed zoning ordinance text amendment that would allow group day care homes in the R-1A through R-1E districts on a temporary basis. He said the amendment would essentially legalize the approximate 20 group day care homes currently licensed and existing at the time the amendment is adopted by City Council.

Discussed at length were the following two conditions of the proposed amendment:

- The date of final action by City Council that would affect the existing group day care homes.
- The timeframe the temporary basis would be in affect after City Council takes final action.

Mr. Motzny said consideration and approval of the proposed amendment should be based on whether the members believe a public purpose would be served.

PUBLIC HEARING OPENED

John Bjelobrk of 5581 Mandale, Troy, was present. Mr. Bjelobrk asked how many members of the Planning Commission live next door to or within 300 feet of a family or group day care home. He also asked if any member of the Planning Commission has a friend or relative who operates a day care center. Mr. Bjelobrk said he would be willing to swap houses with Chair Strat so he would have the opportunity to experience living next to a group day care home. He voiced concern with the City procedure to notify only those residents living within 300 feet of existing group day care homes, and said the issue should be placed on a city-wide ballot. Mr. Bjelobrk voiced concern that a fire in a group day care home would jeopardize his family's safety and affect the cost of his insurance coverage. He asked that group day care homes not be grandfathered. Mr. Bjelobrk addressed traffic, noise, and parking concerns, and encouraged parents to raise their own children.

Curtis Childs of 1931 Atlas Court, Troy, was present. Mr. Childs said approximately 800 homes have been receiving the Public Hearing notices and very few negative responses have come forward.

PUBLIC HEARING CLOSED

Resolution # PC-2005-10-
Moved by: Drake-Batts
Seconded by: Littman

RESOLVED, That the Planning Commission hereby recommends to the City Council that Articles IV and X, pertaining to Group Day Care Homes in the R-1A through R-1E Zoning Districts on a Temporary Basis, be amended as follows:

1. To remove "[Date of Final Action by City Council]" and replace and substitute it with "[The Approval of ZOTA 214-B by City Council]".

Discussion on the motion on the floor.

Mr. Waller asked that the Resolution be amended to change all entries of 10 days to 100 days, with reference to the timeframe of the temporary basis after the Troy City Council has had the opportunity to conduct a Public Hearing and take final action.

A brief discussion followed on the wording of the zoning ordinance text amendment.

Mr. Motzny suggested a recess to prepare the appropriate wording of the Resolution.

Chair Strat requested a recess at 8:50 p.m.

The meeting reconvened at 9:02 p.m.

Ms. Drake-Batts withdrew the motion on the floor. Mr. Littman was in agreement with the withdrawal.

Resolution # PC-2005-10-171
Moved by: Drake-Batts
Seconded by: Littman

RESOLVED, That group day care homes as defined in Section 04.20.69, licensed by the State of Michigan and in operation as of *the date of approval of ZOTA 214-B by City Council*, shall be permitted to continue on a temporary basis not to exceed thirty (30) days after the Troy City Council has had the opportunity to conduct a Public Hearing and take final action on any proposed revisions to Charter 39, Article X, related to the regulation of group day care homes as set forth in ZOTA 214.

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

MOTION CARRIED

Mr. Wright said the Planning Department has received several letters from neighbors who are opposed to group day care homes because of traffic, parking, and noise. Mr. Wright said he personally thinks a group day care home is a commercial enterprise that should not exist in a residential zone.

ZONING ORDINANCE TEXT AMENDMENT

8. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 214) – Article 10.25.02 and 10.30.10, Family Child Care Homes and Group Child Care Homes in the R-1A through R-1E Districts

Mr. Miller reported City Management is neutral on the issue and has not issued a recommendation. Mr. Miller said City Management has the responsibility to consider options, recognize certain cause and effect, and insure that the Planning Commission makes a recommendation to City Council, who in turn will make the community value decision regarding Group Child Care Homes.

Mr. Miller briefly discussed four items in the proposed zoning ordinance text amendment: (1) Fencing or screening regulations; (2) Registration with the City Clerk's office; (3) Compliance with Michigan Building Code; and (4) a 1,500-foot distance requirement from any State residential licensed facility. He displayed a map that demonstrated the 1,500-foot distance requirement and noted that only 5 of the 20 existing group child care homes would meet the requirement. Mr. Miller referenced the list of existing licensed group child care homes which are less than 1,500 feet from a State licensed residential facility.

Brief discussion followed on:

- 1,500-foot distance requirement in relation to the City and Village Zoning Act.
- Anticipated legislative action.
- Michigan Building Code inspections.

Chair Strat announced guidelines that would be utilized for the Public Hearing; specifically, a time limit of 3 minutes per speaker, no redundancy, and comments limited to the four points discussed by the Planning Director. Chair Strat designated Mr. Savidant as the timekeeper.

PUBLIC HEARING OPENED

David Schafer of 5593 Mandale, Troy, was present. Mr. Schafer addressed the proposed requirements with respect to fencing, license registration, and a 1,500-foot distance from other State residential licensed facilities. He concurs with City Management that the requirements are not necessary. Mr. Schafer said that should the City determine a distance is necessary between licensed facilities, a reduction in the distance should be considered. He encouraged the members to send a recommendation to the City Council so the matter could be resolved.

An attorney was present to represent Chan Chung of 1189 Garwood, Troy. The attorney addressed concerns of Mr. Chung as a neighbor of a group child care home facility. A handout was distributed to the members that detailed concerns of noise, privacy, aesthetics, traffic, parking and safety. Mr. Chung, a professor

at Lawrence Tech University, teaches in the evening and is home during the day. The attorney pointed out that 50% of the residents in the subdivision are Oriental and because of the language barrier, they might be intimidated to voice their opinions on the matter.

Syed Mohiuddin of 6150 Country Ridge, Troy, was present. Mr. Mohiuddin addressed the proposed requirements on fencing and a 1,500-foot distance between licensed facilities. He noted that his subdivision does not allow fences. Mr. Mohiuddin supports the position of City Management.

Curtis Childs of 1931 Atlas, Troy, was present. Mr. Childs agrees with City Management that the proposed requirements should be eliminated. Mr. Childs addressed State inspections, the intent of proposed language in House Bill 4398, traffic, and noise. He said group child care homes are not commercializing neighborhoods; they look like residential homes. Referencing a comment that some residents might not voice their opinions, Mr. Childs, a police officer by profession, said people are not afraid to make complaints.

Carol McBratnie of 1130 Larkmoor Blvd., Berkley, was present. Ms. McBratnie asked for clarification on the type of fencing that would be required. Ms. McBratnie addressed the 1,500-foot distance between licensed facilities and asked if a grandfather clause would be considered for the group child care homes currently in existence.

Barbara Webb of 787 Marengo, Troy, was present. Ms. Webb agrees with the comments of City Management. Ms. Webb asked that the members take into consideration individuals who care for one or two children of a friend or relative and individuals who receive assistance from the State (FIA).

Tony Anderanin of 3777 Root, Troy, was present. Mr. Anderanin asked for a favorable recommendation to change the zoning ordinance language to allow group child care homes in residential areas.

Nancy Regan of 120 Gordon, Troy, was present. Ms. Regan spoke in support of group child care homes.

PUBLIC HEARING CLOSED

Mr. Miller clarified the difference between the Michigan Building Code requirements and the State licensing requirements.

Mr. Wright said it appears that the State is not enforcing some of its own requirements; i.e., the 1,500-foot distance between licensed facilities. Mr. Wright said he is not in favor of recommending any changes to City Council to the Zoning Ordinance to allow commercial enterprises to operate in residential

zoning. Mr. Wright addressed the State requirement of additional employee(s) for the operation of a group child care home. He said a change like that would place the City's home occupation ordinance in jeopardy. Mr. Wright said he could hire someone to help him prepare tax returns in his home, or his neighbor could hire a secretary to assist him in his law practice in his home, and either one of those operations would generate less traffic and noise than a group child care home. Mr. Wright said an ordinance change to allow group child care homes could have a devastating impact on the City's residential zoning ordinance.

Mr. Chamberlain said public hearings sometimes draw only the people who are in support of a particular ordinance change. Mr. Chamberlain said he feels the Planning Commission owes it to the residents who bought a home in a residential neighborhood to keep the residential character of that neighborhood.

Mr. Vleck said his concern is not the traffic that is generated in the neighborhood, but the potential impact that a group child care home has on the direct neighboring properties. Mr. Vleck said his goals are to get a recommendation to City Council and to provide City Council with as much information as possible on the research undertaken by the Planning Commission.

Resolution # PC-2005-12-197
Moved by: Vleck
Seconded by: Chamberlain

WHEREAS, The State of Michigan as provided by Public Act 207 of 1921 and Public Act 285 of 1931 and subsequent changes thereto provides for city planning and authorizes Planning Commissions and their powers; and

WHEREAS, The City of Troy Planning Commission is empowered by the City of Troy Zoning Ordinance to approve matters coming before it and to make recommendations to City Council, where the Council holds the approval power for themselves.

THEREFORE, IT IS RESOLVED, That the Planning Commission does not recommend to the City Council the changing of Articles IV and X, pertaining to Group Day Care Homes in the R-1A through R-1E Districts, for the following reasons:

WHEREAS, It has been demonstrated by public input, letters and photos that family and group day care homes do have a negative impact on the neighboring property owners.

WHEREAS, According to City of Troy Assistant Attorney, Allan Motzny, and City of Troy Director of Building & Zoning, Mark Stimac, any building or structure or portion thereof that is used for the education, supervision or personal care services for more than five (5) children older than 2-1/2 years of age would be

classified as a Group E occupancy. This has significant implications on the ability of the structure to comply with building code requirements such as automatic sprinklers in basements, Michigan barrier-free design and the Federal Americans with Disabilities Act.

WHEREAS, There is nothing within the child care licensing law that exempts these facilities from the Michigan Building Code provisions.

WHEREAS, The current ordinance allows for family day care homes but limits enrollment thus permitting a needed service while minimizing the intrusion and negative impact on neighboring properties.

BE IT ALSO ADVISED TO CITY COUNCIL, That if the current zoning is revised, the Planning Commission makes the following recommendations:

10.25.02 Family Day Care Homes, as defined in Section 04.20.60, subject to the following conditions:

A. The number of children so cared for who are not a part of the family residing in the subject dwelling unit shall not exceed six (6).
B. The conditions applicable to Home Occupations, as defined in Section 04.20.71 and as listed in Section 10.25.01 shall not apply to Family Day Care Homes.
C. The resident-operator of the Family Day Care Home shall be licensed in accordance with applicable State Law.
D. To maximize the safety and the privacy for the neighboring properties, there shall be no dropping off of children between the hours of 10:00 p.m. and 6:00 a.m.
E. To maximize the safety and the privacy for the neighboring properties, if the outdoor play area is located on the premises, the play area shall be fenced or screened with a 6-foot high privacy fence.
F. No structural changes or exterior alterations shall be made which would alter the residential character of the dwelling except as required by the State of Michigan licensing rules.
G. No sign shall be used on the premises to identify the Family Day Care Home.
H. Family Day Care Homes with vehicular access on a major or secondary thoroughfare shall be required to have a circular drive or an unobstructed turnaround to allow for the safe egress of vehicles.

10.30.10 Group Day Care Homes, as defined in Section 04.20.69, subject to the following conditions:

A. To maximize the safety and the privacy and to minimize noise for the neighboring properties, Group Day Care Homes shall be allowed on

properties greater than one-half acre in size and having a minimum side yard setback of 20 feet.

B. The number of children so cared for who are not a part of the family residing in the subject dwelling unit shall not exceed twelve (12).
C. The resident-operator of the Group Day Care Home shall be licensed in accordance with applicable State Law.
D. To maximize the safety and the privacy for the neighboring properties, there shall be no dropping off of children between the hours of 10:00 p.m. and 6:00 a.m.
E. No structural changes or exterior alterations shall be made which would alter the residential character of the dwelling except as required by the State of Michigan licensing rules.
F. No sign shall be used on the premises to identify the Group Day Care Home.
G. The conditions applicable to Home Occupations, as defined in Section 04.20.71 and as listed in Section 10.25.01, shall not apply to Group Day Care Homes.
H. Group Day Care Homes with vehicular access on a major thoroughfare shall be required to have a circular drive or an unobstructed turnaround area to allow for the safe egress of vehicles.
I. The Planning Director may waive any required site plan information provided it can be determined that the application meets the Group Day Care Home requirements of Section 10.30.10 and the general Special Use Approval standards of Section 03.31.05.
J. To maximize the safety and the privacy for the neighboring properties, if the outdoor play area is located on the premises, the play area shall be fenced or screened with a 6-foot high privacy fence.
K. The licensee shall register with the City upon commencing operation and on an annual basis each January thereafter, and the licensed premises shall be subject to a fire and building department inspection and shall provide a smoke detector in all daytime sleeping areas and otherwise comply with applicable building and fire codes.
L. The applicant shall identify the entrance(s) for drop-offs and pickups. The parking and drop-off areas shall be designed to maximize safety and privacy for the neighboring properties.
M. To prevent the commercialization of residential districts, Group Day Care Homes shall be not be located within 1,000 feet of another state licensed residential facility.

<u>Discussion on the motion on the floor.</u>

Mr. Miller questioned if the condition to require a circular drive or unobstructed turnaround area could be placed on Family Child Care Homes that have vehicular access on a major or secondary thoroughfare.

Mr. Motzny, upon further review, said he believed it is a valid condition should the Planning Commission reason that it is a public health, safety and welfare concern.

At the request of Ms. Drake-Batts, Mr. Vleck provided a brief overview of the motion.

Ms. Drake-Batts said the proposed requirements with respect to the one-half acre lot size and the 1,500-foot distance between licensed facilities would make the existence of Group Child Care Homes almost impossible. She said, however, that the Commission owes it to the residents to get the matter up to City Council for a final decision. Ms. Drake-Batts said she would vote in favor of the motion even though she does not agree with a lot of the proposed conditions.

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

MOTION CARRIED

Mr. Littman agreed that a recommendation should go to the City Council. Mr. Littman said Group Child Care Homes should be provided for, and the basic part of the Resolution is a recommendation against them.

C-4 Zoning Ordinance Text Amendment (ZOTA 214-B) – Article IV and X, Approval of Group Child Care Homes on a Temporary Basis in the R-1A through R-1E Districts

Resolution #2005-11-521
Moved by Broomfield
Seconded by Fleming

RESOLVED, That Article IV (DEFINITIONS) and Article X (ONE FAMILY RESIDENTIAL DISTRICTS) of the City of Troy Zoning Ordinance, be **AMENDED** to read as written in the proposed Zoning Ordinance Text Amendment (ZOTA 214-B: Temporary Approval of Group Child Care Homes), as recommended by the Planning Commission and City Management.

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

Existing Group Child Care Homes

Parcel NO.	FACILITY	Address	Parcel Size in Acres	Site Able to Meet Proposed Requirements	Parcel 1/2 Acre or Less	Within 1000 ft. of Group Daycare Home	Within 1000 ft. of Family Daycare Home	Within 1000 ft. of Adult Foster Care Family Home	Within 1000 ft. of Adult Foster Care Home Small Group
88-20-01-476-088	MANNING GROUP DAY CARE HOME	2651 E SQUARE LAKE	0.39	NO	X				
88-20-03-226-037	ZIEHM, JENNIFER	731 LOVELL	1.34	NO			X		X
88-20-05-353-012	SUNSHINE HOME DAY CARE	6150 COUNTRY RIDGE	0.31	NO	X				
88-20-08-104-005	DOYLE, JOYCE	1834 FARMBROOK	0.34	NO	X		X		X
88-20-10-308-002	COLLINS, JUDITH	5410 HERTFORD	0.31	NO	X				
88-20-12-152-027	SCHAFER, SHARON	5593 MANDALE	0.19	NO	X				
88-20-14-226-004	DEPAUW, MARLA	1830 E LONG LAKE	1.11	YES					
88-20-14-351-072	PETERSON, KATHLEEN	1175 GARWOOD	0.23	NO	X				
88-20-17-276-047	HAQUE, TALAT ARA	1033 REDDING	0.55	NO					X
88-20-20-226-090	REYNOLDS, DEBORAH	1285 W WATTLES	0.97	YES					
88-20-20-227-032	JOHNSTON, BONNIE	1510 BOULAN	0.50	NO	X		X		
88-20-20-402-030	DUFORD, KIMBERLY	3141 MCCLURE	0.83	NO			X	X	
88-20-22-401-083	BEST OF CARE	543 VANDERPOOL	0.45	NO	X		X	X	
88-20-23-430-016	SAIDE, JANICE	1865 CRIMSON	0.26	NO	X		X		X
88-20-24-180-001	KRISCOVICH, KAREN	3784 FORGE	0.23	NO	X		X		
88-20-25-179-010	GEORGIYEVA, NATALIYA & VALENTINA	2320 ISABELL	0.24	NO	X		X		
88-20-25-402-029	CHILDS, CURTIS & NICHOL	1931 ATLAS	0.21	NO	X				X
88-20-27-451-056	GOD'S PRECIOUS CREATIONS	685 E MAPLE	0.50	NO			X		X
88-20-35-352-037	KIECA, DOREEN	151 KENYON	0.14	NO	X	X			
88-20-35-355-020	FULLER, PAULETTE	301 REDWOOD	0.14	NO	X	X			

Prepared by City of Troy Planning Department 1/12/2006

CHILD CARE CENTERS AND CHILD CARE HOMES IN TROY		
Facility	**Number**	**Capacity**
Child Care Centers	48	3,621
Group Child Care Homes	19	228
Family Child Care Homes	42	252
Total	109	4,101

Source: State of Michigan, Department of Human Services (website), January 24, 2006.

Child Day Care

Day Care Family Home

"Family day care home" means a private home in which 1 but fewer than 7 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

Day Care Group Home

"Group day care home" means a private home in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

Child Day Care Center

"Child care center" or "day care center" means a facility, other than a private residence, receiving 1 or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day.

Adult Foster Care

Adult Foster Care - Family Home - Capacity1 - 6 licensee resides on-site

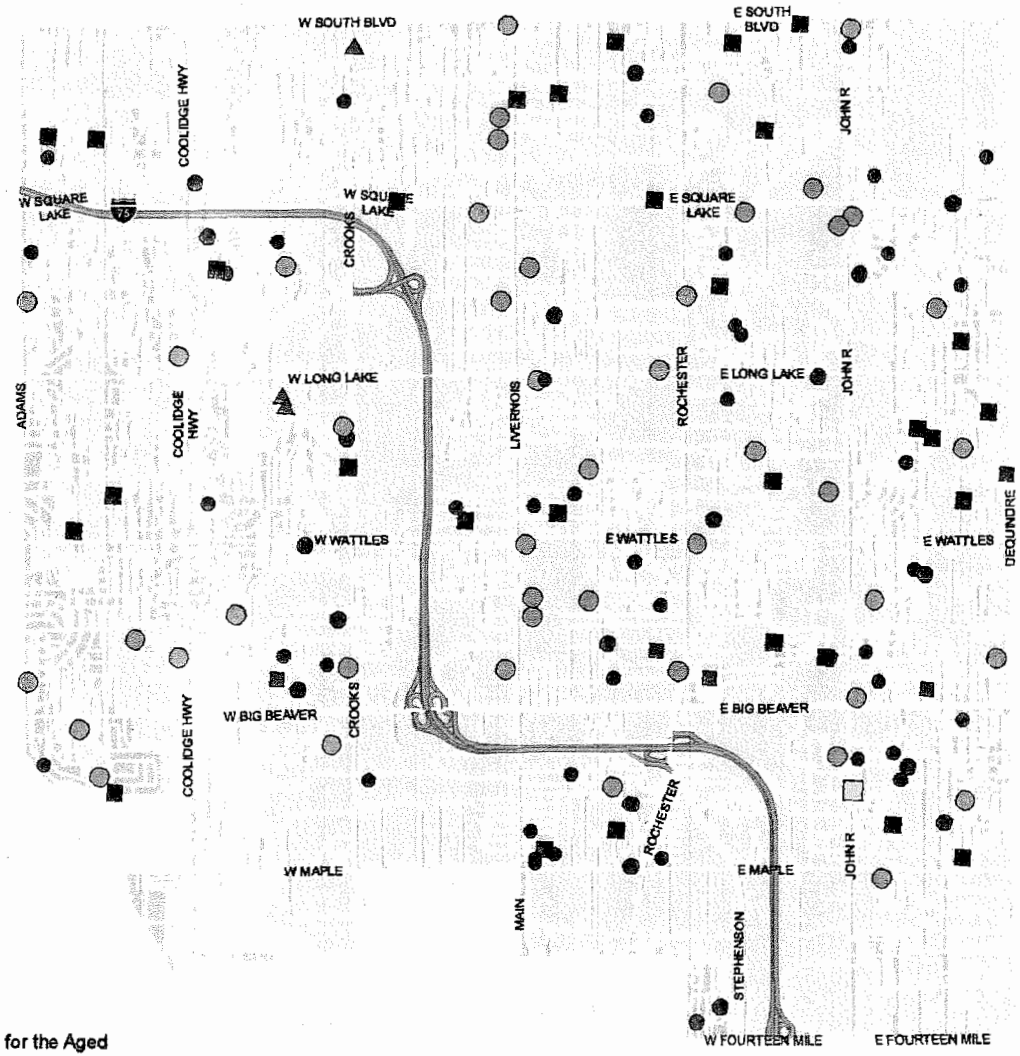
Adult Foster Care - Small Group - Capacity 1 - 6 may reside off-site

Adult Foster Care - Large Group - Capacity 13 - 20

Home for the Aged

A supervised personal care facility, that provides room, board, and supervised personal care to 21 or more unrelated non-transient, individuals 60 years of age or older.

Source: Michigan Department of Human Services



Legend

- Day Care Family Home
- Day Care Group Home
- Day Care Center
- Adult Foster Care Family Home
- Adult Foster Care Small Group Home
- Adult Foster Care Large Group Home
- Home for the Aged

January 9, 2006

DATE: February 14, 2006

TO: John Szerlag, City Manager

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

SUBJECT: Application of the Michigan Building Code
Pertaining to Day Care Group Homes

In order to understand the building code implications of allowing Day Care Group Homes (7-12 children) in single-family residential structures, it is imperative to understand the theory behind the development of the requirements of the building codes as they relate to the different uses of buildings and structures.

The Michigan Building Code is adopted by the State of Michigan and per the requirements of Public Act 230 of 1972, as amended, applies throughout the State without exception. This code is based primarily on requirements of the International Building Code. The International Building Code is promulgated by the International Code Council (ICC) through a consensus process and is published every three years. The current edition is the 2003 edition with the 2006 edition soon to be published.

The requirements of the Building Code are developed on the theory of, as I call it, “an equivalent level of minimum safety” in all buildings. That is to say that depending on the types of construction materials used, the use of the building, and other factors such as the availability of fire suppression, fire detection, and fire alarm systems, that all buildings will meet a minimum level of safety for the occupants. In order to establish this equivalent level, the size of buildings and number of stories are regulated by the code based upon these variables. The two most important factors in determining this minimum level of safety are the construction type of the building and the occupancy group of the uses that will take place inside.

Certain building materials have an inherently greater resistance to the effects of fire than other materials. Reinforced concrete is less likely to fail under exposure to fire than ordinary lumber. Building materials can also have additional protection applied to them to increase their resistance to the effects of fire. Steel, sprayed with a fire resistant coating, or encased in layers of gypsum board, has shown through testing to have a resistance to fire equal to that of concrete.

These “types of construction” are broken down into nine different categories 1A through 5B. Type 1A construction is one where the structural members are designed and tested to withstand a fire for up to three hours. Type 5B construction, at the other end of the spectrum, includes unprotected wood frame construction typically found in single-family homes. With buildings used for the same purpose, as the fire resistance of the structure increases, the allowable size for the building increases as well.

The other factor greatly affecting the allowable size for a building is what the building is going to be used for. Certain uses, because of the number of people involved and the activities that they are engaged in, are more hazardous than others. In others, the condition of the occupants, such as being asleep, anesthetized, restrained or having reduced mobility because of age or mental capacity affects the level of safety of the building. The Building Code divides the different uses of a building into ten basic use group categories. It further breaks those categories down into 26 sub-categories.

In establishing this equivalent level of safety the building code looks at a combination of the construction type of the building and the use group classification for the intended uses of the building. It then establishes a maximum height and area for those buildings also taking into account the availability of fire suppression, as well as the provision for access to the building for fire fighting purposes. In buildings constructed of heavily protected construction the areas and heights are unlimited. Other uses are not permitted at all in the unprotected wood frame buildings.

In terms of the question directly at hand, a single-family residence is classified as an occupancy group R-3 (Residential). A building in this occupancy group can be built of unprotected wood frame construction to an unlimited size up to three stories in height. A child day care facility for up to five children also fits within this same group and restrictions. When a day care facility provides care for more than five children then it is classified as an occupancy group E (Educational). Under this occupancy group in order to obtain that same “equivalent level of minimum safety” the code limits the area of the building built of unprotected wood construction to 9,500 square feet and limits the height to a maximum of one story above grade. The area can be increased to 28,500 square feet and the height can be increased to two stories if the building is provided with a fire suppression (commercial fire sprinkler) system.

If the children cared for are very young (under 2 ½ years of age) and not capable of self-preservation, the code places the facility into a higher group classification of an I-4 (Institutional) use group. These uses are limited to one story and 9,000 square feet and are required to have fire suppression. However, there is an exception if all of the rooms used for the day care are on the ground floor and have a door directly to the outside. Under those conditions the facility would still be classified as an E use group.

If these facilities include rooms or spaces that are below grade (basements) that are used as part of the child care facility, those basements must be provided with an exterior stairway leading to the ground, or openings on at least one side of the building

that are above the ground and at least 20 square feet of area, or they must be provided with a fire suppression system.

While the typical single family home is not subject to the requirements for handicap accessibility, facilities that care for more than five children are. The code does not require that the entire home be designed to meet these standards, but it does require that the portion of the home used for day care meet the accessibility standards. This would include accessible parking spaces (the signs are not required for five or fewer parking spaces), accessible building approach, accessible entrances, accessible hardware and accessible plumbing facilities. The City of Troy does not enforce the requirements of the American's with Disabilities Act (ADA), but the ADA does indicate that a day care center is a public accommodation covered under that act.

There is another code that has been adopted by the State of Michigan that may have some application in these cases. The State has developed and adopted the Michigan Rehabilitation Code for Existing Buildings. This code has provisions that could be used for reviewing applications for the alteration of existing buildings. The establishment of a Day Care Group Home in an existing single-family residence is considered to be a change of occupancy classification. As previously discussed, the occupancy classification for at least a portion of the structure will change from an R-3 to an E classification. Chapter 8 of the Rehabilitation Code establishes the minimum requirements when such a change takes place.

The application of this code requires a case-by-case analysis of the structure and the areas involved. While the use of this code may eliminate the need for a fire suppression system or modifications to existing stairways, it still would require that the building comply with the general height and area limitations of the Michigan Building Code as well as the accessibility requirements for the areas involved.

Prepared by: Mark Stimac, Director of Building and Zoning

Sharon M. Schafer
5593 Mandale Drive
Troy, Michigan 48085
248 879 9249
dschafer@ix.netcom.com

MAR 22 2004

Friday
March 19, 2004

DEPT. CIRCULATION
☒ DIRECTOR
☒ PRINCIPAL PLANNER
☒ PLANNER
☒ PLANNER RF
☐ SECRETARY

Place on April 21th meeting

Mr. Mark Miller, Planning Director
CITY OF TROY
500 W. Big Beaver Road
Troy, MI 48084

Dear Mr. Miller:

This is a request to be placed on a future agenda of a Planning Commission Study Session. My husband and I would like to present and discuss, informally and briefly, a need we see to change the Troy ordinance regarding the limits to the number of children an in-home day care service may have.

We would like to cite our experiences in providing day care services over the past 14 years (all of which have been in our Troy home), and the ever increasing need for in-home services here in Troy. In addition, we have some suggestions as to how the ordinance might be changed that would put Troy in step with what the State allows while still having a dimension of control over traffic coming and going to a day care home.

We appreciate your willingness to entertain our thoughts, and look forward to meeting with you and your staff/committee, at your convenience.

Sincerely,

Sharon M. Schafer

Sharon M. Schafer

#4

> Customer Application Process
> Electronic Benefits Transfer (EBT)
> Licensing
Adult Foster Care & Homes for the Aged
Child Day Care
Child Caring Institutions
Children's Foster Care
Child Placing Agencies
Juvenile Court Operated Facilities
Camps
> Electronic Funds Transfer (EFT)
> Forms/Applications
> Contractor Resources
> State Holidays
> Child Welfare Training Institute
> Staff Resources

Individual & Family Services
Assistance Programs
News, Publications & Information
Inside FIA
Commissions & Boards
County Offices

Frequently Asked Questions

- Someone told me that if I want to care for children in my home I have to be licensed. Is that true?
- What is a Family Day Care Home?
- What is a Group Day Care Home?
- What is a Child Care Center?
- How many licensed home and centers are there in Michigan?
- What regulations and requirements must be met to be licensed?
- Can I open a child care center before I get licensed?
- How long will it take to get my home licensed or registered to provide child care?
- What do I have to do to get a child care center license?
- What should I do if I have a concern about a day care facility?

Someone told me that if I want to care for children in my home, I have to be licensed. Is that true?

Michigan law requires a person to register her/his home as a "family day care home" if that person cares for 1 to 6 unrelated day care children for more than 4 weeks out of a year. If a person cares for 7 to 12 day care children at a time, the home would need to be licensed as a group day care home.

Michigan law further indicates that you **do not** need to licensed or registered if:

- The children's parents were **always present** in your home when care is given.
- All of the children are **related to you.**
- You cared for the children **in the children's home**.
- You care for children **less than four weeks** per year.

What is a Family Day Care Home?

A private residence that the child care provider lives in and cares for up to six unrelated children for more than 4 weeks in a year when the children's parents/guardians are not immediately available.

What is a Group Day Care Home?

Related Co
> Family Da Your Hom
> Group Da Your Hom
> Child Care Care Cent
> Program D Qualificati
> CPR and Training
> Online Lic Applicatio
> Fire Safet Inspection

A private residence that the child care provider lives in and cares for up to 12 unrelated children for more than 4 weeks in a year when the children's parents/guardians are not immediately available.

What is a Child Care Center?

A facility, other than a private residence, where child care is provided for 1 or more children whose parents/guardians are not immediately available. Centers must be licensed if they provide care for more than 2 consecutive weeks per year. Centers include public and private preschools, nursery schools, parent cooperative preschools, full-day child care centers and drop in centers.

How many licensed home and centers are there in Michigan?

There are over 19,000 regulated day care homes and centers: more than 11,000 family day care homes, over 3,300 group day care homes and more than 4,500 child care centers. This represents more than 350,000 children that can be cared for in Michigan child care facilities!

What regulations and requirements must be met to be licensed?

Day care homes and centers are regulated by the Bureau of Family Services and must comply with the child day care licensing law, Public Act 116, and administrative rules. The rules vary depending on whether the day care provided is in a family home, a group home, or a child care center. All licensed day care situations are reviewed by licensing staff to assure that the environment is safe, staffing is adequate, nutritious meals and snacks are provided, and there are appropriate activities and play equipment. Licensing rules require that staff caring for children be responsible and suitable to meet children's needs.

Can I open a child care center before I get licensed?

No. Michigan law requires all non-governmental organizations to be licensed before opening. Everyone is encouraged to seek help and information when deciding to open a child care facility.

How long will it take to get my home licensed or registered to provide child care?

As in other businesses, the length of time needed to become licensed or registered varies based on your completion of the needed steps in the application process. A registration for a family day care home or a license for a group day care home can be completed within as short a time as four weeks to as long as 16 weeks. Follow these links for more specific

information on completing the family home registration process and the group day care home licensing process .

What do I have to do to get a child care center license?

First you must select a site for your center. The site, including its equipment and materials, must be approved by fire and health inspectors and by the licensing consultant. Specific policies and operational plans must be developed, and then approved by the Bureau of Family Services.

The length of time depends on the applicant. Generally, the process takes applicants anywhere from three months to a year to complete. Follow this link for more specific information on completing the child care center licensing process.

What should I do if I have a concern about a day care facility?

Concerns should first be shared with the day care provider or director. If the problems or concerns continue you may want to contact the Office of Child and Adult Licensing office in your area, or visit our Complaints information.

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PRINTER friendly

Group Day Care in Your Home

It is illegal in the State of Michigan to care for unrelated children in your home without being licensed by the Michigan Family Independence Agency.

The first step in getting licensed is to request an application from the Licensing Division:

- Online Licensing Application Request
- (Fill out this form to submit on-line)
- Call: 517-241-2488
- **Toll free: 1-866-685-0006**
- Mail to:
  - Office of Child and Adult Licensing
  - Licensing Division
  - 7109 W. Saginaw 2nd Floor
  - PO Box 30272
  - Lansing, MI 48909-8150

EXPLANATION OF GROUP DAY CARE LICENSING

Licensing is the process by which the Michigan Family Independence Agency regulates group day care homes.

To **receive a group day care home license**, to care for 7-12 children, you will need to **submit** the following:

- The child day care application (BRS-3970) along with your check or money order [payable to the State of Michigan (no cash)]. **THE FEE IS NON-REFUNDABLE**
- A **Supplemental** Information form.
- **TB tests** for:
  - All persons, 14 years of age and older, living in your home (include yourself and your spouse).
  - Any other person who will help provide care.
- A signed licensing record **criminal and protective services clearance** on yourself and all members of your household 18 years of age and over.
- If you or a member of your household has been convicted of a criminal offense, or has a record of

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click here to see
Related Co
> Frequently Questions
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> Online Lic Applicatio
> Fire Safet Inspection

substantiated child abuse or neglect, further study will need to be done by your licensing consultant.

- The purpose of this study is to determine whether such previous involvement would currently affect your ability to care for children and meet the family day care home rules.
- Written **discipline policy.**
- Proof of age-appropriate **CPR** and **First Aid Training.**
- A **statement** signed by a licensed physician or his/her designee which attests to your **health** and the health of any assistant caregivers.
- Proof of recent (within last year) **inspection** and **approval** of your **heating system** (including wood burning appliances) by one of the following:
    - a licensed heating contractor
    - a qualified fire inspector
    - insurance company
    - State Mechanical Inspector
    - local building inspector
- **Emergency Plans** for tornado, fire, and accident, and illness.

WHAT ELSE NEEDS TO HAPPEN?

- You may be requested to attend an **orientation** session.
- If your home has a **private well and/or septic system**, an inspection and approval of the system(s) are required. This inspection, done by the local Health Department or the State Department of Community Health prior to licensure at **no cost to you, will be requested by the consultant.**
- **For fire safety you will need:**
    - **Fire extinguishers** on each floor used by children in care. These **must** be rated at least **2A-10BC**. Not every fire extinguisher is a 2A-10BC, so make sure you have this rating or one that exceeds the requirement.
    - A **smoke detector** on each floor of your home.
- Call your **local zoning board** to determine if you can operate a licensed group day care home in your neighborhood.
- The licensing consultant will **inspect** your home to check that you have met all of the rule requirements.
- After the inspection has been made, and all the required information has been submitted, a **decision** regarding your application will be made.
- A letter will be sent to you with the **licensing decision** and a copy of the **licensing study report**.
    - If the decision is to **issue** you a license, the letter will indicate when you may begin caring for children and that this initial license is in effect for **6 months.**
    - After 6 months, providing you continue to **meet all the rules** and continue to **live at the same address,** you will be issued a license every 2 years.
    - If the licensing decision is to **deny** your application you have the right to appeal the decision.
- While you are licensed, **inspections** by the licensing consultant will be made **annually** or if a **complaint** has been made.

A license is issued to a **specific** person at a **specific** address.
If you move, your license is no longer valid.

- If you plan to move, contact the Department **prior** to the move so that you can be licensed at your new address.
- If, at any time, you decide to no longer care for children, please notify your licensing office.

If you wish to continue with the licensing process or have any questions, please feel free to contact your licensing office.

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DEPT. CIRCULATION
☑ DIRECTOR
☑ PRINCIPAL PLANNER
☐ PLANNER
☐ PLANNER
☐ SECRETARY

Sharon M. Schafer
5593 Mandale Drive
Troy, Michigan 48085
May 13, 2004
dschafer@ix.netcom.com

RECEIVED
MAY 20 2004
BUILDING DEPARTMENT

File / ZOTA

Ms. Ginny Norvell
Inspector Supervisor
Housing & Zoning Building Department
City of Troy
500 West Big Beaver Road
Troy, Michigan 48084

Dear Ms. Norvell:

First, I want to thank you for your courtesy and all the help you've given me recently regarding my State of Michigan licensed group day care home here in Troy. As you suggested, my husband and I are working with Troy's Planning Board to try to update our city's regulations regarding child day care homes, to bring them into closer conformity with what the State of Michigan allows, and what other neighboring communities allow.

I have attended two Planning Board study sessions, and have been assured that they will discuss carrying this question to the City Council for consideration.

Also I would like to confirm and thank you for the verbal advisory mentioned in a recent phone call that, as long as the question of revising those Troy ordinances that affect child day care is moving forward, the Building Department will withhold enforcement of the current ordinances which the department indicated I am in violation of.

This courtesy is very much appreciated as it allows my families who are Troy residents and those who work in Troy to continue to have loving and caring attention for their children in my home.

Again, many thanks for your help and advice! I will try not to be a pest, but will call from time to time to keep you apprised of the progress of the proposed ordinance updates and revisions.

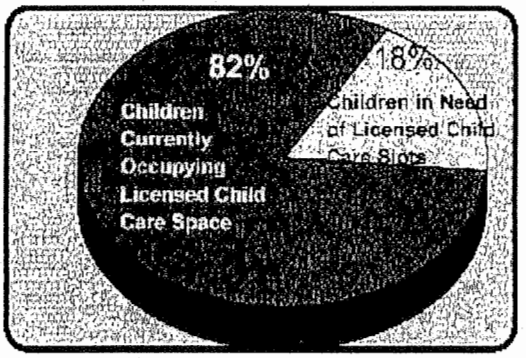
Cordially,

Sharon M. Schafer

COPY: MARK MILLER

P.C. Study Meeting
(Kim Duford)

The Supply and Demand of Child Care



There are a total of 258,751 children under the age in Michigan, and another 172,357 between the ages of six and twelve making an estimated total of 431,107 needing space in child care. The current supply can accommodate only 82% of the total demand for child care. This means that state-wide, there are 85,569 children without licensed child care in Michigan. The shortage of child care is critically acute for infants, children with special needs, those who need odd-hour care, and school-age children.

Demand for Child Care

CHILDREN UNDER SIX	857,927	
% of Mothers in Labor Force	58%	
TOTAL children under six needing care	497,598	
% NOT cared for by a relative	52%	
Child care needed by CHILDREN UNDER SIX		258,751
CHILDREN 6 TO 12	979,744	
%of Mothers in Labor Force	73%	
Total children 6 to 12 needing care	718,152	
% NOT cared for by a relative	24%	
Child care needed by CHILDREN 6 TO 12		172,357
TOTAL CHILDREN 0 to 12 Needing Care by a Non-Relative		431,107
TOTAL Number of REGULATED SPACES		352,259
PERCENT SUPPLY MEETS DEMAND		82%

***There is an acute shortage of:**

- infant care
- care for children with special needs
- odd hour care
- school-age care

COUNTY	# of Homes	Home Capacity	# of GFDC	GFDC Capacity	# of CNTRS	Center Capacity	# of FACIL	TOTAL CAPACITY	full-time centers	total centers	%FT centers	FT Center Spaces	CURRENT CHILD CARE WORKFORCE
ALCONA	13	78	7	84	3	72	23	234	0	3	0%	0	41
ALGER	12	70			8	183	20	253	2	8	25%	69	47
ALLEGAN	225	1347	46	551	46	1557	317	3455	11	46	24%	934	597
ALPENA	64	384	16	192	14	386	94	962	3	14	21%	298	168
ANTRIM	30	174	11	132	15	428	56	734	5	15	33%	251	131
ARENAC	18	108	6	72	7	261	31	441	3	7	43%	191	76
BARAGA			3	36	6	167	103	764	2	6	33%	51	37
BARRY	94	561	31	372	24	830	185	1976	8	24	33%	370	305
BAY	130	774	71	852	51	2222	252	3848	32	51	63%	1899	656
BENZIE	42	251	11	132	6	216	59	599	3	6	50%	133	102
BERRIEN	187	1101	84	1008	59	2961	330	5070	26	59	44%	1799	858
BRANCH	93	554	25	300	20	769	138	1623	11	20	55%	320	278
CALHOUN	230	1364	78	923	74	4632	382	6919	52	74	70%	3114	1155
CASS	49	293	30	360	13	497	92	1150	8	13	62%	331	197
CHARLEVOIX	52	311	27	324	15	457	94	1092	7	15	47%	202	190
CHEBOYGAN	43	256	27	324	11	242	81	822	6	11	55%	154	144
CHIPPEWA	48	284	17	204	24	873	89	1361	12	24	50%	511	237
CLARE	32	192	17	204	11	294	60	690	6	11	55%	148	121
CLINTON	133	784	48	567	30	1199	211	2550	17	30	57%	788	439
CRAWFORD	26	156	8	96	6	152	40	404	2	6	33%	81	71
DELTA	69	414	11	132	16	590	96	1136	8	16	50%	354	196
DICKINSON	37	222	10	118	14	541	61	881	8	14	57%	309	152
EATON	232	1382	66	790	47	2633	345	4805	28	47	60%	1827	806
EMMET	55	328	21	252	23	911	99	1491	16	23	70%	714	257
GENESEE	308	1817	193	2306	253	12998	754	17121	150	253	59%	8601	2897
GLADWIN	22	132	20	240	10	267	52	639	6	10	60%	179	112
GOGEBIC	18	108	3	36	11	320	32	464	3	11	27%	129	83
GRAND TRVRSE	262	1561	31	372	50	2560	343	4493	41	50	82%	2281	758
GRATIOT	77	460	31	372	18	571	126	1403	5	18	28%	210	243
HILLSDALE	70	418	22	264	20	720	112	1402	9	20	45%	364	242
HOUGHTON	44	264	14	168	19	987	77	1419	12	19	63%	442	239
HURON	33	194	12	144	21	640	66	978	7	21	33%	238	174
INGHAM	416	2454	141	1690	171	9654	728	13798	112	171	65%	7694	2317
IONIA	124	728	28	336	26	942	178	2006	19	26	73%	766	347
IOSCO	18	108	20	235	11	487	49	830	5	11	45%	353	142
IRON	14	84	1	12	3	148	18	244	3	3	100%	111	41
ISABELLA	66	396	43	516	25	1020	134	1932	17	25	68%	785	330
JACKSON	216	1280	109	1300	64	3443	389	6023	44	64	69%	2451	1014
KALAMAZOO	449	2675	95	1140	124	5722	668	9537	71	124	57%	4328	1621
KALKASKA	41	242	9	108	7	147	57	497	4	7	57%	107	88
KENT	1248	7443	177	2114	252	13056	1677	22613	129	252	51%	10098	3812
KEWEENAW	1	6	1	12			2	18	1	0	#DIV/0!	60	3
LAKE	9	54	5	60	3	90	17	204	2	3	67%	74	36
LAPEER	59	354	36	432	37	1277	132	2063	19	37	51%	777	360
LEELANAU	31	185	3	36	16	572	50	793	12	16	75%	455	139
LENAWEE	120	711	67	804	44	2152	231	3667	31	44	70%	1667	621
LIVINGSTON	96	576	40	474	73	3944	209	4994	43	73	59%	2897	841
LUCE	14	81	6	70	2	60	22	211	0	2	0%	0	37
MACKINAC	24	144	7	84	6	146	37	374	2	6	33%	42	66
MACOMB	452	2704	135	1608	269	18946	856	23258	172	269	64%	14893	3833

MANISTEE	35	210	12	144	11	430	58	784	7	11	64%	326	135
MARQUETTE	60	359	15	180	28	923	103	1462	12	28	43%	564	256
MASON	52	312	38	456	12	342	102	1110	7	12	58%	246	191
MECOSTA	64	383	9	108	22	652	95	1143	7	22	32%	312	202
MENOMINEE	24	144	9	108	11	344	44	596	5	11	45%	236	105
MIDLAND	139	827	55	660	60	2925	254	4412	37	60	62%	2081	748
MISSAUKEE	21	126	10	114	7	266	38	506	5	7	71%	206	88
MONROE	89	530	41	492	63	2956	193	3978	27	63	43%	1723	677
MONTCALM	93	556	34	408	30	998	157	1962	18	30	60%	707	341
MONTMORENCY	14	84	6	72	6	122	26	278	3	6	50%	50	50
MUSKEGON	327	1947	96	1152	76	3477	499	6576	55	76	72%	2438	1117
NEWAYGO	87	522	28	336	20	935	135	1793	19	20	95%	825	303
OAKLAND	591	3512	348	4158	582	41034	1521	48704	400	582	69%	29802	8024
OCEANA	48	288	14	168	17	616	79	1072	7	17	41%	346	185
OGEMAW	26	156	17	204	8	269	51	629	4	8	50%	193	108
ONTONOGAN	4	22	5	60	5	109	14	191	5	5	100%	76	35
OSCEOLA	37	222	30	360	11	327	78	909	5	11	45%	183	157
OSCODA	7	42	3	36	3	100	13	178	1	3	33%	60	31
OTSEGO	34	204	37	444	12	412	83	1060	4	12	33%	132	820
OTTAWA	672	3999	39	468	114	5643	825	10110	83	114	73%	4086	1054
PRESQUE ISLE	16	96	5	60	8	189	29	345	3	8	38%	87	64
ROSCOMMON	18	108	16	192	11	329	45	629	4	11	36%	139	426
SAGINAW	334	1960	94	1128	131	5225	559	8313	72	131	55%	3669	1221
ST. CLAIR	118	700	62	739	76	3071	256	4510	38	76	50%	1863	769
ST. JOSEPH	108	646	29	348	36	1333	173	2327	19	36	53%	990	336
SANILAC	42	252	23	276	21	682	86	1210	10	21	48%	426	185
SCHOOLCRAFT	16	96	1	12	5	126	22	234	2	5	40%	74	75
SHIAWASSEE	49	293	28	336	31	1406	108	2035	16	31	52%	975	357
TUSCOLA	59	354	33	396	25	761	117	1511	11	25	44%	341	313
VAN BUREN	108	638	38	456	45	2133	191	3227	25	45	56%	1260	731
WASHTENAW	290	1730	142	1703	188	11887	620	15320	134	188	71%	9251	3123
WAYNE	868	5071	313	3690	801	47501	1982	56262	474	801	59%	33529	8639
WEXFORD	87	519	20	240	17	653	124	1412	6	17	35%	262	10838
COLUMN TOTALS	10683	63475	3570	42662	4571	242118	18954	348255	2720	4571	60%	172308	69361

TOTAL FACILITIE 19666

Oakland County
third highest for number of parents in the work force

State of Michigan has 9,938,444 people in the work force.

AN INFORMAL PRESENTATION

To

CITY OF TROY PLANNING BOARD

By

SHARON M. SCHAFER
5593 Mandale Drive
Troy MI 48085

Concerning

UPDATING TROY HOME DAY CARE ORDINANCES
To allow
GROUP DAY CARE HOMES
(UP TO 12 CHILDREN IN CARE)

Tuesday
April 27, 2004

OVERVIEW

I. Introductory Remarks -

II. Principal Concerns in considering the authorization of Group Day Care Homes

III. The scope of Day Care in Troy – the numbers

IV. Suggestions and recommendations

V. Closing thoughts

THE TRAFFIC QUESTION

- Does 6 children in care = 6 cars, and 12 children = 12 cars? No! Families with siblings reduce the total car count significantly.

- Do Day Care Cars = a traffic jam? No! Market-driven forces significantly space out arrivals in the AM and PM so there is never a true traffic problem.

- Pick up and drop off visits are usually very short in duration, as parents want to 'get on their way'.

THE EMPLOYEE QUESTION

- A Group Day Care Home is required by the State to have at least one assistant caregiver available when there are more than six children present.

- Any Home Based Day Care, 'Family' or 'Group', must have a ratio of 1 caregiver for every two infants (younger than 18 months).

- Does Troy have an ordinance that forbids having an employee working at a home-based business? If so, this would have to have an exception added to it.

HOME DAY CARE IN TROY

- Governor Granholm's "Cool Cities" program has a 'Day Care Available' component to it. Troy enjoys this designation, in part because it has good day care offerings.

- The Oakland County Child Care Council (the 4-C's) is a professional organization to promote quality day care, and offers training, licensing updates and information, and a referral service for families looking for quality day care.

- Per the 4-C's –
  - There are 340 Group Day Care Homes licensed in Oakland County.
  - 20 of these homes are in Troy. (There are 48 Family Day Care Homes.)
  - In January, 2004 they received 52 reference requests for day care opportunities IN TROY, 47 of which wanted Home-Based Day Care.
  - In February, 2004 they received 42 reference requests for day care opportunities IN TROY, 39 of which wanted Home Based Day Care.
  - In March, 2004 they received 37 reference requests for day care opportunities IN TROY, 34 of which wanted Home Based Day Care.
  - THAT'S 92% of the calls wanted Home Based Day Care!

- Per the 4-C's –
  - On the average day during the first three months of 2004 there were only 3 openings available in Troy. The demand FAR exceeds the supply!

DAY CARE IN OUR AREA / ORDINANCE REFINEMENTS

- Sister cities – Birmingham, Clawson, Farmington Hills, West Bloomfield, and more – have ordinances allowing Group Day Care Homes in their communities.

- Those cities have, by and large, adopted the language of the State statute regarding Group Day Care Homes, adding it to their list of ordinances. It is apparent that Troy did the same when it adopted its current Family Day Care Home ordinance in the 70's.

- Some suggestions for reasonable refinements for Troy to add to a general ordinance allowing Group Day Care Homes, caring for up to 12 children.

  - Require that there be room on a home's driveway for a day care customer to park.

  - Limit the hours of operation to reasonable times – 6:00AM to 10:00PM, for instance.

  - Require adequate play area in a home back yard, and that it be securely fenced with lockable gates. A minimum of 2400 square feet is suggested.

    Out. door

CLOSING THOUGHTS / NEXT STEPS

- Keeping up with the Joneses (Birmingham, Farmington Hills. Etc.) is NOT a good reason for change.

- Keeping up with what the State now allows, AND WHAT THE COMMUNITY SEEMS TO BE DEMANDING (and is already offering, albeit in violation of current Troy ordinances) IS a good reason for change.

- The experience of the Schafer family, and the expertise of the Oakland County Child Care Council is available to the Board as it considers updating Troy's ordinances regarding Home Based Day Care for children.

- Next Steps -- ?

REGULATIONS OF GROUP DAYCARE HOMES IN NEARBY COMMUNITIES (BASED ON ACTUAL PHONE CALLS TO THE CITIES IN QUESTION)

- **AUBURN HILLS--** PLANNER- STEVE COHEN - 248-364-6900
  -YES- w/spec use.
- **BLOOMFIELD HILLS**- 644-1520 CITY MGR-
- **ROYAL OAK**- 248-246-3280 -- YES - Spec Landuse 1 family Residential
  Joseph Murphy

- **BERKLEY** 248-546-2420 CITY CLERK OFFICE
  ALLOW WITH STATE LICENSE

- **MADISON HEIGHTS-** 248-583-0826
  ZONING- SARAH - YES WITH STATE LICENSE

- **NOVI**- 248-347-0456 - MARY ANN – CITY CLERK –
  YES - MUST REGISTER WITH CITY CLERK $10.00

- **ROCHESTER HILLS** - 248-656-4630 BLDG DEPT- GLORIA
  YES WITH RESTRICTIONS -

- **STERLING HEIGHTS** – 586-446-2420 ZONING DEPT
  ALLOWED WITH VARIANCE – CAROL PLANNING

- **WARREN**—586-574-4557 -- LISA - JUST NEED STATE LICENSE

- **BLOOMFIELD TWP** – BRENDA - 248-433-7700 – YES ALLOWED
  - LICENSED BY STATE
  - APPLY 4 SPECIAL USE PERMIT
  - GO BEFORE DESIGN AND REVIEW BOARD

CREATED BY – NICHOL CHILDS 8/9/2005

Paula P Bratto

From: Jeni Baker [jeni.baker@pulte.com]
Sent: Thursday, June 30, 2005 10:19 AM
To: Brian P Murphy
Cc: Mark F Miller; Paula P Bratto; John Szerlag
Subject: Group Daycare

daycare.doc

I am writing in response to a planning commission study session I attended Tuesday evening. Throughout the course of the evening Mark Miller indicated that City Management is against Group Daycare homes. I am writing to you to determine the accuracy of the statements made (I believe you oversee planning).

Is city management against Group Daycare homes? If so, why exactly? It is difficult to listen 3rd party to the planning commission's conversation and come out with a clear understanding of the issues at hand.

What I took from the meeting is that the City is concerned with 1) potential traffic issues, 2) having an employee in the home and 3) adversely affecting neighbors (via noise?). I am writing to voice my opinion. I believe it is imperative to legally allow for Group Daycare facilities in the city while protecting the rights of neighbors.

The issues the city is concerned with may not be as problematic as they seem. For example, having used these types of facilities for many years, Group Daycare homes can have up to 12 kids per day. This does not mean there are 12 kids on each day. Due to the proliferation of flextime and part-time schedules, in addition to the fact that kids often stay home sick or are pulled out for family vacations, most Group Daycare providers have less than 12 children on any particular day. Even if a facility is at max capacity, it is highly likely that there are sets of siblings in attendance at the facility. This means that there are probably at most 6-8 cars that stop by for a matter of minutes to drop off and pick up children. In addition, the drop off times and pick up times usually span a 2 hour period (7-9am / 4-6pm). In summary, over a two hour period a group daycare home may have 6-8 cars that stop by for a matter of minutes. Is this truly overly burdensome on a neighbor? Many large families, social teenagers and avon ladies can generate this much traffic on a daily basis. Please determine if traffic is truly an issue or if more is being made of it than it warrants.

The second issue relates to having an employee in the home. The City should step carefully in this area. If the city says that having an in-home employee is disallowed, it is applicable to many home businesses, not just Group Daycare homes. For example, this may impact people who work out of their homes (in a "for profit" business) doing webpages, tax returns, selling beauty products, doing massages or providing salon services, etc. If any of these people engage anyone else to assist them and pay that individual $600 or more in a calendar year, that person can be construed as having an in-home employee. Additionally, disallowing in-home employees may impact service providers. Anyone who works for you in your home (even if they are not assisting in a "for-profit" business) and earns $600 or more in a calendar year can be considered an employee. This includes the neighborhood babysitters, nannies, in-home nursing care, cleaning ladies and potentially even lawn/garden service providers. I know that the City does not want to be overly burdensome on small business owners. It wants to be a place that both big and small businesses can thrive. It is important that the city carefully weigh the true burden in-home businesses have on a neighbor against an individuals right to earn a living (and to employ a small number of individuals to assist in that endeavor). With the internet and the ability to telecommute, many more people are working out of their homes and maybe it is time the city officially allow for and support this trend.

The third issue relates to noise. I am not sure what is overly disturbing about the sound of children playing outside. However, if there is a neighbor who doesn't care for the sound of children, couldn't the city enforce the same noise standards it imposes on all

residents? In addition, please note that the children are typically contained inside during the day. There are set "outside" times or recesses that most facilities follow. The children are not outside for excessive time periods. The city should deal with noise violations on a case by case basis. I am concerned that one neighborly dispute may adversely affect a wonderful small business opportunity and great city service currently available to Troy residents and employees.

I am a Tax Manager of a Fortune 500 company and not only use a Group Daycare facility myself, but also have employees who use these types of facilities in Troy and neighboring municipalities. I have worked in the Tax Departments of many large corporations throughout the course of my career (including one of the Big Six public accounting firms, General Motors Corporation, Delphi Corporation and currently Pulte Homes Corporation). I can say, without a doubt, that having reliable daycare for myself and the employees is a critical component of being able to operate effectively.

I urge City Management to reconsider their position and become a proponent of Group Daycare. Troy should be the city that Novi, Birmingham, Bloomfield Hills, Rochester, Livonia, etc. look at to determine what is being done to lead a City into the future. The reality is that there is a growing need for daycare options for working families.

Group Daycare homes allow for a slightly higher income and quality of life for owner/operators vs Family Daycare. Please note however, I have heard comments from planning commission members who seem to be under the false impression that owner/operators make a large income from their Group Daycare business. My daycare provider earns approximately $5.31/hr to watch my child. Additionally, I pay a higher rate than others because I use her facility on a part-time basis. Out of the approximately $5/hr she earns, she pays her employee's wages, provides breakfast, lunch and snacks, art supplies, toys, playground equipment, home and yard maintenance, videos, books, utilities, insurance and pays tax on the remaining net income. She is registered with the state, pays any applicable licensing fees and requires minimum yearly training seminars for herself and her employees.

If the City forces these individuals to decrease their numbers to 6, many may not be able to stay in business. If you force them back into a "Family Daycare" environment you will effectively cut their income in half and will reduce the "spending" power these individuals have. This indirectly affects the City in that we now have residents at a lower income level, resulting in less spending at local businesses. Additionally, if they are forced to reduce the number of children they have, budget cuts will need to be made. These cuts will (most likely) adversely affect the quality of care the children receive in that current spending levels for activities/supplies/toys, etc. will need to be reduced.

If the City disallows Group Daycare and the providers choose to move their businesses just over the border (for example, to Birmingham), the families will follow. This also adversely affects local businesses. For example, I will probably get my morning cup of coffee at a Birmingham business, do my banking, drycleaning and other errands in Birmingham on my way to drop off/pick up my children.

Having first hand experience with both Family Daycare and Group Daycare (as well as having visited and done my due diligence on many Daycare Centers), I would be happy to meet with the planning commission or any other interested parties if that would be beneficial to the city. Please feel free to contact me to discuss any of these issues (my contact information is below). I have also attached a word document where I list specific advantages that Group Daycare provides over Family Daycare or Daycare Centers.

For many families, Group Daycare is the only logical choice. Please come together to find a way that they can be allowed in this city. If the city is unable to move forward with amending the current zoning language to allow for group daycare facilities, for the benefit of children currently in one of these homes, consider grandfathering existing facilities. Displacing or moving children who are attached to their current care provider could be traumatizing. I believe most individuals would be supportive of imposing reasonable standards for these facilities (keeping in mind the practicality and cost). The last thing we should do is force this service underground where a child could pay the ultimate price. Having them upfront, legal and monitored is the best choice for everyone.

Thank you for reading this lengthy e-mail. To the individuals on the planning commission, thank you for volunteering your personal time to benefit the city.

Regards
Jeni Baker (Troy Resident)
(h) 248-879-8876
(w) 248-433-4551
(h) rsbaker1@wowway.com
(w) jeni.baker@pulte.com

<<daycare.doc>>

- **Consistent Caregiver** – Group daycares are owner operated with one additional employee. The owner/operator is a consistent presence in the childs life from birth through kindergarten. Less turnover than Centers.
- **Safety of Children** – multiple caregivers in the event of an emergency (primary caregiver passes out/is injured)
- **Safety of Children** – primary caregiver is neglectful/abusive (even one other employee provides a "check and balance"). Parents may feel more comfortable with multiple caregivers but do not like the daycare "institutions"
- **Reliability** – less "lost workdays" for employees/employers. Even one additional employee provides coverage for illness/vacation/personal issues
- **Home Environment** – Unlike centers, group daycares provide a home environment. Good choice for parents who want a "home away from home" alternative (similar to family daycare) but want exposure to more children
- **Educational Environment** – Group daycares provide an educational environment similar to many of the centers and current Troy pre-schools. Family daycares may not be able to provide this learning environment due to the limited number of children at similar stages of development. If group daycare homes are forced to limit the number of children, the reduction in income would probably result in cutting costs in activities/supplies etc., that currently benefit the children.
- **Blended Ages** – Group Daycare homes, similar to family daycare homes, allow siblings to be raised together. Centers typically isolate siblings based on age.
- **Developmental Age Exposure** – Due to more children (up to 12 vs up to 6) more likely to have children similar in developmental stages, exposure to both boys and girls, etc.
- **Cost Effective Alternative** to Centers/In-home care (comparable w/ family daycare)
- **Beneficial for the City of Troy** – Become leader in this area – the city that is progressive in supporting programs that are required by a growing number of residents and employees
- **City of Choice** – Should not limit parents choices. Potentially limit number of permits issued in the city, however, make it a valid option.
- **Part-time friendly** – Waiting lists for part-time children at Centers – not cost effective, almost punitive for part-time individuals
- **Infant/toddler/pre-school friendly** – Many churches and centers only take children who are "potty trained" and are 3 years old and up
- **There is currently a need for quality daycare in the state**
- **Lower rate of illness** compared to centers

If you close:

- Limiting people's choices on what is best for their children. Parents are best able to assess their children's emotional and educational needs and should have at least 3 viable options for daycare.
- You may unintentionally harm children with special needs. Many special needs children will not do well in institutions and are too burdensome to take on for a family daycare where there is only one care giver.
- Closing these will result in lost workdays while up to 300 families scramble for alternatives. Additionally, the lost workdays will continue if the group daycare families enroll in family daycare where there is no backup/coverage for illness, vacation, etc.
- Intangible benefits include employing high school & college students interested in education as well as retirees.

Paula P Bratto

From: Chan Chung [cjc@sbcglobal.net]
Sent: Wednesday, August 10, 2005 11:11 PM
To: Paula P Bratto
Subject: Re: ZOTA214 Group Daycare Homes in R-1

Dear Sir/Madam,
(1)
I think City of Troy should not give temporary permit to anyone who has been doing group day care. Must wait until City council passes the amendment. That's the ABC of the law. If this is not observed, then City might be in a big trouble, legally.

(2)
In the admendment text, we should include the approval of adjacent neighbors as a condition to get the permit as well as annual renewals. This should be no problem becasue they claimed that no neighbor did complain.

Sincerely,
CJ Chung
1189 Garwood Dr.

Paula P Bratto

From: Chan Chung [cjc@sbcglobal.net]
Sent: Wednesday, August 10, 2005 1:09 AM
To: Paula P Bratto
Subject: Re: ZOTA214 Group Daycare Homes in R-1

Dear Sir/Madam,
I attended the public hearing tonight. There were problems inherently.
(1)
The letter sent to group day care's neighbors were useless, because people did not understand it. No one knows the difference between family day care homes and group day care homes.
(2)
Neighbors just ignored the letter, because they signed when they visited their homes. But the problem was they did not explain the essence. They came to my home and asked my wife to sign becasue the City tries to shutdown all the day care homes. They did not say that the city allows family day care homes, currently.

Glad to hear that there will be another hearing after having the proposed text. It was a hearing only for the interest group, not for the resident of Troy.
Sincerely,
CJ

Paula P Bratto

From: Chan Chung [cjc@sbcglobal.net]
Sent: Wednesday, August 10, 2005 12:51 AM
To: Paula P Bratto
Subject: RE: ZOTA214 Group Daycare Homes in R-1

Hello,
I was there. The chairman did not say we had a right to refuse.
Sincerely,
CJ

Paula P Bratto <BrattoPP@ci.troy.mi.us> wrote:

> You will be asked to give your name and address but you can refuse and you will be allowed to speak.
>
> -----Original Message-----
> **From:** Chan Chung [mailto:cjc@sbcglobal.net]
> **Sent:** Saturday, July 30, 2005 3:39 PM
> **To:** Paula P Bratto
> **Subject:** ZOTA214 Group Daycare Homes in R-1
>
> Dear Sir/Madam,
> I am a resident in Troy and received the letter about the Group Daycare homes. I am very concerned about the amendment because of the following reasons:
>
> (1) increased traffic
> (2) noise
> - many children/babies are crying when they arrive early in the morning
> - from cars in the morning
> - the daycare home was shoveling snow before children were arriving. Sometimes 4:30am in the morning!
> (3) lowering property value of my house
> (4) amount of trash they produce is huge! Perhaps they are paying same property tax as us, which is not fair.
> (5) I purchased my house in residential area, not in comercial area. They are doing that for only profit. Children are staying almost all day in the basement which is damp and many insects live.
>
> Could I possibly be anonymous? I am planning to sell my house. I consulted with real estate agencies. All said that the value will be lowed if there is a day care home next to my house. I am worrying about revealing my identity, becuase then the problem of my house is known to the general public, especially due to the search engine on the Internet. If address and my name is given in the minutes, then anyone can find the problem on my house.
>
> Please tell me this anoymous email is all right. I plan to attend the Hearing on Aug 9th, but I should be remain silent and anonymous, because of the minute online. During the Hearing, can I speak as anonymous?
>
> Sincerely,
> A Troy resident

Mark F Miller

From: Cynthia A Stewart
Sent: Monday, August 15, 2005 9:31 AM
To: Cristina Broomfield (E-mail); Cynthia A Stewart; Dave Lambert (E-mail 2); David Eisenbacher (E-mail); Jeanne Stine (E-mail); John Szerlag; Louise Schilling (E-mail); Martin Howrylak (E-mail); Robin Beltramini (E-mail)
Cc: Douglas J Smith; Brian P Murphy; Mark F Miller
Subject: FW: Home Daycare

-----Original Message-----
From: Qiling Yu [mailto:qiling_yu@yahoo.com]
Sent: Saturday, August 13, 2005 5:41 PM
To: Paula P Bratto; Cynthia A Stewart
Subject: Home Daycare

From: Qiling Yu, 4038 Worthington Drive, Troy, MI 48085

To: Troy City Council and Planning Commission

Date: August 13, 2005

Dear Sir and Madam,

I have been the resident of Troy since January 1999. I recently heard from my neighbour Kathy Peterson, a child daycare provider in my neighbourhood, that the city is considering removing Home Daycare. My family is deeply concerned about the decision, and urge the city officials to reconsider the direction.

My daughter, Jeanna Yu, is now seven and half years old. Jeanna started "public life" at Home Daycare when she was only 20 months, and Jeanna still remembers the wonderful time at Kathy's house. This is because Kathy has been providing the home environment and made all children feel at home. Jeanna had an outstanding first grade performance in the past school year, and I think Kathy's Home Daycare is definitely a positive contributor. Not only children benefit from Home Daycare, parents also. I sincerely hope Troy will keep Home Daycare to benefit more families like mine.

Thank you very much for your time and efforts in making Troy a better place to live!

Best regards,

Qiling Yu

Start your day with Yahoo! - make it your home page

Chan Jin Chung
1189 Garwood Dr. Troy, MI 48085
248-680-7211, cjc@sbcglobal.net
Aug. 29, 2005

REC'D
AUG 24 2005
PLANNING DEPT

Mark Miller
Planning Director, City of Troy
500 W. Big Beaver
Troy, MI 48084

Dear Mark,

As you know, a Group Day Care Home is a business with employees who do not live in the home, which is changing the concept of residential zone dramatically. Group Day Care Homes are an unusual circumstance which start very early in the morning before 9 A.M. when neighbors may need to sleep. For example, I am a night worker but I cannot sleep due to the following noise problems caused by a day care home very close to my house in the morning.

- Noise from the slamming the entrance door (not the front door, but the side door they use for their business)
- Noise from the slamming car doors (while holding a baby with the other arm)
- Occasionally, babies are crying when they enter the day care home. More frequent in winter.
- Parents usually talks to their baby or child before going into the day care home
- Noise when they start the car
- Noise when they use remote key to lock the car
- Noise when they shovel snow very early in the morning before their customers arrive
- Noise when they talk outside of the home

Please note that I suffer from these problems the most in the sub-division due to the following reasons:

- Building gap is only 17' 8" (Minimum distance is 15' in R-1E zone in Troy)
- My bed is toward the wall and is away only about 20' diagonally from the day care business entrance. (Because of the location of master bathroom, I cannot move my bed.)

In addition, I have privacy issues since their business entrance door is just next to my dinning room. I cannot open my window blinds, since strange day care customers can easily look into my dining room. Please have a visit to my home, to see what is going on. First, I want them not to use the "side door" for their business.

There are other problems such as traffic, parking, safety, large amounts of trash, and lowering property value of neighbors. Therefore, day care homes should not be allowed in residential area especially in Troy R-1E zone since the minimum distance between buildings is too short (less than 20ft).

Also I do not support the current day care system, which encourages leaving babies in the damp and dark basement without sunlight for at least 8 hours. No child should be left in the basement for many hours. Day care business people say they provide home like childcare. I think that is not right. It cannot be homelike environment with 12 babies. It will be bad decision for the USA in the long run. Instead, I suggest making law to require homebuilders to plan and build special day centers in the large-scale subdivisions. It will be a win-win situation for everyone.

Sincerely,

Chan Jin Chung 8-29-2005

Chan Jin Chung

P.S. Please do not make my home address public regarding this matter.

REC'D

SEP 27 2005

PLANNING DEPT.

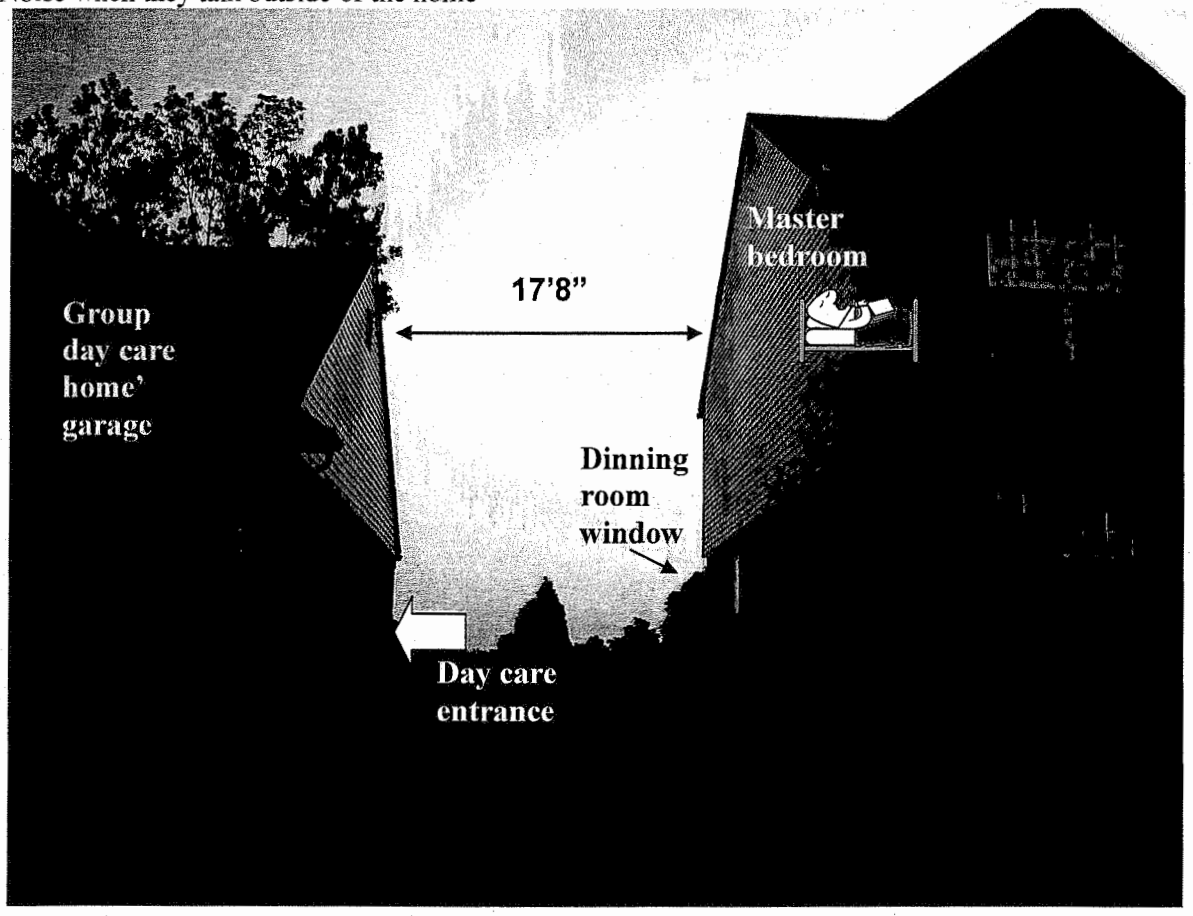
Chan Jin Chung
1189 Garwood Dr. Troy, MI 48085
248-680-7211, cjc@sbcglobal.net
Sep. 27, 2005

To: City of Troy Planning Commission Committee ✓
500 W. Big Beaver Rd., Troy, MI 48084
Cc: Mark Miller, Planning Director, City of Troy
Re: ZOTA 214 Article XXVIII, Group Day Care Homes in the R-1A ~ R-1E

Dear City of Troy Planning Commission Committee Members:

Many thanks for working for the better lives of people living in Troy. I would like to express my opinion by this letter regarding "Group Day Care Homes" for the public hearing on September 27th, 2005. As you know, a Group Day Care Home is a business with employees who do not live in the home, which is changing the concept of residential zone dramatically. Group Day Care Homes are an unusual circumstance which start very early in the morning from 6 a.m. when neighbors may need to sleep. Actually, I need to sleep in the morning because I work at night. But I cannot sleep due to the annoying noise caused by a day care home very close to my house in the morning. Examples of noises due to day care customers of 12 babies are:

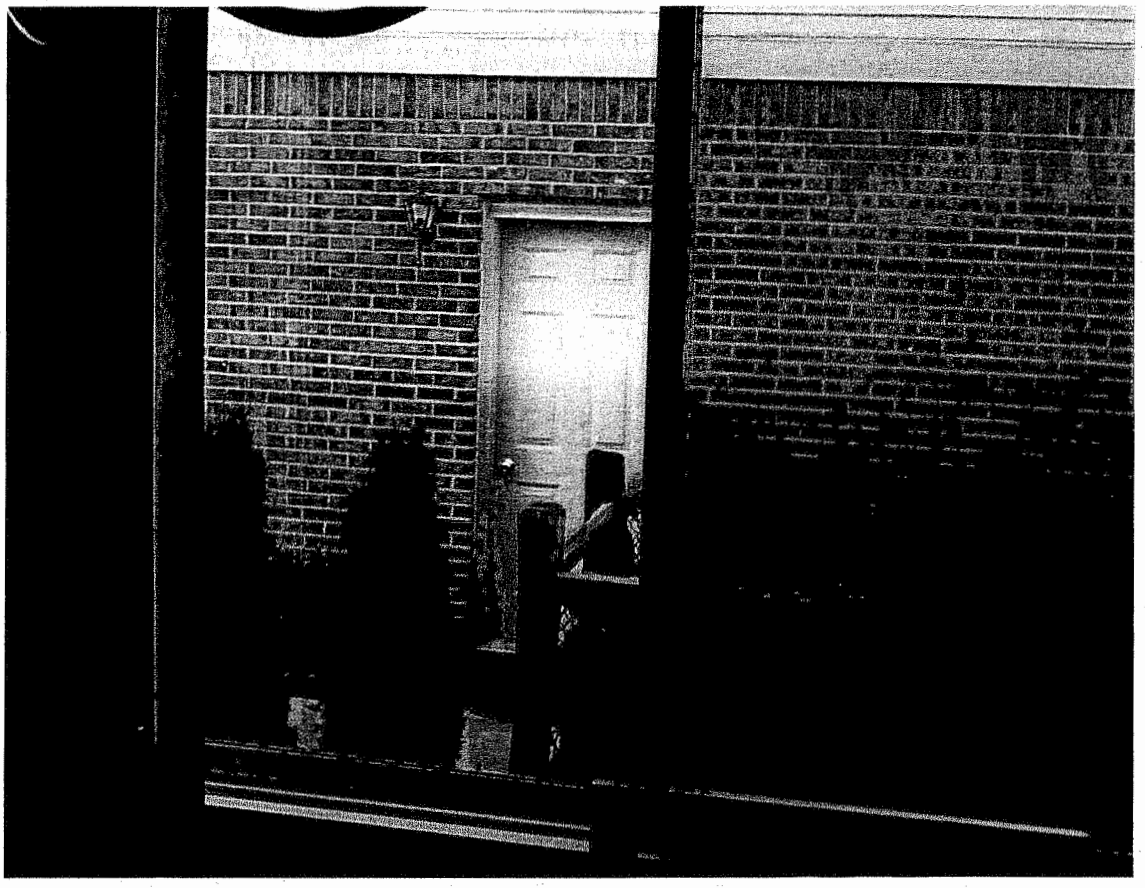
- Noise from the slamming the entrance door (not the front door, but the side door they use for their business)
- Noise from the slamming car doors (while holding a baby with the other arm)
- Occasionally, babies are crying when they enter the day care home. More frequent in winter.
- Parents usually talks to their baby or child before going into the day care home
- Noise when they start the car
- Noise when they use remote key to lock the car
- Noise when they shovel snow very early in the morning before their customers arrive
- Noise when they talk outside of the home



Please note that I suffer from these problems the most in the sub-division due to the following reasons:

- Building gap is only 17' 8" (Minimum distance is 15' in R-1E zone in Troy)
- They have been using a side door as business entrance for customers, not the front entrance.
- My bed is toward the wall and is away only about 20' diagonally from the day care business entrance. (Because of the location of master bathroom, I cannot move my bed.)

Also, I have privacy issues since their business entrance door is just next to my dinning room. I cannot open my window blinds, since strange day care customers can easily look into my dining room. The following is a photo showing the day care entrance door seen from dining room window. As you see, it is too close and trees they planted recently do not help at all. There is a beautification issue, since their 6 large trash bins are directly under my dinning room window. Three trash bins were recently moved to the right side of the photo below.



In addition to the noise, invading privacy, and beautification problems, there are other issues as summarized by Planning Department such as traffic, parking, safety, and increased amount of water/sewer/refuse. Based on my experience of selling the current home, it is certain that the existence of the day care home as a next neighbor lowers the property value of the house. Therefore, I would like to ask you to make a careful decision in changing city ordinance regarding group day care homes in the residential area. Especially, special investigation must be conducted in Troy R-1E zone since the minimum distance between buildings is too short (less than 20ft).

Please do not make my home address public considering my situation.

Sincerely,

Chan Jin Chung 9-27-2005

Chan Jin Chung

Brent Savidant

From: Mark F Miller

Sent: Thursday, October 06, 2005 9:29 AM

To: Allan T Motzny; Brent Savidant; Christopher Kulesza (E-mail); David Waller (E-mail); Fazal Kahn (E-mail); Gary Chamberlain (E-mail); Larry Littman (E-mail); Lynn Drake-Batts (E-mail 2); Mark Vleck (E-mail); Robert Schultz (E-mail); Thomas Strat (E-mail); Wayne Wright (E-mail); Kathy Czarnecki; Paula P Bratto; Ronald Figlan

Subject: FW: Group Daycare Home ZOTA language

-----Original Message-----
From: Curtis Childs [mailto:CDChilds@msn.com]
Sent: Sunday, October 02, 2005 10:42 PM
To: Paula P Bratto; Mark F Miller; John Szerlag
Cc: Cynthia A Stewart; Louise Schilling; Judy Collins; Kim Duford; Sharon Schafer; Nichol Childs
Subject: Group Daycare Home ZOTA language

Please see the attached information

October 6, 2005

City of Troy
Planning Department
Planning Commissioners
City Council
City Manager

To all:

A committee of the Troy group daycare providers who are very much involved in this issue met together to discuss the city's proposed daycare language. The attached information is our attempt to be helpful and proactive in assisting the City of Troy to develop and adopt a new ordinance allowing for group daycare homes in all residential areas. We have thoroughly examined the language that has been proposed and have come up with the following information and suggested changes and / or additions. We have added some information that we believed to be very beneficial. Some of it has come from the State of Michigan, some came from other cities' ordinances . We very much like the City of Troy's option 2 but we understand and believe that option 3 may be our best chance at having a change to the ordinance. We hope this information is useful to you in your discussions about this issue.

Thank you for your time.

Respectfully Submitted,

Group daycare providers

OPTION 1: STATUS QUO (UNREASONABLE)

No changes to Article X proposed.

OPTION 2: PERMIT BY RIGHT (SUBJECT TO SPECIAL CONDITIONS)

BEST OPTION WITH CHANGE TO (B)

10.25.05 Group Day Care Homes, as defined in Section 04.20.69, subject to the following conditions:

A) The number of children so cared for who are not a part of the family residing in the subject dwelling unit shall not exceed twelve (12).

B) For each child on the premises a minimum of four hundred (400) square feet of outdoor play area shall be provided, in the rear or side yards of the subject dwelling unit.

B) A day-care home shall provide an outdoor play area which is not less than 400 square feet and which is available on the premises or within a reasonable walking distance of the home. (Per State Rules)

C) The conditions applicable to Home Occupations, as defined in Section 04.20.71 and as listed in Section 10.25.01 shall not apply to Group Day Care Homes.

D) The resident-operator of the Group Day Care Home shall be licensed in accordance with applicable State Law.

OPTION 3: SPECIAL USE APPROVAL "LIGHT"

10.30.10 Group day care homes, subject to the following conditions:

A. The resident-operator of the Group Day Care Home shall be licensed in accordance with applicable State Law. Expiration of the group day care license shall constitute expiration of Special Use Approval.

B. There shall be no dropping off of children between the hours of 10:00PM and 6:00AM.

C. No structural changes or exterior alterations shall be made which would alter the residential character of the dwelling except as required by the State of Michigan licensing rules.

D. No sign shall be used on the premises.

E. The conditions applicable to Home Occupations, as defined in Section 04.20.71 and as listed in Section 10.25.01 shall not apply to Group Day Care Homes.

F. The Planning Commission shall ensure that the parking and drop-off areas are designed for safety and convenience.

G. The Planning Director may waive any required site plan information provided it can be determined that the application meets the requirements of Section 10.30.10 and Section 03.31.05.

H. Licensed group day care homes in operation as of the effective date of this provision shall not be required to receive Special Use Approval, provided the group day care license does not expire.

I. A day-care home shall provide an outdoor play area which is not less than 400 square feet and which is available on the premises or within a reasonable walking distance of the home. (Per State Rules)

J. Has appropriate fencing for safety of children in group daycare home as determined by city's permitting authority.

K. All group daycare homes shall be register with the 911 dispatch center and the City of Troy Police and Fire Dept

OPTION 4 – SPECIAL USE APPROVAL "HEAVY" (ONLY DIFFERENCE BETWEEN OPTION 3 AND OPTION 4 IS IN PARAGRAPH (H), THIS IS UNREASONABLE AND DANGEROUS)

Statistics of the last three (3) years that were provided by Michigan State Police show 90% of accidents in the City of Troy have occurred on major thoroughfares.

10.30.10 Group day care homes, subject to the following conditions:

A. The group day care home shall be licensed with the Office of Children and Adult Licensing or the appropriate licensing agency, should the licensing duties be provided by another organization in the future. Expiration of the group day care license shall constitute expiration of Special Use Approval.

B. There shall be no dropping off of children between the hours of 10:00PM and 6:00AM.

C. No structural changes or exterior alterations shall be made which would alter the residential character of the dwelling except as required by the State of Michigan licensing rules.

D. No sign shall be used on the premises.

E. The conditions applicable to Home Occupations, as defined in Section 04.20.71 and as listed in Section 10.25.01 shall not apply to Group Day Care Homes.

F. The Planning Commission shall ensure that the parking and drop-off areas are designed for safety and convenience.

G. The Planning Director may waive any required site plan information provided it can be determined that the application meets the requirements of Section 10.30.10 and Section 03.31.05.

H. The group day care home shall have frontage on a major thoroughfare, as defined by the City of Troy Transportation Plan.

Paula P Bratto

From: miles zhang [nini690@yahoo.com]
Sent: Monday, October 24, 2005 9:08 AM
To: Paula P Bratto
Subject: No! to Group Daycare Homes in Troy

Intensive traffic in the morning and afternoon will
risk child safety and bring in noise issue to our neighborhood.

Yahoo! Mail - PC Magazine Editors' Choice 2005
http://mail.yahoo.com

Please fax or email the following to Troy's Mayor, the City Council, City Manager, Assistant City Manager, City Attorney, Planning Commission, Planning Director and Building Department.

Things to be discussed concerning all family and group daycare centers in Troy.

Safety:

1. Must have supervision in the home and outside if one child needs to be in the home and others want to play outside.
2. Play area must be fenced in.
3. City checks all play equipment so it is safe for children. Should be approved for safety. This includes pools, trampolines etc.

Ordinances:

1. Mandatory daycare refresher courses to renew license yearly.
2. Ordinance passed that neighbor is not held accountable if child trespasses into their yard and something happens.
3. New nuisance noise ordinance must be made. A screaming child is not playing. Decibel reading by the city not the solution. By the time a City Staff member gets the complaint and show up at the neighbors the children have probably gone home.

City Staff Responsibility:

Presently the city is understaffed to handle complaints if and when they occur. The same city staff person must be assigned to all family and group daycare centers to receive assistance and follow through on complaints concerning noise levels and seeing children unsupervised.

Possible Penalties:

1. One complaint, a warning.
2. Two complaints, a citation.
3. Three complaints, possible removal of license.

REC'D
OCT 25 2005
PLANNING DEPT

Sincerely,

Rich Milostan
Troy resident

To C. 10-25-05

We don't want a revision of the Zoning Ordinance

Wanda L. Kitchen

Floyd D. Kitchen

REC'D

OCT 14 2005

PLANNING

Floyd Kitchen
2365 Isabell Dr
Troy MI 48083-2363

Paula P Bratto

From: Sharon M. Schafer [dschafer@ix.netcom.com]
Sent: Wednesday, November 02, 2005 1:15 AM
To: Paula P Bratto
Subject: Group Day Care

Dear Planning Commissioners:
Thank you once again for your consideration and work on ZOTA 214.
In reference to your discussion this evening regarding what would happen with a special
use permit if a day care provider sold his/her home, I would like to share the following information
with you:

On page 35 of the State Day Care Licensing Rules for 2006, which is part of the back up material
on the City of Troy website for the Dec. 13 City council public hearing, it says
"PLEASE NOTE: A certificate of registration is issued to a specific PERSON at a specific ADDRESS.
If you move, your certificate of registration is NO LONGER VALID.
If you plan to move, contact your OCAL Licensing Unit PRIOR to the move so that you can apply for
a new registration at your new address.
If you decide to no longer care for children, contact your local licensing office to request closure
of your certificate of registration."

So, if the certificate of registration is no longer valid, then the special use permit is no longer valid, right? I would think that a new person moving into that address would have to request a new special use permit that would work with the new person's license registration number.

Once again, thank you for your time and consideration.

Sharon M. Schafer
5593 Mandale Drive
Troy, Michigan 48085
248 879 9249

Paula P Bratto

From: Maofeng Fu [maofeng.fu@gmail.com]
Sent: Saturday, November 05, 2005 9:44 PM
To: Paula P Bratto
Subject: Public hearing

Dear Troy City Office:

We have received your request for public hearing on Nov.21,2005.

We strongly oppose amending of the text of Article IV Definitions and Article X One Family Residential Districts R-1A through R-1E of the Zoning Ordinance.

We are very concerned about revising the the text to provide a definition for group daycare homes, revise the definition for family day care homes and amend R-A through R-E to permit Group Daycare Homes on a temporary basis.

Please don't pass the amendment.

Thank you

Maofeng Fu
Xiuling Ying

1133 Garwood Dr.
Troy, MI. 48085

Paula P Bratto

From: william haboush [bhaboush3@yahoo.com]
Sent: Sunday, November 06, 2005 9:40 AM
To: Paula P Bratto
Subject: nov. 21 730 city council mtg

I'm not interested in permits to allow Group Daycare Homes on a temporary or permanent basis. I vote : NO ! Our single family residential subdivisions must be protected. We dont want the added traffic and congestion/risk to our children and families.

Thank you.

Bill Haboush
1103 Redding Drive
Troy, Michigan 48098

troy resident : 15 years

Yahoo! FareChase - Search multiple travel sites in one click.

Paula P Bratto

From: Kevin S Cheon [cheonk@dteenergy.com]
Sent: Wednesday, November 09, 2005 2:39 PM
To: Paula P Bratto
Subject: Fw: BAN on the recent Group Day Care Homes ordinance

Why am I getting the "Public Hearing" for same issue over and over? Now another one has been scheduled on November 21, 2005 at 7:30 pm. I can not make it that day, but anyway my opinion has not been chaneged. Thank you for the consideration!
-----Forwarded by Kevin S Cheon/Employees/dteenergy on 11/09/2005 02:33PM -----

> To: planning@ci.troy.mi.us
> From: Kevin S Cheon/Employees/dteenergy
> Date: 09/13/2005 08:30AM
> Subject: Fw: BAN on the recent Group Day Care Homes ordinance
>
> I got a letter about the public hearing on Tuesday, Sept. 27, 2005 at 7:30 pm. First of all I can not attend the hearing because I have a bible study meeting on every Tuesday between 7:30 and 9:00 pm.
>
> The letter does not contains the detail of hearing, but if this is the same one I reponded a month ago then I still have same opinion about that so I am simply attaching the previous letter to this. Please consider this letter as my opinion.
>
> Thanks.
>
> Kevin Cheon
> 1138 Garwood Dr., Troy
> -----Forwarded by Kevin S Cheon/Employees/dteenergy on 09/13/2005 08:19AM -----
>
> > To: planning@ci.troy.mi.us
> > From: Kevin S Cheon/Employees/dteenergy
> > Date: 08/08/2005 08:53AM
> > Subject: BAN on the recent Group Day Care Homes ordinance
> >
> > Troy City Planning Director and Principle Planner,
> >
> > Recently I got the letter from the city about the "Group Day Care Homes" hearing. Because I can not attend the scheduled public hearing, I decided to write my opinion in short instead.
> >
> > The bottom line, I **strongly BAN** on this ordinance.
> >
> > Even the current situation is not happy, but because of we are living same neighbor I am bearing. But if the maximum number increase and the traffic is getting worse then our whole neighbor will not be happy and we can not keep the good relationship each other. I do not want to see those kind of situation in our neighbor.
> >
> > There are several reasons for banning such as noise, safety, parking, traffic and even lowering property value. If anybody want to increase the maximum number, they should go to the the commercial area because I assume they already have enough income.
> >
> > Thank you for your consideration
> >
> > Kevin Cheon
> > 1138 Garwood Dr.

Paula P Bratto

From: Paula P Bratto
Sent: Wednesday, November 09, 2005 3:30 PM
To: Paula P Bratto
Subject: ZOTA 214 B

The Planning Department receive a phone call from Floyd & Wanda Kitchen . They do not feel that ZOTA 214 B regarding group day care homes should be approved, he feels that it is too much and wanted his opinion to be provided to the City Council.

Paula Preston Bratto
City of Troy
Planner
248.524.3365
www.ci.troy.mi.us

Brent Savidant

From: CJ Chung [chung@LTU.edu]
Sent: Friday, November 18, 2005 12:00 AM
To: Brent Savidant
Cc: Talk2Cristina@aol.com; Mark F Miller
Subject: Noise Problems due to a Group Day Care Home

Dear Brent,
Via letters, conversations with planning Dept people, emails, I have been complaining noise problems due to a group day care home next to my house, which is very close. Even a laywer I hired sent a letter to the city. But according to the proposal at http://www.ci.troy.mi.us/PublicHearings/PHData/Planning%20Commission/2005-12-13%20ZOTA%, unfortunately it does not consider the noise problem. The closest item would be:

G) The parking and drop-off areas shall be designed to maximize safety and privacy.

I am not sure if I can attend Dec 13, planning commision meeting, because I work at night. It seems letters do not affect the Hearing at all. Could you please suggest how we can revise the text? I would like to add just a phrase like:

The parking and drop-off areas shall be designed to maximize safety and privacy, "and minimize noise."
****

I know USA is a wonderful country where a reasonable requests are not just ignored.
Many thanks for all the help. I am copying this email to city council woman, Cristina Broomfield, whom I met and who understands this matter.
Sincerely,
CJ Chung
1189 Garwood Dr.

Mark F Miller

From: Cynthia A Stewart
Sent: Monday, December 19, 2005 3:54 PM
To: Mark F Miller; John Szerlag
Subject: FW: GROUP DAYCARE IN TROY

Council received this – not sure if you did.

-----Original Message-----
From: Upton, Lesley [mailto:lupton@cgolaw.com]
Sent: Thursday, December 15, 2005 9:35 AM
To: Louise Schilling; dave@lambert.net; rbeltram@wideopenwest.com; talk2cristina@aol.com; Wade Fleming; Mfhowryl@umich.edu; stinejm@wwnet.net
Cc: Cynthia A Stewart; childsplayhome@msn.com
Subject: GROUP DAYCARE IN TROY

My name is Lesley Upton and I live at 1267 Hartland, Troy, MI 48083. I am in favor of group daycare in Troy! We currently have a child with Nichol Childs and when our second child is born next year we would also like the child to go there. Our child has learned so much from attending the group daycare at Nichol's home. She receives so much one on one attention and is always coming home with new projects and songs she has done/learned at the daycare. I do my homework when it comes to daycares. I have done lengthy searches on state sites to see if complaints have been filed and I also ask the state for recommendations along with word of mouth recommendations from other parents as well. I even went and visited a ton of daycare facilities along with home daycares as well. In Troy and the surrounding cities as well. I even take a questionnaire along with me. I ask numerous questions and if I choose the place I bring my child to it at least three times to make sure it fits with us. The facility we liked best was Grace Christian but to us it still seemed to big for our daughter. We wanted something more like a home yet like a facility where she would be getting schooling. We also wanted our child to be with a group of kids of different ages. I can't tell you how much she learns from the older kids. I like the variety of ages. She also gets use to having infants around to prepare her for her new sibling in the summer time. With us only needing daycare partime it is also a plus to us because a group daycare can accommodate us. Most family and facilities won't take part time. I am not going to give up time with my parents and me one day just to put my child full time with somebody. I also like the location of daycare because living in Troy it allows me to pick up my child early and spend a lot more time with her. If I had to drive out of Troy to drop her off it would take away precious time I have with my child. I have also had my child in a family daycare before but there weren't enough eyes on her to watch her and one day she fell off a chair and hit her head on a table. Yes that could happen anywhere but at a place where there is more than one person the chances are less likely. Plus I didn't like her being driven around in a car either. With a group daycare with two helpers one can stay back with the right number of kids if you don't want your child to attend field trips. I just think you get the best of both worlds with a group daycare. I would truly hate for them not to be allowed to operate in Troy or to have unrealistic restrictions to follow. I am thankful you have allowed the preexisting ones to stay open until you come to an understanding on this situation. For the sake of the families that are currently going to these daycares and of course for the people running them I hope you come to a conclusion to let them stay open! You would really be benefiting children, families, group daycares and most importantly giving Troy lots of options for daycare which is very valuable to say the least.

Sincerely,
Lesley Upton

Paula P Bratto

From: Cynthia A Stewart

Sent: Wednesday, December 21, 2005 8:46 AM

To: Cristina Broomfield (E-mail); Cynthia A Stewart; Dave Lambert (E-mail); Jeanne Stine (E-mail); John Szerlag; Louise Schilling (E-mail); Martin Howrylak (E-mail); Robin Beltramini (E-mail); Wade Fleming (E-mail)

Cc: Paula P Bratto

Subject: FW: Group Day Care

-----Original Message-----
From: Ken Davis [mailto:kdavis@beaumonthospitals.com]
Sent: Wednesday, December 21, 2005 8:45 AM
To: Cynthia A Stewart
Subject: Group Day Care

In the next 30 to 45 days, you will have an opportunity to resolve a long-standing issue in your city. The issue of allowing or not allowing Group Day Care facilities (7 to 12 children) in residential neighborhoods will come before you.

I am not a resident of the City of Troy, however my wife and I have been looking at homes in your city, as we search for a place to raise our family. We have held off serious consideration in Troy due to the conflict of this issue. We do not wish to live in an area that would NOT be family-friendly in regards to day-care. As a two-income family, it is imperative that our options are not seriously hampered by the govenment of the city in which we may choose to live. The services provided by these residential day care facilities is vastly superior to that provided by commercial care care facilities by providing more personalized care and flexibility in schedules.

I do not see how a few cars (as many as 12) arriving in a residential setting in the morning and evening for a few minutes can adversely affect the values or lifestyle of the neighborhood. My guess is that unless you actively look for them, you would not even notice them in the usual comings and goings of a normal residential area.

Troy is a growing city with most homes priced in the range that young people with children can afford. If, however, those same families do not have easily accessible services (of which day care is included), the city will not be a viable place to live. The care and education of our children while we are work is (day-care and schools) is probably the MOST important consideration in where we will live.

I strongly urge you to ALLOW these Group Day Care facilities in your residential neighborhoods (without restrictions that will make it impossible for most homes). They are all subject to state codes and regulations and that should be enough.

Thankyou for taking the time to consider this letter and issue!
Ken Davis

Paula P Bratto

From: judy bonfiglio [redfeather@wideopenwest.com]
Sent: Wednesday, December 21, 2005 7:04 AM
To: Paula P Bratto
Subject: Day care

To whom it may concern,
You MUST continue to allow day care services in homes in Troy. The ending of this much needed service would not only impact the working families that rely on them, but also the income of the people that provide the service.

The flexible hours and overall convenience of home day care
cannot be disputed. This would be a serious threat to the livelihood of many Troy citizens. It would make child care difficult and much more expensive for the families that rely on it.
Taking this service away would also make the city of Troy look bad in the public eye. Families need to help familes in any way they can.
There are far too many other issues that need to be addressed than the issue of home day care. Crime and other things of that nature should take priority over this.

PLEASE, do NOT take away this terrribly important service.
It is GREATLY needed.

Very sincerely,
Judy Bonfiglio

Paula P Bratto

From: pcerlandson@sbcglobal.net
Sent: Wednesday, December 21, 2005 7:18 AM
To: Cynthia A Stewart
Cc: Paula P Bratto
Subject: Group Day Care in Troy
Importance: High

Dear Troy City Council,

I was disappointed to read of the recommendation by the Troy Planning Commission not to allow group day care facilities in Troy. This is an issue which, of course, affects not only Troy but the surrounding communities.

Perhaps what disturbed me even more was the justification given for the Planning Commission's recommendation: *"that group day care homes have a negative effect on neighboring properties ."* I am sorry, but if the care of children now is a negative effect upon a neighborhood, then the whole world has turned upside down. The care of children is a high calling, and it is part of what holds a neighborhood together. It does not bring down a community: it builds a community.

My hope is that when you meet to review this recommendation, you will come to a different conclusion than the Planning Commission!

Yours truly,
Paul Erlandson
Royal Oak, Michigan

Paula P Bratto

From: Cynthia A Stewart

Sent: Wednesday, December 21, 2005 7:40 AM

To: Cristina Broomfield (E-mail); Cynthia A Stewart; Dave Lambert (E-mail); Jeanne Stine (E-mail); John Szerlag; Louise Schilling (E-mail); Martin Howrylak (E-mail); Robin Beltramini (E-mail); Wade Fleming (E-mail)

Cc: Paula P Bratto

Subject: FW: Day care

-----Original Message-----
From: judy bonfiglio [mailto:redfeather@wideopenwest.com]
Sent: Wednesday, December 21, 2005 6:57 AM
To: Cynthia A Stewart
Subject: Day care

To whom it may concern,
You MUST allow day care to continue in Troy. Why would you intentionally take away something that helps working families as well as the people who take care of the children? This would be a tremendous loss to all who rely on this service.

I feel very strongly about this. It would be a total loss to the community, making you look very bad in the public eye.
Day care hurts no one and helps many.

Please look at the huge impact this will have on working families if you take this much needed service away.

Very sincerely,
Judy Bonfiglio

Paula P Bratto

From: Cynthia A Stewart
Sent: Tuesday, January 03, 2006 7:32 AM
To: Cristina Broomfield (E-mail); Cynthia A Stewart; Dave Lambert (E-mail); Jeanne Stine (E-mail); John Szerlag; Louise Schilling (E-mail); Martin Howrylak (E-mail); Robin Beltramini (E-mail); Wade Fleming (E-mail)
Cc: Paula P Bratto
Subject: FW: Daycare

-----Original Message-----
From: Chris DeNeen [mailto:cdeneen@hotmail.com]
Sent: Thursday, December 29, 2005 4:37 PM
To: Cynthia A Stewart
Cc: Louise Schilling; jmz12761@hotmail.com; ChildsPlayHome@msn.com
Subject: Daycare

Hello,
Whether you have no kids, ten kids or one, quality daycare impacts all of us. With the fact that two parents need to work in these uncertain financial times, quality daycare is crucial to the future of not only Troy, but also the state and the country. I have found quality daycare and the chance that it will be taken away scares me.

I understand the need to maintain the nature of residential neighborhoods. I wouldn't want a Blockbuster or other business on the lot next to mine. But, I challenge you to drive through the neighborhoods of Troy and find the daycares. If the rest are anything like mine, you may be able to spot it once in a hundred days. They do not disturb the integrity of the neighborhood atmosphere. In addition, with the vast array of intelligent people working for the city of Troy there should be a way to write the ordinance in a manner that will eliminate the chances of other in home businesses, that *will* compromise the residential quality, from popping up.

A thousand positives to undo the damage of one negative seems to be the appropriate sentiment here. If a neighbor of a daycare has a complaint, they should be addressed and dealt with. The idea of punishing all for the actions or inactions of a few is ridiculous.

The daycare my son attends is safe. Overhead sprinklers or other over the top building codes are no match for common sense and well educated and managed children. That's what makes a daycare or school safe, not sprinklers. Some of the suggestions the planning commission made make practical sense. Others are simply designed to put these hardworking daycare providers out of business. Please see through this backdoor approach to ending a quality daycare option in Troy. Don't take Troy backwards; keep it the city of tomorrow, today!
Thanks,
Chris and Sue DeNeen

DEPT. CIRCULATION
☑ DIRECTOR
☑ PRINCIPAL PLANNER
☑ PLANNER
☑ PLANNER
☐ SECRETARY
☐ FILE ZOTA 214

REC'D
JAN - 5 2006
PLANNING DEPT.

Chan Jin Chung
1189 Garwood Dr.
Troy, MI 48085
248-680-7211

cc: J. Szerlag
B. Murphy
D. Smith
L. Bluhm
A. Motamy
S. Lacosta

Mr. Thomas Strat, Chair of Planning Commission
Planning Department, City of Troy
500 W. Big Beaver
Troy, MI 48084

Dear Mr. Strat:

First of all, I would like thank you deeply for your support on the issue of Group Day Care Homes in Troy. Your committee's decision and recommendation on Dec. 13th was fair and right to minimize future possible conflicts between neighbors. It would certainly improve the environment for the children in the group day care homes, too.

I understand that city's final decision is dependent on the city council members. Because of that, in order to block my activities before the City Council meeting, my neighbor, Mrs. Kathleen Peterson, filed "Petition For Personal Protection Order (PPO) Against Stalking" to the court (Please see a copy attached). Mrs. Peterson filed the PPO against another person previously and she tries to block taking photos and videotaping, even she asks not to talk to / contact her at all.

Simply, her allegation is not true and illogical. In her filing, she argues that I have been stalking her all the time, which is not true. I took just some photos of her business customers, not her. There is no reason for me to take photos of her! I took photos of her 'day care customers' in order to prove that my privacy was invaded and I was bothered by the noise. I did not take any photos of her. I did not videotape her.

Could you possibly write a letter to Judge Martha D. Anderson to let her know the situation in the City as well as your opinion regarding this matter? If you send the letter to me, then I will take it with me when I go to the court on January 18th.

I firmly believe I have the right to send photos and other evidences to the City, since I have been suffered from unusual business activities in the residential area. I wish you could explain in the letter the usefulness of visual data from City residents to make decisions as a chair of planning commission. Also, even if I would not do, I would like to stress that I have a right to look out/photograph/videotape outside from my windows in my house.

If the PPO is granted by the judge as she requested, then it could be an undesirable exemplar case in gathering residents' feedback data for the future of city planning. I do appreciate your help all the time and I really hope you will write a support letter to the Judge.

Sincerely,

Chan Jin Chung 1-3-06

Chan Jin Chung

P.S. By the way, I have an idea to improve the city planning services. I am interested in developing a web-based online system to gather property-owner's survey data on city wide issues. Also the system can be used to communicate with property owners effectively. Summary of the system features is attached.

Copy to: Mr. Thomas Strat, 5044 Christy Ct. Troy, MI 48098-4112

Approved, SCAO

COPY

Original - Court
1st copy - Law enforcement agency (file) (green)
2nd copy - Respondent (blue)

05-715523-PH

OAKLAND COUNTY JUDGE MARTHA D. ANDERSON
PETERSON, KATH V CHUNG, CHAN,

STATE OF MICHIGAN
6th JUDICIAL CIRCUIT-FAMILY DIVISION
OAKLAND COUNTY

PETITION FOR PERSONAL PROTECTION ORDER AGAINST STALKING (NON DOMESTIC)

Court address 1200 N. Telegraph Rd, Pontiac, MI 48341

Court telephone no.

Petitioner's name	Age		Respondent's name, address, and telephone no.	Age
Kathleen M. PETERSON	53	V	CHAU JIN CHUNG	
Address and telephone no. where court can reach petitioner 1175 GARWOOD DR. Troy, MI. 48085 {} Confidential address on file with the court			1189 GARWOOD DR. Troy, MI. 48085	

1. The petitioner and respondent have never been husband and wife, resided in the same household together, had a child in common, or had a dating relationship with one another.
2. ☐ The respondent is required to carry a firearm in the course of his/her employment. ☐ unknown.
3. a. There ☐ are ☒ are not other pending actions in this or any other court regarding the parties.

Case number	Name of court and county	Name of judge

b. There ☐ are ☒ are not orders/judgments entered by this or any other court regarding the parties.

Case number	Name of court and county	Name of judge

4. I need a personal protection order because: Explain what has happened (attach additional sheets)

****SEE ATTACHED ADDENDUM FOR PERSONAL PROTECTION ORDER****

RECEIVED FOR FILING
OAKLAND COUNTY CLERK
2005 DEC 19 A 10: 19
BY: DEPUTY COUNTY CLERK

5. I make this petition under the authority of MCL 600.2950a and ask the court to grant a personal protection order prohibiting the respondent from stalking me as defined under MCL 750.411h and MCL 750.411i which includes but is not limited to:
   - ☒ following me or appearing within my sight.
   - ☐ appearing at my workplace or residence.
   - ☒ approaching or confronting me in a public place or on private property.
   - ☒ entering onto or remaining on property owned, leased, or occupied by me.
   - ☒ sending mail or other communications to me.
   - ☒ contacting me by telephone.
   - ☒ placing an object on or delivering an object to property owned, leased, occupied by me.
   - ☐ threatening to kill or physically injure me.
   - ☐ purchasing or possessing a firearm.
   - ☒ Other: NO VIDEO TAPING OR PICTURES TAKEN OF MYSELF
6. I ask the court to grant a personal protection order against stalking:
   - ☒ I request an ex parte order because immediate and irreparable injury, loss, or damage will occur between now and a hearing or because notice itself will cause irreparable injury, loss, or damage before the order can be entered.
7. ☒ I have a next friend petitioning for me. I certify that the next friend is not disqualified by statute and is an adult.

I declare that the statements above are true to the best of my information, knowledge, and belief.

Dec 19, 05
Date

Kathleen M. Peterson
Petitioner's signature

MCL 600.2950a, MCR 3.703

6th CIRCUIT-
OAKLAND COUNTY

ADDENDUM TO PETITION
PERSONAL PROTECTION ORDER
STALKING

page of

{X} moving party
Petitioner's name: Kathleen M. Peterson
Age: 53 yrs

{ } moving party
Respondent's name: v CHAN JIN CHUNG
Age:

{ } Check if non-public mailing address filed with Court

Stalking is defined as a willful course of conduct involving repeated or continuing harassment that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested, and actually caused someone to feel terrorized, frightened, intimidated, threatened, harassed or molested

The respondent did the following acts or made the following threats which caused me to feel terrorized, frightened intimidated, threatened, harassed or molested:

1. When: Since Aug 5, 05 to present Dec 19, 05
   Where: my residence
   What: Video tapes my every move + activities from his dining room window + his Bedroom windows upstairs in his house. I see him as early as 7:00 am with a tri-pod + digital camera + light on filming me, snow blowing, shoveling, putting groceries away, leaving for CVS
2. When: Drug store at 10:00 pm, taking out my garbage, going for a walk with
   Where: my dog, in my yard with my dog, talking with guests outside
   What: my home during the day, moving my son's car, etc. This has been 5 months of constant stalking surveillance that has me crying, very nervous, can't sleep at night, increase in many many migraine headaches from 1 per every 2 weeks to 3 per week. I've talked to the police dept. chief and he
3. When: said a PPO would be my only hope of stopping this
   Where: constant invasion of my privacy. I've begun to feel
   What: like I'm not safe + I can't think of anything else or concentrate at work anymore. I feel like a prisoner in my home because Mr Chung watches me every
4. When: time I exit my home. He has slandered me and
   Where: tried to destroy my reputation by telling other
   What: that he witnessed a drug party at my home on April 21th. A complete (True) for me and not true. Neighbors who were friendly to me before (concerned) no longer look at me who used to wave + talk w/ me. See attached

(Attach extra sheets if necessary)

VERIFICATION UNDER MCR 2.114(2)(b): I declare that the statements above are true to the best of my information, knowledge and belief.

Dec 19, 05
Date

Kathleen M. Peterson
Signature of petitioner

STATE OF MICHIGAN
6th JUDICIAL CIRCUIT
COUNTY OF OAKLAND

1200 N. TELEGRAPH RD, PONTIAC, MI 48341

VERIFIED STATEMENT
RE: PPO ACTION

05-715523-PH

OAKLAND COUNTY JUDGE MARTHA D. ANDERSON
PETERSON, KATH V CHUNG, CHAN,

PETITIONER	Age	RESPONDENT	Age
Kathleen Mary Peterson	53	v Chan Jin Chung	37?

Have you or respondent ever used any other names (now or in the past)? ☒Yes ☐No. If yes, please list them.
Swillum, Woodruff

What county do you live in? Oakland
Respondent lives in Oakland County.
Do you or have you lived together: ☐Yes ☒No.
What is your relationship?
Neighbors Side By Side

Do you and respondent have child(ren) together ☐ Yes ☒ No If yes, list the children you have together.

NAME OF CHILD	DATE OF BIRTH	SOCIAL SEC NUMBER	CURRENT ADDRESS
1.			
2.			
3.			

RECEIVED FOR FILING
OAKLAND COUNTY CLERK
2005 DEC 19 A 10:19
BY: DEPUTY COUNTY CLERK

(ATTACH EXTRA SHEETS IF NECESSARY)
Were you married to respondent when the child(ren) were born? ☐Yes ☐ No if no, check one:
_____ There has been a legal order of paternity entered. Case number:
_____ A paternity case has been filed and is pending. Case number
_____ The father legally acknowledged paternity.
_____ There has been no legal acknowledgment of paternity.
Is there a custody or parenting time order in effect regarding child(ren) that you and respondent have together?
☐Yes If yes, fill out attached worksheet. ☐ No
If you and respondent have child(ren) together, fill out the attached worksheet regarding custody and parenting time.
List all other children that either of you have

Have you or respondent ever asked for a Personal Protection Order in another county? ☐ Yes ☒No
What county
When
Why
Have you or respondent ever been to court in another county? ☐Yes ☒No
What county
When
Why

Does the respondent have a license to carry a firearm? ☐Yes ☒No
Is the respondent employed or in training for a position which will require him/her to carry a firearm? ☐Yes ☒No
Is the respondent an employee of a law enforcement agency? ☐Yes ☒No. If yes, which agency?
Is the respondent an employee of the Department of Corrections? ☐Yes ☒No. If yes, which facility?

VERIFICATION UNDER MCR 2.114(2)(b): I declare that the statements above are true to the best of my information, knowledge and belief.

Dec 19, 05
Date

Kathleen M. Peterson
Signature of petitioner

Approved, SCAO

1st copy – Judge/Assignment clerk
2nd c
3rd c
4th c

05-715523-PH

JUDGE MARTHA D. ANDERSON
PETERSON,KATH V CHUNG,CHAN,JT

STATE OF MICHIGAN 6th JUDICIAL CIRCUIT-COURT COUNTY OF OAKLAND	NOTICE OF HEARING ON PETITION FOR PERSONAL PROTECTION ORDER

Court address
1200 N. Telegraph Rd. Pontiac MI 48341

Court telephone no.
(248) 858-1000

Petitioner's name: KATHLEEN MARY PETERSON

v

Respondent's name: CHANTIN CHUNG

TO:

You are notified that the petitioner has requested a personal protection order be issued against you. A hearing has been scheduled to decide whether to issue the personal protection order for:

Judge: MARTHA D. ANDERSON

Date: 1/18/06

Time: 1:30

Location: COURTROOM W2 WEST WING

If you require special accommodations to use the court because of disabilities, please contact the court immediately to make arrangements.

If you do not attend this hearing, a personal protection order can still be entered against you.

Date

Signature

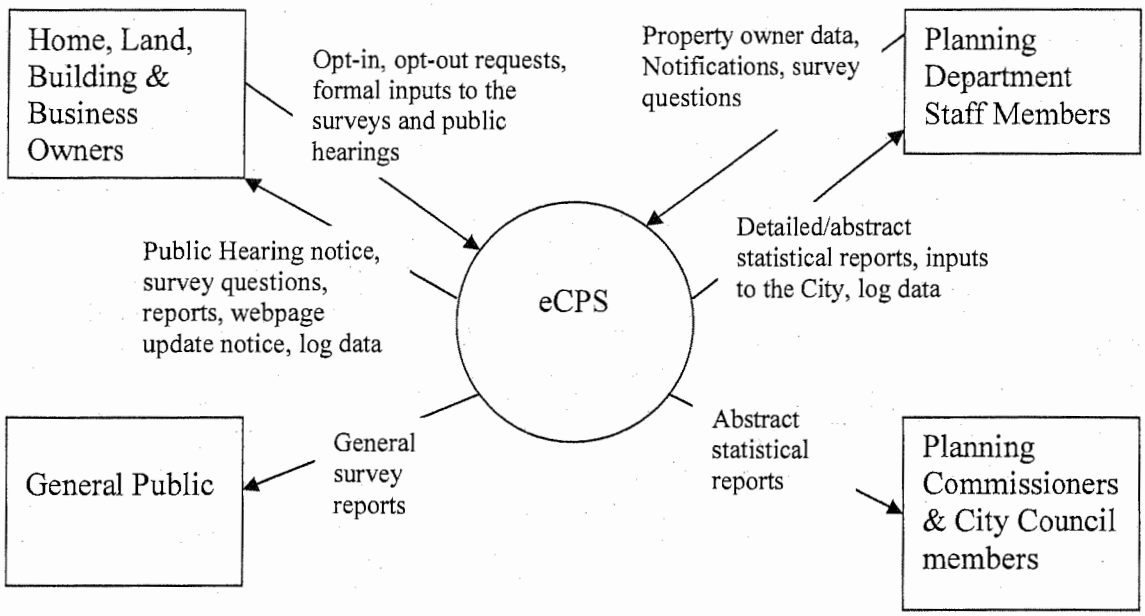
TO THE PETITIONER:

If the respondent is over 18 years of age, you should serve this notice no later than 5 days before the date of the hearing stated above so that the respondent receives notice at least 1 day before the hearing. ~~See other side for proof of service~~.

If the respondent is under 18 years of age, you should serve this notice no later than seven days before the date of the hearing stated above. You must also serve the parents, guardians, or custodians of the respondent. ~~See other side for proof of service~~.

e-CPS (Electronic Citywide Planning Support) System on the web

CJ Chung, 1-2-06



Features

- Opt-in / Opt-out functions
- Email broadcasting notifications as well as backed up copies of the notice in the account
- Web-based survey functions
- Statistical analysis reports for the City administrators
- Archives of logs of inputs from a property

Advantages

- Good value to the City of Troy, since each home has an account to communicate with the City; It may improve the reputation of city management (No cities provide this kind of service yet, as far as I know.)
- Can save mailing postage and labor cost
- User-friendly and effective communication interface with property owners. City service satisfaction percentage will go up.

Timeline of the development

Requirement Specification for a prototype	Feb. 2006
Prototype Development	July 2006
Evaluation of the prototype	Aug. 2006
Requirement Specification	Sep. 2006
Development	
Test	
Field Test	
On service	Jan. 2007

Development Cost

Lawrence Tech University Computer Science Department and I will provide the prototype system without any cost. After the evaluation, the cost for the real-system development and maintenance will be very low, since it is the matter of improving the existing working prototype system. I would like to presents this proposal to the planning commission and planning Department, if you think the system is useful.

Paula P Bratto

From: sharon manning [manning_s@sbcglobal.net]
Sent: Saturday, January 07, 2006 6:24 PM
To: Paula P Bratto
Subject: Continue Group Child Care

7 Jan. 2006

To: The City of Troy Planning Commission Department,
(Please copy for every member having a say in the future of Group Child Care homes in Troy)
From: Sharon Manning

I have a Licensed Group Child Care home in Troy. I have been a member of the Oakland County Child Care Association. I studied Early Childhood as a means to provide a needed service in Troy. I received CPR and First Aid to insure proper training, for this career. I annually get retrained with Early Childhood classes. I ask you NOT to reduce or eliminate my only means of income. I ask you this, for the only livelihood of my family, and for the need of the children in care.

I am audited by the Oakland County 4C's-to insure proper healthy foods are fed to the children in care, and by the State of Michigan licensing department, to insure all rules and regulations are according to code. I have brought in the Troy Fire Department to insure training to children, of fire safety. I have brought in the Troy Police department to insure the children are taught Stranger Safety. I have brought the children in care to the Troy Aquatic Center, to add to the income of the City of Troy. I have lived and owned homes in Troy for 18 years. I pay taxes AND you have been collecting personal property taxes on this business, knowing I run a Group Child Care. How can you now say we are not legal? You never addressed Group Child Care, that's all. So, we are addressing the subject-let us grandfather Group Child Care-put the words Group Child Care in your Zoning Ordinance for residential Childcare. This is getting way beyond the need for finalization. This subject has now gone into the 3rd year. Finally you have a disgruntled resident. This should NOT be a reason to eliminate a fine service that is offered to the City of Troy.

I have gone to every meeting in regards to this matter, except the last meeting on Dec. 13th. This was due to my mother passing away on Dec. 11th-thus, my presence was needed at the funeral home on the evening of Dec. 13th, 2005. Upon reading the Troy Times, I was appalled to think that because one houses' dining room window is close (although I'm sure the structure was regulated as a proper residential distance between homes, when built), to a neighbors side door-you may change your mind-and not allow us to continue contributing to the positive effects of in-home child care. We who have a group child care, mostly began as a Family Day Care. This income is outdated as a sole means of livelihood, for many of us. As you know, living in Troy is an honor, but it is not cheep. How can you expect us to cut our wages in half, or more, and expect us to survive? Are houses cheaper? Are taxes cheaper? Is the price of anything cheaper? We are harming no one. Any neighbor could hear a child outdoors (laugh or cry) regardless if the child lives in the home, or not. We who give this service to Troy, do so with the utmost consideration of neighbors. Neighbors pets are often louder than the children we care for-yet we do not ask them to get rid of them. Should their grandchild come over, and cry when leaving-should they have to buy a privacy fence? Or change their residence, so I do not have to hear them when visiting? How about let us tell them what door to enter! How ridiculous! The majority of care givers hours are completed with child care before the majority of residences return from work. We do not allow the children in care on other neighbors lawns. We do honor the rights of neighbors. But, we live here too. We have brought money into the City of Troy, thus spending money in the City of Troy. We quietly provide a service that is needed and appreciated by most of the residences in Troy. One black sheep should not make the entire herd be spray painted black-because he complains. I need to work, this is why I work. I do my job, and I do it well. I respect all neighbors. I love children and am proud to offer the parents of Troy an alternative to Commercial Care, or as one father puts it "drive through" child care, in the large facilities where children do not get individual attention. The Troy parents should be allowed to choose-what kind of care they want for their most precious possession. The City of Troy should be proud and honored to continue Group Child Care for its residences. In addition, it can then proudly add this service to its motto, "The City of Tomorrow, Today."

You were on the right track with the revision of your text, in the One family Residential Districts'. Without

absurd additional requirements, added onto the already refined book of licensing rules by the State of Michigan, we as Group Child Care givers in Troy, ask that you allow us to continue business as usual. You possibly would consider a 'grandfather' clause to permit those of us doing this business, without interruption, to continue to do so. I'm sure you are not going to go around and close all in home businesses-but if you discriminate against in home Child Care.....this is what you will be doing by eliminating Group Child Care. Will you go house to house, insuring that the accountant, the in home hairdresser, the lawn service, the flower sales, the pumpkin sales, the man who does work out of his garage, the woman who works out of her home, the person who works on the computer, the people who have the service of snow removal, or build things in their garage, that they too must cut their income in half, or more?

I do not believe it right, to eliminate my livelihood. Again, I ask you to allow or add a grandfather clause to the current Group Child Care homes in Troy. Please continue offering the City of Troy, its needed in home child care, to the children and the parents of Troy.

Sincerely, Sharon Manning
248-879-1009

Paula P Bratto

From: Cynthia A Stewart
Sent: Tuesday, January 10, 2006 5:16 PM
To: Paula P Bratto
Subject: FW: Group Daycare

-----Original Message-----
From: Upton, Lesley [mailto:lupton@cgolaw.com]
Sent: Tuesday, January 10, 2006 11:57 AM
To: Louise Schilling; dave@lambert.net; rbeltram@wideopenwest.com; talk2cristina@aol.com; Wade Fleming; Mfhowryl@umich.edu; stinejm@wwnet.net
Cc: Cynthia A Stewart
Subject: Group Daycare

I have emailed before about being in support of group daycare and I still stand by that for the reasons I stated before. I also have confidence in all elected counsel members that you will allow group daycare in Troy without having unrealistic restrictions. I have one more point to bring up though. I was talking to my daycare provider yesterday and was told that only a 30 day time period would be given if it wasn't allowed. I strongly recommend you up this time limit. You have no idea how hard it will be to find a good quality daycare with that many people out of daycare looking. Even if there weren't that many people it still takes months in advance of looking time. Not to mention if you are as picky as I am you need way more time. I was the mom that had a questionnaire that I take along with me and I also do back ground checks. I also have a newborn on the way this year. I only need part time care which is unheard of for a family daycare. I am not a big fan of a facility either for many reasons and that one that I might consider has a year waiting list. With having one child already and an infant on the way it will take me months to find a good quality place for my children. I also need to take my child at least three times to see if it is a match for us. You don't just dump your kid off without having them visited before. Plus interviewing takes a very long time. So please I beg of you to give us at least six months. Usually openings become available when kids go to kindergarten but that doesn't happen until late September when the school year is beginning again. They still need care until the summer is over before school time. So a six months time limit is what is needed at a minimum. I am hoping that it doesn't come down to me having to look for another daycare though because to think I might have to is a nightmare in itself and I am sure all the parents will agree on that one!

Lesley Upton
Carlson, Gaskey & Olds, P.C.
400 W. Maple, Suite 350
Birmingham, MI 48009
Direct 248-988-8698
Main 248-988-8360
Fax 248-988-8363
email: lupton@cgolaw.com

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Paula P Bratto

From: Mark F Miller
Sent: Wednesday, January 11, 2006 9:01 AM
To: Paula P Bratto
Subject: FW: Stunned!!!

-----Original Message-----
From: Bluemazon@aol.com [mailto:Bluemazon@aol.com]
Sent: Wednesday, January 11, 2006 12:01 AM
To: Mark F Miller
Subject: Stunned!!!

Hello,

As a child care provider in another city, I have to say I am glad that I don't live in Troy, MI ! I tell everyone I know that too! I cannot even comprehend why you are not listening to your residents??? I have been following this "Ban on Group Home Daycares" I know this topic has been well represented in favor of group providers. They have been well organized and through in their stand with the support of hundreds!! Do you know that your county is one of two in the state with the highest demand for daycares? And what do you do to help that need? Run them out of town! I know I would be calling for a recall on my council if they forgot why they were elected. You are there to represent your residents! I don't understand why you are not listening to them??? It's a crying shame!

Sincerely,
C. Dulock
Wayne County

Paula P Bratto

From: conniewood@comcast.net
Sent: Thursday, January 12, 2006 11:31 AM
To: Paula P Bratto; Cynthia A Stewart
Subject: re group daycare homes in troy

Dear Council and Planning Commission Members;
I had previously communicated to you an opinion regarding allowing daycare homes in Troy to include group daycare homes of up to 12 children.
At that time, I stated that I supported the daycare business of my neighbor, Kathy Peterson of 1175 Garwood Drive, and also that I supported restricting daycare providers to 6 children. It has come to my attention that Kathy's "First Steps Child Care" qualifies as a group daycare home, and is licensed by the State for up to 12 children. I therefore want to communicate that this group daycare, which is two houses down from my own, has not caused me any problems in the four years that I have lived on Garwood Drive. I have not been inconvenienced by traffic or bothered by noise. Visually, the yard in question is neat and well-maintained and the children in Kathy's care are seldom seen. In nice weather, they will walk, hand-in-hand with their caregivers on the sidewalk. It is rather nice to see them as they are very cute! My personal experiences have led me to inform you of my support for this group daycare in the City of Troy, and the concept of daycare in Troy in general. I no longer feel compelled to urge a limitation for our city that is in conflict with the existing State laws.
Thank you for your time in this matter.
Connie M. Wood
1203 Garwood Drive Troy MI 48085

Paula P Bratto

From: Cynthia A Stewart

Sent: Monday, January 16, 2006 4:36 PM

To: Cristina Broomfield (E-mail); Cynthia A Stewart; Dave Lambert (E-mail); Jeanne Stine (E-mail); John Szerlag; Louise Schilling (E-mail); Martin Howrylak (E-mail); Robin Beltramini (E-mail); Wade Fleming (E-mail)

Cc: Paula P Bratto

Subject: FW: Group Daycares in one residential neighborhoods

-----Original Message-----
From: Jennifer Fahnestock [mailto:jfahnestock@ramrealestate.com]
Sent: Monday, January 16, 2006 2:58 PM
To: Cynthia A Stewart; Louise.Schilling@troy.mi.us
Cc: childsplayhome@msn.com; jmz12761@hotmail.com
Subject: Group Daycares in one residential neighborhoods

I am writing in support of having the option to send your children to group daycare homes in any area. I have had my daughter at a group daycare home in Troy for two years and I have never witnessed a traffic problem as a result of having a residence as the site of a daycare. The home atmosphere far outweighs the concern over potential traffic issues. What is more important here? Our children's well being or having a few extra drivers in a neighborhood? Please consider the real benefactors of group daycare homes, the children. I have never wanted to send my child to daycare but with the economy the way it is I don't have a choice but to work. Having the ability to have my daughter raised in a home as opposed to an office like public facility has made this transition a very good one. I feel way more safe picking a dropping my daughter off in a neighborhood home as opposed to in a place where the cross roads are very busy with Troy traffic, so please don't take this option away form me. I can't for the life of me understand even what the potential traffic concerns could be. It is not as if parents make three and for trips a day. Also, I don't think that there would be an issue with unsafe driving by any parent who has their children in their car with them. I would rather have a parent driving down my neighborhood streets rather than an adult in a rush or a teenager out for a joy ride. The homes usually never have more than 10 children in them and most of the time they are siblings so that mean two or three children to one car. The reason why many parents pick group home daycares is because of the low number of children in the home. The low numbers is what makes the home so special and why there should always be special exceptions to those parents that desire to have their children taken care of in this type of setting rather than a large facility. It is my opinion that whoever is having an issue with people driving on their streets should maybe have considered this before moving into a subdivision with many homes around them. I think that we need to ask ourselves if having a group daycare home on your street is really going to create that much more traffic with most families having 2 plus cars and most single homes having three or more drivers with teenagers and both adults commuting to their jobs. If homeowners are really concerned with all the traffic in their neighborhoods, than maybe they should crack down on those drivers that cut through subdivisions to get around typical Troy rush hour traffic.

Jennifer A. Fahnestock
(Wife of Morse Elementry teacher Brian Fahenstock)

Paula P Bratto

From: Cynthia A Stewart
Sent: Tuesday, January 24, 2006 7:29 AM
To: Paula P Bratto
Subject: FW: Group day care facilities

-----Original Message-----
From: daniel white [mailto:dwhite4949@earthlink.net]
Sent: Monday, January 23, 2006 5:29 PM
To: robin@beltrmini.com; broomfield; lambert; Mfhowryl@umich.edu; stine; Wade Fleming; "Louise.Schilling"@ci.troy.mi.us
Subject: Group day care facilities

Dear Mayor/Council Members,
We urge that you vote against allowing group day care facilities in residential areas in the City of Troy.
The Troy Planning Commission has recommended against allowing the facilities in residential areas and research proves that group day care facilities have a negative effect on neighborhood properties.
Operators of group day care facilities should investigate leasing or purchasing one of the many suitable commercial properties available in Troy.
Please keep our residential neighborhoods residential.
Daniel J. White
Diane E. White

Paula P Bratto

From: Jennifer Doetsch [jnidobe@yahoo.com]
Sent: Thursday, January 26, 2006 8:23 PM
To: Paula P Bratto
Subject: Group daycare ban

To Whom It May Concern:

I was surprised and disappointed to read that the Troy Planning Commission and possibly the Troy City Council are considering banning group daycare facilities in the city.

The economic and employment challenges that are faced by Michigan residents means it is imperative that both parents work full time in order to adequately provide for their children. The convenience that these facilities provide for these hardworking parents is invaluable.

As anyone with children knows, it is hard enough to be punctual when every morning you are faced with not only getting everyone ready, but also getting them to a daycare facility. Banning group daycare facilities will eliminate the one convenience that many families rely upon--having the facility close at hand, so that they do not have the added burden of long distances and traffic with which to contend.

I understand the concerns of Mr. Chamberlain that these facilities would change the "residential character" of the neighborhoods. I also understand the concerns of Mr. Vlek that these facilities have been shown to have "a negative effect on neighboring properties". Instead of eliminating group daycare facilities in the City of Troy why not compromise? Limit the number of children allowed per facility so that noise and traffic do not become an issue. Limiting how many how many facilities would be allowed in the city does not address the potential problem of having too many facilities in a concentrated area. Limiting the number of facilities allowed in a given area (i.e. per street, subdivision etc.) would also avoid potential noise and traffic issues.

Regulation would be the key. If a facility has SUBSTANTIATED complaints against it (i.e. noise, too many children, too much constant traffic) initiate a three strike rule. Three strikes and you can no longer run the facility from that location.

If none of these compromises are amenable to the City of Troy then at the very least why not allow those facilities that are not running to continue to operate, while banning any new facilities from opening.

Sincerely,

Jennifer Doetsch

Paula P Bratto

From: Jerome J. Schultz II [jjschultz2@wideopenwest.com]
Sent: Sunday, February 19, 2006 8:02 AM
To: Paula P Bratto
Subject: Daycare Homes Planning Issue - Article IV Definitions and Article X One Family Residential Districts R-1A through R-1E of the Zoning Ordinance

I am concerned about the already existing Family Daycare Home in our neighborhood. I am even more concerned about allowing Group Daycare Homes in my neighborhood. I do not see any reason to amend the requirements for Family Daycare Homes since we do not seem, as a City, to monitor and regulate them currently. This same reasoning would then apply to not entertaining to permit Group Daycare Homes.

The users of the existing Family Daycare Home in my neighborhood do not seem have adequate parking, or, are just to busy to, and, as such use both sides of the street when dropping off an picking up their children. In fact it probably appears to be safer to the parents to ignore the 'no parking' restriction since that is the side of the street upon which the Family Daycare Home is located. This is a safety hazard for the neighborhood since it limits the accessibility of emergency vehicles, which I think is the intent of having one side of the street designated are marked as no parking. Having vehicles parked on both sides of the street, and, the act of transporting the children to and from these vehicles also posses a safety risk for the children and parents.

I'm not sure if the number of participants in this Family Daycare Home are within the current guidelines nor whether anyone is actually monitoring or regulating what is occurring. I am sure that allowing an increase in the number of children and families that can safely be supported is in question. I chose to live in a 'residential' neighborhood and not a multi-family housing neighborhood or complex, not a condominium or apartment complex, not a business area, to get away from some of the hustle and bustle. I think these facilities detract from that aspect and as a result lower my property values, maybe that should be taken into account when the city asses property values and taxes.

The Troy Times (by C & G Newspapers, Vol. 22, No, 7 of February 16, 2006) article 'Court to consider release of man who killed his mother' talks about releasing the dangerous person to a group home. Is that what I'd have in my neighborhood? A Group Daycare Home? "The citizens of Oakland County and the surrounding community will not be safe with James Yang on the street. He brutalized his mother, and it was a horrendous, horrific murder." This murder took place in Troy at 5382 Abbington on May 1, 2000 so one would expect that if James Yang were released to a group home it would be in Troy.

I really do not think that my safety and property values should be adversely affected by instituting changes to financially benefit a select few.

Sincerely,

J. J. Schultz, II
1803 Farmbrook
Troy, MI 48098

248.641.7263

Paula P Bratto

From: Lakrjebr@aol.com
Sent: Monday, February 20, 2006 4:14 PM
To: Paula P Bratto
Subject: family day care

I would like to address the proposed amendments revising the family day care homes. I have run my business as a family day care for 18 years on Hilmore in Troy. I have never had any complaints with any of my neighbors. I respect their privacy. I would hope that I can go on running my business in Troy in my home without any delay. I am a single Mom and this is my sole source of income. If I have to put up fences, which would be so costly for me, I would probably have to close my day care. I cannot afford to have a fence put up. I watch my children in my care very carefully when we are outside. I know that something could happen beyond my capabilities, I am not naive. But this has worked for me for 18 years without incidence. Please let the rules stay as they are for us who have worked here for so long in our homes. Let the rules change for someone opening up a new business now, so they know what they are getting into when they start their day care. They would know the expenses that was coming, not having to add to something that has worked so well for me for 18 years.

Thank you.

Brenda Kellett

Paula P Bratto

From: Cynthia A Stewart
Sent: Tuesday, February 21, 2006 4:38 PM
To: Paula P Bratto
Subject: FW: Group Day Cares

-----Original Message-----
From: Hernandez, Stefanie [mailto:shernandez@HDP.com]
Sent: Tuesday, February 21, 2006 4:14 PM
To: Louise Schilling; dave@lambert.net; rbeltram@wideopenwest.com; talk2cristina@aol.com; Wade Fleming; Mfhowryl@umich.edu; stinejm@wwnet.net
Cc: Cynthia A Stewart
Subject: Group Day Cares

I wanted to make known my support for Group Day Cares in Troy, and to ask that you vote yes for the Group Day Cares..

Thank you,

Stefanie R. Hernandez

ph: (248) 341-1309
fax: (248) 641-0270
email: shernandez@hdp.com

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Paula P Bratto

From: Cynthia A Stewart
Sent: Wednesday, February 22, 2006 9:22 AM
To: Paula P Bratto
Subject: FW: I Support Group Day Care!!!!

-----Original Message-----
From: Bauer, Angela [mailto:ABauer@cgolaw.com]
Sent: Wednesday, February 22, 2006 9:12 AM
To: Louise Schilling; dave@lambert.net; rbeltram@wideopenwest.com; talk2cristina@aol.com; Wade Fleming; Mfhowryl@umich.edu; stinejm@wwnet.net
Cc: Cynthia A Stewart
Subject: I Support Group Day Care!!!!

Angela V. Bauer
Intellectual Property Intern
Carlson, Gaskey & Olds, P.C.
400 West Maple Road, Ste. 350
Birmingham, MI 48009
(248) 988-8682 (direct dial)
(248) 988-8363 (fax)
abauer@cgolaw.com

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Paula P Bratto

From: Cynthia A Stewart
Sent: Wednesday, February 22, 2006 9:13 AM
To: Paula P Bratto
Subject: FW: Group Day Care

-----Original Message-----
From: Catarino, Melissa [mailto:mcatarino@cgolaw.com]
Sent: Wednesday, February 22, 2006 8:00 AM
To: Louise Schilling; dave@lambert.net; rbeltram@wideopenwest.com; talk2cristina@aol.com; Wade Fleming; Mfhowryl@umich.edu; stinejm@wwnet.net
Cc: Cynthia A Stewart
Subject: Group Day Care

Please keep group day care alive.

Brent Savidant

From: CJ Chung [chung@LTU.edu]
Sent: Friday, February 24, 2006 7:47 AM
To: Brent Savidant
Cc: Paula P Bratto
Subject: GDCH - another photo evidence

Importance: High

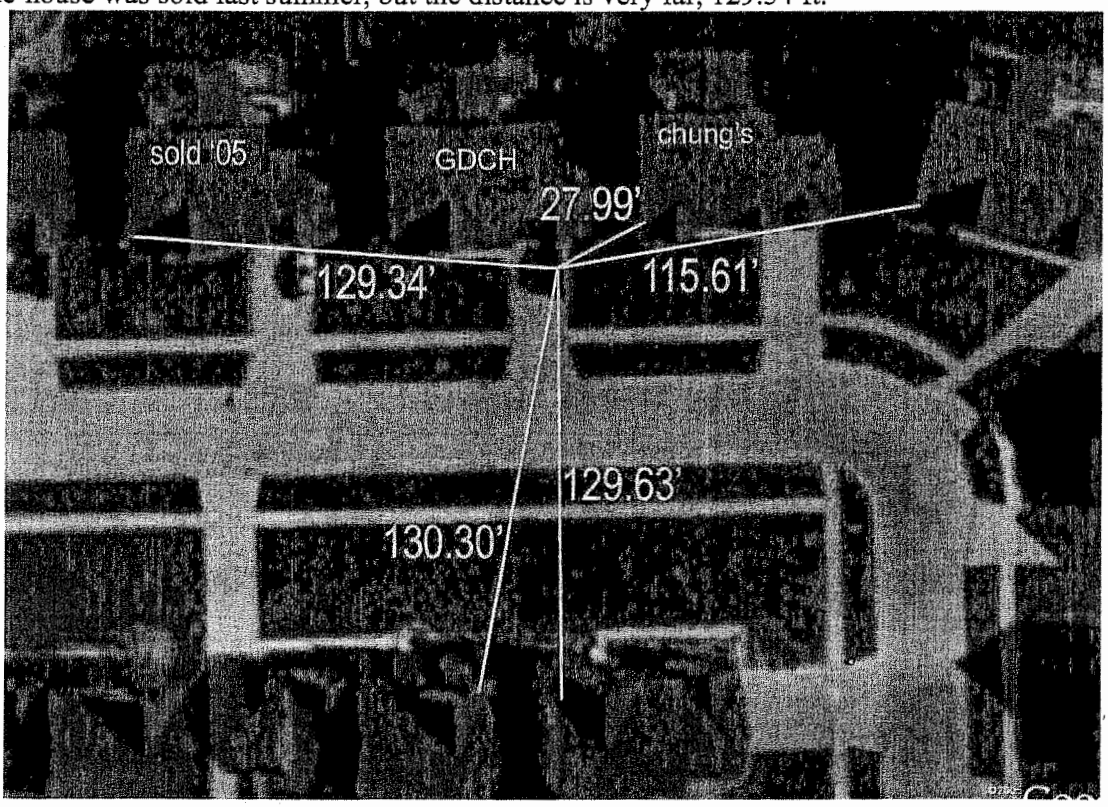
oldNew.pdf

Dear Planning Committee,
Attached document may shows why my neighbor has been saying she did not get any complaint from the next doors.

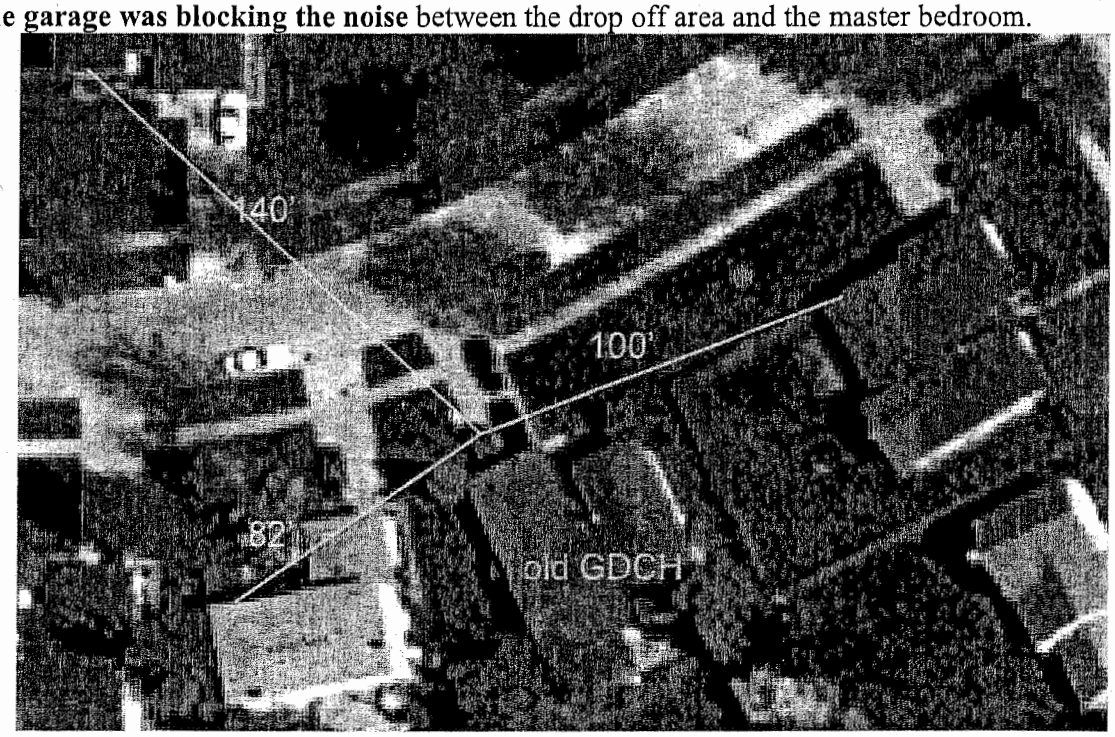
That is another reason we need to have right ordinance text for the future. If not similar clashes like mine will occur again and again. She bought a new construction house without seeting the actual house. She did not realize the next house was so close and her drop off area was facing neighbor's master bedroom. If we had a rule, we could have been prevented terrible conflicts like this...

I heard Planning Dept is preparing final text for the City Council. I wish you could consider this case. I am glad they are not on the web yet at http://www.ci.troy.mi.us/PublicHearings/ (No March 6 agenda)
Sincerely,
CJ

My house (1189 Garwood) is very close to the Group Day Care Home (GDCH). The distance from drop-off area to my master bedroom is only 27.99 ft. GDCH owner insists another side by side house was sold last summer, but the distance is very far, 129.34 ft.



GDCH owner has insisted that her old neighbors did not complain at all. So I went to 3924 Kings Point. The distance between the drop off area and the master bedroom was 82' and 100 ft. Also **the garage was blocking the noise** between the drop off area and the master bedroom.



Sharon M. & David A. Schafer
5593 Mandale Drive
Troy, Michigan 48085
248 879 9249
dschafer@ix.netcom.com
Monday, February 27, 2006

Mr. Mark F. Miller AICP/PCP
Planning Director
City of Troy
500 W. Big Beaver
Troy MI 48084

Dear Mr. Miller

This is a formal request that David Schafer and Curtis Childs be permitted to make a presentation to the City Council at the City Council meeting on Monday, March 6, 2006 during the Public Hearing for Zota 214 Group Child Day Care in Troy.

The reason for this request is that we feel they could cover a lot of the issues regarding Child Group Day Homes in one presentation so that you would not need numerous people come up to talk individually.

We appreciate your consideration of this request.

Sincerely,

Sharon M. Schafer & David A. Schafer

Analysis of Child Day Care Home Problems in Michigan and Some Suggestions to Improve the Situation

Unofficial Draft Version

CJ Chung, Ph. D.
Associate Professor of Computer Science
Lawrence Technological University
21000 West 10 Mile Road, Southfield, MI 48075

Abstract

Largely owing to the increased demand, the cost for child care service has been sky-rocketing. To make situations worse, state budget cuts for the child care assistance program create a growing child care crisis for low-income working families [Budget 2003]. Licensed day care homes were welcomed, because it was providing relatively affordable child care services. It is affordable because they are using existing home space. However, child care in private homes has caused a lot of problems, mainly due to the fact that homes were not designed for public services. In addition, day care homes in the residential zoning area caused problems such as noise, parking, invasion of privacy, traffic, safety, increased city services, lowering property value of neighboring homes, and among others. Especially, licensed 'group' day care homes up to 12 children and employees in residential zone got a special attention recently, because most cities did not have zoning ordinance allowing this type of business in the residential districts. To solve child care problems actively, it is strongly suggested that state must promote more child care centers than day care homes in order to reduce child care accidents. State should not ignore city's zoning ordinance anymore and set rules to take care of neighbors and communities, too. If a city wants to allow large scale home services, it must have strict regulations and plan residential zones in such a way that sub-divisions are designed to accommodate home services such as child care and adult foster care homes to minimize problems with neighbors. Parents need to analyze carefully pros and cons of putting their children in day care homes.

1. Introduction

"It seems we both have to work full-time in order to pay day care fees for our two children", a couple with two children living in Troy said. Then the mom said, "If I take care of my children at home quitting my full-time job, and take care of my friends' children in addition at home, then probably I can make more money". They are paying $234 per week in a well-established professional day care center for their 2 year old daughter and just $175 weekly for a new born 6-month old son in a day care home. They had to choose the child care home for the new born son, largely because of the cost. When they were asked, whether their son would be safe and well-cared there, they said he would be all right, because they knew the day care home owner personally.

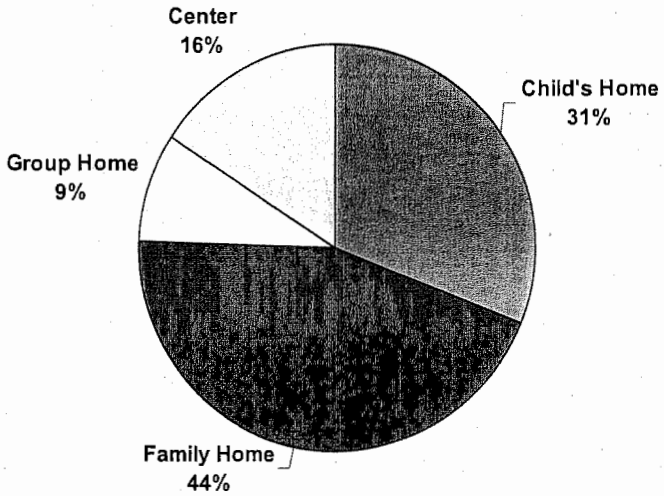
When the median cost of child care centers in Troy listed in [Centers 2005] was compared with the median cost from the public e-forum site for Michigan child care providers (http://www.ingham.org/hd/oyc/disc3_frm.htm), certainly home day care facilities were more affordable than day care centers.

There are two types of home day care facilities in Michigan.

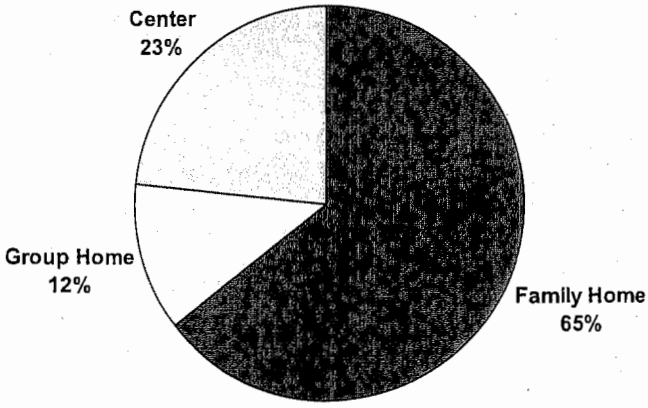
- Family day care home means a private home in which 1 but fewer than 7 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.
- Group day care home means a private home in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a

parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year. Two caregivers are needed so the owner must hire employee(s).

Child Care Center, also known as Day Care Centers or Day Nurseries, is an professional establishment in which more than six (6) children under eighteen (18) years of age are received for care and supervision from other than a parent or legal guardian for periods of less than twenty-four (24) hours a day. Graph 1 shows percent of children served by types of care in Michigan from 2000 to 2004. The data was from Child Care Bureau, Administration for Children and Families, US Department of Health and Human Services [CCB 2005]. Graph 2 shows the percent of children served by types of care excluding child's home care in Michigan from 2000-2004 on average.



(Graph 1) Percent of Children Served by Types of Care (Michigan 2000-2004)



(Graph 2) Percent of Children Served by Types of Care excluding Child's Home Care (Michigan 2000-2004)

In Michigan, family day care homes are very popular (65%) because it is allowed regardless of zoning, since the State courts ruled that family day care homes were permitted in all residential areas (Zinger vs. Beverly Island). But group day care homes are not. Currently, townships and counties can not prohibit

licensed group homes. In the case of cities except some cities like Farmington Hills that changed their ordinance in 2005, current State laws do not have the same restrictions [OYC 2005]. That means there are a lot of group day care homes in most cities that have been operated illegally in their homes for years without much attention from the cities.

According to US Department of Labor's report, almost three out of four women with children (72%) were in the workforce [DOL 1998]. It was only 39% in 1970. Due to the increased demand the cost of day care has become very high. To make things worse, state budget cuts for the child care assistance program create a growing child care crisis for low-income working families [Budget 2003]. Naturally, people were looking for affordable day care homes and there is no doubt that home care services have generated some public benefits. However, every coin has two sides. In this article, problems involving day care homes are analyzed with some real-world examples and side-effects after investigating unique characteristics of home day care business. Suggested are long-term plans as well as short term temporary solutions to the current problems. Higher level state plans as well as local level city plans are also suggested. In addition, in order to improve child day care services, some solutions exploiting available computing technologies are suggested.

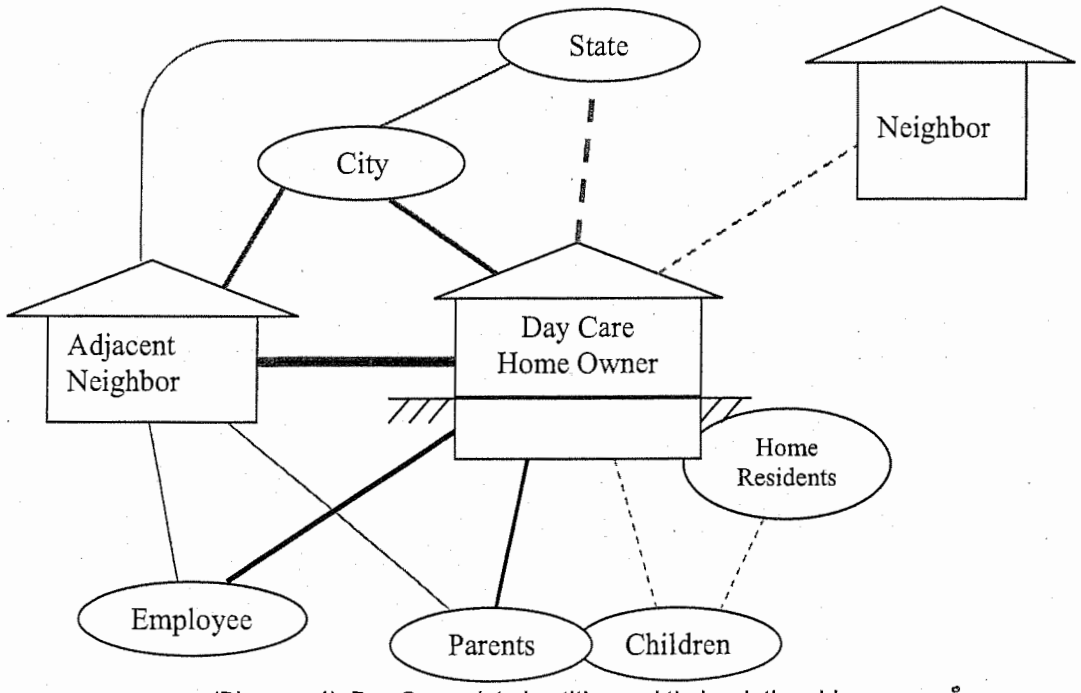
2. Problems Involving Day Care Homes

2.1 Unique Characteristics of Home Day Care Business

Home day care business is quite different from other home businesses such as music lessons, tax preparations, financial consulting, etc. The following table shows the differences.

	Home Child Day Care Business	Other Home Businesses
Business Hours	6am to 10pm (more than full-time)	9 to 5 (or many cases, part time)
Out door area use	Yes	No
Temporal types of customer service	Parallel	Sequential
Customer arrival/departure time pattern	Dense: early morning (6am-9am) and evening (3pm-6pm)	scattered
Number of travels per customer	2 (come, drop-off, and go; come, pick-up, and go)	1 (come, stay, go)
Safety issues involved	Yes (Many tragic accidents occurred in homes)	No
Customer age	Infants, young parents	No infants, no babies
Special license required	Yes	Usually no
Special home inspection required	Yes	No
Full-time employees	Yes (Group day care only)	Usually no.
Amount of extra city service (sewer, trash, etc.) needed	Large	Small

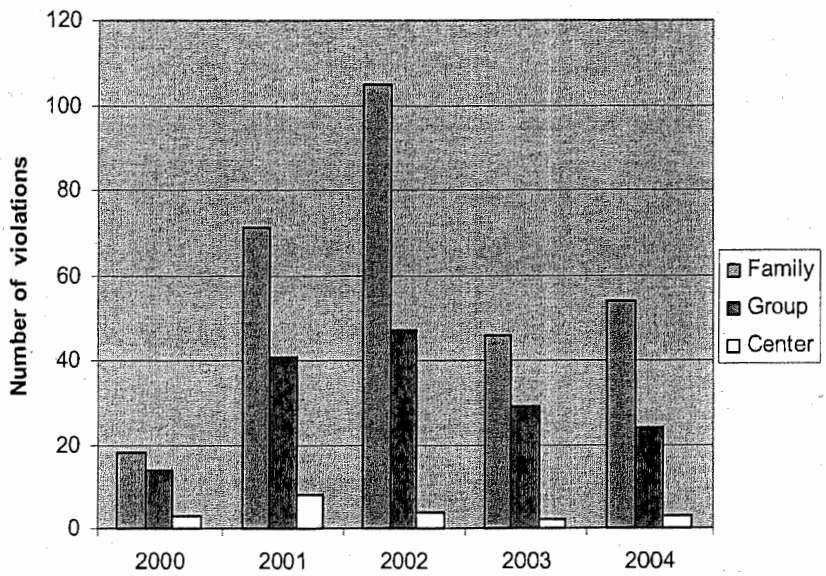
Home day care business involves many people, groups of people, and governmental units. The following diagram 1 shows major entities involved with home day care business and some problematic relationships between them. Black line represents positive relationship, red line does negative relationship, and gray dashed line represents conditional relationship. The thickness of the line implies the strength of the relationships.



(Diagram 1) Day Care related entities and their relationships

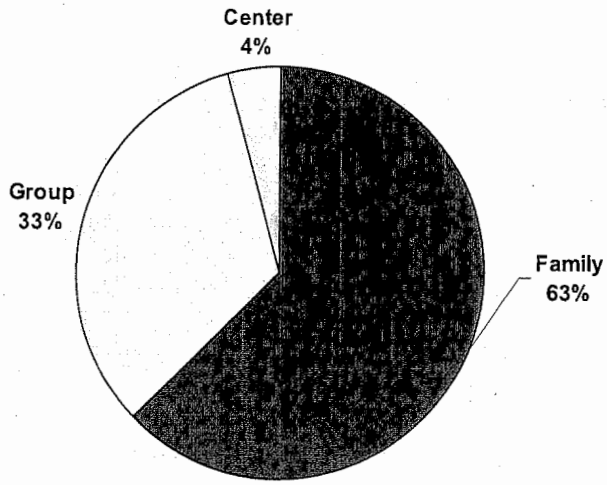
2.2 Child Day Care Accidents - Statistical Data

Child Care Licensing Act (Child Care Organizations Act 116) was first enacted in 1973 in Michigan [NRC 2005]. Currently, Department of Human Services (DHS) is in charge of child care services including licensing and regulations. The following (Graph 3) shows number of suspensions, revocations, and refuse to renew day care facilities in Michigan since 2000. The data is from the DHS website, "Child Care Licensing Disciplinary Actions" [DHS 2006]. In this study, denials of new applications were not counted.



(Graph 3) Number of suspensions, revocations, and refusal to renew in Michigan 2000-2004

Graph 4 shows percentage of violations by the three types of care, day care center, group day care home, and family day care home. It is explicitly revealed that there have been more accidents in home day care facilities. Accidents in day care center were only 4% of all the violations in Michigan from 2000 to 2004.



(Graph 4) Percent of violations by type of care in Michigan 2000-2004

If we assume number of violations is proportional to the number of children served, then the percent of violations from day care centers would be around 23% (see graph 2). But it was only 4% (see graph 4). It is clear that *relatively* more violations were occurring from the group day care homes, since the percent of violations were 33% while serving only 12% of children in Michigan. In general, we can say that more violations are occurring in home day care setting compared to professional day care centers. In-depth analysis on types of accidents and violations is done in the following section 2.3.

2.3 Types of Home Day Care Violations

It is true majority of day care homes were serving children with care. However, there have been relatively more accidents and rule violations in day care homes in Michigan. Causes of suspensions were well described in detail on the web pages [DHS 2006] from 2000 to 2004. They can be summarized by the following categories with some typical examples:

Sexual contact/molestation/assault

- Household member touched a 6-year-old female child inappropriately all the time (Nov. 2003)
- 7-year-old day care child was sexually molested by day care owner's child (Oct. 2003)
- A female day care child was fondled by an adult member of the household (July 2003)
- A 13-year-old household member forced a three-year old child to perform oral sex on him. (May 2003)
- A male minor household member pulled down his pants and then pulled down the pants of another female house hold member, also a minor (Dec 2002)
- A minor household member inappropriately touched a day care child (March 2002, Aug. 2002, March 2002, Feb 2002, Nov. 2001, Oct. 2001, March 2001, Feb 2001, Feb 2001, Jan 2001) – many similar cases
- An assistant caregiver as well as an adult household member did inappropriate physical contact with 3-year-old female day care child (July 2001)
- Day care owner's husband and teenage son inappropriately touched several female children (Dec 2000)

Improper physical contact/punishment/abuse

- Possible inflicted trauma (May 2004)

- Struck a child with a fly swatter; fly swatter handle caused multiple bruises and abrasions on child's face, neck, back, legs, and buttocks. (Aug. 2004)
- Police found 5 children strapped into car seats inside bedroom closets (Sep. 2003)
- A child was shaken, limp and unresponsive (June 2003)
- 6-month-old child received a mark under his eye, linear marks on the left side of his head, and a bruise on his right ear. (Jan 2003)

Negligence / inadequate supervision

- A home day care child was lost (June 2004)
- A child climbed on a TV stand, fell, and broke his elbow (Nov 2003)
- In a group day care home, children were left alone routinely with one of owner's children (Oct 2003) – many similar cases
- Left children unattended in the basement in Troy; 3-month-old infant was not breathing; no CPR was done; 4 days later the infant pronounced dead (July 2003)
- 10-month-old child was found floating dead in a bath tub. The child had severe burns on her right leg and all 10 toes (June 2003). Similar accidents: – A two-and-a-half year old toddler climbed up onto hot tub, located in the back yard. The tub did not have a hard locked cover, and the boy fell through the soft cover and drowned [Death 1999]. two children drowned while at licensed day care homes, one in hot tub and one in a pool [Death 2001]
- A 3-year-old group day care child was found running down busy street with her coat half off and her shoes off. (Dec 2002)
- 2-year-old child care child was unsupervised in a bathtub. The child got 2nd degree burns (Aug 2002)
- 21-month-old child climbed the ladder and subsequently fall into 4 ½ foot deep pool (June 2001)

Children health and safety violation

- Police seized ¼ lb. marijuana and drug paraphernalia at home (Feb 2004)
- Police seized guns and shotguns from unlocked cabinet (Feb 2004)
- The use of unapproved basement as a nap area for children (Dec 2003)
- Found cocaine and marihuana; not listing drug user as home resident (Sep. 24)
- While unsupervised, one child care child shot another child in the hand with a BB gun (Dec 2001)
- A household member who was convicted of criminal sexual conduct 1st degree in the state of Tennessee was taking care of children when the licensee was hospitalized. (April 2003)
- Not reporting an household member who had digitally penetrated a 12-year-old household member (Jan 2003, two similar cases)
- A minor house hold member poured gasoline to a day care child, which was not detected until the parent arrived to pick up the child (Dec 2002)
- Farmington Hills police found marijuana packaged and ready for sale in the basement of a day care home. (Nov. 2002)
- Day care owner was arrested for possession with intent to deliver marijuana (Sep 2002)
- Marijuana and an loaded assault rifle found (June 2001)
- Assistant caregiver was charged with second degree criminal sexual conduct due to inappropriate physical contact with s 3-year-old female day care child (July 2001)
- Drugs and firearms were found in the day care home (Jan 2001)

Again, majority of day care homes were providing wonderful services. The above data are not from all the homes, but from just some of home day care facilities. But in this study, the author would like to investigate and analyze why home day care is *relatively* dangerous and accident-prone, compared to professional daycare centers.

2.4 Why relatively more accidents in Day Care Homes?

Inherently homes are deigned and build for protecting privacy. We do not know what is going on inside a house. While, day care centers are designed and built for public use. I believe that is the main reason

why there have been so many accidents/violations occurring in family/group day care homes including the famous death of 3-month old baby in Troy in July 2003.

Child day care itself is a serious business. Doing the serious business in an inappropriate place makes the business dangerous. Homes are located, designed and build to maximize privacy. Inside the home, caregivers and family members feel that none is watching. Legally speaking, none can watch inside the home to see what is going on. It is easy to have negligence, violence, and temptation to molest inside the home. In addition, homes are designed and built to be used by all age groups, not just for children. Because of that, as the examples, many poor day care children were found dead in home facilities. Because of this inherent problem, DHS maintains complex licensing rules and so many regulations. For example, due to so many sexual molestations by home residents, the Governor Jennifer M. Granholm announced the following on January 29, 2005:

> *When a person applies for a certificate of registration to operate a family day care home or a license to operate a group day care home, the Department of Human Services must use the Internet Criminal History Access Tool (ICHAT), the Michigan State Police criminal history record database, on all persons over the age of 18 residing in the home where the day care is operated.*

However, note that this rule cannot solve the problem inherently because majority of sexual crimes were conducted by minors under 18 years old! See their own reports at [DHS 2006].

There is no use, if state does not check regulations are observed or not. Another big problem is the lack of state inspection. According to the Detroit News on Sunday, September 14, 2003, Michigan's child care regulatory department, the Bureau of Family Services, has only 61 consultants to oversee 19,289 child care centers that serve 350,000 children. The bureau is overseen by the Michigan Department of Consumer and Industry Services. For about 11,000 family day care homes, inspections typically occur only if a complaint is filed or if the center is one of 10 percent randomly selected for inspection each year. At the remaining 8,000 centers or group day care homes that serve seven or more children, inspectors are required to make a full inspection every two years to ensure the facility is clean, free of health and safety concerns, has smoke detectors and fire extinguishers and complies with other rules such as background checks on caregivers. However, inspection caseloads have increased from 226 facilities per worker in 2000 to 316. Caseloads now are more than three times higher than the 100-per-inspector standard that industry advocates recommend. There are too many day care homes scatters and state cannot check what is going on inside the house because homes are built to maximize privacy. Inspections are done rarely. Home day care setting is welcoming crimes and accidents.

2.5 Problems of Basement Usage for the Care of Infants

There is no statistical public data, but some of the day care homes are using the basement as the place for children to stay, sleep, and play. And many more day care homes plan to finish their basement for the day care business. I think if it is a walk-out basement, then there will be fewer problems, but in general basement is not good place for babies and infants to stay whole day because of the following reasons:

First of all, no or limited sunlight is available in the basement. Infants especially on northern hemisphere during winter need enough sunlight. Recent research found that vitamin D sufficiency is more important than high calcium intake for bone health. Vitamin D is an unusual nutrient, because people get only 10% from food the other 90 percent comes from the skin, created by exposure to sunlight [JAMA 2005] [Forbes 2005].

Usually, basement is humid. Dampness promotes the growth of mold. There is sufficient evidence of an association between damp indoor environments and some upper respiratory tract symptoms, coughing, wheezing, and asthma symptoms in sensitized persons [DAMP 2004]. Also molds and other microbial agents favor damp indoor environments, and excess moisture may initiate the release of chemical emissions from damaged building materials and furnishings. In addition, because of the dampness, there are many insects in the basement such as harmful insects like earwigs, spiders, and centipedes.

Radon is an invisible radioactive gas produced by most rocks and soils. Radon gas is a very potent carcinogen and children are particularly susceptible. It is the second leading cause of lung cancer, which is the leading killer among cancers. Recently DHS is requiring radon test for any home day care using the basement.

Will you put your infant in the basement for a whole day? Will you allow your grandchild to play whole day in the basement? No child should be left in the basement for many hours.

2.6 Problems of State and City Governments

Due to residential zoning issues, group day care homes requiring employees have been illegal for decades in cities in Michigan. But the problem was that the State was keep issuing group day care licenses ignoring city zoning ordinances. According to DHS's website [DHS 2006a], the state has told prospective group day care home licensee the following:

> *Prior to submitting an application it is 'wise' to contact local zoning authorities to see if operating a group home is allowed in a designated neighborhood.*

Child care is a very important issue in this society because it involves the well-being of children who are the future of this society. However, it is unfortunate the child care has been done by many *unwise* people, according to the state authority. I believe both state and cities knew the problem, but they have not work together to solve the problem since the inception of the Licensing Act in 1973 for more than 30 years. No cooperation means cooperating with failure. No planning is planning the disaster. Because state knew group day care homes were illegal in many cities, state must have considered ways not to give negative impacts on neighbors, when they issue licenses. In 2005, finally, state tried to resolve this problem by passing House Bill #4398 [MI Bill 2005] to allow group day care homes in residential zones. Cities were waiting to see how the state handles House Bill 4398, which would create a new act and repeal the current zoning laws. But it seems there is no progress after it was passed by the house, perhaps due to oppositions from the current group day care homes. The Bill includes the following conditions:

A group day-care home is located not closer than 1,500 feet to any of the following:
(i) Another licensed group day-care home
(ii) Another adult foster care small group home or large group home
(iii) A facility offering substance abuse treatment and rehabilitation service to 7 or more people
(iv) A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections

Mr. Miller, Planning Director - City of Troy, presented during the public hearing on Dec. 13th that 75% (15 out of 20) of existing group day care homes in Troy do not meet the above 1,500ft-distance requirement!

2.7 Dispute with Neighbors

There can be the following three types of neighbors located near to family day care or group day care homes:

(i) Side by side neighbor; the distance between major living area and the day care drop-off area is less than 50ft, *or* the distance between major living area and the outdoor playing area is less than 50ft
(ii) The distance between major living area and the day care drop-off area is greater than 50ft but less than 150ft
(iii) The distance between major living area and the day care drop-off area is greater than 150ft

Neighbors in case (ii)might have some concerns like parking, increased traffic, and some noise problems, etc. Case (iii) neighbors are little concerned about parking and traffic. Case (i) is absolutely problematic. Real concerns from a side by side neighbor of a (Group) Day Care Home can be the following:

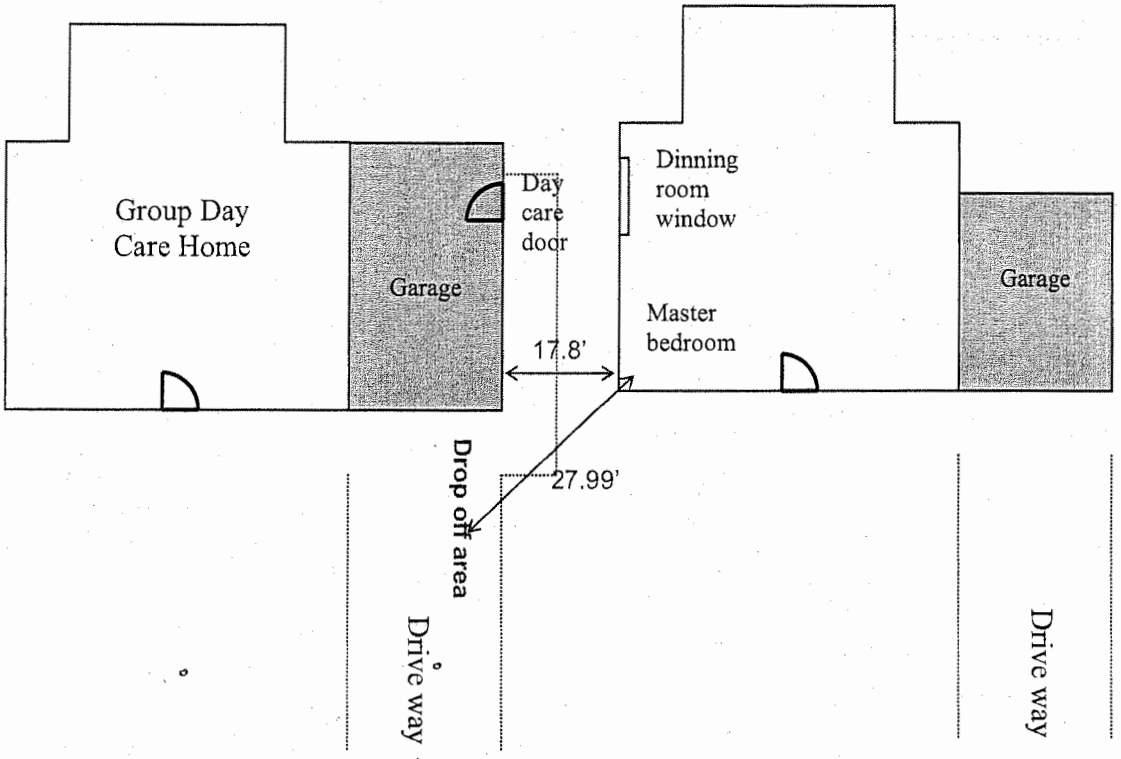
2.7.1 Business Noise Problem

The following business noises listed in a table are the main concern. The problem occurs regardless of number of babies. This is the problem both for group and family day care homes. The seriousness of the problem is dependent on the proximity of the day care facilities, existence of windows toward the day care playing area, and the orientation of the side by side homes.

Examples of noise early in the morning	• from the slamming the entrance door (the side door they use for their business) • from the slamming car doors (while holding a baby with the other arm) • Occasionally, babies are crying & screaming when they enter the day care home. More frequent in winter. It is said that screaming baby sound is one of the loudest sounds in nature. (85 decibel, Forte Cimo) • Parents usually talks to their baby or child before going into the day care home • when they start the car • when they use remote key to lock the car • when they shovel snow very early in the morning *before* their customers arrive • when they talk/phone outside of the home, sometimes
Examples of noise during the day	• The same problem as listed above when parents are coming to pick up babies • Screaming babies when they play outside of the day care home • Noise when the group day care employee dumps trashes into trash cans usually placed outside

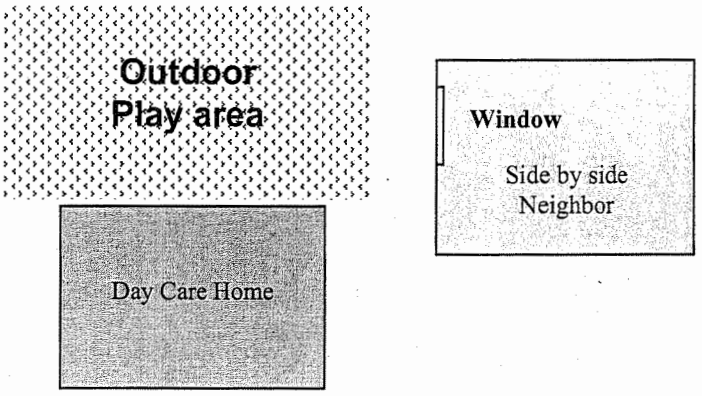
Especially the noise problem becomes really serious when the side yard setback distance is short, such as the case in Troy as depicted in diagram 2. If the car door is slammed in the drop-off area, the loudness of the noise in the master bed room is 58-66 decibel. Some decibel ratings are shown below (from www.newton.dep.anl.gov):

0 db	Threshold of hearing
30 db	Whisper
40 db	Buzz of mosquito
50 db	Normal conversation
70 db	Vacuum cleaner
100 db	Subway or power mower
120 db	Rock concert
130 db	Jackhammer or machine gun



(Diagram 2) Noise and invasion of privacy case in Troy

Diagram 3 shows the case bothering a side by side neighbor, when children are playing in the outdoor play area. If the noise is caused by neighbor's own children, it is all right, because they will grow up soon. But it is not the case. The homeowner will hear screaming baby sound every summer as long as the daycare home exists next door. A baby's cry is one of nature's loudest sounds. At eighty to eighty-five decibels, it is as loud as an un-muffled truck, not far below the pain threshold!



(Diagram 3) Noise and invasion of privacy case

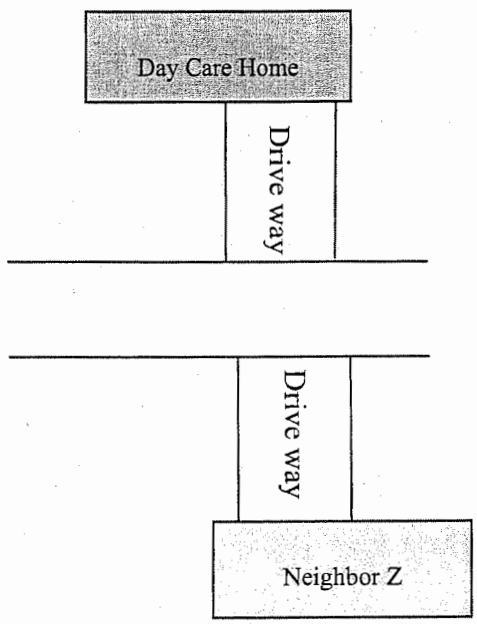
2.7.2 Invasion of Privacy

When a side door is used by day care customers and employees as shown in (Diagram 2), there can be serious privacy problems if that door is across from neighbor's dining room window. Home owner of the side by side neighbor could not open the window due to eye contacts with strangers; they can easily look

into the very deep inside of the house, if the blinds (or curtain) are open. Also, it must be very noisy due to the customer traffic coming in and out through the door.

2.7.3 Parking

As shown in Diagram 4, if two driveways are facing each other, there will be problems. This was a real case in Troy and neighbor Z was bothered by the cars parked near their drive way. Recently in fall 2005 the group day care home discontinued their business, according to the DHS database.



(Diagram 4) Parking problem case in Troy

2.7.4 Increased Traffic

In general there will be additional maximum 13 cars in the morning and in the evening near the group day care home. It is possible siblings are coming together. In that case less number of cars is expected. But there are always many prospective parents who are just visiting to look around day cares home facilities. Some planners thought there might be benefits because they might travel locally. But in general, that is not be the case. Remember, parents are looking for affordable child care. There may be a center close to their homes or work place, but they may drive more for the affordable home day cares.

2.7.5 Safety

Do you know the name of the road where car accidents are occurring most frequently in the USA? According to an insurance company's study, the answer is your own drive way! Many children died or injured on the driveway while cars were backing over. Do you know that the home owner is responsible, if a day care child is injured or killed in your territory?

2.7.6 Increased demand for city services

There will be increased demand for city services like water, sewer, refuse, and emergency services. An example would be the 6 large trash cans a group day home is producing every week. Usually a normal household has one or two trash cans.

2.7.7 Beautification

If six large trash cans are displayed outside under neighbor's window, then it must be ugly and unpleasant. If they would like to put screens to hide their business trash cans, it must have some rules to maintain beautification.

2.7.8 Lowering Property Value

Due to the problems listed above, it is obvious that feeling of peacefulness, tranquility, and privacy in a residential home can be disturbed by the home day care business. When the author put his house on the market, he consulted with five realtors. Everyone told that home seller does not need to tell about the neighbor doing day care business. Also they told that the chance to sell the house is relatively low and the home could be sold to a family who needs child care service, which states that it will lower the property value of the next neighbor, because low demand will lower the price in general. Another interesting issue is that it seems a day care owner can sell day care home with customers as a business to another licensee. The author has an appointment with city assessor to reduce the current tax, because, according to the assessor, homes that face or side major roads (or commercial entities) generally do have a lesser value than interior homes, and they would pay proportionately less taxes than homes that do not have a major road influence on their value. As a results, city revenue may be reduced.

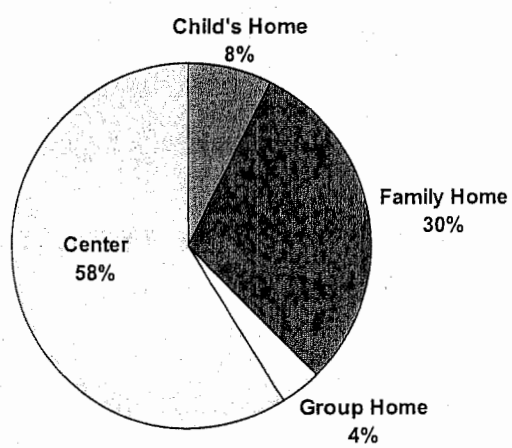
3. Solutions to this social problem for all of us, yesterday, today, and tomorrow

It is natural to have problems in communities, since no system is perfect. The real problem occurs when there exists no effort to improve the current system. The primary purpose of this article is to identify problems and to suggest some long term as well as short term solutions. Societies must learn by correcting mistakes, not ignoring problems, in order to advance toward the better society.

The author firmly believe that long term ideal solution to this problem would be to promote and support mother or father care, which may not be feasible for many families right now. Practical suggestions are described in the following subsections.

3.1 More Centers with Affordable Fees

As shown in graph 1, only 16% of children are served by professional day care centers in Michigan. It was the lowest in the USA. National average of percent of children severed by center is 58% as shown in graph 5.



(Graph 5) Percent of Children Served by Types of Care (National 2000-2004)

As discussed in previous section 2.2, there were relatively less violations in professional day care centers than home day care facilities. Unfortunately this means that Michigan children may be facing more accidents/death in day care homes than other states. This must be corrected. State must find long term

strategies to promote and support professional child care centers. Also, state must continue/increase budget for the child care assistance program for low-income working families so that they can have quality professional child care with less risks. Note that there are many States that does not allow group day care homes such as NJ, Washington D.C., Louisiana, Maine, Maryland, New Jersey, North Carolina, Washington, and Wisconsin [NCCIC 2005].

3.2 State and City Must Work Together

State simply has ignored city municipality. They must cooperate to find solutions to resolve conflicts related to the illegal group day care homes. Reconsider licensing procedures. State should not issue the license without city's approval on the specific house.

3.3 City Ordinance for Considering Neighbors in Strictly Restricted Residential Zone

Recently [Troy Minute Dec. 2005] troy planning commission decided not to recommend allowing group day care homes in residential districts for the following reasons:

- It has been demonstrated by public input, letters and photos that family (1-6 children) and group day care (6-12 children and full-time employee(s)) homes do have a negative impact on the neighboring property owners.
- According to City Attorney, Allan Motzny, and City Director of Building & Zoning, Mark Stimac, any building or structure or portion thereof that is used for the education, supervision or personal care services for more than five (5) children older than 2-1/2 years of age would be classified as a Group E occupancy. This has significant implications on the ability of the structure to comply with building code requirements such as automatic sprinklers in basements, Michigan barrier-free design and the Federal Americans with Disabilities Act.
- There is nothing within the child care licensing law that exempts these facilities from the Michigan Building Code provisions.
- The current ordinance allows for family day care homes but limits enrollment thus permitting a needed service while minimizing the intrusion and negative impact on neighboring properties.

In case City Council wants to allow them, they recommended the following reasonable conditions (listed only important ones):

- To maximize the safety and the privacy and to minimize noise for the neighboring properties, Group Day Care Homes shall be allowed on properties greater than one-half acre in size and having a minimum side yard setback of 20 feet.
- Group Day Care Homes with vehicular access on a major thoroughfare shall be required to have a circular drive or an unobstructed turnaround area to allow for the safe egress of vehicles.
- To maximize the safety and the privacy for the neighboring properties, if the outdoor play area is located on the premises, the play area shall be fenced or screened with a 6-foot high privacy fence.
- The applicant shall identify the entrance(s) for drop-offs and pickups. The parking and drop-off areas shall be designed to maximize safety and privacy for the neighboring properties.
- To prevent the commercialization of residential districts, Group Day Care Homes shall be not be located within 1,000 feet of another state licensed residential facility.

It is quite interesting to note that the fence requirement was also added to the Family homes too. We could give them a grace period for the current group day care homes to find acceptable locations, if their house does not meet the above conditions. During that time, they must pay every effort to reduce problems.

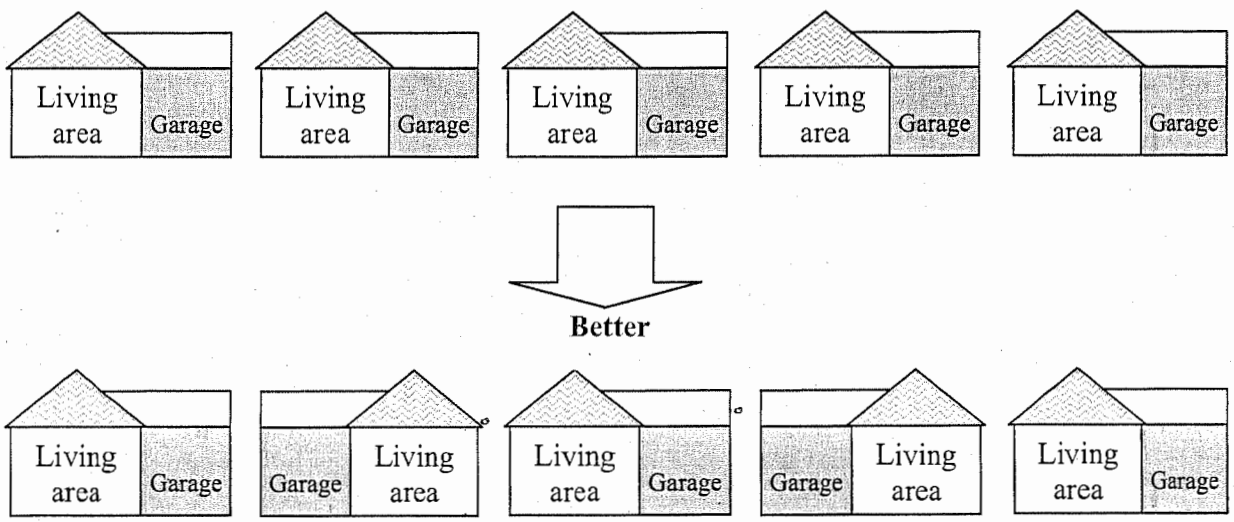
3.4 Open Door Policy

Many accidents are caused by the fact that the home are built to maximize privacy. Since home day care providers were saying that they provide public services, we could ask them open the door to the public. During the public hearing on Aug 8th, 2005 [Troy Minute Aug. 2005], a day care parent asked "the open door policy". Anyone can visit the public place any time to inspect how they care children. This policy may

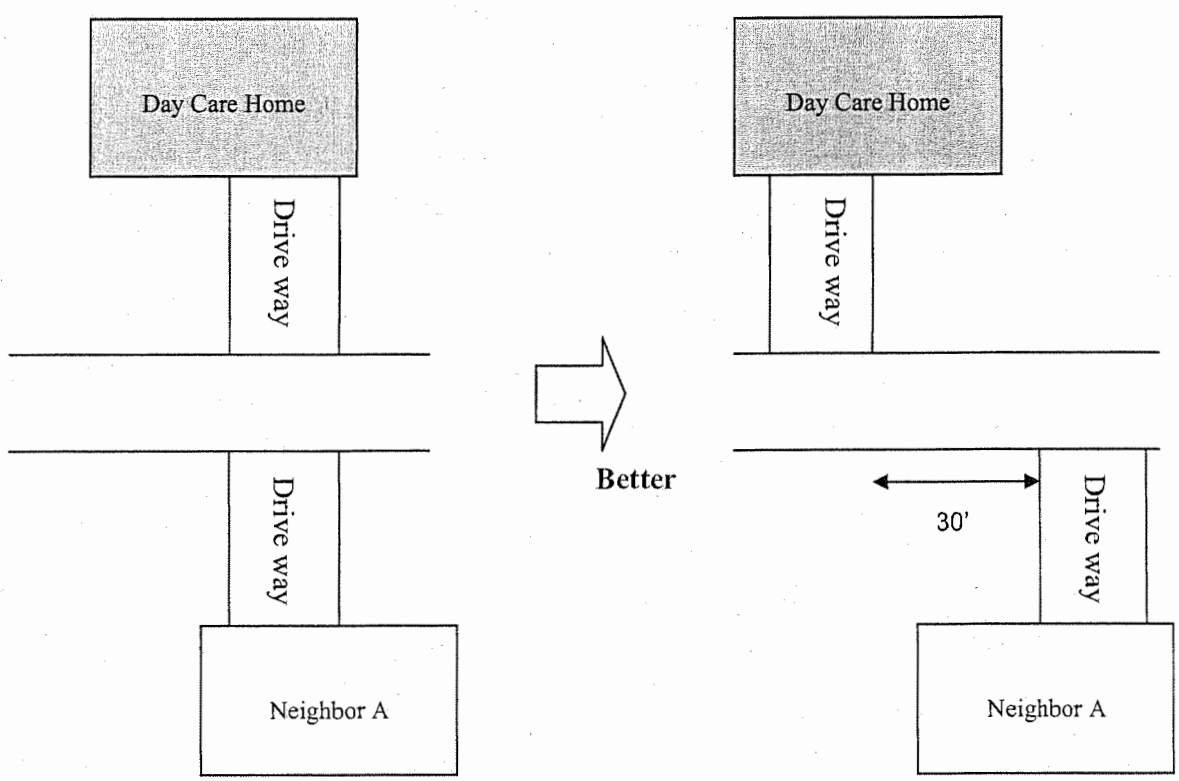
improve the quality of home day care. Usually, professional day care center door is open and windows are open, too. Can I visit at any time? That is the first question to ask the provider, before you put your child, since some providers do not allow that.

3.5 Subdivision Design Considerations

It is suggested for builders to locate houses in such a way that master bedroom to master bedroom and driveway to drive way, when designing subdivisions. The following (Diagram 5) shows better way of arranging homes with two car garage.



(Diagram 5) Subdivision design suggestion



(Diagram 6) A suggestion in designing the location of driveways

Minimum distance from neighbor's living area (exclude garage) to the center of Drop-off area and Official business door must be greater than 50ft. Outdoor play area must be designed to prevent from noise and invasion of privacy. Diagram 6 suggests 30' as the minimum distance in designing driveways.

3.6 Caring Neighbors

Child care providers are taking care of infants who do not speak English yet. They must have sense to recognize other's feeling without words. There may be neighbors who are uncomfortable with their business. They may be silent, because it is not easy to tell bad things to a neighbor. Especially that is true for some neighbors who have totally different cultural background. Since home day care providers are initiating possible problems, they must first contact the neighbors to ask if there is any problem and to find ways to solve problems. It would be good, if day care providers were asking neighbors, periodically. Also, self-regulation among day care providers would be a good idea to reduce negative impacts in the community. One example of technological method of caring neighbors to reduce irresistible noise of early snow removal, they could install Electric Snow Melting Systems on their driveway.

3.7 Introducing a new zone type

It is suggested to introduce a new zone which allows mixed-use development. Design a new model subdivision where residential houses and public facilities are located together while minimizing possible negative impact between them. This means residents do not need to drive to go to grocery store. Almost every public place is in walking distance. Of course day care center and/or day care homes are pre-planned, design, and constructed in the new zone. We can save energy and time, reduce cost of transportation. There will be less air pollution and most importantly, it will be a well-being solution for our health, since we will walk. The author wishes this article could be used as input data to the design of new development such as the old K-mart property in Troy.

3.8 Technologies to prevent from accidents

Microprocessor is everywhere. Pervasive (wireless, wearable, and ubiquitous) computing with blue-tooth technology could make it possible to develop economically feasible monitoring system for child and adult day care environment. Bluetooth is a short-range radio technology aimed at simplifying communications among Internet devices and between devices and the Internet. Accidents occur suddenly. As a backup and double checking tool, networked wirelessly with blue-tooth devices, integrated home personal computers can monitor each child's status and the system can provide early warning signals, if abnormal activities are detected. Even it can predict possible future problems. Blue-tooth sensors to be integrated in the system can be motion, breathing (to alert if no breathing for 20 seconds, for example), humidity (to check diapers), location on the crib, temperature, blood pressure, EMG (ElectroMyoGraphy - muscle), ECG (ElectroCardioGraphy – heart rate), EEG (ElectroEncephaloGraphy - Brain), EOG (ElectroOculoGraphy – eye movement) sensors and among others. Sudden infant death syndrome (SIDS) is the sudden and unexpected death of young baby that has no specific cause despite a detailed investigation. However, if we use the modern sensor fusion technologies effectively, the system may alert the caregiver in a timely manner.

4. Conclusion and Summary

We all were babies once. Almost three out of four mothers are working; the availability of child care facilities is not just necessary but is essential. However, state and city have not cooperated to provide a legal base to home based group day care public services for more than 30 years in Michigan. As a result, unfortunately, many infants and babies had to start their lives in illegal places. This problem must be solved now and it is our obligation.

In order to provide legal base for them, we need to first analyze the current problems. (1) Homes are not designed & built to accommodate public services for 12 babies. Because of that, there have been more accidents in home day care facilities than that of centers as described in (Graph 3) and section 2.2. State

needs to promote more professional day care centers like other states. If city decides to allow group day care homes, it must have strict regulations and it needs to design subdivisions to allow home care facilities and build houses to accommodate home care services. (2) Some homes are located unsuitable area to do the public business, which causes a conflict between public benefit and protecting private properties. Some neighbors have been suffered from problems caused by home day care facilities. The city must view residential zoning regulations as a covenant with citizens who purchase property in the community, and cities actions must honor this commitment. (3) Group day care provides are saying they provide home like quality childcare. But it cannot be homelike environment with crowded 12 babies without moms. It will be just dangerous unsafe place as statistical data proves in section 2.2. There are some parents just looking for affordable childcare. But in a group daycare home with 12 babies in the basement, it could be a perfect virus spreading environment for your infant to get sick easily. Parents need to analyze carefully pros and cons of putting their children in day care homes instead of centers.

The author is not against all the group day care homes, but he is concerned about all the problems caused by some of the facilities. There are rules for businesses in business zoning. There must be tougher rules for businesses in residential area, especially because homes in residential area were not designed / built to conduct day care business. Typical example is the group day care home that uses the residence's side door as an entrance for the parents and children, and that door is across from neighbor's dining room. The distance between the dinning room window and the business entrance is only 17'8" as depicted in diagram 2. If we allow the group day care homes in residential area, we need to have a good ordinance text to minimize further problems such as business noise, privacy, safety, parking, and beautification (due to the business trash cans), and among others as listed in section 2.5. However, we know that any human law cannot be perfect. I wish some home day care owners could learn how to care and respect neighbors, in order not to damage the relatively positive image of many day care homes.

DHS has many regulations on home day care business, but none is for the neighbor care. Perhaps they thought that is the city's job. But cities were just ignoring the problem for more than 30 years until some serious conflicts occurred recently. There exist problems of some day care owner's mindset. Since they think they are providing essential services for the public, they think they are above the city ordinance. To make things worse, city did not want to be involved. Neighbors did not want to start the fire, because they thought people would think they were bad because it involved innocent babies. If it becomes a big problem, they thought they could not sell their homes. An attorney's advice, "move out, quietly", tells the essence of the problem so far.

This is a problem for every house in residential zone. Someday your neighbor may setup home day or adult foster care business, since it is very lucrative without large financial investment. After buying a dream home, early in the morning, you may find your neighbor was doing home care business; People are talking about horrifying stories from adult foster care homes in residential area, not publicly. They cannot tell publicly because they are afraid of revealing their addresses publicly. If that happens, they will face serious difficulty in selling their houses. If the current group day care home issues are resolved politically without considering neighbors' pain and without taking care of true well-being of children, then it is like welcoming more problems and troubles.

Epilog

The author of this article was sued by a side by side neighbor who has been running a group day care home, ignoring city zoning ordinance. The author took some photos and videotaped day care customers from inside his dinning room when they were coming in and out the side door depicted in diagram 2. He gave the video tape to the group day care home owner to watch how serious the problem was. He submitted the photos after block out faces of the customers to the city planning commissioners when they had public hearings. But the neighbor filed petition for personal protection order (PPO) against stalking (non domestic) to the Oakland County Circuit Court. The neighbor claims that the author harassed her by taking photos and videotaping. If the judge signs the PPO, then the author will be treated as a criminal and his data will be entered into LEIN (Law Enforcement Information Network) that is available to law enforcement agencies throughout the Untied States.

The author as well as his attorney firmly believes that he has the right to document, take photos, and videotape illegal activities violating city ordinance. His intention was to provide data to city planners when they amend ordinance text for the future, in order not to repeat the same troubles he has had. The author does not think American citizens are blocked to report facts and illegal activities to local government for public hearings. As a professor teaching classes in the evening and resting in the morning, the author just wants to enjoy a sound sleep in the morning and feeling of peacefulness, tranquility, and privacy in his home in the residential area.

References

[Budget 2003] State Budget Cuts Create A Growing Child Care Crisis for Low-Income Working Families (March 2003), by Danielle Ewen and Katherine Hart, pub. by Children's Defense Fund www.childrensdefense.org/earlychildhood/childcare/state_budget_cuts_2003.pdf

[Centers 2005] Preschools & Day Care Centers in Troy Area 2005, compiled by the Youth Service Dept. of the Troy Public Library, rev. 1/2005 JS

[CCB 2005] Child Care Bureau, Administration for Children and Families, US Department of Health and Human Services, http://www.acf.hhs.gov/programs/ccb

[OYC 2005] Office for Young Children, Inghan County, http://www.ingham.org/hd/oyc/

[DOL 1999] *Futurework* - Trends and Challenges for Work in the 21st Century, U.S. Department of Labor, Office of the Secretary, 1999, www.dol.gov/asp/programs/history/herman/reports/futurework/report.htm

[NRC 2005] National Resource Center for Health and Safety in Child Care http://nrc.uchsc.edu/STATES/MI/mi_116.htm

[DHS 2006] http://www.michigan.gov/dhs/0,1607,7-124-5455_27716_27718-82260--,0 0.html

[DHS 2006a] http://www.michigan.gov/dhs/0,1607,7-124-5455_27716_27718-82370--,00.html

[Death 1999] Child Deaths in Michigan, Michigan Child Death State Advisory Team, First Annual Report, The Michigan Family Independence Agency, June 1999

[Death 2001] Child Deaths in Michigan, Michigan Child Death State Advisory Team, Second Annual Report, The Michigan Family Independence Agency, April 2001

[MI Bill 2005] http://www.legislature.mi.gov/documents/2005-2006/billengrossed/House/htm/2005-hEBH-4398.htm

[JAMA 2005] Relationship Between Serum Parathyroid Hormone Levels, Vitamin D Sufficiency, and Calcium Intake, Laufey Steingrimsdottir, PhD; Orvar Gunnarsson, MD; Olafur S. Indridason, MD, MHS; Leifur Franzson, MSc, Pharm; Gunnar Sigurdsson, MD, PhD , Nov. 9 issue of the *JAMA. Journal of the American Medical Association*. 2005;294:2336-2341.

[Forbes 2005] Vitamin D Intake Vital for Bone Health, Ed Edelson, Forbes TUESDAY, Nov. 8

[DAMP 2004] Damp Indoor Spaces and Health (2004) Board on Health Promotion and Disease Prevention (HPDP) Institute of Medicine (IOM), Institute of Medicine, Division of National Academy of Sciences

[NCCIC 2005] Definition of Licensed Family Child Care Homes, National Child Care Information Center, April 2005, http://nrc.uchsc.edu

[Troy Minute AUG. 2005] City of Troy, Planning Commission Meeting Minutes, Aug 9th, 2005, page 14 http://www.ci.troy.mi.us/committees/minutes/Planning20050809.pdf

[Troy Minute Dec. 2005] City of Troy, Planning Commission Meeting Minutes, Dec. 13th, page 11-13, 2005 http://www.ci.troy.mi.us/committees/minutes/Planning20051213.pdf

DATE: March 13, 2006

TO: John Lamerato, Acting City Manager

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

SUBJECT: AGENDA ITEM – PUBLIC HEARING – 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 (CONTINUATION)

RECOMMENDATION

At the February 27, 2006 Regular meeting, City Council continued the Public Hearing to the March 20, 2006 City Council Regular meeting.

The Planning Commission held a Public Hearing on this item at the September 13, 2005 Planning Commission Regular meeting, and recommended approval. City Management agrees with the Planning Commission recommendation and supports this proposed amendment. ZOTA 218 is tie-barred with ZOTA 214 (Group Day Care Homes) to eliminate confusion.

BACKGROUND

A Montessori school in the R-1C district has expressed interest in adding a child care center. Child care centers are permitted by special use approval in the R-1A through R-1E districts, provided the center is "located adjacent to a multiple family residential, office or commercial District, or within a previously established church complex (Article 10.30.03.B). Schools are not included, even though child care services are presently provided in all elementary schools within the Troy School District. The proposed amendment would permit child care centers in public and private schools in the R-1A through R-1E One Family Residential Districts.

Note that Article 10.30.03.B also requires that these uses shall not be permitted in the interior of any residential block. Public schools in Michigan are not required to comply with local zoning laws, consequently many public schools and their accessory day care centers in Troy are located in the interior of residential blocks. Private schools are not exempt from local zoning regulations, therefore accessory child care centers will be required to be located on a major thoroughfare.

Reviewed as to Form and Legality: _____ _____

Lori Grigg Bluhm, City Attorney Date

Attachments:

1. Draft Zoning Ordinance Text Amendment, dated 01/10/06.
2. March 6, 2006 City Council Public Hearing item.

cc: File/ZOTA 218

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CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 39 OF THE CODE
OF THE CITY OF TROY
ZOTA 218
CITY COUNCIL PUBLIC HEARING DRAFT

The City of Troy ordains:

Section 1. Short Title

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

Section 2 – Amendment to Article X of Chapter 39

Article X of Chapter 39 of the Code of the City of Troy is amended to permit child care centers, nursery schools or day nurseries by special use permit in public or private schools within the R-1A through R-1E One Family Residential Districts subject to specific standards.

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

10.30.03 Child Care Centers, Nursery Schools or Day Nurseries (not including dormitories, subject to the following conditions:

A) That for each child so maintained or cared for, there shall be provided and maintained a minimum of one hundred fifty (150) square feet of outdoor play area. Such play area shall have a total minimum area of not less than five thousand (5000) square feet and shall be visually screened from any adjoining lot in any residential District, in a manner acceptable to the Planning Commission.

B) Such uses shall not be permitted in the interior of any residential block. Such uses shall be located adjacent to a multiple family residential, office or commercial District, or within a previously established church complex or a public or private school utilized for the education of children, other than a home school.

C) Such uses shall, as transitional uses between non-residential and residential development, be so designed architecturally as to reflect the predominant architectural character of the residential District within which they are located.

Section 3. Savings

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

Section 4. Severability Clause

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

Section 5. Effective Date

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

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

_____
Louise Schilling, Mayor

_____
Tonni Bartholomew, City Clerk

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DATE: February 28, 2006

TO: John Szerlag, City Manager

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

SUBJECT: AGENDA ITEM – PUBLIC HEARING – 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.

RECENT ACTIONS

At the February 27, 2006 Regular meeting, City Council passed the following resolution (draft):

Vote on Resolution to Set a Date Certain for the Continuation of Public Hearings for Zoning Ordinance Text Amendments: ZOTA 218 and ZOTA 214

Resolution #2006-02-113
Moved by Schilling
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **SETS A DATE CERTAIN** for the continuation of Public Hearings for Zoning Ordinance Text Amendment (ZOTA 218) – Article 10.30.03, Permit Child Care Centers by a Special Use Approval in the R-1A through R-1E Zoning Districts and Zoning Ordinance Text Amendment (ZOTA 214) – Article IV and X, Group Child Care Homes in the R-1A through R-1E Districts **TO THE REGULAR CITY COUNCIL MEETING SCHEDULED FOR MONDAY, MARCH 20, 2006.**

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** City **S**taff to **REPUBLISH** the *Notice of Public Hearing* in the official newspaper of record and **RENOTICE** those members of the public that previously received notice by first class mail.

Yes: All-7

The Public Hearing will be continued to the March 20, 2006 City Council Regular meeting.

RECOMMENDATION

The Planning Commission held a Public Hearing on this item at the September 13, 2005 Planning Commission Regular meeting, and recommended approval. City Management agrees with the Planning Commission recommendation and supports this proposed amendment. ZOTA 218 is tie-barred with ZOTA 214 (Group Day Care Homes) to eliminate confusion.

BACKGROUND

A Montessori school in the R-1C district has expressed interest in adding a child care center. Child care centers are permitted by special use approval in the R-1A through R-1E districts, provided the center is "located adjacent to a multiple family residential, office or commercial District, or within a previously established church complex (Article 10.30.03.B). Schools are not included, even though child care services are presently provided in all elementary schools within the Troy School District. The proposed amendment would permit child care centers in public and private schools in the R-1A through R-1E One Family Residential Districts.

Note that Article 10.30.03.B also requires that these uses shall not be permitted in the interior of any residential block. Public schools in Michigan are not required to comply with local zoning laws, consequently many public schools and their accessory day care centers in Troy are located in the interior of residential blocks. Private schools are not exempt from local zoning regulations, therefore accessory child care centers will be required to be located on a major thoroughfare.

Attachments:

1. Draft Zoning Ordinance Text Amendment, dated 01/10/06.
2. Minutes from September 13, 2005 Planning Commission Regular meeting.

cc: File/ZOTA 218

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CITY OF TROY
PUBLIC HEARING

At the February 27, 2006 City Council meeting the following resolution was passed:

Vote on Resolution to Set a Date Certain for the Continuation of Public Hearings for Zoning Ordinance Text Amendments: ZOTA 218 and ZOTA 214

Resolution #2006-02-113
Moved by Schilling
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **SETS A DATE CERTAIN** for the continuation of Public Hearings for Zoning Ordinance Text Amendment (ZOTA 218) - Article 10.30.03, Permit Child Care Centers by a Special Use Approval in the R-1A through R-1E Zoning Districts and Zoning Ordinance Text Amendment (ZOTA 214) - Article IV and X, Group Child Care Homes in the R-1A through R-1E Districts **TO THE REGULAR CITY COUNCIL MEETING SCHEDULED FOR MONDAY, MARCH 20, 2006**.

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** City Staff to **REPUBLISH** the *Notice of Public Hearing* in the official newspaper of record and **RENOTICE** those members of the public that previously received notice by first class mail.

Yes: All-7

THEREFORE:

A Public Hearing will be held by and before the City Council of the City of Troy at City Hall, 500 W. Big Beaver, Troy, MI on Monday, March 20, 2006, at 7:30 P.M., or as soon thereafter as the agenda will permit, to consider amending the text of Article X One Family Residential Districts R-1A through R-1E of the Zoning Ordinance.

PLEASE NOTE THAT A PREVIOUSLY SCHEDULED PUBLIC HEARING WILL BE OPENED ON MARCH 6, 2006 BUT IN ORDER TO HAVE A FULL COMPLEMENT OF

CITY COUNCIL, IT IS THE INTENTION OF COUNCIL TO TAKE TESTIMONY AND CONSIDER ACTION AT THE MARCH 20, 2006 MEETING.

The proposed amendment would revise the text to permit Child Care Centers, Nursery Schools or Day Nurseries within a previously established school complex in the R-1A through R-1E One Family Residential Districts.

You may express your comments regarding this matter by e-mail to planning@ci.troy.mi.us, by contacting the Planning Department at (248) 524-3364, or by attending the Public Hearing.

Tonni Bartholomew, MMC
City Clerk

NOTICE: *People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk by e-mail at clerk@ci.troy.mi.us or by calling (248) 524-3317 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.*

CITY OF TROY
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Section 1. Short Title

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

10.30.03 Child Care Centers, Nursery Schools or Day Nurseries (not including dormitories, subject to the following conditions:

A) That for each child so maintained or cared for, there shall be provided and maintained a minimum of one hundred fifty (150) square feet of outdoor play area. Such play area shall have a total minimum area of not less than five thousand (5000) square feet and shall be visually screened from any adjoining lot in any residential District, in a manner acceptable to the Planning Commission.

B) Such uses shall not be permitted in the interior of any residential block. Such uses shall be located adjacent to a multiple family residential, office or commercial District, or within a previously established church complex or a public or private school utilized for the education of children, other than a home school.

C) Such uses shall, as transitional uses between non-residential and residential development, be so designed architecturally as to reflect the predominant architectural character of the residential District within which they are located.

Section 3. Savings

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

Section 4. Severability Clause

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

Section 5. Effective Date

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

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

_____
Louise Schilling, Mayor

_____
Tonni Bartholomew, City Clerk

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ZONING ORDINANCE TEXT AMENDMENT

10. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 218) – Article 10.30.03 Daycares in Schools within the R-1 Districts

Mr. Savidant presented a summary of the proposed zoning ordinance text amendment. He reported that the City's Planning Consultant and Assistant City Attorney agree with the proposed text amendment in concept. The Assistant City Attorney suggested and City Management agrees with revising the text to clarify what constitutes a school complex.

Mr. Miller noted that (1) public schools are exempt from municipal zoning; and (2) schools are permitted in the R-1A through R-1E zoning districts with the requirement that they located on major thoroughfares.

There was a brief discussion on the placement of definitions within the Zoning Ordinance.

Mr. Motzny confirmed that the definition of school is not currently inclusive of definitions listed in the Zoning Ordinance.

PUBLIC HEARING OPENED

Nichol Childs of 1931 Atlas, Troy, was present. Ms. Childs addressed the affect of potential traffic generated by child care centers in residential areas in relation to traffic generated by group day care centers in residential areas.

Sharon Schafer of 5593 Mandale Drive, Troy, was present. Ms. Schafer said she assumes, based upon the numbering system, that the proposed zoning ordinance text amendment relating to group day care homes in residential districts (ZOTA 214) has been under consideration longer than the ZOTA 218. Ms. Schafer said she supports the proposed zoning ordinance text amendment under consideration this evening because working families in Troy need every option available to them for child care. She stated child care centers in residential areas would not cause any less noise or traffic than group day care homes in residential areas, and she hopes the members remember that she brought that to their attention when ZOTA 214 is considered in a couple of weeks.

PUBLIC HEARING CLOSED

Resolution # PC-2005-09-144
Moved by: Wright
Seconded by: Schultz

RESOLVED**,** That the Planning Commission hereby recommends to the City Council that Article X, pertaining to Daycares in the R-1A through R-1E Zoning Districts, be amended as printed on the Proposed Zoning Ordinance Text Amendment received tonight, as follows:

> Section 10.30.03 (B) – Such uses shall not be permitted in the interior of any residential block. Such uses shall be located adjacent to a multiple family residential, office or commercial district, or within a previously established church complex or a public or private school utilized for the education of children, other than a home school.

Discussion on the motion.

Mr. Vleck asked if charter schools are exempt from municipal zoning.

Mr. Motzny replied that charter schools are considered public schools and the exemption would apply to them as well as public schools.

Mr. Miller confirmed that it was a Montessori school that prompted the proposed zoning ordinance text amendment.

Chair Strat suggested that the description of private schools should be included as part of a definition in Article IV.

Vote on the motion on the floor.

Yes: All present (8)
No: None
Absent: Khan

MOTION CARRIED

DATE: March 7, 2006

TO: John M. Lamerato, Acting City Manager

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

SUBJECT: Agenda Item - Community Development Block Grant (CDBG) Re-programming of Year 2003 Funds

We are respectfully requesting approval to re-program unexpended Year 2003 funds as detailed below and the addition of Sewer Benefit Fee (Special Assessment) for Charnwood Subdivision Area, Phase #1, Section 6 to the list of CDBG projects for 2003.

Existing (From):

ACCOUNT #	ACTIVITY DESCRIPTION	AMOUNT
2696/730744	Flood Drain Improvements	$55,637.70

Proposed (To)

Account #	ACTIVITY DESCRIPTION	AMOUNT
3616/731815	Sewer Benefit Fee (Special Assessment)	$55,637.70

The project was initiated after the 2003 application was submitted, so it was not included on the initial list of projects. Reprogramming year 2003 funds will allow us to be reimbursed for the Sewer Benefit Fee for Sanitary Sewer Construction in Charnwood Subdivision Area.

Prepared by: Vicki Richardson, Solid Waste Coordinator

DATE: March 7, 2006

TO: John M. Lamerato, Acting City Manager

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

SUBJECT: Agenda Item - Community Development Block Grant (CDBG) Re-programming of Year 2004 Funds

We are respectfully requesting approval to re-program unexpended Year 2004 funds as detailed below and the addition of Sewer Benefit Fee (Special Assessment) for Charnwood Subdivision Area, Phase #1, Section 6 to the list of CDBG projects for 2004.

Existing (From):

ACCOUNT #	ACTIVITY DESCRIPTION	AMOUNT
2696/730744	Flood Drain Improvements	$120,344.00

Proposed (To)

Account #	ACTIVITY DESCRIPTION	AMOUNT
3616/731815	Sewer Benefit Fee (Special Assessment)	$120,344.00

The project was initiated after the 2004 application was submitted, so it was not included on the initial list of projects. Reprogramming year 2004 funds will allow us to be reimbursed for the Sewer Benefit Fee for Sanitary Sewer Construction in Charnwood Subdivision Area.

Prepared by: Vicki Richardson, Solid Waste Coordinator

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

Pastor Jim Loller – First Baptist Church 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
David A. Lambert
Jeanne M. Stine

Vote on Resolution to Excuse Council Member Broomfield

Resolution #2006-03-119
Moved by Beltramini
Seconded by Stine

RESOLVED, That Council Member Broomfield's absence at the Regular City Council meeting of Monday, March 6, 2006 is **EXCUSED** due to being out of the county.

Yes: All -6
No: None
Absent: Broomfield

CERTIFICATES OF RECOGNITION:

A-1 Presentations: No Presentations

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 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 - **A Continuation of the Public Hearing is Scheduled for the Regular City Council Meeting on Monday, March 20, 2006 so a Full Complement of Council will be in Attendance (Resolution #2006-02-113)**

The Mayor opened the Public Hearing; seeing no member of the public wishing to speak, the Mayor indicated that the Public Hearing will continue at the Regular City Council Meeting scheduled for Monday, March 20, 2006.

C-2 Zoning Ordinance Text Amendment (ZOTA 214) – Article IV and X, Group Child Care Homes in the R-1A through R-1E Districts - **A Continuation of the Public Hearing is Scheduled for the Regular City Council Meeting on Monday, March 20, 2006 so a Full Complement of Council will be in Attendance (Resolution #2006-02-113)**

The Mayor opened the Public Hearing; seeing no member of the public wishing to speak, the Mayor indicated that the Public Hearing will continue at the Regular City Council Meeting scheduled for Monday, March 20, 2006.

POSTPONED ITEMS:

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

(a) New License

POSTPONED Resolution
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

POSTPONED Resolution
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.

POSTPONED Amendment Resolution
Resolution
Moved by Stine
Seconded by Broomfield

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

Vote on Resolution to Amend Amendment by Substitution

Resolution #2006-03-120
Moved by Beltramini
Seconded by Stine

RESOLVED, That the Resolution to amend the Resolution of approval the of Transfer of Class C-SDM License for Corradi's – 1090 Rochester Road be **AMENDED** by **SUBSTITUTION** by **STRIKING** the amendment in its entirety and inserting the following:

> RESOLVED, That the Resolutions to approve the of Transfer of Class C-SDM License for Corradi's – 1090 Rochester Road be **AMENDED** by **SUBSTITUTION** by **STRIKING** Resolutions (a) and (b) in their entirety and inserting the following:
>
> **(a) New License**
>
> RESOLVED, That the request from White Star Entertainment, Inc. to transfer ownership of 2005 Class C-SDM licensed business with dance permit, at 1090 Rochester, Troy, MI 48083, Oakland County, from MKC, Inc.; and request new entertainment permit, BE CONSIDERED FOR APPROVAL.
>
> It is the consensus of this legislative body that the application be RECOMMENDED for issuance.
>
> **(b) Agreement**
>
> 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 2005 Class C-SDM licensed business with dance permit, at 1090 Rochester, Troy, MI 48083, Oakland County, from MKC, Inc.; and request new entertainment permit; 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.

BE IT FURTHER RESOLVED, That if the Michigan Liquor Control Commission approves White Star Entertainment, Inc. application to transfer ownership of 2005 Class C-SDM licensed business with dance permit, at 1090 Rochester, Troy, MI 48083, Oakland County, from MKC, Inc; and request new entertainment permit, the City Council for the City of Troy, not less than 30 days before the expiration of said transferred license, SHALL CONDUCT a due process hearing and determine whether it should file an objection to the renewal of said license with the Michigan Liquor Control Commission.

Yes: All -6
No: None
Absent: Broomfield

Vote on Amendment as Amended by Substitution

Resolution #2006-03-121
Moved by Stine
Seconded by Broomfield

RESOLVED, That the Resolutions to approve the of Transfer of Class C-SDM License for Corradi's – 1090 Rochester Road be **AMENDED** by **SUBSTITUTION** by **STRIKING** Resolutions (a) and (b) in their entirety and inserting the following:

(a) New License

RESOLVED, That the request from White Star Entertainment, Inc. to transfer ownership of 2005 Class C-SDM licensed business with dance permit, at 1090 Rochester, Troy, MI 48083, Oakland County, from MKC, Inc.; and request new entertainment permit, **BE CONSIDERED FOR APPROVAL**.

It is the consensus of this legislative body that the application be **RECOMMENDED** for issuance.

(b) Agreement

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 2005 Class C-SDM licensed business with dance permit, at 1090 Rochester, Troy, MI 48083, Oakland County, from MKC, Inc.; and request new entertainment permit; 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.

BE IT FURTHER RESOLVED, That if the Michigan Liquor Control Commission approves White Star Entertainment, Inc. application to transfer ownership of 2005 Class C-SDM licensed business with dance permit, at 1090 Rochester, Troy, MI 48083, Oakland County, from MKC, Inc; and request new entertainment permit, the City Council for the City of Troy, not less than 30 days before the expiration of said transferred license, **SHALL CONDUCT** a due process hearing and determine whether it should file an objection to the renewal of said license with the Michigan Liquor Control Commission.

Yes: All -6
No: None
Absent: Broomfield

Vote on Resolution as Amended

(a) New License

Resolution #2006-03-122a
Moved by Stine
Seconded by Broomfield

RESOLVED, That the request from White Star Entertainment, Inc. to transfer ownership of 2005 Class C-SDM licensed business with dance permit, at 1090 Rochester, Troy, MI 48083, Oakland County, from MKC, Inc.; and request new entertainment permit, **BE CONSIDERED FOR APPROVAL**.

It is the consensus of this legislative body that the application be **RECOMMENDED** for issuance.

Yes: All -6
No: None
Absent: Broomfield

(b) Agreement

Resolution #2006-03-122b
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 2005 Class C-SDM licensed business with dance permit, at 1090 Rochester, Troy, MI 48083, Oakland County, from MKC, Inc.; and request new entertainment permit; 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.

BE IT FURTHER RESOLVED, That if the Michigan Liquor Control Commission approves White Star Entertainment, Inc. application to transfer ownership of 2005 Class C-SDM licensed business with dance permit, at 1090 Rochester, Troy, MI 48083, Oakland County, from MKC, Inc; and request new entertainment permit, the City Council for the City of Troy, not less than 30 days before the expiration of said transferred license, **SHALL CONDUCT** a due process hearing and determine whether it should file an objection to the renewal of said license with the Michigan Liquor Control Commission.

Yes: All -6
No: None
Absent: Broomfield

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

Pending Resolution
Resolution
Moved by Stine
Seconded by Beltramini

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

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

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** the Planning Commission to consider amending the Future Land Use Plan in the Rochester Road Corridor between Square Lake and South Boulevard before the first City Council Meeting scheduled for March 2006.

Proposed Resolution to Postpone

Resolution
Moved by Howrylak
Seconded by Stine

RESOLVED, That the R-C to O-1 rezoning request, located on the northwest corner of Rochester and Marengo, Section 3, being 39,000 square feet in size, is hereby **POSTPONED** to the first Regular City Council meeting in August, 2006, to provide City Management and the Planning Commission with an opportunity to amend the Future Land Use Plan.

Vote on Amendment

Resolution #2006-03-123
Moved by Stine
Seconded by Beltramini

RESOLVED, That the Resolution to POSTPONE R*ezoning Application – Proposed Binson's Home Health Care Center, Northwest Corner of Rochester and Marengo, Section 3 – R-1B to B-1 (Z 180-B)* be **AMENDED** by **INSERTING** "or at the earliest time possible" **AFTER** "August, 2006."

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

MOTION CARRIED

Vote on Postponement Resolution as Amended

Resolution #2006-03-124
Moved by Howrylak
Seconded by Stine

RESOLVED, That the R-C to O-1 rezoning request, located on the northwest corner of Rochester and Marengo, Section 3, being 39,000 square feet in size, is hereby **POSTPONED** to the first Regular City Council meeting in August, 2006 or at the earliest time possible, to provide City Management and the Planning Commission with an opportunity to amend the Future Land Use Plan.

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

MOTION CARRIED

D-3 Appointment to Cable Advisory Committee

Resolution
Moved by Broomfield
Seconded by Lambert

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

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

Brian Wattles Term Expires 02/28/09

Vote on Resolution to Postpone

Resolution #2006-03-125
Moved by Howrylak
Seconded by Lambert

RESOLVED, That the Resolution to APPOINT BY THE CITY COUNCIL to serve on the Cable Advisory Committee be **POSTPONED** until the Regular City Council meeting scheduled for Monday, March 20, 2006.

Yes: All-6
No: None
Absent: Broomfield

CONSENT AGENDA:

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

Resolution #2006-03-126
Moved by Stine
Seconded by Beltramini

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented.

Yes: All-6
No: None
Absent: Broomfield

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

E-2 Approval of City Council Minutes

Resolution #2006-03-126-E-2

RESOLVED, That the Minutes of the 5:30 PM Special City Council Meeting of February 23, 2006, the 7:30 PM Regular City Council Meeting of February 27, 2006 and the 7:30 PM Special-Joint City Council Meeting of February 28, 2006 be **APPROVED** as submitted.

E-3 Proposed City of Troy Proclamations: None Submitted

E-4 Standard Purchasing Resolutions

a) Standard Purchasing Resolution 1: Award to Low Bidder - Topsoil

Resolution #2006-03-126-E-4a

RESOLVED, That a two-year contract to provide topsoil with an option to renew for one additional year is hereby **AWARDED** to the low bidder, Sterling Topsoil and Grading, Inc. of Sterling Heights, MI, for an estimated total cost of $35,700.00, at the unit prices contained in the bid tabulation opened February 7, 2006, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.
BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon contractor submission of properly executed bid and contract documents, including insurance certificates and all other specified requirements.

b) Standard Purchasing Resolution 3: Exercise Renewal Option – Fertilization Services at Sylvan Glen and Sanctuary Lake Golf Courses

Resolution #2006-03-126-E-4b

WHEREAS, On April 4, 2005, a one-year contract with an option to renew for one (1) additional year to provide fertilization services at both City Golf Courses was awarded to the lowest bidder meeting specifications, Turfgrass, Inc. of South Lyon, MI (Resolution #2005-04-149-E17);

WHEREAS, Turfgrass, Inc. has agreed to exercise the one-year option to renew the contract under the same prices, terms and conditions;

NOW, THEREFORE, BE IT RESOLVED, That the option to renew the contract is hereby **EXERCISED** with Turfgrass, Inc., to provide fertilization services at the City Golf Courses for an estimated total cost of $34,140.00 under the same pricing structure, terms, and conditions as the original contract, expiring December 31, 2006.

c) Standard Purchasing Resolution 2: Bid Award – Lowest Bidder Meeting Specifications – Tennis Court Reconstruction

Resolution #2006-03-126-E-4c

RESOLVED, That a contract to reconstruct the east and west tennis courts at Boulan Park, is hereby **AWARDED** to the lowest bidder meeting specifications, ABC Paving Company, of Trenton, MI, for an estimated total cost of $116,452.00, at prices contained in the bid tabulation opened on February 8, 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 vendor submission of properly executed bid and contract documents, including insurance certificates, bonds, and all other specified requirements; and if additional work is required, due to unforeseen circumstances, such work is **AUTHORIZED** in an amount not to exceed 10% of the total project cost or $11,645.00.

d) Standard Purchasing Resolution 1: Award to Low Bidder – Mosquito Control

Resolution #2006-03-126-E-4d

RESOLVED, That a one-year contract for mosquito control in the residential curb storm drains is hereby **AWARDED** to the low bidder, Invaders Pest Control of Lincoln Park, MI for an

estimated total cost of $19,500.00, at the unit price contained in the bid tabulation opened February 10, 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 insurance certificates and all other specified requirements.

e) Standard Purchasing Resolution 3: Exercise Renewal Option – Transit Mixed Concrete

Resolution #2006-03-126-E-4e

WHEREAS, On April 18, 2005, one-year contracts with an option to renew for one additional year to provide transit mixed concrete were awarded to the sole bidder, Nagy Ready Mix, Inc. of Utica, MI, the primary supplier; and Clawson & Killins Concrete Company of Novi, MI, the secondary supplier, as a result of an informal quote process (Resolution # 2005-04-183-E4f);

WHEREAS, Both awarded bidders have agreed to exercise the one-year option to renew under the same prices, terms, and conditions.
NOW, THEREFORE, BE IT RESOLVED, That the options to renew the contracts are hereby **EXERCISED** with Nagy Ready Mix, Inc. of Utica, MI, the primary supplier and Clawson & Killins Concrete Company of Novi, MI, the secondary supplier, to provide transit mixed concrete for an estimated total cost of $166,554.00, under the same contract prices, terms, and conditions expiring April 30, 2007.

E-5 Announcement of Public Hearing – Community Development Block Grant (CDBG) Re-programming of Year 2003 Funds

Resolution #2006-03-126-E-5

RESOLVED, That a Public Hearing be **SCHEDULED** before the Troy City Council on Monday, March 20, 2006 at 7:30 PM or as soon thereafter as the agenda will permit for the purpose of hearing public comments on the re-programming of program year 2003 unexpended funds from Flood Drain Improvements Account to the Sewer Benefit Fee (Special Assessment) Account and the addition of Sewer Benefit Fee (Special Assessment) for Charnwood Subdivision Area, Phase #1, Section 6 to the list of CDBG projects for 2003.

E-6 Announcement of Public Hearing – Community Development Block Grant (CDBG) Re-programming of Year 2004 Funds

Resolution #2006-03-126-E-6

RESOLVED, That a Public Hearing be **SCHEDULED** before the Troy City Council on Monday, March 20, 2006 at 7:30 PM or as soon thereafter as the agenda will permit for the purpose of hearing public comments on the re-programming of program year 2004 unexpended funds from Flood Drain Improvements Account to the Sewer Benefit Fee (Special Assessment) Account and the addition of Sewer Benefit Fee (Special Assessment) for Charnwood Subdivision Area, Phase #1, Section 6 to the list of CDBG projects for 2004.

E-7 Load Restrictions

Resolution #2006-03-126-E-7

RESOLVED, That axle load limits of 6,000 pounds per axle and 8,500 pounds per tandem assembly are hereby **ESTABLISHED** and **IMPOSED** upon vehicles traveling upon streets and roads of the City of Troy, during periods prescribed in Chapter 94, Axle Load Ordinance, of the Code of the City of Troy for "frost law" limitations, which streets are listed in Attachment "A" of a report from the Public Works Director dated February 16, 2006, a copy of said report and attachments shall be **ATTACHED** to the original Minutes of this meeting.

E-8 Summer Maintenance Agreement – R.C.O.C.

Resolution #2006-03-126-E-8

RESOLVED, That the Summer Maintenance Agreement between the Board of County Road Commissioners of the County of Oakland and the City of Troy, which becomes effective on April 1, 2006, with payment by the Road Commission for Oakland County to the City of Troy in the amount of $35,077.72, is hereby **APPROVED**, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

PUBLIC COMMENT: Limited to Items Not on the Agenda

REGULAR BUSINESS:

F-2 Compensation for City Attorney

Resolution
Moved by Lambert
Seconded by Beltramini

RESOLVED, That the annual compensation of Council appointee Lori Grigg Bluhm, City Attorney, is **INCREASED** by 3% **EFFECTIVE** January 1, 2006.

Vote on Resolution to Amend

Resolution #2006-03-127
Moved by Lambert
Seconded by Beltramini

RESOLVED, That the Resolution for *Compensation for City Attorney* be **AMENDED** by **INSERTING:**

"WHEREAS, In 2005, the City Attorney's Office made 6,475 appearances on behalf of the people of the City of Troy resulting in revenue of $533,678.38;

WHEREAS, In 2005, the City Attorney's Office obtained dismissals or successful settlements in ten cases with a potential $1,900,000.00 savings to the City and its taxpayers;

WHEREAS, In 2005, the City Attorney's Office handled almost 40% more citizens complaints and warrant requests than the average over the past five years;

WHEREAS, In 2005, the City Attorney's Office was one of five legal organizations in the United States to be recognized with an *Outstanding Law Day Activity Award*." **BEFORE** "RESOLVED".

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

MOTION CARRIED

Vote on Resolution as Amended

Resolution #2006-03-128
Moved by Lambert
Seconded by Beltramini

"WHEREAS, In 2005, the City Attorney's Office made 6,475 appearances on behalf of the people of the City of Troy resulting in revenue of $533,678.38;

WHEREAS, In 2005, the City Attorney's Office obtained dismissals or successful settlements in ten cases with a potential $1,900,000.00 savings to the City and its taxpayers;

WHERAS, In 2005, the City Attorney's Office handled almost 40% more citizens complaints and warrant requests than the average over the past five years;

WHEREAS, In 2005, the City Attorney's Office was one of five legal organizations in the United States to be recognized with an *Outstanding Law Day Activity Award*.

RESOLVED, That the annual compensation of Council appointee Lori Grigg Bluhm, City Attorney, is **INCREASED** by 3% **EFFECTIVE** January 1, 2006.

Yes: All-6
No: None
Absent: Broomfield

F-1 Appointments to Boards and Committees: a) Mayoral Appointments: No Appointments Scheduled b) City Council Appointments: No Appointments Brought Forward

(a) Mayoral Appointments – No Appointments Scheduled

(b) City Council Appointments – No Appointments Brought Forward

F-3 Traffic Committee Recommendations – January 18, 2006

Resolution #2006-03-129
Moved by Stine
Seconded by Beltramini

(a) Installation of Signs – Right Turn Only, Westbound Traffic Use Next Crossover East, Do Not Enter and Do Not Enter from Shopping Center Driveway – Troy Marketplace

RESOLVED, That Traffic Control Order No. 06-01-MR be **ISSUED** for installation of signs placed at the west driveway of Troy Marketplace for exiting traffic, indicating RIGHT TURN ONLY and WESTBOUND TRAFFIC USE NEXT CROSSOVER EAST. At the median, to be seen only by driveway traffic, signs will indicate DO NOT ENTER and DO NOT ENTER FROM SHOPPING CENTER DRIVEWAY (see attached illustration).

(b) Establishment of Fire Lanes/Tow Away Zones at 888 West Big Beaver Road

RESOLVED, That Traffic Control Order No. 06-02-MR be **ISSUED** for the establishment of fire lanes/tow away zones shown in the attached sketch at 888 West Big Beaver Road.

Yes: All-6
No: None
Absent: Broomfield

F-4 Traffic Committee Recommendations – February 15, 2006

Resolution #2006-03-130
Moved by Lambert
Seconded by Howrylak

(a) Establishment of Fire Lanes/Tow Away Zones at 100 East Maple Road

RESOLVED, That Traffic Control Order No. 06-03-MR be **ISSUED** for the establishment of fire lanes/tow away zones shown in the attached sketch at 100 East Maple Road.

(b) Establishment of Fire Lanes/Tow Away Zones at 272 Minnesota

RESOLVED, That Traffic Control Order No. 06-04-MR be **ISSUED** for the establishment of fire lanes/tow away zones shown in the attached sketch at 272 Minnesota.

(c) Establishment of Fire Lanes/Tow Away Zones at 230 West Maple Road

RESOLVED, That Traffic Control Order No. 06-05-MR be **ISSUED** for the establishment of fire lanes/tow away zones shown in the attached sketch at 230 West Maple.

(d) Establishment of Fire Lanes/Tow Away Zones at 400 West Maple Road

RESOLVED, That Traffic Control Order No. 06-06-MR be **ISSUED** for the establishment of fire lanes/tow away zones shown in the attached sketch at 400 West Maple.

Yes: All-6
No: None
Absent: Broomfield

F-5 Papadelis v. City of Troy

Resolution #2006-03-131
Moved by Beltramini
Seconded by Stine

RESOLVED, That the City Attorney is **AUTHORIZED TO APPEAL** the Oakland County Circuit Court decision in the *Papadelis v. City of Troy* lawsuit, and **TO PAY** all costs and expenses necessary for the appeal.

Yes: All-6
No: None
Absent: Broomfield

F-6 Fehribach v. City of Troy – Political Sign Case

Resolution #2006-03-132
Moved by Stine
Seconded by Fleming

NOW, THEREFORE, BE IT RESOLVED, That the City Attorney is **DIRECTED TO FINALIZE** the *Fehribach v. City of Troy* lawsuit, by agreeing as to form an order to pay attorney fees and reimbursable costs in an amount of up to $31,285.22.

Yes: All-6
No: None
Absent: Broomfield

F-7 Scheduling Second Budget Study Session

Resolution #2006-03-134
Moved by Stine
Seconded by Lambert

RESOLVED, That a second Budget Study Session is **SCHEDULED** for Monday, May 1, 2006 at 7:30 PM in the Council Board Room of Troy City Hall, 500 W. Big Beaver, Troy, Michigan 48084.

Yes: All-6
No: None
Absent: Broomfield

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings: No Announcements Submitted

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:

a) Library Advisory Board/Final - December 8, 2005
b) Downtown Development Authority/Final – December 21, 2005
c) Election Commission/Final – January 9, 2006
d) Troy Daze Advisory Committee/Draft – January 24, 2006
e) Ethnic Issues Advisory Board/Draft – February 7, 2006
f) Planning Commission Special/Study/Final – February 7, 2006
g) Planning Commission/Draft – February 14, 2006
h) Election Commission/Draft – February 27, 2006

Noted and Filed

J-2 Department Reports:

a) Purchasing Department – Final Reporting – BidNet On-Line Auction and Mid-Thumb Auctioneering, LLC
b) Assessing Department – Delphi Tax Abatement Status Report

Noted and Filed

J-3 Letters of Appreciation:

a) Letter of Thanks to Chief Craft from the Troy Middle School Health Teachers in Appreciation of Officer Nickie Kaptur
b) Letter of Thanks to Chief Nelson from L. Brooks Patterson, Oakland County Executive, Regarding the Troy Fire Department's Participation in the Southfield Downs Trailer Park Urban Search and Rescue Deployment Exercise
c) Letter of Appreciation to Chief Nelson from Jeffrey Schleuning, Everdry Waterproofing, Regarding the Efforts of Lt. Perry
d) Letter of Appreciation to Chief Craft from Ella Bully-Cummings, Detroit Chief of Police, Regarding the Assistance with Super Bowl XL
e) Letter of Appreciation to Carol Anderson from John Castle Regarding the Parks and Recreation Staff

Noted and Filed

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

J-5 Calendar

Noted and Filed

J-6 Correspondence from Lynn Drake-Batts Regarding Zoning Ordinance Text Amendment 214 – Group Child Care Homes

Noted and Filed

J-7 Correspondence from Sharon M. Schafer and David A. Schafer Regarding Zoning Ordinance Text Amendment 214 – Group Child Care Homes

Noted and Filed

STUDY ITEMS:

K-1 No Study Items Submitted

PUBLIC COMMENT: Address of "K" Items

CLOSED SESSION:

L-1 Closed Session: No Closed Session Requested

The meeting **ADJOURNED** at 9:00 P.M.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, City Clerk

PROCLAMATION
SUPPORTING MICHIGAN'S QUALITY HOME HELP PROGRAM

WHEREAS, **Michigan's Home Help Program** currently provides the opportunity for more than 50,000 disabled and senior Michigan residents to live with dignity as full members of their communities; and

WHEREAS, Home care is a critical, compassionate, efficient and cost-effective solution for the state to provide long term care for our citizens who need it; and

WHEREAS, Home care not only allows senior and people with disabilities to remain in their own homes, it also is a much more cost-effective alternative to institutions such as nursing homes; and

WHEREAS, The demand for services that allow Michigan seniors and people with disabilities to stay in their homes as long as possible is projected to rise dramatically in the next decade; and

WHEREAS, With a rapidly expanding older adult population, home care is one of the greatest investments the state can make to fund good, meaningful jobs and to eradicate the high caregiver turnover crisis that jeopardizes quality health care for seniors and people with disabilities; and

WHEREAS, The quality and integrity of **Michigan's Home Help Program** depends on attracting and retaining a qualified workforce, which in turn is dependent on adequate wages and benefits;

NOW, THEREFORE, BE IT RESOLVED, That the City of Troy supports efforts to maintain and improve the **Home Help Program** by protecting all current services by working toward paying a living wage plus health care benefits to home care providers and by encouraging consideration of full Medicare and Medicaid reimbursement rates;

BE IT FURTHER RESOLVED, That the City of Troy supports seeking smart solutions to address the state's budget crisis while preserving services, including maximizing federal contributions to **Michigan's Home Help Program**.

Signed this 20th Day of March 2006

E-03b

The National League of Cities

Honors the

City of Troy, Michigan

for

Thirty Years

of Membership and Dedicated Service
in Shaping and Advocating National Municipal Policy
and Helping to Strengthen and Promote Communities of all sizes.

December 2005

Don Borut
Executive Director
National League of Cities

Anthony A. Williams
NLC President
Mayor, Washington, DC

PROCLAMATION
CELEBRATING 10 YEARS
SMART COMMUNITY PARTNERSHIP PROGRAM

WHEREAS, In March 1996, **SMART** began a partnership with the **City of Troy** to enhance the efforts of the pre-existing **Troy Medi-Go Plus** to provide transportation for the elderly and disabled citizens of the community; and

WHEREAS, Since joining **Troy Medi-Go Plus**, **SMART** has provided computer scheduling software, additional vans, support dollars and additional services; and

WHEREAS, The **SMART Community Partnership Program** bolstered the Troy Medi-Go Plus capability from a single-van operation to a four-vehicle operation, and;

WHEREAS, Through the time, dedication and hard work of all those involved in the partnership, **Troy Medi-Go Plus** is on the road nearly full time transporting thankful passengers both Senior Citizens and Persons with Disabilities to medical appointments, the Troy Senior Center, shopping centers and to jobs, and;

WHEREAS, The number of grateful riders benefiting from these efforts has risen from approximately 500 in 1996 to over 11,400 in 2006;

NOW, THEREFORE, BE IT RESOLVED That the Troy City Council does hereby congratulate the **SMART Community Partnership Program on its 10th Anniversary** and recognizes the positive impact upon the many members of our community who achieve mobility through **Troy Medi-Go Plus.**

BE IT FURTHER RESOLVED, That the Troy City Council joins with the citizens of this community in appreciation and celebration of the **SMART Community Partnership Program on its 10th Anniversary.**

Presented this 20th day of March 2006.

March 6, 2006

TO: John Lamerato, Acting City Manager

FROM: Jeanette Bennett, Purchasing Director
Charles Craft, Chief of Police

RE: **Agenda Item –** Standard Purchasing Resolution 3: Exercise Renewal Option **–** Ammunition Contract

RECOMMENDATION

On March 21, 2005, Troy City Council approved one-year contracts for ammunition with an option to renew for one additional year to the lowest acceptable bidders, TJ Conevera's and Michigan Ammo Co, Inc. (Resolution #2005-03-123-E9)

Both vendors have agreed to renew their contracts and City management recommends exercising the option for one (1) additional year under the same prices, terms, and conditions through March 21, 2007.

SUMMARY

TJ Conevera's Inc

125,000 rounds	Duty Ammunition	$84.50/case of 500

Michigan Ammo Co Inc

200,000 rounds	Lead-Free Ammunition	$245.00/case of 1000

Note: Quantities stated are estimated and orders will be placed as needed.

MARKET SURVEY

The Purchasing Department has conducted a market survey and concurs with the recommendation to exercise the option to renew, as market indicators forecast increases in fuel and raw materials.

BUDGET

Funds are available for this purchase in the Troy Police Department training budget for Ammunition, Account #322.7740.012.

Prepared by: Sergeant Michael Bjork, Training Section Supervisor

January 24, 2006

TO: Jeanette Bennett
Purchasing Director

FROM: Linda N. Bockstanz
Associate Buyer

RE: MARKET SURVEY – AMMUNITION

MICHIGAN POLICE EQUIPMENT CO. - Sena Loseth (800) 422-0270
Sena has indicated that ammunition will be increasing about 3% to 5% in price because of the freight cost due to fuel. (Bullets being heavy when shipped in cases.) The other reason is because of Winchester Manufacturers increase cost of their gun components.

VANCE OUTDOOR/LAW ENFORCEMENT INC – Richard Vance (877) 471-0712
According to Richard, prices will be increasing for ammunition about 3% to 6%. There is an increase in freight cost because of fuel along with increases on the raw materials that make the items. (Steel, copper, etc.) No improved products out at this time.

CMP DISTRIBUTORS INC – Catherine Parks (313) 274-2673
Catherine believes there will be an increase in cost for ammunition of about 5%, because of the increase in price for oil and fuel. (Transportation and freight costs.) There is a new product for ammunition call Bonded bullet by Federal. (The lead and jacket are bonded together.)

Based upon the above comments, I respectfully recommend that the City accept the offer to renew the contract for ammunition with the current vendors based on the fact costs will increase in price for some of the manufacturers due to transportation costs, fuel, and gun components.

CC: Susan Leirstein

Attn: Susan

October 12, 2005

ATTN: Teri Conevera
TJ Conevera's Inc
P O Box 1316
Rockford IL 61105

Dear Teri Conevera:

On March 21, 2005, the City of Troy entered into contract #20400789-OB with TJ Conevera's Inc to provide one-year requirements of ammunition. This contract contained an option to renew for one additional year at the same prices, terms, and conditions as the original contract.

Please fax this letter back indicating if TJ Conevera's wishes to renew this contract until March 21, 2007. Our fax number is (248) 619-7608 (Attn Susan). It should be understood that this request to renew the contract is subject to a favorable market survey. A request by City staff to determine the successful bidder's interest in renewing the contract in no way obligates the City. The option cannot be exercised without Troy City Council approval and a blanket purchase order issued.

If you have any questions please call me at (248) 524-3532.

CHECK ONE:

TJ Conevera's Inc is interested in renewing the contract under the same prices, terms, and conditions ..... (X)

TJ Conevera's Inc is not interested in renewing the contract... ( )

X Teri A Conevera
Signed: Authorized Company Representative

Date: 1-26-06

Thank you,
Sergeant Michael Bjork
Police Training Center
City of Troy

Charles T. Craft, Chief of Police

Gary G. Mayer, Captain
Edward J. Murphy, Captain
Dane M. Slater, Captain

500 W. Big Beaver Troy, Michigan 48084 (248) 524-3443

October 28, 2005

ATTN: Michael Patrick
Michigan Police Ammunition

Dear Mr. Patrick,

On March 21, 2005, the City of Troy entered into contract #20400790 –OB with Michigan Police Ammunition Inc to provide one year requirements of ammunition. This contract contained an option to renew for one additional year at the same prices, terms, and conditions as the original contract.

Please fax this letter back indicating if Michigan Police Ammunition wishes to renew this contract until March 21, 2007. Our fax number is: (248)619-7608 (Attn: Susan). It should be understood that this request to renew the contract is subject to a favorable market survey. A request by City staff to determine the successful bidder's interest in renewing the contract in no way obligates the city. The option cannot be exercised without Troy City Council approval and a blanket purchase order issued.

If you have any questions please call me at: (248) 524-3430

Check One:

Michigan Police Ammunition is interested in renewing the contract under the same prices, terms, and conditions.....(X)

Michigan Police Ammunition is not interested in renewing the contract.....( )

x Michael E. Patrick

Signed: Authorized Company Representative

Date: 1-26-06

Thank you,
Sergeant Michael Bjork
Troy Police Department
Training Section

periods is hereby **AWARDED** to the lowest acceptable bidder meeting specifications, Automated Computer Methods, Inc. of McHenry, IL, for an estimated cost of $11,616.00 per year, plus the actual cost of first class postage, at unit prices contained in the bid tabulation opened March 2, 2005, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with a contract expiration of April 30, 2006.

E-6 Acceptance of Four (4) Permanent Storm Drain/Sewer Easements for the Louis/Troy Street Rear Yard Drain Project – Section 22

Resolution #2005-03-123-E-6

RESOLVED, That the four (4) Permanent Easements from property owners Rahul Alawani and Smita Khedkar, having Sidwell #88-20-22-352-019; Shailesh A. and Manisha S. Patel, having Sidwell #88-20-22-352-020; Feng Qing and Xiu Yan, having Sidwell #88-20-22-352-021; and Amy Tang, having Sidwell #88-20-22-352-024, are hereby **ACCEPTED** for the construction, operation, maintenance and repair of storm drain/sewer; and

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

E-7 Private Agreement for Northfield & Wattles Property Splits – Project No. 04.942.3

Resolution #2005-03-123-E-7

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

E-9 Standard Purchasing Resolution 2: Bid Award – Lowest Acceptable Bidders - Ammunition

Resolution #2005-03-123-E-9

RESOLVED, That one (1) year contacts to furnish requirements of ammunition with an option to renew for one (1) additional year, are hereby **AWARDED** to the lowest acceptable bidders, TJ Conevera's, Inc. of Rockford, IL and Michigan Ammo Co, Inc. of Ecorse, MI, for an estimated annual cost of $21,125.00 and $49,000.00 respectively, at unit prices contained in the bid tabulation opened on February 16, 2005, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-10 Acceptance of One (1) Permanent Water Main Easement and One (1) Temporary Construction Permit for the Troy Court Water Main Project #01.502.5 – Section 34

Resolution #2005-03-123-E-10

March 14, 2005

TO: John Szerlag, City Manager

FROM: Jeanette Bennett, Purchasing Director
Charles Craft, Chief of Police

SUBJECT: **Agenda Item** – Standard Purchasing Resolution 2: Bid Award – Lowest Acceptable Bidders – Ammunition

RECOMMENDATION

On February 16, 2005, bids were opened to furnish a one-year contract for ammunition with an option to renew for one additional year. City management recommends awarding contracts to the lowest acceptable bidders as follows: TJ Conevera's Inc., of Rockford, IL for Duty Ammunition and Michigan Ammo Co, Inc. of Ecorse, MI for Lead-Free Ammunition for an estimated annual cost of $21,125.00 and $49,000.00 respectively at unit prices contained in the attached bid tabulation.

EXPLANATION OF BID NOT MEETING SPECIFICATIONS

The Hunting Shack of Stevensville, MT, provided an alternate bid for lead-free ammunition, which does not meet specifications for factory issued, quality controlled ammunition.

In the past, the Police Department has had negative experiences in using less expensive practice ammunition in an effort to save costs. The less expensive ammunition proved to be extremely unreliable causing misfires and weapon malfunctions. This necessitated the Police Department to use only ammunition loaded by a nationally recognized manufacturer, for both practice, as well as use on the street. Unfortunately today, there is no lead-free duty ammunition available, which forces the Police Department to use two different types of ammunition, one without lead for practice training and one with lead for on-duty.

SUMMARY

The Police Department is changing over to lead-free ammunition for training purposes to reduce the risk of contamination. Currently, the State Contract does not offer lead-free ammunition in our required specification. Therefore, the Police Department has established annual contracts with distributors to purchase the needed ammunition.

BUDGET

Funds for these purchases are limited to the amount of monies budgeted in each fiscal year for Ammunition, Account #322.7740.012.

40 Vendors Notified via MITN System
12 Bid Responses Rec'd
1 Bid did not meet specifications
1 No Bid: Company does not handle type of product specified.

Prepared by: Sergeant Michael Bjork, Training Section Supervisor

VENDOR NAME:		**TJ CONEVERA'S INC**		TJ CONEVERA'S INC		**MICHIGAN AMMO CO INC**	
EST QTY ROUNDS	DESCRIPTION	UNIT PRICE PER CASE	TOTAL	UNIT PRICE PER CASE	TOTAL	UNIT PRICE PER CASE	TOTAL
	LEAD-FREE AMMUNITION						
200,000	Winchester Super Clean NT	$ 124.50	$ 49,800.00	$ 124.50	$ 49,800.00	**$ 245.00**	**$ 49,000.00**
	100 grain - 9mm caliber					**($122.50 for 500/cs)**	
	Rds per Case	500		500		**1000**	
	Quoting on:	SC40NT		RA40SF -40 S&W 135 Gr Frangible		**40 Cal Frangible**	
	Manufactured by:	Winchester		Winchester		**Inter'l Cartridge Corp**	
	DUTY AMMUNITION						
125,000	Winchester Ranger SXT	**$ 84.50**	**$ 21,125.00**			$ 91.65	$ 22,912.50
	40 Smith & Wesson						
	165 Grain Jacketed hollow point						
	or approve alternate						
	Rds per Case	500				500	
	ESTIMATED TOTAL AWARDED ITEMS:		**$ 21,125.00**				**$ 49,000.00**
	ESTIMATED GRAND TOTAL --		$ 70,925.00		N/A		$ 71,912.50
	CONTACT INFORMATION:						
	Hrs of Operation:	Mon-Fri 8-5pm				M/F 7-3:30pm	
	24 Hr. Phone #:	(815)239-1569				(313)383-4430	
		(800)858-8067					
	TERMS:	Net 30 Days				30 Days Net	
	WARRANTY:	N/A				Satisfaction Guaranteed	
	DELIVERY:	60+ Days ARO		30 Days ARO		30 Days	
	EXCEPTIONS:	SC40NT is currently				Practice rounds lead-free	
		unavailable & at this date				frangible international cartridge	
		has no production date.					
	ACKNOWLEDGEMENT: Y or N	Yes				Yes	

NO BIDS:
US Cavalry

BOLDFACE TYPE DENOTES LOWEST ACCEPTABLE BIDDERS

ATTEST:
Cheryl Morrell
Sgt Michael Bjork
Linda Bockstanz

PROPOSAL - One Year Requirements of Ammunition with an Option to Renew for one (1) Additional Year

Jeanette Bennett
Purchasing Director

VENDOR NAME:	TJ CONEVERA'S INC		MICHIGAN POLICE EQUIPMENT CO		VANCE OUTDOORS INC dba VANC'ES LAW ENFORCEMENT	
EST QTY ROUNDS / DESCRIPTION	UNIT PRICE PER CASE	TOTAL	UNIT PRICE PER CASE	TOTAL	UNIT PRICE PER CASE	TOTAL
LEAD-FREE AMMUNITION						
200,000 Winchester Super Clean NT	$ 271.00	$ 54,200.00	$ 129.80	$ 51,920.00	NO BID	
100 grain - 9mm caliber	($135.50 for 500/cs)					
Rds per Case	1000		500			
Quoting on:	040-125TFP-M 125 Gr Frangible		SC40NT			
Manufactured by:	Inter'l Cartridge Corp		Winchester			
DUTY AMMUNITION						
125,000 Winchester Ranger SXT	$ 84.50	$ 21,125.00	$ 89.95	$ 22,487.50	$ 103.72	$ 25,930.00
40 Smith & Wesson						
165 Grain Jacketed hollow point or approve alternate						
Rds per Case	500		500		500	
ESTIMATED GRAND TOTAL --		$ 75,325.00		$ 74,407.50		N/A
CONTACT INFORMATION:						
Hrs of Operation:	Mon-Fri 8-5pm		Mon-Fri 8:30-5pm		M/F 10-8PM Sat 10-6pm	
24 Hr. Phone #:	(815)239-1569		(313)610-9903		(614)327-7350	
	(800)858-8067					
TERMS:	Net 30 Days		Net 30 Days		Net 30 Days	
WARRANTY:	N/A		One Year		Factory Warranty	
DELIVERY:	30 Days ARO		30 Days		14 to 45 Days ARO	
EXCEPTIONS:	Availability problems w/SC40NT			None		Blank
	Alternate - ICC 040-125TFP-M					
ACKNOWLEDGEMENT: Y or N	Yes		Yes		Yes	

EST QTY ROUNDS	DESCRIPTION	UNIT PRICE PER CASE	TOTAL	UNIT PRICE PER CASE	TOTAL	UNIT PRICE PER CASE	TOTAL
	VENDOR NAME:	CMP DISTRIBUTORS INC		CMP DISTRIBUTORS INC		CMP DISTRIBUTORS INC	
	LEAD-FREE AMMUNITION						
200,000	Winchester Super Clean NT	$ 259.00	$ 51,800.00	$ 259.00	$ 51,800.00	$ 259.00	$ 51,800.00
	100 grain - 9mm caliber	($129.50 for 500/cs)		($129.50 for 500/cs)		($129.50 for 500/cs)	
	Rds per Case	1000		1000		1000	
	Quoting on:	BC40NT3		BC40NT3		BC40NT3	
	Manufactured by:	Federal		Federal		Federal	
	DUTY AMMUNITION						
125,000	Winchester Ranger SXT	$ 189.00	$ 23,625.00	$ 244.00	$ 30,500.00	$ 272.00	$ 34,000.00
	40 Smith & Wesson	($94.50 for 500/cs)		($122.00 for 500/cs)		($136.00 for 500/cs)	
	165 Grain Jacketed hollow point or approve alternate						
	Rds per Case	1000		1000		1000	
	ESTIMATED GRAND TOTAL --		$ 75,425.00		$ 82,300.00		$ 85,800.00
	CONTACT INFORMATION:						
	Hrs of Operation:	Mon-Fri 9-5pm		Mon-Fri 9-5pm		Mon-Fri 9-5pm	
	24 Hr. Phone #:	(517)974-4276		(517)974-4276		(517)974-4276	
	TERMS:	Net 30		Net 30		Net 30	
	WARRANTY:	Blank		Blank		Blank	
	DELIVERY:	15-30 Days ARO		15-30 Days ARO		15 to 30 Days ARO	
	EXCEPTIONS:	Federal P40HST3 .40 Caliber		Federal LE40T3 .40 Caliber		Spec 53970 .40 Caliber	
		165 grain HST Hollow Point		165 grain Tactical Hollow		165 grain Gold Dot	
				Point (Bonded)		Hollow Point (Bonded)	
	ACKNOWLEDGEMENT: Y or N	Yes		Yes		Yes	

VENDOR NAME:		CMP DISTRIBUTORS INC		THE HUNTING SHACK INC		THE HUNTING SHACK INC	
EST QTY ROUNDS	DESCRIPTION	UNIT PRICE PER CASE	TOTAL	UNIT PRICE PER CASE	TOTAL	UNIT PRICE PER CASE	TOTAL
	LEAD-FREE AMMUNITION						
200,000	Winchester Super Clean NT	$ 259.00	$ 51,800.00	$ 169.43	$ 67,772.00	($224.96)	**DMS**
	100 grain - 9mm caliber	($129.50 for 500/cs)				($112.48 for 500/cs)	
	Rds per Case	1000		500		1000	
	Quoting on:	BC40NT3				40-RR-14New	
	Manufactured by:	Federal				HSM Inc	
	DUTY AMMUNITION						
125,000	Winchester Ranger SXT	$ 259.00	$ 32,375.00	$ 116.10	$ 29,025.00	$ 118.57	$ 29,642.50
	40 Smith & Wesson	($129.50 for 500/cs)					
	165 Grain Jacketed hollow point or approve alternate						
	Rds per Case	1000		500		500	
	ESTIMATED GRAND TOTAL --		$ 84,175.00		$ 96,797.00		N/A
	CONTACT INFORMATION:						
	Hrs of Operation:	Mon-Fri 9-5pm		Mon-Fri 8-5pm		Mon-Fri 8-5pm	
	24 Hr. Phone #:	(517)974-4276		(406)239-0903		(800)856-2857	
	TERMS:	Net 30		Net 30		Net 30	
	WARRANTY:	Blank		ATTACHED TO BID		One Year	
	DELIVERY:	15-30 Days ARO		30 Days ARO		Approx 30 Days ARO	
	EXCEPTIONS:	Federal P40HS3G .40 Caliber			None		Blank
		165 grain Hydra Shok					
		Hollow Point					
	ACKNOWLEDGEMENT: Y or N	Yes		Yes		Yes	

DMS:
The Hunting Shack - ($44,992.00) Lead-Free Ammunition
Reason: Not factory issued and quality controlled

Michigan Inter-governmental Trade Network
MITN

Downloading History for ITB-COT 05-01 Ammunition

The report below shows all fax and e-mail vendors that matched this document when it was originally issued. It also shows all vendors that have downloaded or ordered the document and any subsequent amendments as of **3/11/2005.**

Document Title:	Ammunition for City of Troy Police Department
Date Issued:	1/20/2005
Close Date:	2/16/2005
Date Amendment #1 was Issued:	2/3/2005

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

Acct #	Company Name	Service	Date Obtained Document	Date Obtained Amendments
20101	100% Complete Electric	Free	1/31/2005	
13440	Advance Glove & Safety Co., Inc.	E-mail		
19492	Advantage Police Supply	Free	1/30/2005	
19825	All-Tronics, Inc.	Free	1/21/2005	
19732	ANN ARBOR AUTO SUPPLY,INC	E-mail	2/7/2005	
10497	ATD-AMERICAN CO	E-mail	1/24/2005	
14650	cmp distibutors inc.	E-mail	2/14/2005	#1 2/14/2005
11902	copstuffbydk	Free		#1 2/14/2005
18806	Cynergy Wireless Products, Inc.	E-mail		
18048	Davidson's	E-mail		
13468	DESIGN GROUP	Free	1/20/2005	
13037	Galls Incorporated	E-mail		
15640	GT Distributors	E-mail		
11071	Hamilton Uniforms	E-mail		
19574	Hardin Geotechnologies, Inc.	E-mail	2/10/2005	
11766	HES STALLINGS-JULIEN SALES & SERVICE	E-mail	2/15/2005	
18765	I.F. Metalworks	E-mail	1/27/2005	
19591	Innovated Capital Solutions	E-mail		
11712	LESLIE TIRE SERVICE INC.	E-mail	2/12/2005	
12709				

	LVC Technologies, Inc.	E-mail	2/2/2005	#1 2/4/2005
10172	Metropolitan Uniform	E-mail		
15630	Michigan Ammo Co. Inc.	E-mail	1/24/2005	#1 2/4/2005
14496	Michigan Police Equipment Co.	E-mail	1/21/2005	#1 2/15/2005
12149	National Alliance of Cabling & Technology	Free	1/21/2005	
12190	New York Police Supply Inc.	E-mail		
10504	Precision Data Products Inc.	Free		#1 2/11/2005
13312	Public Safety Communications, LLC	E-mail		
15345	Safety Systems Corporation	E-mail	2/4/2005	
10201	Schleede-Hampton Associates, Inc.	Free	2/3/2005	
15992	Sinacori Landscaping, Inc.	Fax	2/2/2005	
10906	Sound Planning Communications, Inc.	Free	1/25/2005	
16233	Sterling Fire and Rescue Corp, DBA Michigan First	E-mail		
10748	Streicher's (Corporate)	E-mail		
17632	The Hunting Shack, Inc	Free	2/15/2005	#1 2/15/2005
10193	TJ Conevera's, Inc.	Free	2/2/2005	#1 2/7/2005
11127	U.S. Cavalry, Inc.	E-mail	2/3/2005	
12398	United Rentals	Free	2/7/2005	
19533	Universal Graphics & Imaging	Free		#1 2/9/2005
19042	Vance Outdoors, Inc.	Free	2/18/2005	#1 2/18/2005
18735	Vance's Law Enforcement	Free	2/7/2005	

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March 7, 2006

To: John M. Lamerato, Acting City Manager

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

Subject: **Agenda Item** – Standard Purchasing Resolution 1: Award to Low Bidder – Liquid Calcium Chloride

RECOMMENDATION

On February 28, 2006, proposals were opened to furnish one-year requirements of Liquid Calcium Chloride with an option to renew for one additional year. City management recommends awarding the contract to sole bidder, South Huron Industrial Inc., of Flat Rock, MI, at an estimated total cost of $36,575.00, which includes $500.00 for the additional insured endorsement clause, as specified. A 1% discount is allowed if invoices are paid within ten (10) days.

SUMMARY

OPTION A

Estimated Quantity (Gallons)	Description	Price/ Gallon
60,000 gallons	Bidder to deliver and apply up to 18,000 gallons in one day as requested by the City for dust control. Minimum 6,000 gallons	$.50

OPTION B

Estimated Quantity (Gallons)	Description	Price/ Gallon
15,000 gallons	Bidder will deliver to storage tank located at 4693 Rochester Rd., Troy, shipments of no less than 2,000 gallons as requested by the City for ice control.	$.405
	Cost for Additional Insurance Language	$500.00
	Estimated Grand Total	**$36,575.00**

South Huron Industrial Inc. was the sole bidder for this contract, as Michigan Chloride Sales, Inc., the only other known supplier, couldn't guarantee the 38% solution for dust control would be available until late July or August.

BUDGET

Funds for these materials are available through the following Streets and Drains operating budgets: Local Surface Maintenance – Gravel, #481.7782; Local Snow & Ice Control, #498.7782; Major Snow & Ice Control, #478.7782; and County Snow & Ice Control, #502.7782.

59 Vendors Notified via the MITN System
1 Bid Response Rec'd
2 No Bids: (1) Company does not handle the product specified.
(1) Company's schedule does not permit the performance of the specifications.

Prepared by: Emily Frontera, Administrative Aide

CITY OF TROY
BID TABULATION
LIQUID CALCIUM CHLORIDE

ITB-COT 06-01

Opening Date -- 02-28-06
Date Prepared -- 3/7/06

	VENDOR NAME:	** SOUTH HURON INDUSTRIAL INC		

PROPOSAL: One(1) Year Requirements of LIQUID CALCIUM CHLORIDE with an Option to Renew for One(1) Additional Year, in accordance with the specifications

EST QTY	DESCRIPTION	PRICE/ GALLON	PRICE/ GALLON	PRICE/ GALLON
	OPTION A:			
60,000 GALS	Bidder to deliver and apply up to 18,000 gallons in one day, as requested by the City for dust control. **Minimum 6,000 gal**	**$ 0.500**		
	OPTION B:			
15,000 GALS	Bidder will deliver to storage tank located at 4693 Rochester Rd., Troy, shipments of **no less than 2,000 gallons**, as requested by the City for ice control.	**$ 0.405**		
		$ 500.00		
	ESTIMATED GRAND TOTAL:	** **$ 36,575.00**		
	CONTACT INFORMATION: Hours	7-6pm		
	Emergency Phone	(734)782-9840		
	INSURANCE: Can Meet	Yes, +$500		
	Cannot Meet			
	TERMS:	1% 10 Days, Net 30		
	DELIVERY DATE:	**AS SPECIFIED**		
	EXCEPTIONS:	BLANK		
	ACKNOWLEDGEMENT: Completed Y or N	YES		

NO BIDS:
Bay Dust Control
Cargill Deicing Technology

**** DENOTES SOLE BIDDER**

ATTEST:
Emily Frontera
Tom Rosewarne
Debra Painter
Linda Bockstanz

Jeanette Bennett
Purchasing Director

G:\LiquidChloride ITB-COT 06-01

Downloading History for ITB-COT 06-01 LiqCalChlo

The report below shows all fax and e-mail vendors that matched this document when it was originally issued. It also shows all vendors that have downloaded or ordered the document and any subsequent amendments as of **3/7/2006.**

Document Title:	Liquid Calcium Chloride
Date Issued:	2/7/2006
Close Date:	2/28/2006

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

Acct #	Company Name	Service	Date Obtained Document	Date Obtained Amendments
12306	Advanced Services Lawn and Landscape	E-mail		
23259	AJ Chemical Lubricants and Equipme	E-mail		
10139	B & J Parking Lot Maintenance, Inc.	E-mail		
10709	B & W Landscape Supply	Fax		
23382	Bonded Chemicals, Inc	E-mail		
10355	Brooks Landscaping Services, LLC	Fax		
11019	Cargill Incorporated Deicing Technology	E-mail	2/8/2006	
11863	Colman Wolf Supply Co.	E-mail	2/7/2006	
12109	Cryotech Deicing Technology	E-mail		
13953	Davey Commercial Grounds Management	Fax		
20600	Detroit Salt Company	E-mail		
22658	E&R INDUSTRIAL SALES INC.	E-mail	2/7/2006	
12816	EMC Express, Inc	Fax		
11210	Flor-Dri Supply Co., Inc.	E-mail		
15063	G.D.M. Lawn Care	E-mail		
22816	Grainger	E-mail		
11861	Grainger Industrial Supply	E-mail		
16777	Guardian Alarm & Security Services	E-mail	2/27/2006	
14226	Hersch's Wholesale	E-mail		
18064	HP Products	E-mail		

Acct #	Company Name	Service	Date Obtained Document	Date Obtained Amendments
21438	ICI Paints	E-mail	2/13/2006	
10459	Industrial Cleaning Supply Co.	E-mail		
15797	J MOLLEMA & SON INC	E-mail		
21943	JIT Supply Group, Inc.	E-mail		
14648	JOHN D. OSBORNE TRUCKING INC.	E-mail		
14945	John Deere Landscapes	E-mail		
12569	Liquid Calcium C hloride Sales	Free	2/8/2006	
10508	LOWER HURON CHEMICAL & SUPPLY	E-mail		
13084	MER-WIL INDUSTRIES	E-mail		
15780	Michigan Choride Sales, Inc.	Fax	2/13/2006	
23463	Minority Industrial Products	Free	2/17/2006	
10726	North American Salt Co.	E-mail		
10061	Parks Landscaping & Snow Service	E-mail		
13022	Peter E. Johnson and Associates, Inc	Fax		
23252	PVS Chemical Solutions, Inc.	Free	2/10/2006	
14286	PVS Nolwood Chemicals	E-mail	2/7/2006	
10116	Rasch's Landscape Express, LLC	E-mail		
10841	Richmond Transport Inc.	Fax		
14993	Rochester Elevator, Inc.	Fax		
18124	S.F. Strong inc.	Fax		
20331	Sabiston Builders Supply	Fax		
23311	Soelch Properties LLC	E-mail	2/7/2006	
14695	South Huron Industrial Inc	E-mail	2/22/2006	
19685	Suburban Oil Company	Fax		
21123	SUNRIZE IRRIGATION SERVICES, INC.	E-mail		
10279	Sure Products, Inc	E-mail		
12352	T and T Enterprise Corporation	Free	2/13/2006	
18135	Titan Top Soil & Associates, Inc.	E-mail		
16894	Trans - Tek Transport, L. L. C.	Fax		
13671	Troy Aggregate Carriers	E-mail		
10703	Turfgrass, Inc.	E-mail		
21808	Twin Pines Paper	E-mail		
15735	UAP	E-mail		
22041	Vee & V, LLC	E-mail		
20901	W. L. Riddick Chemical & Paper Supply Inc	E-mail		
13921	WALKER LANDSCAPING, INC.	E-mail		
14338	Washtenaw Inc., Maintenance Services	E-mail		
16277	Wm. F. Sell Equipment	E-mail		
13436	Wolverine Contractors, Inc.	Fax		

March 10, 2006

TO: The Honorable Mayor and City Council Members

FROM: John M. Lamerato, Acting City Manager
Mary Redden, Administrative Assistant to City Manager

SUBJECT: Standard Purchasing Resolution 9: Approval to Expend Funds for Membership Dues and Renewals Over $10,000 - Renewal of Michigan Municipal League Membership

Payment is recommended on the attached invoice for dues to the Michigan Municipal League in the amount of $11,438. These dues cover the time period of May 1, 2006 through April 30, 2007.

Funds are available in the City Manager's Office membership and dues account, 102.7958.

MICHIGAN MUNICIPAL LEAGUE

MICHIGAN MUNICIPAL LEAGUE
MEMBERSHIP RENEWAL INVOICE
2005 - 2006

CITY OF TROY Id: 492

Date: March 3, 2006

Membership Period: May 1, 2006 - April 30, 2007

		2004-2005 Dues	10% Rebate	2005-2006 Dues
*	Michigan Municipal League Dues	$10,417	$1,042	$9,375
**	Environment Affairs Assessment	1,250	125	1,125
***	Legal Defense Fund	1,042	104	938
		$12,709	$1,271	$11,438

Total due by May 1, 2006
$11,438

Please sign, date and return one invoice copy with your payment.

Make checks payable to the Michigan Municipal League and mail to the address below. Thank you.

(Signature)

(Date)

* For a detailed analysis of your MML dues, go to www.mml.org/pdf/dues05.pdf or call 734-669-6350. MML dues include annual subscriptions to the Michigan Municipal Review for your officials at $12.00 per subscription, which is 50% of the regular subscription rate.

** The purpose of the EAA is to fund the Environmental Affairs Service (EAS) and its advocacy for the municipal point of view on environmental, public works and infrastructure issues at the state and federal level. The EAS Limited one-on-one assistance to MML members concerning environmental protection mandates, transportation and public works activities is also available.

*** The Legal Defense Fund is an optional charge. The purpose of the Fund is to provide specialized legal assistance to member municipalities in cases that have significant statewide impact. There is a $50 minimum assessment for all communities who join.

Michigan Municipal League
P.O. Box 7409
Ann Arbor, MI 48106-7409
800.653.2483

Make the most of your MML membership

Michigan Municipal League
serving municipalities since 1899

www.mml.org

Why belong to the Michigan Municipal League?

"In union there is strength."

Aesop's simple words remind us why, in 1899 a handful of mayors gathered in Grand Rapids to form an association that would take them forward together. This group would be a collective voice for the interests of cities and villages against a powerful legislature and would come to provide information and services for staff and officials in communities throughout the state. That core mission still guides the Michigan Municipal League today.

In its nearly 107 years, the Michigan Municipal League has become one of the most important and strongest of its kind in the country. As the state association of cities and villages, it is a nonpartisan, nonprofit association working cooperatively to strengthen the quality of municipal government and administration.

The League is YOUR professional service association, and the staff strives to be responsive to the needs of each member. To get the most out of your municipality's membership, your officials and staff must become involved, use the available benefits and attend League events to network with and learn from other officials.

Many services are included with your full MML membership

Your community's membership in the Michigan Municipal League includes access to a vast array of helpful programs and information. Any elected official, staff member or appointed official from a member community may call the Michigan Municipal League for assistance. They may also receive their own password for the member section at www.mml.org. **For details about League services, please visit us online at www.mml.org, send an email to info@mml.org or call 800-653-2483.**

Advocacy of Municipal Issues

The State and Federal Affairs staff represents the interests of city and village governments before the federal government, state legislature and regulatory agencies. MML members receive legislative information through a number of important and timely methods:

Legislative Link – Nearly 1000 email subscribers receive this communication every Monday morning. This e-newsletter is packed with critical legislative updates and other urgent information to assist municipalities. Every municipal official should subscribe!

Action Alert Faxes and Emails – When municipal voices are needed to tip the balance on a key vote, MML staff provides cities and villages with critical information to include in their messages to legislators.

MML Capitol Report – This new feature at www.mml.org, updated daily, provides members with in-depth legislative information they can't get anywhere else. The MML is the only statewide local government association with this service.

Recent Legislative Successes

- **Revenue sharing preserved:** After four years of cuts to revenue sharing, the League was able to make the case that enough is enough. By surveying members and showing legislators the impact the cuts have continued to have on the ability of local units to provide services, we were able to stop some of the bleeding.
- **Public safety funding:** The League also succeeded in scuttling plans to eliminate the Dam Safety Program and continues work on increasing funding for public safety programs.

  Most recently, the League worked to pass a supplemental spending bill to double funds for fire protection grants. Also included was funding to fully restore the fire investigation unit and training for law enforcement officers.
- **Transportation funding increased; CDBG funds protected:** By building coalitions with Michigan groups and the National League of Cities, we saw an increase in transportation funding and defeated proposals to make dramatic changes and funding cuts to the Community Development Block Grant program.
- **Tax restructuring, debate continues:** The debate over what form business tax restructuring will take has now gone on for over six months. From the beginning, the League has been able to protect personal property tax revenues by getting policy makers both in the Legislature and administration to understand the importance of such revenue to funding local services. As a result, not one propos-

MML membership by population

Almost all (517) of Michigan's 533 cities and villages are voluntary members of the Michigan Municipal League. Based on the 2000 Census, most (73%) Michigan cities and villages have fewer than 5,000 residents and 58% are under 2,500.

Population	Number of Municipalities	Percent
Over 1 million	0	0%
Over 100,000	8	1.5%
50,000-100,000	15	2.8%
20,000-49,999	30	5.6%
10,000-19,999	40	7.5%
5,000-9,999	53	9.9%
2,500-4,999	79	14.8%
1,000-2,499	136	25.5%
Under 1,000	172	32.3%

Whatever the season, we are here to serve you!

al that's on the table includes cutting the personal property tax.

At the same time we defeated efforts to tax municipal golf courses. And, after many discussions with many legislators, an effort is being made to address the inequities that exist in taxing commercial and industrial property as a result of the "WPW" court case.

- **Other finance successes:** We continue to speak with legislators regularly regarding other issues affecting municipal finance, and we're working closely with the Governor's Task Force on Service Delivery and Fiscal Stability to develop recommendations that both the administration and legislature can work on this session.
- **Sewer grant secured:** MML has worked closely with legislators free up $150 million in grants for pre-construction plans for local water and sewer projects.
- **Local bridge program improved:** MML's efforts secured an annual $50 million for local government-owned bridges, and re-engineered a broken program so that it will be completely run by local governments.
- **Economic development:** MML's efforts shaped legislation that will allow the creation of "Corridor Improvement Authorities" so that incentives are focused on redevelopment rather than new projects. We also continue to push the idea of defining and creating "Commerce Centers" as a way to direct scarce state resources to those communities that have already invested in public infrastructure and development.

Information and Education

You ask, we answer . . . . Any staff member or elected or appointed official in a member community may call the MML for information and may receive a password to access the member section at www.mml.org. The inquiry team in the Member Resources Services division has received more than 30,000 inquiries since 1993. In the past two years, about 1/3 of the inquiries have come through email.

The inquiry service is one of the League's original services, and has been used by 100 percent of our members during the decade we've been tracking and logging inquiries. The most frequently asked questions relate to parliamentary procedure; requests for sample policies and ordinances; charter information; Open Meetings Act and Freedom of Information Act.

Publications & Online Help – Many of the League's publications, including *Michigan Municipal Review* magazine and the *Municipal Yellow Pages,* are available to members for free online. Free e-books include the *Handbook for Municipal Officials, Meetings Agendas and Minutes* and upcoming *Handbook for General Law Village Officials.* Just added in July 2005 is the *Labor Negotiations Handbook for Municipal Officials.*

The member-only section of the League's web site provides a host of topical data, sample resolutions, ordinances and policies and links to dozens of related resources. More than 2,000 individual visitors tap into the resources at www.mml.org every week.

Fiscal Database – The League's fiscal database includes 20 years of data on local revenues and expenditures, millage rates, state-shared revenue, taxable values, state equalized values and Act 51/Transportation revenues and expenditures. As a member, you can request reports tailored to your needs free of charge.

Legal Assistance – Although they do not issue formal opinions, MML attorneys are available to consult with your municipal attorney on legal topics facing your municipality.

More than 80 percent of MML members voluntarily belong to the **MML Legal Defense Fund**. Assisted by the top municipal attorneys in Michigan, the LDF actively participates in more than 30 cases a year that will have a significant impact on local governance and operations.

Risk Management – A wealth of risk management information on all aspects of municipal operations is available through the websites of the MML Liability and Property Pool and MML Workers' Compensation Fund, which are accessible through www.mml.org. The *Risk Management Newsletter* is available online and is distributed to over 4,500 elected and appointed member officials. Additional services and information are available for members of the Pool and Fund.

Elected Officials Academy – The Elected Officials Academy is a voluntary program designed to encourage elected officials to pursue education in topics critical to governing their city or village, and to participate in a variety of leadership roles. Officials are recognized as they complete each of three levels in the Academy. Participation in these core activities provides officials with tools they need to make sound decisions affecting their community's future.

Northern Field Service

The League's field office in Gladstone extends access to all of the League's services to our most northern members. The field representative visits approximately 100 communities every year, providing a variety of customized assistance.

Additional services are fee-based

Many services are needed only occasionally by most members. Because the Michigan Municipal League specializes in local government, we are able to provide the highest quality service, tailored specifically for your municipality's needs, often at a cost far below that charged by private sector service providers.

- **Education:** The League is committed to providing the highest quality education for local officials and municipal staff. Opportunities include more than 50 one-day seminars each year, annual regional meetings in seven locations each spring; the Legislative Conference; the Annual Convention; onsite programs; online resources and a number of distance learning tools created by the MML Foundation.
- **Management Consulting:** The MML staff provides a wide range of services designed to assist your municipal management team in providing efficient and effective use of valuable resources.
  - Classification & compensation studies
  - Personnel policies and procedures
  - Job descriptions
  - Benefits analysis
  - HR systems audits
  - Performance evaluation systems
  - Executive searches
- **Insurance:** Award-winning worker's compensation and property and municipal liability insurance are available through League-sponsored programs administered by the Risk Management Services staff.
- **Other fee-based services:** The Michigan Municipal League contracts with a number of outside service providers to offer members competitive rates for:
  - Health insurance,
  - Life insurance,
  - Short and long-term disability income protection,
  - COBRA administration,
  - Unemployment compensation,
  - Retirement and defined contribution plans,
  - Flexible benefit administration
  - CDL drug and alcohol testing
  - and more.

How to get involved

The Michigan Municipal League was founded by municipal leaders intent upon preserving and improving local government. Their primary goals for the organization – to advocate for municipal interests, to educate local officials and to assist in preserving home rule – still guide MML today.

To get the most out of your community's membership, there are many ways for municipal officials and staff to become involved in the organization's leadership:

- Serve on one of the League's standing or ad hoc committees
- Serve as your municipality's legislative director
- Become a regional officer
- Serve as a board or committee member for one of the League's programs: Michigan Municipal Liability & Property Pool; Michigan Municipal Worker's Compensation Fund; Elected Officials Academy; MML Foundation.
- Represent your municipality as the official delegate at the annual business meeting
- Become a member of the Board of Trustees

Contact us

For information on any League service please visit us online at www.mml.org, send an email to info@mml.org or call 800-653-2483.

March 2, 2006

E-04d

To: John M. Lamerato, Acting City Manager

From: Brian P. Murphy, Assistant City Manager/Services
Jeanette Bennett, Purchasing Director
Steve Vandette, City Engineer

Subject: **Agenda Item**: Standard Purchasing Resolution 8 – Best Value Award Municipal Testing Services for the 2006-2009 Construction Seasons

RECOMMENDATION

On February 22, 2006, request for proposals were opened for Professional Municipal Testing Services for the City of Troy 2006 – 2009 construction season. City management recommends awarding two, three-year contracts to the firms providing the best value, Professional Service Industries, Inc., (PSI), 1000 North Opdyke Road, Suite C, Auburn Hills, MI and Testing Engineers and Consultants, Inc., (TEC), 1343 Rochester Road, Troy, MI at unit prices contained in the attached bid tabulation and respective rate schedules.

The award is contingent upon contractors' submission of properly executed proposal and contract documents, including the agreement, insurance, and all other specified requirements.

BACKGROUND INFORMATION

Whereas all previous contracts have been with one consultant, we are recommending two consultants to better serve our needs and assure high quality and value in all the services that are provided. PSI submitted the lowest overall cost, based on the representative testing services used in the request for proposal. PSI is a large national testing firm with over 125 offices throughout the United States and five (5) offices located in Michigan. The testing services provided by PSI would be performed out of their Auburn Hills location, located within 15 minutes of the City.

TEC's overall cost for these same services ranked second lowest. TEC is located in Troy and has provided testing services to the City of Troy for more than 30 years. Both consultants are well qualified and have the staff and experience to meet the needs of the City. By selecting two consultants, the City will ensure that our testing needs throughout the construction season are met. More importantly, we believe we will benefit from greater availability of all testing services, so that our needs can be met with the most timely, highest quality and cost effective service possible.

The effective date of the resulting contracts will be April 1, 2006, or upon City Council approval whichever is later, through March 31, 2009, with the option to renew the contracts for an additional three (3) years.

March 2, 2006

To: John M. Lamerato, Acting City Manager
Re: Bid Award - Municipal Testing Services for the 2006-2009 Construction Seasons

SELECTION PROCESS

The Request for Proposal (RFP) documents were available from the City of Troy Purchasing department or through the Michigan Intergovernmental Trade Network (MITN) e-procurement website at www.govbids.com.

Proposals were received from seven (7) consultants. The seven (7) proposals were rated on a pass / fail criteria. Of the seven (7) proposals, five (5) met the pass / fail criteria established for the Municipal Testing Services. "Appendix 1" details the reasons for firms failing the minimum requirement criteria.

The five (5) remaining firms were analyzed on a combination of price and quality. Cost comparisons between companies are very difficult to make because fee structures and billing methods differ considerably from company to company. To perform the cost comparisons, staff used representative testing services based on services provided in past construction seasons and applied each company's rates to the testing that was required. This cost comparison indicated that the prices submitted by PSI resulted in the lowest overall total cost. TEC is the second lowest overall total cost; 5.11% or $4,100.00 higher for the representative testing services used. (see attached "Bid Tabulation").

Our testing demands are very erratic and vary drastically from day to day. With one day's notice, we can go from requiring no testing technicians to requiring as many as four or more testing technicians. This requires the testing consultant to have a large flexible staff to draw upon. Both consultants have experienced staff available to meet these needs as requested.

BUDGET

Testing services, completed for capital projects, are funded from the appropriate project account as identified in the budget.

Funds for testing services related to private developments come from a cash deposit for material and construction testing services in the amount of one and one-half (1½) percent of the estimated construction cost.

Additionally, the Engineering Operating Budget includes funds for Consultant Services in the following accounts:

442.7816 – Engineering Projects – Consultant Services
443.7816 – Engineering Subdivisions – Consultant Services
444.7816 – Engineering General – Consultant Services

The funds included in these accounts are used for testing services, as required.

Prepared by: William J. Huotari, Deputy City Engineer

EXECUTIVE SUMMARY
MUNICIPAL TESTING SERVICES

STATISTICS:

- Seven (7) Proposal notices were sent to prospective bidders
- Seventy- three (73) Vendors notified on the MITN System
- Seven (7) firms responded to the proposal
- Five (5) firms met the pass / fail criteria
- PSI and TEC are the recommended consultants as a result of a best value process

Selection Process:

1. **Firms were evaluated on Pass / Fail Criteria**
2. **Two lowest bidders who pass Phase 1 will be recommended for award**

APPENDIX 1

MUNICIPAL TESTING SERVICES **RFP-COT 05-58**
BIDDERS FAILING MINIMUM REQUIREMENTS

List of Bidders Not Meeting Evaluation Criteria

COMPANY NAME:	REASON FOR DISQUALIFICATION
G2 Consulting Group, LLC	Bid non-responsive – failed to provide all information requested specifically public project experience.
TTL Associates, Inc	Bid incomplete – Unit prices for three items were missing and cannot be accepted after the bid closing time.

The Request for Proposal will provide Professional Municipal Testing Services for the 2006 through the 2009 Construction Seasons with an option to renew for three (3) additional years with mutual consent.

The City of Troy reserves the right to award this proposal to the companies considered the most qualified based upon a combination of factors including but not limited to the following:

A) Compliance with qualifications criteria
B) Completeness of the proposal
C) Correlation of the proposal submitted to the needs of the City of Troy
D) Any other factors which may be deemed to be in the City's best interest
E) Evaluation of fee proposals
F) Most effective total package

VENDOR NAME:	Consultant #1		Consultant #2	
	PROFESSIONAL SERVICES INDUSTRIES, INC - PSI -		TESTING ENGINEERS & CONSULTANTS, INC - TEC -	
PROPOSAL: PROVIDE PROFESSIONAL MUNICIPAL TESTING SERVICES FOR THE CITY OF TROY ENGINEERING DEPARTMENT FOR THE 2006 THROUGH 2009 CONSTRUCTION SEASONS				
FIRM QUESTIONNAIRE: Y or N	Yes		Yes	
PROPOSAL:				
EST. QTY. SERVICE	**Unit Price**	**Total**	**Unit Price**	**Total**
25 Hrs Professional Engineer	$ 93.00	$ 2,325.00	$ 90.00	$ 2,250.00
250 Hrs Senior Engineering Technician	$ 27.00	$ 6,750.00	$ 31.00	$ 7,750.00
450 Miles Mileage Charge (If any)	NC	$ -	NC	$ -
30 Hrs Senior Engineer Review	$ 70.00	$ 2,100.00	$ 75.00	$ 2,250.00
50 Hrs Field or Engineering Technician	$ 27.00	$ 1,350.00	$ 28.00	$ 1,400.00
40 Hrs Project Manager	$ 70.00	$ 2,800.00	$ 85.00	$ 3,400.00
Additional Required Services:			4-hour minimum for Engineering/ Field Technician Only	
Optional / Services etc:	$ 70.00	per hour		
FIELD TESTING				
EST. QTY. SERVICE	**Unit Price**	**Total**	**Unit Price**	**Total**
40 Hrs Pick Up Samples	$ 25.00	$ 1,000.00	$ 28.00	$ 1,120.00
280 Miles Mileage Change (If any)	NC	$ -	NC	$ -
110 Hours Nuclear Density Gauge	$ 5.00	$ 550.00	$ 5.00	$ 550.00
Equipment Charge (If any)	N/A	$ -	$ -	$ -
240 Miles Mileage Charge (If any)	NC	$ -	NC	$ -
940 Feet Soil Borings (0'-25' typical)	$ 9.00	$ 8,460.00	$ 9.50	$ 8,930.00
Mobilization Charge (If any)	$ 275.00	$ 275.00	$ 300.00	$ 300.00
30 Hrs Concrete Field Test	$ 27.00	$ 810.00	Included-Tech Rate	
15 Hrs Pavement Cores	$ 40.00	$ 600.00	$ 50.00	$ 750.00
Additional Required Services:				
Optional / Services etc:	$ 10.00	per inch		
LAB ANALYSIS				
EST. QTY. SERVICE	**Unit Price**	**Total**	**Unit Price**	**Total**
240 each Concrete Cylinders	$ 8.75	$ 2,100.00	$ 9.50	$ 2,280.00
330 each Proctor Test	$ 85.00	$ 28,050.00	$ 90.00	$ 29,700.00
20 each Sieve Analysis	$ 45.00	$ 900.00	$ 50.00	$ 1,000.00
210 each Extractions	$ 90.00	$ 18,900.00	$ 90.00	$ 18,900.00
Additional Required Services:			$ 45.00	unit wt
Optional / Services etc:	$ 3.50	each		

VENDOR NAME:		Consultant #1 PSI		Consultant #2 TEC	
PRE-DEMOLITION HAZARDOUS MATERIAL SURVEY WORK:					
EST. QTY.	**SERVICE**	**Unit Price**	**Total**	**Unit Price**	**Total**
20 each	Asbestos	$ 15.00	$ 300.00	$ 17.00	$ 340.00
20 each	Lead Based Paint	$ 17.00	$ 340.00	$ 20.00	$ 400.00
5 each	Presence of PCB's	$ 65.00	$ 325.00	$ 65.00	$ 325.00
5 each	Presence of Mercury	$ 12.00	$ 60.00	$ 40.00	$ 200.00
50 Hrs	Air Quality Monitoring In Accordance w/Asbestos Abatement	$ 45.00	$ 2,250.00	$ 50.00	$ 2,500.00
	Additional Required Services:			$ 45.00	per hour
				$ 110.00	per hour
				$ 60.00	per hour
	Optional / Services etc:	$ 45.00	per hour		
	TOTALS		$ 80,245.00		$ 84,345.00
	OVERTIME RATES:	1.3		1.35	
	SUNDAY RATES:	1.5		1.7	
	HOLIDAY RATES:	1.7		1.7	
INSURANCE:	Can meet	XX		XX	
	Cannot meet				
TERMS:		Attached to Bid - Remarks		Net 30 Days	
WARRANTY:		NA		NA	
DELIVERY DATES:		As Requested		City of Troy Schedule	
EXCEPTIONS:		None		Rates are subject to an annual 3% increase or annual CPI whichever is less	
ACKNOWLEDGEMENT:	Y or N	Yes		Yes	

DMS:
G2 Consulting Group LLC ($73,165) Reason: Bid non-responsive
TTL Associates Inc ($124,235) Reason: Incomplete bid

ATTEST:
Cheryl Stewart
William Huotari
Linda Bockstanz

BOLDFACE TYPE DENOTES BEST VALUE PROPOSALS

Jeanette Bennett
Purchasing Director

VENDOR NAME:	CTI & Associates, Inc.		SOIL & MATERIALS ENGINEERS, INC SME		Schleede Hampton Associates, Inc.	
PROPOSAL: PROVIDE PROFESSIONAL MUNICIPAL TESTING SERVICES FOR THE CITY OF TROY ENGINEERING DEPARTMENT FOR THE 2006 THROUGH 2009 CONSTRUCTION SEASONS						
FIRM QUESTIONNAIRE: Y or N	Yes		Yes		Yes	
PROPOSAL:						
EST. QTY.	**SERVICE**	**Unit Price**	**Total**	**Unit Price**	**Total**	**Unit Price**	**Total**
25 Hrs	Professional Engineer	$ 90.00	$ 2,250.00	$ 100.00	$ 2,500.00	$ 105.00	$ 2,625.00
250 Hrs	Senior Engineering Technician	$ 42.00	10,500.00	* $55.00	13,750.00	$ 55.00	13750.00
450 Miles	Mileage Charge (If any)	$ 0.25	$ 112.50	$ 0.50	$ 225.00	$ -	$ -
30 Hrs	Senior Engineer Review	$ 75.00	$ 2,250.00	$ 100.00	$ 3,000.00	$ 75.00	$ 2,250.00
50 Hrs	Field or Engineering Technician	$ 34.00	$ 1,700.00	* $45.00	$ 2,250.00	$ 50.00	$ 2,500.00
40 Hrs	Project Manager	$ 75.00	$ 3,000.00	$ 120.00	$ 4,800.00	$ 95.00	$ 3,800.00
	Additional Required Services:			* Minimum 4hr/day		$ 40.00	per day
				$ 795.76	commun fees	Veh/Commun charge	
				3% of prof fees			
	Optional / Services etc:						
				See Fee Schedule			
				FS:0 in Attachmt A			
FIELD TESTING							
EST. QTY.	**SERVICE**	**Unit Price**	**Total**	**Unit Price**	**Total**	**Unit Price**	**Total**
40 Hrs	Pick Up Samples	$ 30.00	$ 1,200.00	$ 35.00	$ 1,400.00	$ 50.00	$ 2,000.00
280 Miles	Mileage Change (If any)	$ 0.25	$ 70.00	$ 0.50	$ 140.00	$ -	$ -
110 Hours	Nuclear Density Gauge	$ 34.00	$ 3,740.00	$ 45.00	$ 4,950.00	$ 55.00	$ 6,050.00
	Equipment Charge (If any)	$ -	$ -	$ 50.00	$ 550.00	$ 45.00	$ 45.00
240 Miles	Mileage Charge (If any)	$ 0.25	$ 60.00	$ 0.50	$ 120.00	$ -	$ -
940 Feet	Soil Borings (0'-25' typical)	$ 15.00	14,100.00	$ 13.00	12,220.00	$ 12.00	11,280.00
	Mobilization Charge (If any)	$ 275.00	$ 275.00	$ 400.00	$ 400.00	$ 250.00	$ 250.00
30 Hrs	Concrete Field Test	$ 34.00	$ 1,020.00	$ 45.00	$ 1,350.00	$ 55.00	$ 1,650.00
15 Hrs	Pavement Cores	$ 60.00	$ 900.00	$ 140.00	$ 1,960.00	$ 75.00	$ 1,125.00
	Additional Required Services:					$ 40.00	per day
				See Attachment A.1		Veh/Commun charge	
	Optional / Services etc:						
				See Fee Schedules			
				FS1 & FS4 in Attachmt A			
LAB ANALYSIS							
EST. QTY.	**SERVICE**	**Unit Price**	**Total**	**Unit Price**	**Total**	**Unit Price**	**Total**
240 each	Concrete Cylinders	$ 10.50	$ 2,520.00	$ 14.00	$ 3,360.00	$ 16.00	$ 3,840.00
330 each	Proctor Test	$ 85.00	28,050.00	$ 60.00	19,800.00	$ 125.00	41,250.00
20 each	Sieve Analysis	$ 50.00	$ 1,000.00	* $120.00	$ 2,400.00	$ 75.00	$ 1,500.00
210 each	Extractions	$ 100.00	21,000.00	$ 150.00	31,500.00	$ 125.00	26,250.00
	Additional Required Services:			$ 42.00	per hour		
				Admin Asst			
				* Inc loss by wash			
	Optional / Services etc:						
				See Fee Schedules			
				FS1 & FS4 in Attachmt A			

VENDOR NAME:		CTI & Associates, Inc.		SME		Schleede Hampton Associates, Inc.	
PRE-DEMOLITION HAZARDOUS MATERIAL SURVEY WORK:							
EST. QTY.	**SERVICE**	**Unit Price**	**Total**	**Unit Price**	**Total**	**Unit Price**	**Total**
20 each	Asbestos	* $25.00	$ 500.00	$ 8.40	$ 168.00	$ 50.00	$ 1,000.00
20 each	Lead Based Paint	* $35.00	$ 700.00	$ 7.20	$ 144.00	$ 50.00	$ 1,000.00
5 each	Presence of PCB's	* $70.00	$ 350.00	$ 84.00	$ 420.00	$ 75.00	$ 375.00
5 each	Presence of Mercury	* $25.00	$ 125.00	$ 120.00	$ 600.00	$ 50.00	$ 250.00
50 Hrs	Air Quality Monitoring In Accordance w/Asbestos Abatement	$ 85.00	$ 4,250.00	$ 58.00	$ 2,900.00	$ 95.00	$ 4,750.00
	Additional Required Services:	* Analytical Testing Only					
	Travel/Mobilization	$ 120.00	per trip	See Attachment A.2			
	Sampling	$ 75.00	per sample				
	Optional / Services etc:			See Attachment A.2			
				FS1 & FS11 in Attachmt A		See Fee Schedule	
	TOTALS		**99,672.50**		**112,587.00**		**127,540.00**
	OVERTIME RATES:	1.2		1.33		1.4	
	SUNDAY RATES:	1.6		1.33		1.4	
	HOLIDAY RATES:	1.6		1.33		1.4	
INSURANCE:	Can meet	XX		XX		XX	
	Cannot meet						
TERMS:		Blank		Net 30 Days		Blank	
WARRANTY:		Blank		NA		Blank	
DELIVERY DATES:		Blank		To be Determined		Blank	
EXCEPTIONS:		Blank		Blank		Blank	
ACKNOWLEDGEMENT:	Y or N	Yes		Yes		Yes	

Remarks:

- All rates are billed on a portal to portal basis
- Transportation, lodging and per diem for out of town services will be charged at cost plus 10 percent.
- Rates involving mileage (including transportation, mobilization, vehicle and trip charges) are subject to change based upon IRS rates for mileage.
- Overtime rates are applicable for services performed in excess of 8 hours per day Monday through Friday, before 7:00 AM or after 5:00 PM, and for all hours worked on Saturdays, Sundays. The overtime rate is 1.3 times the applicable unit rate for work performed over 8 hours, 1.5 times the applicable unit rate for work performed on Sundays and 1.7 times the applicable unit rate for work performed on City of Troy recognized holidays.
- A minimum charge of 3 hours applies to field testing and observation services.
- Scheduling or cancellation of field testing and observation services is required no less than the working day prior to the date the services are to be performed. Services cancelled without advance and/or inadequate notice will be assessed a minimum 3 hour charge, if technician has already arrived on site.
- 24-hour notice is required for all scheduling. PSI will try to provide a technician when scheduled the same day, but cannot guarantee that a technician will be available.
- For all PSI services, a project management/ review charge will be billed at the rate of 0.1 hour per technician hour for all reports issued for the scheduling/supervision of personnel and the evaluation/review of data and reports. Laboratory services will be billed at 0.2 hours of project manager per set of cylinders, and 0.5 hours of project manager for proctors, sieves and asphalt extractions
- The minimum billing increment for time is a half hour.
- Asbestos and Lead sample rates are based on three day turn around time.
- Drilling and field service rates are based on OSHA Level D personnel protection.
- Mobilization for drilling services will be charged per occurrence of drilling services requested. Stand by time in excess of one (1) hour due to client delays will be charged at $80.00 per hour
- Services and fees not listed on this schedule may be quoted on request.

Testing Engineers & Consultants, Inc.

City of Troy
February 22,2006

TEC Proposal: 010-06-0127

UNIT RATES

A. CONSTRUCTION SERVICES

1.0 TECHNICAL, ENGINEERING AND CONSULTING SERVICES

1.1 Engineering Technician (Soils, Concrete, Bituminous)	Hour	$ 30.00
1.2 Roof Inspector	Hour	$ 36.00
1.3 Structural Steel Inspector	Hour	$ 40.00
1.4 Senior Engineer Review	Hour	$ 78.00
1.5 Project Manager	Hour	$ 84.00
1.6 Professional Engineer	Hour	$ 90.00
1.7 Deposition, Expert Witness, etc.	Hour	$150.00

2.0 LABORATORY SERVICES

2.1 Aggregate		
a. Moisture Density Relationship, (Proctor)	Each	$ 95.00
b. Sieve Analysis	Each	$ 45.00
2.2 Bituminous		
a. Extraction (Percent Asphalt)	Each	$ 95.00
b. Sieve Analysis	Each	$ 45.00
c. Bulk Density of the Mix (unit weight)	Each	$ 45.00
2.3 Concrete		
a.. Compressive Strength	Each	$ 9.50
c. Pickup, hourly plus mileage	$28.00/hr. + $NC/mile	
2.4 Masonry		
a. Grout Specimen: Compressive Strength	Each	$ 18.00
b. Masonry Unit:		
1. Absorption & Unit Weight	Each	$ 50.00
2. Compressive Strength	Each	$ 40.00
c. Mortar Cubes: Compressive Strength	Each	$ 18.00
2.5 Fireproofing		
a. Fireproofing Density	Each	$ 50.00

3.0 EQUIPMENT AVAILABLE IN CONJUNCTION WITH TEC PERSONNEL

3.1 Soils/Bituminous Concrete Nuclear Density Gauge	Hour	$ 5.00
3.2 Structural Steel		
a. Magnetic Particle Equipment	Day	$ 50.00
b. Ultrasonic Testing Instrument	Day	$ 50.00
c. Ultrasonic Thickness Gauge	Day	$ 50.00
d. Dye Penetrant Equipment	Day	$ 50.00

UNIT RATES (cont.)

B. GEOTECHNICAL SERVICES

1.0. DRILLING

1.1 Mobilization and moving of drilling equipment on and off site
- a. Per Mile $3.15
- b. Per Day (Minimum) $300.00

1.2 ATV Charge $315.00

1.3 Boring Layout ..... Hour $ 85.00

1.4 Soil sampling using either split-barrel sampler (ASTM D1586) or liner sampler (ASTM D1587) at 2 1/2 foot intervals to 10 feet, and 5 foot thereafter

- a. 0' - 25' ..... Foot $ 9.50
- b. 26' - 50' ..... Foot $ 11.50
- c. 51' - 75' ..... Foot $ 13.75
- d. 76' - 100' ..... Foot $ 19.00
- e. 100+' ..... Quoted Upon Request

An additional charge of $1.00 per foot will be made for soils with more than 50 blows per foot or 4.5 tsf qu or strata containing boulders, slag, building rubble or broken concrete.

1.5 Additional Split-Spoon Sampling

- a. 0' - 50' ..... Each $ 14.00
- b. 50' - 100' ..... Each $ 18.00

1.6 Rock Coring

- a. $150.00 set up per hole, plus ..... Foot $ 40.00

1.7 Auger-drilling with profile sampling ..... Foot $ 8.50

1.8 Cost of special equipment or permit for moving drilling equipment about the site ..... At Cost Plus 15%

1.9 Set up time per hole or time required to move between boring locations in excess of 1/2 hour or stand by time ..... Hour $140.00

UNIT RATES (cont.)

B. GEOTECHNICAL SERVICES (cont.)

1.0. DRILLING (cont.)

1.1	Thin wall (Shelby) tubes	Each	$ 40.00
1.2	Drilling through concrete or asphalt	Inch	$ 13.00

2.0 LABORATORY TESTING

2.1	Atterberg Limits Determination (LL and PL)	Each	$ 84.00
2.2	Hydrometer & Sieve Analysis (Combined)	Each	$150.00
2.3	Loss on Ignition (Organic Content)	Each	$ 50.00
2.4	Sieve Analysis	Each	$ 50.00
2.5	Specific Gravity Determination	Each	$ 50.00
2.6	Standard Series (Moisture, Density, Rimac Unconfined)	Each	$ 10.50
2.7	Unconfined Compression Test (Split-spoon or Liner Sample)	Each	$ 16.00
2.8	Unconfined Compression Test (Undisturbed Tube Sample)	Each	$ 40.00
2.9	Permeability Test (Falling Head)	Each	$210.00
2.10	Permeability Test (Sample Prep)	Hour	$ 55.00

3.0. GEOTECHNICAL ENGINEERING

Professional and technical services for field supervision, analysis of test data, and engineering recommendations and consultation.

1.	Senior Engineer	Hour	$ 80.00
2.	Project Management/ Coordination	Hour	$ 85.00
3.	Geotechnical Engineer/Professional Engineer	Hour	$100.00

4.0 REMARKS

1. Rate for advanced laboratory testing will be quoted upon request.
2. Services and fees not listed above, such as the installation of groundwater monitoring wells, will be quoted upon request.

C. INDUSTRIAL HYGIENE

1.	Asbestos Sample Analysis (3day TAT)	Each	$ 17.00
2.	Asbestos Air Sample Analysis PCM (Included in Hourly Rate)		
3.	Transmission Electron Microscopy (1 day TAT)	Each	$125.00

UNIT RATES (cont.)

C. INDUSTRIAL HYGIENE (cont.)

4. Lead Paint Sample Analysis ..... Each $ 20.00
5. Specialized Air Quality Testing quoted on a per project basis
6. Asbestos and Lead Paint Building Survey quoted on a per project basis
7. Asbestos Removal Bid Specification quoted on a per project basis
8. Field Technician, ... Hour $ 50.00
9. Senior Project Manager, ... Hour $ 60.00
10. Certified Industrial Hygienist, ... Hour $ 110.00

TERMS AND CONDITIONS

1. TEC request a minimum of 24 hours notice for scheduling construction materials testing. The quoted fees represent standard rates for eight hours of continuous work including travel time between the hours of 7:00 a.m. and 5:00 p.m. Monday through Friday. Overtime rates would be applicable for Saturday and hours other than those stated above at 1.35 times the standard rate. Premium rates will be applicable for hours worked on Sundays and Holidays at 2.0 times the standard rate.

2. A four-hour minimum, inclusive of travel time and equipment charges, will apply to field services. The four-hour minimum **will not** apply to material sampling, cylinder collection, or engineering services.

3. Laboratory work that needs immediate attention will be billed at 1.35 times the standard test rate. This applies to work required to be performed on Saturdays or after 5:00 p.m. on weekdays. Work required to be performed on a Sunday or Holiday will be billed at 2.0 times the standard test rate.

4. **No mileage charges will apply for technician or professional services.** Sample and cylinder pick-ups will be invoiced at **$28.00 per hour and no charge per mile**, portal-to-portal from TEC facilities. Lodging, subsistence and transportation for out-of-town services are invoiced at cost plus 20%.

5. The invoice will be based upon the actual work performed and at the quoted rates. Unless otherwise stated, invoices are due 30 days from the invoice date. An administrative fee of 1.5% per month will be added to all delinquent accounts. It is agreed that the client is liable for all costs and expenses of collection, including reasonable attorney's fees, whether or not legal proceedings are instituted. Disputes of invoiced amounts must be submitted in writing within 30 days of invoice date.

TERMS AND CONDITIONS (cont.)

6. The TEC fee for depositions, court appearances, expert witness, legal assistance, litigation, preparation, or other legal work is $150.00 per hour plus expenses.

7. TEC will not be responsible for work performed on materials furnished by others not controlled by TEC.

8. Except for circumstances caused by the willful misconduct of TEC, all claims for damages asserted against TEC by a client or third party, including claims against TEC's directors, officers, shareholders, employees and agents, are limited to the lesser amount of $25,000 or the total dollar value of this contract.

9. All reports, plans, specifications, computer files, field data, notes and other documents prepared by TEC as instruments of service shall remain the property of TEC. TEC shall retain all common law, statutory and other reserved rights, including the copyright thereto. The client shall not reuse or make any modifications to reports, plans, specifications, computer files or other documents without the prior written authorization of TEC.

11. In an effort to resolve any conflicts that arise during this project or following the completion of this project, the client and TEC agree that all disputes between them arising out of or relating to this project shall be submitted to nonbinding mediation unless the parties mutually agree otherwise.

Downloading History for RFP-COT 05-58 Prof Test

The report below shows all fax and e-mail vendors that matched this document when it was originally issued. It also shows all vendors that have downloaded or ordered the document and any subsequent amendments as of **3/1/2006.**

Document Title:	Professional Municipal Testing Services
Date Issued:	1/19/2006
Close Date:	2/22/2006

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

Acct #	Company Name	Service	Date Obtained Document	Date Obtained Amendments
12763	ACME Contracting, Ltd.	Free	1/20/2006	
18540	AMG Health Services	Free	1/23/2006	
13851	Applied Research Associates, Inc.	E-mail	1/19/2006	
12687	C & S Engineers, Inc	E-mail	1/23/2006	
17373	Certified Abatement Services, Inc..	E-mail		
11626	Clayton Group Services, Inc.	E-mail		
23119	CompUSA	E-mail	1/25/2006	
12764	Conestoga-Rovers & Associates	E-mail	1/31/2006	
11987	Construction Consulting & Testing, Inc.	Free	2/10/2006	
22073	ConTech Sales Group, LLC	Free	2/2/2006	
10603	CTI and Associates, Inc.	E-mail	2/21/2006	
17799	CTS Companies	E-mail	1/24/2006	
22454	Data Support Company Inc.	E-mail		
12624	DLZ Michigan, Inc.	E-mail	1/20/2006	
12889	Downriver Maintenance Corporation	E-mail		
22915	DTE Energy-Field Support Shops WSC	Free	2/16/2006	
12536	e-Lab Analytical, Inc.	Free	1/30/2006	
20002	EMSL Analytical, Inc.	E-mail		
15664	Enviro-Vac Services, Inc.	Free	2/1/2006	
23303	Environmental Permit Specialists, LLC	Free	1/23/2006	

Acct #	Company Name	Service	Date Obtained Document	Date Obtained Amendments
11612	G2 Consulting Group, LLC	Free	2/17/2006	
22577	GeoTrans, Inc.	Free	1/25/2006	
11657	Giffels-Webster Engineers, Inc.	Free	2/17/2006	
20323	Gunners Meters & Parts	Free	1/30/2006	
11298	Hamilton Anderson Associates	E-mail	1/30/2006	
13028	healthAIR, inc.	E-mail		
21018	Hone Engineering	E-mail		
20197	HYDRO METER SYSTEMS, INC	E-mail	1/23/2006	
23410	Land Development Solutions, Inc.	Free	2/10/2006	
22143	Lighting Technologies	E-mail		
13094	Limno-Tech, Inc.	Free	2/20/2006	
21365	Marcia Clement Art Studio	E-mail		
20302	Martin Control Services, Inc.	E-mail		
15385	Merrell Bros., Inc.	E-mail		
11728	National Toxicology Labs	E-mail		
13478	Norchem Laboratories	E-mail		
12761	Northwest Consultants, Inc.	E-mail		
12101	NTH Consultants, Ltd.	E-mail	1/25/2006	
23538	O'Neil Product Development, Inc	Free	2/19/2006	
23275	Orchid Cellmark Inc.	E-mail		
12095	Power Plus Engineering, Inc.	E-mail		
16142	Professional Health Services, Inc.	E-mail		
19477	Professional Service Industries, Inc	E-mail		
18417	Professional Service Industries, Inc.	Free	2/20/2006	
15764	Protech Environmental Services	E-mail	1/31/2006	
18620	PSI	E-mail	1/23/2006	
14931	Radiant Systems, Inc.	Free	2/6/2006	
12261	RAMA RAO AND ALFRED, INC	Free	1/30/2006	
19349	Resource Consultants, Inc	E-mail		
12531	Rohr gasoline equipment inc.	E-mail		
22547	Royal Arc Manufacturing	Free	1/23/2006	
10201	Schleede-Hampton Associates, Inc.	Free	2/15/2006	
11400	Scientific Testing Laboratories	E-mail		
12583	Sigma Associates, Inc.	E-mail	2/9/2006	
13684	soil and materials engineers, inc	E-mail	2/17/2006	
13494	Somat Engineering	E-mail	1/23/2006	
11548	SPARROW TOXICOLOGY TESTING CENTER	E-mail		
14625	Spicer Group	Free	2/13/2006	
20133	Spring New Media	Free	1/30/2006	
14819	SSI Services, Inc.	E-mail		

Acct #	Company Name	Service	Date Obtained Document	Date Obtained Amendments
22475	Strategic decison Support Services	E-mail		
14974	Superior Environmental Corp	E-mail	1/27/2006	
20571	Supreme Support Services	E-mail		
23632	TesTech, Inc.	E-mail		
11627	Testing Engineers & Consultants, Inc.	E-mail	2/3/2006	
11546	The Mannik & Smith Group, Inc.	E-mail	2/10/2006	
11868	The Traverse Group, Inc.	E-mail		
12215	The Urban Institute	E-mail		
19575	TriMedia Consultants	E-mail	1/24/2006	
11904	TTL Associates	E-mail	1/27/2006	
13648	Tucker, Young, Jackson, Tull, Inc.	Free	1/23/2006	
14707	Water Services, Inc.	Free	2/20/2006	
11910	Wold Architects	E-mail	2/10/2006	

March 7, 2006

TO: John Lamerato, Acting City Manager

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

SUBJECT: **Agenda Item –** Amendment #1 Sole Source – US Filter HRR Enhancer and Pulsar Plus Briquettes

RECOMMENDATION

On May 9, 2005 the City Council approved the purchase of Pulsar Plus Briquettes and US Filter HRR Enhancer for the Community Center Indoor Pool, from B & B Pools and Spas of Livonia, MI., the authorized distributor in Michigan, at dealer prices plus 25% for Pulsar and trade prices for the Enhancer, currently at $92.50/50lb drum and $137.50/50lb pail respectively.

City management recommends that City Council approve an amendment, which includes the Troy Family Aquatic Center in the purchase of the Pulsar Plus Briquettes at stated prices of the dealer price plus 25%. {Resolution #2005-05-236}.

SUMMARY

Due to price increases and potential shortages of liquid chlorine, City management recommends changing to Pulsar as the main sanitation for the Troy Family Aquatic Center. Using Pulsar will also assist with the overall balance of the chemicals. The hardness of solid chlorine (Pulsar) is higher than liquid and it also has a lower PH. At the Troy Family Aquatic Center, this eliminates the required use of Calcium Chloride and lowers the use of CO 2 and acid. The Community Center has had great success with Pulsar as a sanitizer.

BUDGET

The Troy Family Aquatic Center Operating Supplies Account #755.7740.010 has been designated for the funding of this purchase.

Prepared by: Ann Blizzard, Aquatics Coordinator

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

Yes: All-7

F-8 Flags

Resolution #2005-05-234
Moved by Stine
Seconded by Schilling

RESOLVED, That the City Council hereby **APPROVES** flying the 50th Anniversary flag beneath the City flag on all flagpoles which currently fly a City flag.

Yes: All-7

F-9 Standard Purchasing Resolution 8: Best Value Process Award – Troy Daze Fireworks

Resolution #2005-05-235
Moved by Eisenbacher
Seconded by Lambert

RESOLVED, That a contract to provide three (3) year requirements of Fireworks Displays for the Magic of Fall/Troy Daze Festival for years 2005, 2006, and 2007 is hereby **AWARDED** to Mad Bomber Fireworks Productions of Kingsbury, IN, the highest scoring respondent as a result of a Best Value process, which the Troy City Council determines to be in the public interest for an estimated total cost of $15,000.00, or $5,000.00 per year; and

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

Yes: All-7

F-10 Sole Source – US Filter HRR Enhancer and Pulsar Plus Briquettes

Resolution #2005-05-236
Moved by Beltramini
Seconded by Lambert

WHEREAS, B&B Pools and Spas of Livonia, MI, is the authorized dealer/distributor in Michigan for Arch Chemical and US Filter pool products;

WHEREAS, Pulsar Plus manufactured by Arch and HRR Enhancer by US Filter are compatible with the ECS System installed at the Community Center Indoor Pool, which maintains proper chemical balance and ensures public health and safety;

WHEREAS, B&B Pools and Spas market their Pulsar products at dealer prices plus 25% and HRR Enhancer at trade prices.

NOW, THEREFORE, BE IT RESOLVED, That a contract to purchase both Pulsar Products and HRR Enhancer is hereby **APPROVED** with B&B Pools and Spas at dealer prices plus 25% and trade prices respectively for the Community Center Indoor Pool.
Yes: All-7

F-11 Bid Waiver – Workers' Compensation Insurance Renewal for Fiscal Year 2005/2006

Resolution #2005-05-237
Moved by Stine
Seconded by Beltramini

WHEREAS, The Michigan Municipal League has provided Workers' Compensation Insurance for the City of Troy and the premium charged has been equitable based on the City's experience;

WHEREAS, It is desirable to continue the program through the Michigan Municipal League due to the positive experience of participating in the MML program.

NOW, THEREFORE, BE IT RESOLVED, That formal bidding procedures are hereby **WAIVED** and the net estimated premium cost of $552,460.00 is hereby **APPROVED** for Workers' Compensation Insurance through the MML for the 2005-2006 fiscal year with a resulting final estimated cost to the City of $444,846.00 after applying a dividend distribution check in the amount of $107,614.00.

Yes: All-7

F-12 Bid Waiver – Skate Park Equipment

Resolution #2005-05-238
Moved by Beltramini
Seconded by Broomfield

WHEREAS, On March 17, 2003, the Troy City Council awarded a contract to furnish and install skate park components to the lowest bidder meeting specifications, Rolar Property SVC, a general contractor, (Resolution #2003-03-142);

WHEREAS, Michigan Skate Parks, LLC, a sub-contractor on the project, provided and installed the equipment as the regional representative for Woodward Ramps and Rails/HUNA Designs;

WHEREAS, The existing equipment has performed well and it is beneficial from a maintenance standpoint to standardize the equipment within the site.

NOW, THEREFORE, BE IT RESOLVED, That formal bidding procedures are hereby **WAIVED** and the City of Troy is **AUTHORIZED** to purchase additional skate park components to complete the skate park at an estimated total cost of $42,532.00, with $16,820.00 funded

April 28, 2005

TO: John Szerlag, City Manager

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

SUBJECT: **Agenda Item -** Sole Source – US Filter HRR Enhancer and Pulsar Plus Briquettes

RECOMMENDATION

City management requests approval to purchase Pulsar Plus Briquettes and US Filter HRR Enhancer for the Community Center Indoor Pool, from B & B Pools and Spas of Livonia, MI., the authorized distributor in Michigan, at dealer prices plus 25% for Pulsar and trade prices for the Enhancer, currently at $92.50/50lb drum and $137.50/50lb pail respectively. Appendix I details costs for the same products in other Midwest states.

BACKGROUND

The Pulsar Plus Briquettes is the only chlorine product on the market that is compatible with the ECS System installed at the Community Center Pool. B & B Pools and Spas currently holds the master agreement in Michigan for Pulsar products manufactured by Arch Chemical.

The US Filter HRR Enhancer is also the only Oxidizer compatible with the ECS system. Leslie's Pool Supplies indicated a compatible product, however, that company later discovered after research that it was not the same and reacted poorly when put in with the ECS System.

The Pulsar Plus Briquettes and US Filter HRR Enhancer have been used since the Community Center Pool opened. By maintaining proper chemical balance, the pool has consistently remained efficient and safe.

BUDGET

The Community Center Operating Supplies Account #755.7740.010 has been designated for the funding of this purchase.

Prepared by: Brian Goul, Aquatics Coordinator

APPENDIX I
COST ANALYSIS

SUPPLIER	STATE	PULSAR PLUS	ENHANCER	TERMS
Spear Corporation	INDIANA – Roachdale	$100 per pail	$140 per pail	Plus freight and 2.5% to supply in Michigan
Northwest Pools	OHIO - Toledo	$94.50 per pail	$139.50 per pail	Plus freight and 2.5% to supply in Michigan

Pulsar 2005 United States Dealer Chemical Price Schedule - Zone 1

United States Except Arizona, California, Idaho, Nevada, Oregon, Utah and Washington, Hawaii and Alaska

Effective 1/1/05

					38,000 Lb or Greater Shipments		Between 20,000 - 37,999 Lb Shipments		Between 10,000 - 19,999 Lb Shipments	
Product Number	Product Description	Container Size	Unit Multiply	Units/ Pallet	Unit Price	Price/ Lb (Qt)	Unit Price	Price/ Lb (Qt)	Unit Price	Price/ Lb (Qt)
30045	Pulsar Plus Briquettes	100 Lb Drum	100	16	$145.00	***$1.45***	$148.50	***$1.48***	$151.00	***$1.51***
30170	Pulsar Plus Briquettes	50 Lb Drum	50	24	$74.00	***$1.48***	$76.00	***$1.52***	$78.00	***$1.56***
30215	Pulsar Power Shock	25 Lb Pail	25	24	$48.00	***$1.92***	$49.00	***$1.96***	$50.00	***$2.00***
30480	Pulsar Plus Acid Cleaner 50	(12X1) Quart	12	28 Cases	$57.60	***$4.80***	***$59.30***	***$4.94***	$61.08	$5.09
72477	Pulsar Sunscreen 20 Powder (Cyanuric Acid/Conditioner)	25 Kg/ 55 Lb	55	35 Bags	$51.20	***$0.93***	$52.74	***$0.96***	$54.32	***$0.99***
30210	Pulsar Sunscreen 20 Granular (Cyanuric Acid/Conditioner)	40 Lb Pail	40	24	$43.20	***$1.08***	$44.50	***$1.11***	$45.84	***$1.15***
30553	Pulsar Granular	50 Lb Pail	50	24	$52.40	***$1.05***	$53.97	***$1.08***	$55.59	***$1.11***
30554	Pulsar Granular	100 Lb Pail	100	16	$104.80	***$1.05***	$107.94	***$1.08***	$111.18	***$1.11***

Terms and Conditions of Sale

All weights are net weights.
Payment terms are net sixty days (n/60) from date of invoice.
Pricing is subject to change. Pricing supersedes any and all prior chemical price schedules.
Product shipments (except Pulsar Plus Acid Cleaner) into Zone 2 (Arizona, California, Idaho, Nevada, Oregon, Utah and Washington) will be assessed an additional $.015/Lb.
Product shipments (except Pulsar Plus Acid Cleaner) into Zone 3 (Alaska and Hawaii) will be assessed an additional $.10/Lb.
Shipment weights described above are for Pulsar Chemical Products only (not equipment or other products).
Freight on chemical product orders is F.O.B. and prepaid Arch's Warehouse. Shipment is to a single location.
All transactions are subject to the terms of the Arch Distributor Agreement and Arch Standard Terms and Conditions of sale in effect at the time of sale.
All other product shipments of less than 10,000 pounds net weight will be priced at the 10,000 to 19,999 level plus freight charges.
A $75 stop off charge for each additional delivery will be applied for full truckload orders with more than one delivery location. Maximum of 4 stops.

ARCH

USFilter
A Siemens Business

STRANCO PRODUCTS
595 INDUSTRIAL DRIVE
BRADLEY, IL 60915

TELEPHONE 800-882-6466
TELEPHONE 815-932-8154
FACSIMILE 815-932-1760
www.stranco.com
www.strancoaquatics.com

USFilter
HRR Chemical

PART #	PART NUMBER DESCRIPTION	TRADE PRICE
8107001	HRR Enhancer, 50 lbs (30 units per pallet)	$137.50
8107004	HRR Ensurance, 5 gallon (32 units per pallet)	$187.50
8107005	HRR Advantage Plus, 25 lbs (40 units per pallet)	$55.50
8107006	HRR Advantage Plus, 50 lbs (30 units per pallet)	$115.00
8107016	HRR Essistence, 55 gallon (3 units per pallet)	$715.00

Revised 04/05

E-06

March 10, 2006

TO: John Lamerato, Acting City Manager

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

SUBJECT: Agenda Item - Act 51 Mileage Certification for 2005

In accordance with the guidelines for adding and deleting streets to the annual road mileage certification for cities and villages, the following platted and non-platted streets require a resolution-accepting jurisdiction of the street from our governing body.

The following local streets within their respective platted subdivisions require a resolution:

Country Ridge	Wyngate of Troy
Firestone	Wyngate of Troy
New Castle	Wyngate of Troy
Wyngate	Wyngate of Troy

Non-platted streets require a centerline description for mileage certification. Engineering is currently working on these descriptions and they will be submitted to the state along with our resolution. The following non-platted streets require a resolution-accepting jurisdiction:

Amberwood	Maplewood Site Condominiums
Norway	Maplewood Site Condominiums
Dryden	Chesapeake Grove Site Condominiums
Mayapple	Chesapeake Grove Site Condominiums
Timbercrest	Timbercrest Site Condominiums
Ashton Court	Hidden Forest Site Condominiums
Gunston Court	Hidden Forest Site Condominiums
Mesa	Hidden Forest Site Condominiums
Mirage	Hidden Creek Site Condominiums
Jefferson	Stone Haven East #2 Site Condominiums
Langston	Lot Splits

The City of Troy's allocation of Michigan Transportation Funds is based on the number of miles of road under City jurisdiction. All of the above-listed roads are under control of the City, open for public purposes, and are being maintained by the City. It is important that the foregoing roads be added to the Act 51 mileage report so that transportation funds can be properly allocated to the City of Troy.

Decertification of streets no longer open to the public also requires a resolution. The following streets still appear on our Act 51 map and have been closed for some time.

N. Eton Rd
Miner

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

G:\Funding Issues\ACT 51\2005\To CC Re 05 Act 51.doc

February 28, 2006

TO: John Szerlag, City Manager

FROM: Jeanette Bennett, Purchasing Director
Gert Paraskevin, Information Technology Director
Charles T. Craft, Police Chief
William S. Nelson, Fire Chief

SUBJECT: **AGENDA ITEM:** Bid Waiver - Wireless Data Service
US General Services Administration (GSA) contract GS-35F-0119P

RECOMMENDATION

City management is requesting a waiver of the formal bid process for the purchase of wireless data service from Verizon Wireless for the police and fire departments using Federal GSA contract pricing contained in Contract GS-35F-0119P. The departments propose to use a maximum of 20 units at a cost of $60.00 per month each or an annual estimated cost of $14,400.00.

BACKGROUND

The police and fire departments have investigated the use of commercial mobile data service to improve efficiency and provide information in the field. The fire department has tested wireless service from both Cingular and Verizon, and found the Verizon service to provide considerably higher data speed and reliability. In addition, Cingular has decommissioned much of their wireless data network while they upgrade to newer technology over the next six months. This service is purchased on a month-to-month basis to allow for re-evaluation as technology changes. GSA pricing was offered by Verizon as the government price for this technology.

BUDGET

Funds are budgeted in each department accounts as follows:

Police Department: 401325.7980.030 – Capital - Police Communications
309.7802.070 – Operating - Special Investigations Unit

Fire Department: 343.7944 – Operating – Fire Communications

verizonwireless
We never stop working for you.®

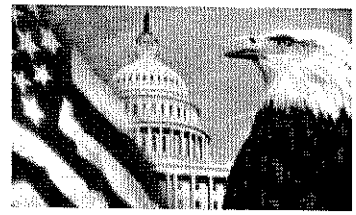
Government Sales Information

GSA-FSS Contract Number:

GS-35F-0119P

For more information please contact our Government Accounts Department at 888-234-0026

Verizon Wireless Paging Solutions for Federal, State and Local Government Agencies



Verizon Wireless offers pre-negotiated, government-based wireless services for Federal, State and Local Government Agencies through the General Service Administration's Federal Supply Schedule (contract # GS-35F-0119P) making it easy for you to take advantage of Verizon Wireless' discounted government rates.

Verizon Wireless Paging Solutions has Support for Federal, State and Local Government Agencies

Verizon Wireless has a dedicated Government Account Team and Customer Support for government accounts to ensure accuracy and speed in fulfilling your requests. Our Government Account Teams will work with you to design a cost-effective solution that specifically fits your agency's needs.

Why should I choose Verizon Wireless Paging Solutions.

At Verizon Wireless Paging Solutions we make staying connected easy and affordable by offering you both traditional 1-way paging and advanced 2-way messaging. When choosing Verizon Wireless you are able to benefit from our 25+ years of paging experience and our continuously strong track record of customer satisfaction.

Exceptional Customer Support: Rest easy knowing that if you ever have a need for assistance our goal is to satisfy your request the first time you call. Feel secure that if your issue can't be resolved during the course of your first call, we'll take the responsibility to get back to you with an answer.

Travel Throughout the U.S.: Get access to paging service on local, statewide, regional, and nationwide coverage options that meet your needs. Enjoy coverage in 50 of the top 50 major metro areas in addition to 98 of the top 100 and beyond.

Verizon Wireless

AUTHORIZED FEDERAL SUPPLY SERVICE
INFORMATION TECHNOLOGY SCHEDULE PRICELIST
GENERAL PURPOSE COMMERCIAL INFORMATION TECHNOLOGY
EQUIPMENT, SOFTWARE AND SERVICES

Verizon Wireless is America s best, most reliable wireless network, serving over 43.8 million customers nationwide. Verizon Wireless deploys wireless service utilizing the CDMA technology, which provides enhanced service levels while accommodating increasing capacity. We were first to launch a high-speed data network, NationalAccess, with downloadable applications over the air onto phones. BroadbandAccess, a higher speed mobile wireless internet data solution, with typical speeds of 400-700 kbps, capable of reaching speeds up to 2 Mbps is also available in the following major metropolitan areas: BroadbandAccess is currently available in 30 major metropolitan markets nationwide, including: Atlanta, GA; Austin, TX; Baltimore, MD; Boston, MA; Chicago, IL; Cincinnati, OH; Columbus, OH; Dallas/Fort Worth, TX; Dayton, OH; Hartford, CT; Houston, TX; Jacksonville, FL; Kansas City, MO; Las Vegas, NV; Los Angeles, CA; Madison, WI; Miami/Fort Lauderdale, FL; Milwaukee, WI; New Haven, CT; New Orleans, LA; New York, NY/Newark, NJ; Orlando, FL; Philadelphia, PA; Phoenix, AZ; Pittsburgh, PA; Providence, RI; San Diego, CA; St. Petersburg/West Palm Beach, FL; Tampa, FL; and Washington, DC. BroadbandAccess is also available in the major airports within these markets.
Verizon Wireless has provided service to the Federal sector for over 20 years. We have a dedicated Government Sales organization that is focused on meeting the needs of the Government customer. Our established relationships and service reputation have assisted in expediting and facilitating wireless solutions for the government customer.

SPECIAL ITEM NO. 132-53 WIRELESS SERVICES (FPDS CODE D304) Excluding local and long distance voice, data, video, and dedicated transmission services which are NOT mobile.)

Cellular/PCS Voice Services

Verizon Wireless
7600 Montpelier Road
Laurel, Maryland 20723
1-800-561-6227
http://www.verizonwireless.com/b2c/support/government.jsp

Contract Number: GS-35F-0119P

Period Covered by Contract: December 03, 2003 through December 02, 2008

General Services Administration
Federal Supply Service

Modification 07

Products and ordering information in this Authorized FSS Information Technology Schedule Pricelist are also available on the GSA Advantage! System. Agencies can browse GSA Advantage! by accessing the Federal Supply Service s Home Page via the Internet at http://www.fss.gsa.gov/

Organization

Overview

Office of the Administrator

Federal Acquisition Service

Federal Supply Service

Federal Technology Service

Public Buildings Service

Office of Governmentwide Policy

Office of the Chief Financial Officer

Office of the Chief Acquisition Officer

Office of the Chief People Officer

Office of the Chief Information Officer

Congressional & Intergovernmental Affairs

Citizen Services & Communications

Office of Small Business Utilization

Office of Performance Improvement

Office of General Counsel

Office of Civil Rights

Office of Inspector General

Office of Emergency Management

Board of Contract Appeals

Organization Chart

GSA Organization Overview

GSA's mission is to "help federal agencies better serve the public by offering, at best value, superior workplaces, expert solutions, acquisition services and management policies." GSA consists of the Federal Technology Service (FTS), the Federal Supply Service (FSS), the Public Buildings Service (PBS), and various Staff Offices, including the Office of Governmentwide Policy (OGP). Eleven Regional Offices extend GSA's outreach to federal customers nationwide. An anticipated GSA reorganization will consolidate FTS and FSS into a single new organization, the Federal Acquisition Service (FAS).

GSA Regional Offices are located in Boston, New York, Philadelphia, Atlanta, Chicago, Kansas City, Fort Worth, Denver, San Francisco, Auburn (Washington), Washington, DC. The planned Federal Acquisition Service will include six zones within GSA's eleven geographic regions.

Approximately 13,000 GSA employees provide valuable support to other federal agencies and, in some cases, the general public. GSA is the government's "landlord," meeting office and other space requirements of the federal workforce. GSA is also the premiere federal acquisition and procurement force offering equipment, supplies, telecommunications, and integrated information technology solutions to customer agencies. GSA also plays a key role in developing and implementing policies that affect many government agencies and helps other federal agencies improve their service to and communication with the public by offering effective citizen-response tools and services.

GSA acts as a catalyst for nearly $66 billion in federal spending—more than one-fourth of the government's total procurement dollars. The agency also influences the management of federal assets valued at nearly $500 billion. These assets include more than 8,300 government-owned or leased buildings, an interagency fleet of 170,000 vehicles, and technology programs and products ranging from laptop computers to systems that cost over $100 million.

Although GSA leverages billions of dollars in the marketplace, only one percent of the agency's total budget is provided through direct congressional appropriations. The majority of GSA's operating costs must be recovered through the products and services it provides.

In the 21st Century, GSA is focusing increasingly on adding value through new, efficient, and effective ways

for federal employees to do their work. GSA, building on its strong record of accomplishment, is helping to create a citizen-centric, results-oriented government that is even more productive and responsible to all Americans.

Last Reviewed 9/28/2005

Add to MyGSA

Printer Friendly format

March 2, 2006

To: John M. Lamerato, Acting City Manager

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

Subject: **Agenda Item:** Bid Waiver –
One-Year Requirements of Asphalt Paving Materials for the Public Works Department

RECOMMENDATION

City management is requesting a waiver of the formal bid process for the purchase of one-year requirements of asphalt paving materials from Ajax Materials Corporation of Rochester Hills as primary supplier, at unit prices detailed in Appendix I, and Barrett Paving Materials Inc. of Troy for Item 6), Tack Coat. In addition, the City requests authorization to use reciprocity between Ajax Materials and Barrett Paving in the event of a plant closing, inability to meet delivery times or supply material as specified.

BACKGROUND

As an industry standard, hot asphalt is not delivered but picked-up. The working life span of hot asphalt is short and must be applied before temperatures drop too low. Lengthy travel distances and traffic delays can result in product waste and production loss and loads under two (2) tons have become unusable after 1-hour of travel time. In the past, the City of Troy has disqualified low bidders with plant locations outside the parameters set for material usage by the Michigan Department of State Highways. Escalating gas prices, excessive transportation costs and product loss offset any cost savings gained by selecting an unqualified low bidder.

Ajax and Barrett's asphalt plants are located very close to Troy. Ajax has Plant 3 located approximately six (6) miles north of the DPW facility and Barrett's Troy plant is approximately five (5) miles south. The City would benefit greatly utilizing suppliers closest to the City by reducing transit times thus lowering transportation costs, production time loss and material waste. Furthermore the Public Works department has worked with Barrett Paving Materials Inc. and Ajax Materials Corporation for many years. Both are qualified and have satisfactorily met the requirements of past contracts.

BUDGET

Funds are available in the operating budgets of the Streets Division for major and local drain and road surface maintenance, and the Water Division for mains, service and tap-in maintenance.

Prepared by: Emily Frontera; Administrative Aide

Appendix I

Asphalt Paving Materials

2/27/2006

Item	Est QTY (Tons)	Description		Barrett Paving Materials Inc. Price/Ton	Ajax Materials Corporation Price/Ton
1	250	1100T 36A Wearing		**$36.00**	**$36.00**
2	250	1100T 20AA Wearing		$35.00	**$34.00**
3	250	1100L 20AA Leveling		$35.00	**$34.00**
4	1000	Commercial Top		$35.00	**$33.50**
5	250	Commercial Base		$34.00	**$33.00**
6	500 gal	Bulk Tack Coat	Per Gallon	**$2.50/gal**	$3.50/gal
			5 Gal Pails	$25.00/5 gal pail	$25.00/5 gal pail
					Tack Available Bald Mountain Rd Auburn Hills
	Exceptions			Commercial Fine Wearing $36.00/ton	Item 5 is 500/700 20c Base Material
	Hours of Operations			7:00am-4:00pm	Mon-Fri 7:00am-5:00pm
	Notice of Delivery or Pick-up			Pick-up By City Trucks	24 hrs
	For Saturday			Call	Call for availability
	Proximity	Location --		Troy Plant	Plant 3 2240 Avon Industrial Dr Rochester Hills
		Miles --		4.5 miles	5.42 Miles

CITY OF TROY
Quote

Please quote on the following **ONE (1) YEAR REQUIREMENTS OF ASPHALT PAVING MATERIAL**, in accordance with the attached specifications to be considered an integral part of this proposal, at the following prices.

COMPANY NAME: Ajax Materials Corporation

Item	EST QTY (Tons)	Description	Price/Ton
1	200	1100T 36A Wearing	$ 36.00
2	200	1100T 20AA Wearing	$ 34.00
3	200	1100L 20AA Leveling	$ 34.00
4	1000	Commercial Top	$ 33.50
5	250	Commercial Base NOTE: 700 20C Base	$ 33.00 **
6	500 gal	Bulk Tack Coat	$ 3.50 /gal *
		or	$ 25.00 /5 gal pail

* Bulk tack available at Auburn Hills location only: 4875 Bald Mt. Rd. Auburn Hills, MI 48236 (248) 244-3435

Hours of Operation: MON-FRI 7-5pm
Notice of Delivery or Pickup Monday through Friday: 24 Hours hrs.
For Saturday: CALL FOR AVAILABILITY

Quantities stated are estimated and not guaranteed.

The City of Troy reserves the right to award items to the lowest responsible bidder(s) meeting specifications on an item basis or to combine items if deemed to be in the City's best interest; to reject low bids that have major deviations from specifications; to accept a higher bid that has only minor deviations.

The City of Troy reserves the right to name secondary suppliers to be utilized when the primary supplier is not available.

Items will be picked up at supplier's plants by City of Troy staff.

PROXIMITY: The City of Troy Department of Public Works is located at 4693 Rochester Rd, Troy, MI 48085. Please indicate below the location of your closest plant, including the miles from your location to the DPW Yard. The plant location must be within parameters in accordance with material requirements of the Michigan Department of State Highways, which could result in the elimination of your bid from consideration due to time and distance from your plant location.

Location: plant #3, Crooks Rd. 2240 Avon Industrial Drive Rochester Hills, MI 48309
(248) 244-3440 plant #

Miles: 5.42

For orders please contact plant or call (248) 388-1687.

** Ajax no longer manufactures a commercial base product. Will sell a MDOT 500/700 20C Base product in its place.

CITY OF TROY
Quote

Please quote on the following **ONE (1) YEAR REQUIREMENTS OF ASPHALT PAVING MATERIAL**, in accordance with the attached specifications to be considered an integral part of this proposal, at the following prices.

COMPANY NAME: Barrett Paving Materials Inc

Item	EST QTY (Tons)	Description	Price/Ton
1	200	1100T 36A Wearing	$ 36.00
2	200	1100T 20AA Wearing	$ 35.00
3	200	1100L 20AA Leveling	$ 35.00
4	1000	Commercial Top	$ 35.00
5	250	Commercial Base	$ 34.00
6	500 gal	Bulk Tack Coat	$ 2.50 /gal
			or $ 25.00 /5 gal pail

Commercial Fine Wearing @ 36.00/ton

Hours of Operation: 7:00 am to 4:00 pm
Notice of Delivery or Pickup Monday through Friday: Pickup up here in City Trucks
For Saturday: CALL

Quantities stated are estimated and not guaranteed

The City of Troy reserves the right to award items to the lowest responsible bidder(s) meeting specifications on an item basis or to combine items if deemed to be in the City's best interest; to reject low bids that have major deviations from specifications; to accept a higher bid that has only minor deviations.

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Location: Troy Plant

Miles: 4.5 miles

March 13, 2006

TO: The Honorable Mayor and City Council Members

FROM: John M. Lamerato, Acting City Manager

SUBJECT: Cancellation of the May 22, 2006 Council Meeting

As I indicated in my March 10, 2006 memo in your informational packet, I recommend that you cancel the May 22, 2006 Council meeting due to additional meetings scheduled in April and May for budget review.

If you have any questions, please feel free to call me.

JML/mr\AGENDA ITEMS\2006\03.20.06 - Cancellation of the May 22, 2006 Council Meeting

DATE: March 10, 2006

TO: John Lamerato, Acting City Manager

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

SUBJECT: AGENDA ITEM – ANNOUNCEMENT OF PUBLIC HEARING (MARCH 27, 2006) – REZONING APPLICATION – West side of Dequindre Road, north of Big Beaver and south of Continental, Section 24 – CR-1 to B-1 (Z-712)

RECOMMENDATION

The application is consistent with the intent of the Future Land Use Plan and compatible with existing zoning districts and land uses. The parcel has a residential zoning designation but has most recently been used as a child day care center. The B-1 zoning designation will serve as a transition between CR-1 to the north and the more intensive B-2 to the south.

The Planning Commission recommended approval of this item at the 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 the Skin and Vein Center of Troy.

Location of Subject Property:
The property is located on the west side of Dequindre, north of Big Beaver and south of Continental, in Section 24.

Size of Subject Parcel:
The parcel is approximately 1.4 acres in area.

Current Use of Subject Property:
A vacant building sits on the property. A Kindercare day care center used to occupy the building.

Current Zoning Classification:
CR-1 One Family Residential Cluster District.

Proposed Zoning of Subject Parcel:
B-1 Local Business District.

Proposed Uses and Buildings on Subject Parcel:
The applicant proposes to develop a medical office building on the property.

Current Use of Adjacent Parcels:
North: Single family residential.
South: Retail strip mall.
East: Office (City of Sterling Heights).
West: Single family residential.

Zoning Classification of Adjacent Parcels:
North: CR-1 One Family Residential Cluster.
South: B-2 Community Business.
East: O-1 Business and Professional Office (City of Sterling Heights).
West: CR-1 One Family Residential Cluster.

ANALYSIS

Range of Uses Permitted in the Proposed B-1 One Family Attached Zoning District and Potential Build-out Scenario:

PRINCIPAL USES PERMITTED:

Local retail businesses which supply commodities on the premises, for persons residing in adjacent residential areas, such as but not limited to: Groceries, meats, dairy products, baked goods or other foods dispensed for consumption off the site, hardware, drugs and pharmaceuticals.

Specialty shops such as, but not limited to: antique shops, craft shops, and shops for the sale of gifts and notions.

Personal service establishments which perform services on the premises, such as, but not limited to: repair shops, beauty parlors and barber shops, and self-service laundries.

Dry cleaning establishments, or pick-up stations, dealing directly with the consumer.

Business establishments which perform services on the premises such as but not limited to: banks, credit unions, savings and loan associations, loan companies, insurance companies, and real estate offices.

Professional services including the following: medical clinics (out-patient only) and offices of doctors, dentists, osteopaths and similar or allied professions.

Post office and similar governmental office buildings, serving persons living in the adjacent residential area.

Other uses similar to the above uses.

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

USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

City and school district buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations, gas regulator stations, and water and sewage pumping stations, without storage yards.

Nursery schools, day nurseries and child care centers (not including dormitories).

Incidental Customer Seating as an accessory to food sales establishments.

Vehicular Access:
The parcel fronts on Dequindre, a major thoroughfare.

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

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

Compliance with Future Land Use Plan:
The Future Land Use Plan classifies the parcel as Community Service Area, although it is in the transition area between Community Service Area and Low Density Residential. Community Service Area has a secondary correlation with the B-1 Zoning District in the Future Land Use Plan. The parcel was classified as Neighborhood Service Center in 1971 and Community Service Area in 1999.

Compliance with Location Standards:
There are no location standards for the B-1 Local Business District.

Attachments:

1. Maps.
2. Minutes from February 14, 2006 Planning Commission Regular meeting.
3. Letter from applicant, dated December 19, 2005.

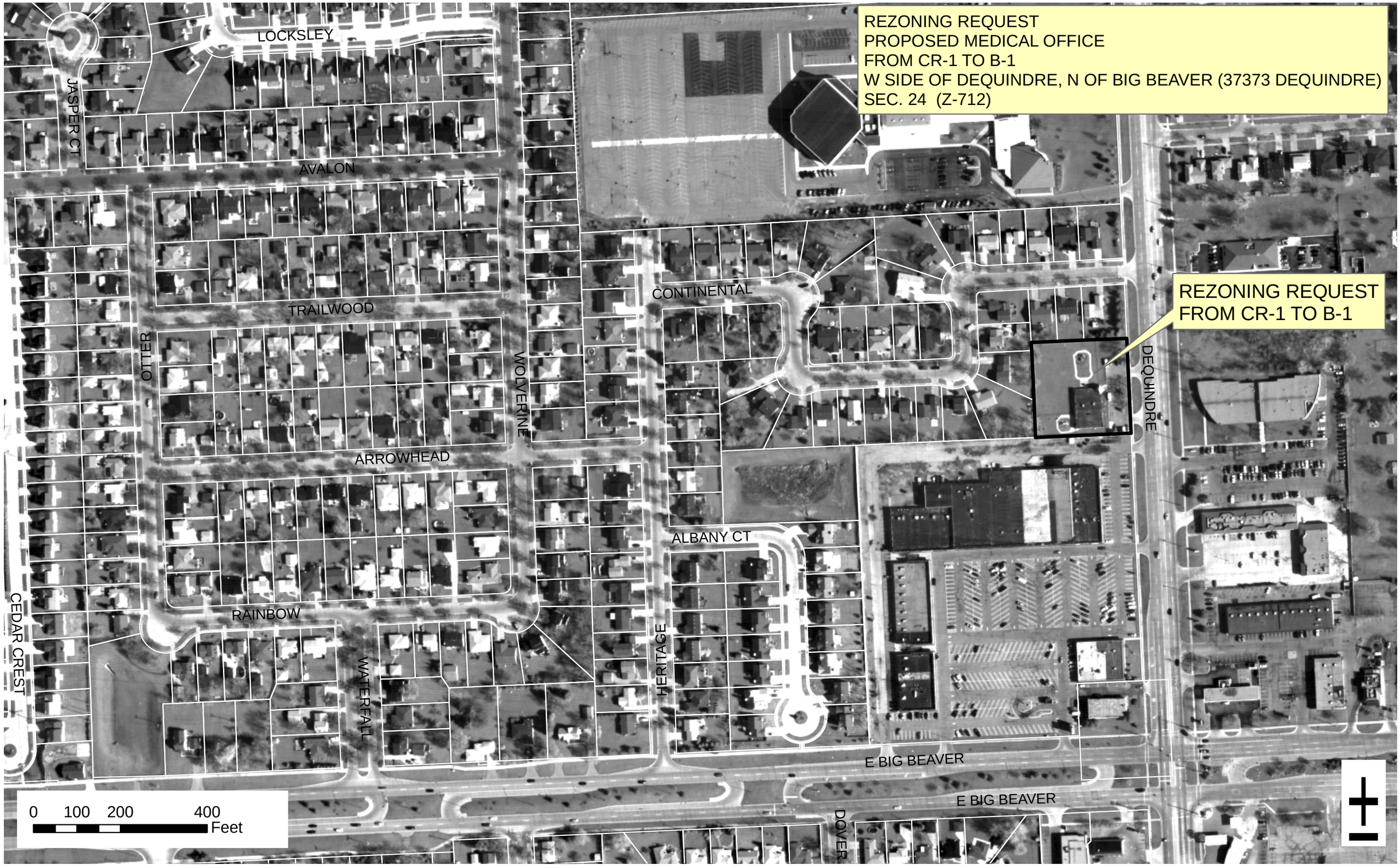
Prepared by RBS, MFM

cc: Applicant
File (Z 712)

G:\REZONING REQUESTS\Z-712 Skin and Vein Center Sec 24\Announce CC Public Hearing ZOTA 712 3 27 06.doc

CITY OF TROY

PREPARED BY CITY OF TROY PLANNING DEPT.


REZONING REQUEST
PROPOSED MEDICAL OFFICE
FROM CR-1 TO B-1
W SIDE OF DEQUINDRE, N OF BIG BEAVER (37373 DEQUINDRE)
SEC. 24 (Z-712)
REZONING REQUEST
FROM CR-1 TO B-1
LOCKSLEY
JASPER CT
AVALON
TRAILWOOD
OTTER
WOLVERINE
ARROWHEAD
CONTINENTAL
DEQUINDRE
ALBANY CT
RAINBOW
CEDAR CREST
WATERFALL
HERITAGE
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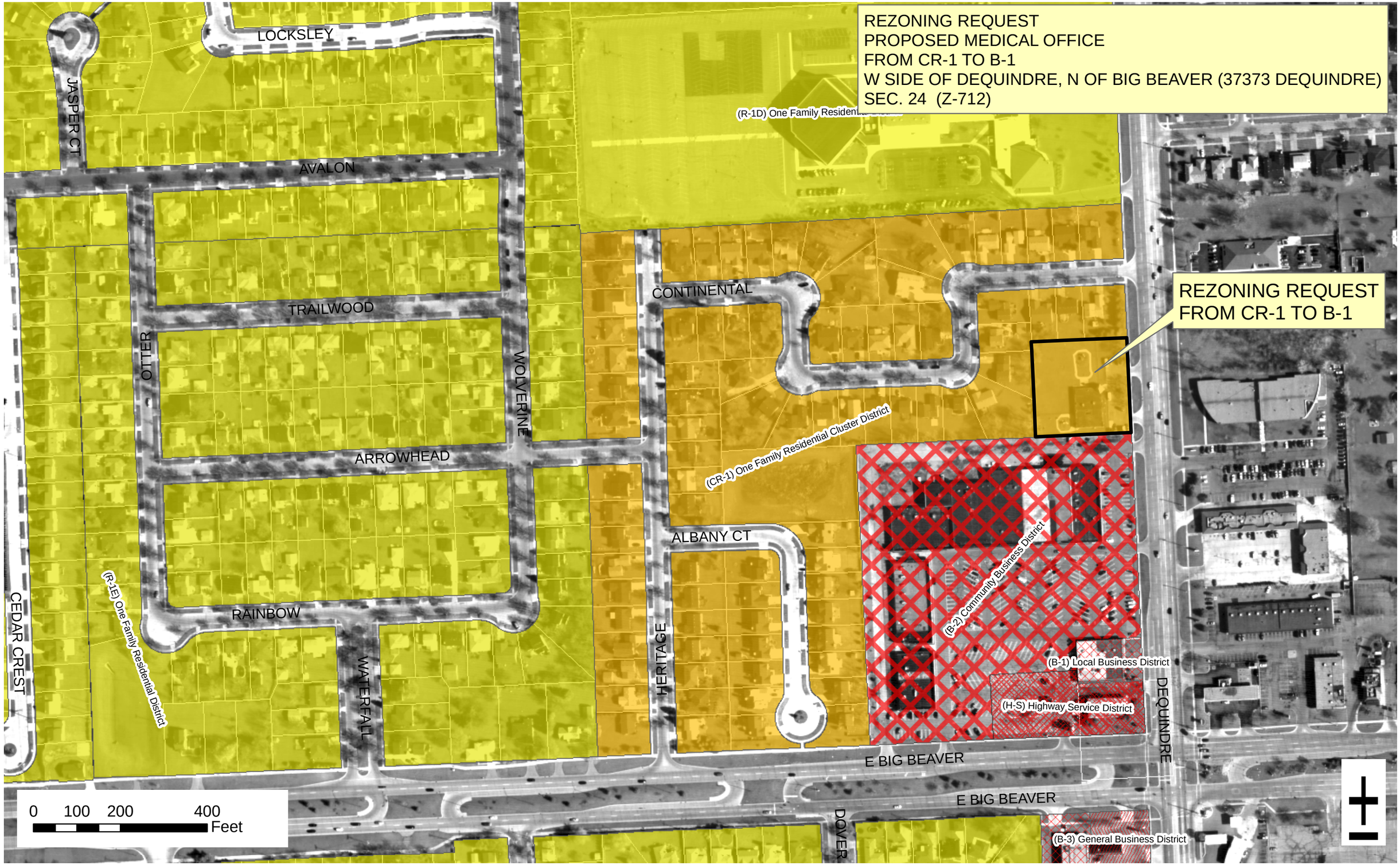
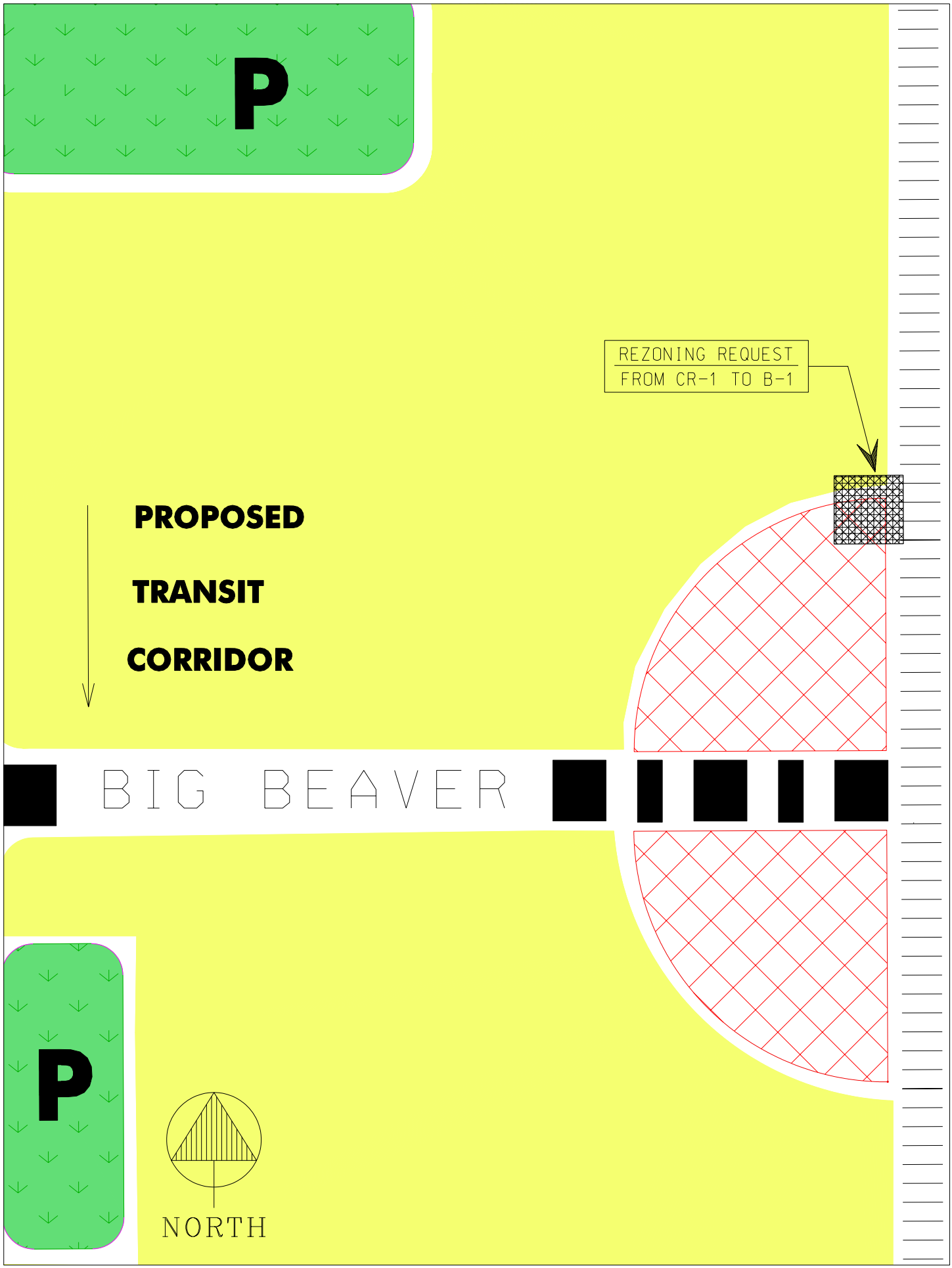

REZONING REQUEST
PROPOSED MEDICAL OFFICE
FROM CR-1 TO B-1
W SIDE OF DEQUINDRE, N OF BIG BEAVER (37373 DEQUINDRE)
SEC. 24 (Z-712)
REZONING REQUEST
FROM CR-1 TO B-1
LOCKSLEY
JASPER CT
AVALON
TRAILWOOD
OTTER
WOLVERINE
ARROWHEAD
RAINBOW
CEDAR CREST
WATERFALL
HERITAGE
CONTINENTAL
ALBANY CT
DOVER
E BIG BEAVER
E BIG BEAVER
DEQUINDRE
(R-1D) One Family Residential
(CR-1) One Family Residential Cluster District
(B-2) Community Business District
(B-1) Local Business District
(H-S) Highway Service District
(B-3) General Business District
(R-1E) One Family Residential District
0 100 200 400
Feet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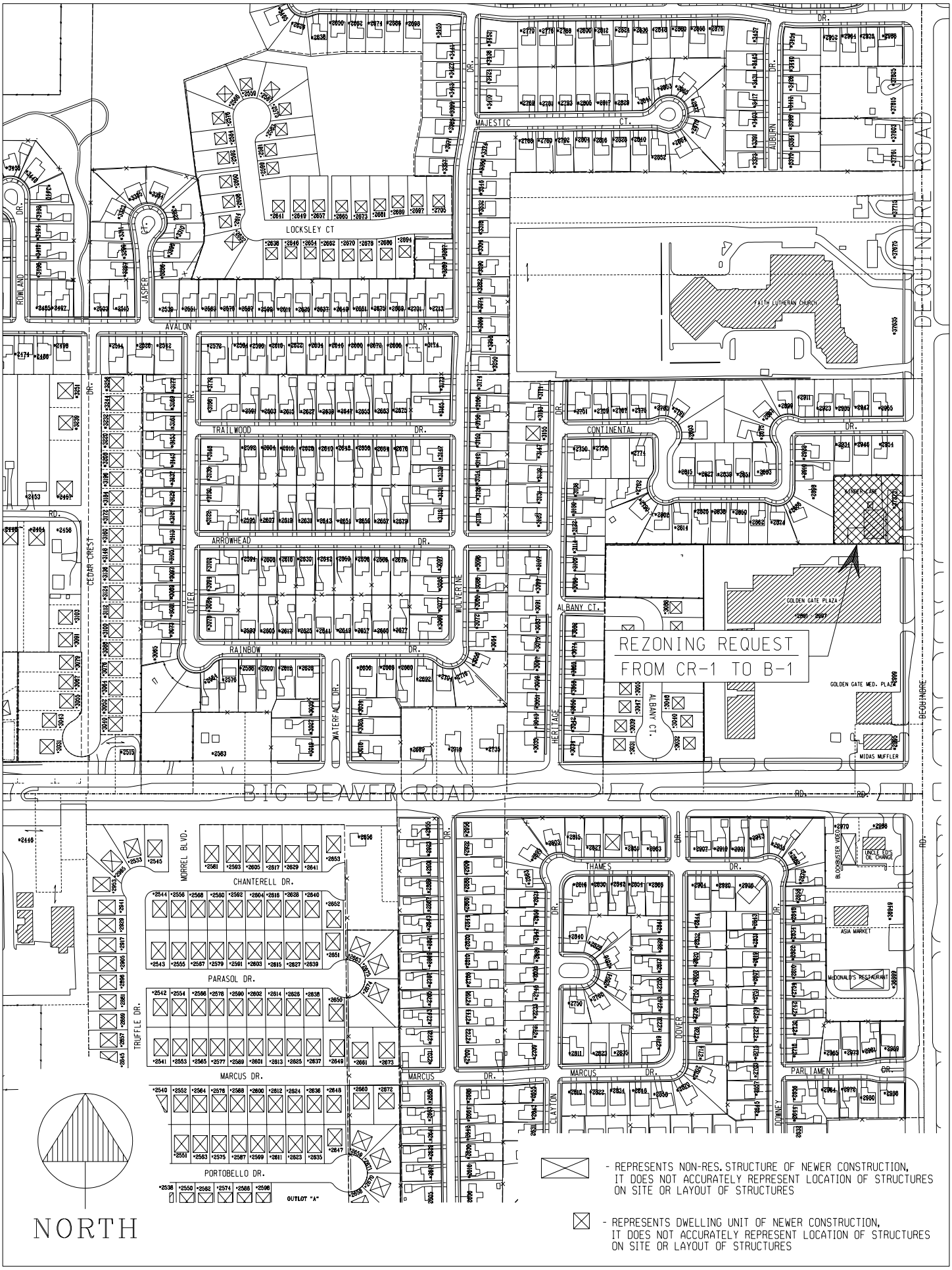
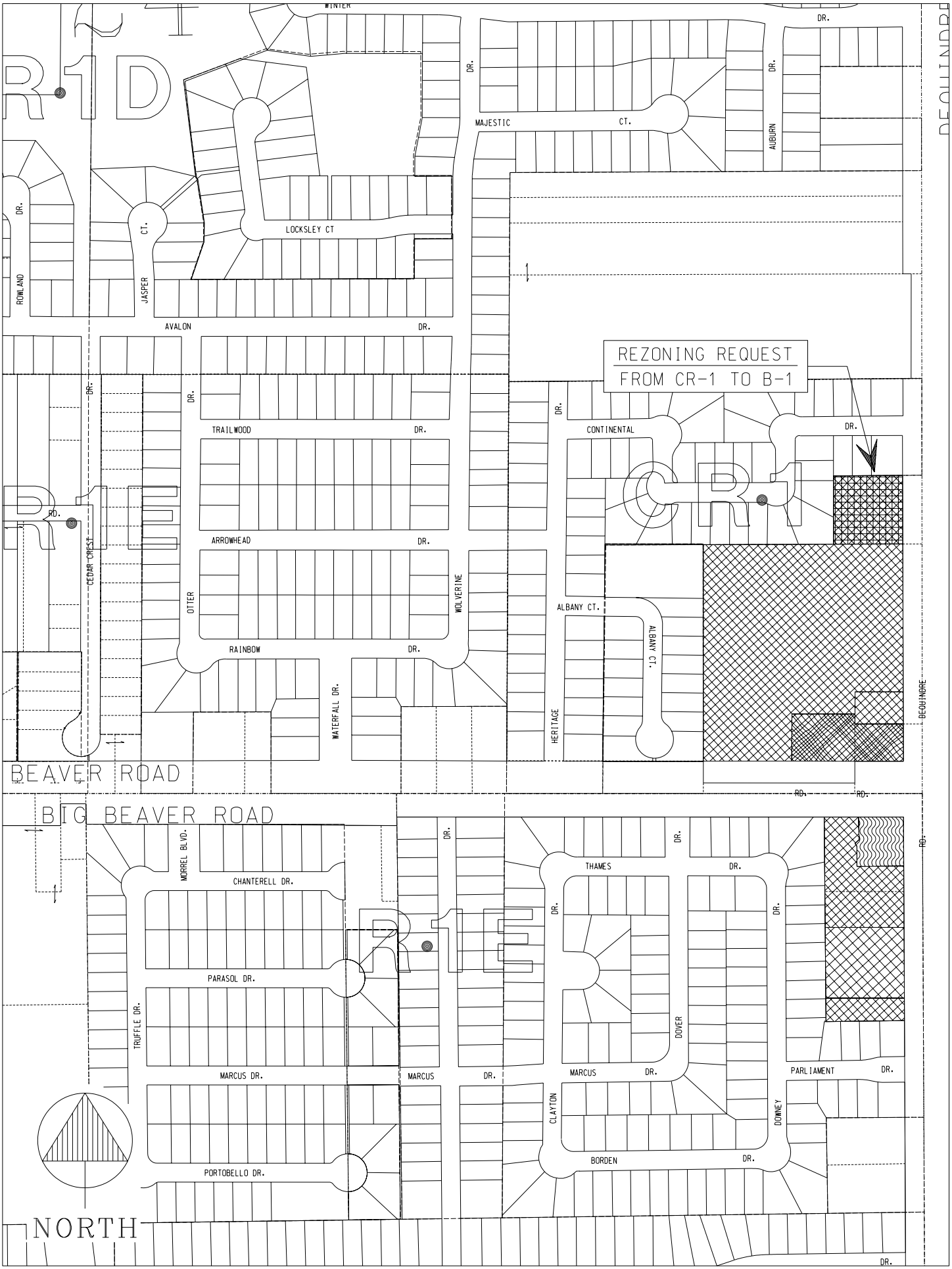
REZONING REQUEST
FROM CR-1 TO B-1
PROPOSED
TRANSIT
CORRIDOR
BIG BEAVER
P
NORTH



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

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

Z-712 / SEC. 24 / 01-11-06


REZONING REQUEST
FROM CR-1 TO B-1
R1D
CR
WINTER
DR.
MAJESTIC
CT.
AUBURN
LOCKSLEY CT
ROWLAND
JASPER
AVALON
TRAILWOOD
CONTINENTAL
ARROWHEAD
CEDAR CREST
OTTER
WOLVERINE
RAINBOW
ALBANY CT.
HERITAGE
WATERFALL DR.
BEAVER ROAD
BIG BEAVER ROAD
RD.
MORREL BLVD.
CHANTERELL DR.
PARASOL DR.
TRUFFLE DR.
MARCUS DR.
MARCUS
PORTOBELLO DR.
THAMES
DOVER
CLAYTON
BORDEN
PARLIAMENT
DOWNEY
NORTH

REZONING REQUESTS

5. PUBLIC HEARING – PROPOSED REZONING (Z 712) – Proposed Medical Office, West side of Dequindre, North of Big Beaver (37373 Dequindre), Section 24 – From CR-1 (One Family Residential Cluster) to B-1 (Local Business) 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.

Mr. Miller confirmed that drive-through windows are not permitted in the B-1 zoning district.

Stephen Sedgewick, project architect, 158 Tillson Street, Romeo, was present to represent the petitioner. Mr. Sedgewick indicated he would like to proceed with the approval process.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2006-02-024
Moved by: Littman
Seconded by: Waller

RESOLVED, That the Planning Commission hereby recommends to the City Council that the CR-1 to B-1 rezoning request, located on the west side of Dequindre, north of Big Beaver, within Section 24, being approximately 1.4 acres in size, be granted.

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

MOTION CARRIED

December 19, 2005

Skin & Vein Center of Troy
2999 E. Big Beaver Rd.
Troy, MI 48083

It is our opinion that the property we are requesting to be re-zoned to allow a medical office building are as follows:

Our operation is completely enclosed within our building, creating no adverse environmental impact to the neighborhood (i.e.- noise, pollution, etc.).

Previously the property was used as a day car center, a conditional use allowed in the residential zoning, therefore, no existing residence usage will be removed.

The site of the lot and its adjacent location to the Big Beaver / Dequindre Shopping Center/ Strip Mall would make developing as a residence economically unfavorable. The size of the residence to maximize the marginal utility of the site would be too expensive for the market.

Our office hours are limited to 9 to 5 Monday- Friday, and access to the site is via a major street artery; therefore, the business would not adversely impact the existing adjoining residences.

Sincerely,

REC'D
DEC 20 2005
PLANNING DEPT.

DATE: March 10, 2006

TO: John Lamerato, Acting City Manager

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

SUBJECT: AGENDA ITEM – ANNOUNCEMENT OF PUBLIC HEARING (MARCH 27, 2006) – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 221) – Article II, Municipal Civil Infractions

RECOMMENDATION

The Planning Commission recommended approval of this item at the December 13, 2005 Regular meeting. City Management concurs with the Planning Commission and recommends approval of the proposed text amendment.

BACKGROUND

This ZOTA was initiated by the Troy City Attorney's Office. The attached memo, written by the Assistant City Attorney, explains the rationale for changing violations of the Zoning Ordinance from a misdemeanor to a civil infraction.

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

Attachments:
1. ZOTA 221 Planning Commission Public Hearing Draft, dated December 1, 2005.
2. Memo from Allan Motzny, Assistant City Attorney, dated 9/8/04.
3. Minutes from the December 13, 2005 Planning Commission Regular meeting.

Prepared by RBS, MFM

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CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 39 OF THE CODE
OF THE CITY OF TROY
City Council Public Hearing Draft

The City of Troy ordains:

Section 1. Short Title

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

(underlining denotes changes).

Section 2. Amendment

Section 02.50.01, 02.50.02, 02.50.03, and 02.50.04 of Chapter 39 of the Code of the City of Troy are amended as follows:

02.50.01 VIOLATIONS:
Except as specified in other sections of this Chapter, ~~A~~any person, firm or corporation violating ~~any of~~ the provisions of this Chapter ~~shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than one hundred ($100.00) dollars and the costs of prosecution or, in default of the payment thereof, shall be punished by imprisonment in the County Jail for a period not to exceed ninety (90) days for each offense, or by both such fine and imprisonment in the discretion of the Court, together with the costs of such prosecution~~ is responsible for committing a Municipal Civil Infraction and subject to the provisions of Chapter 100 of the Code for the City of Troy.

02.50.02 PUBLIC NUISANCE PER SE:
Any Building or structure which is erected, altered or converted, or any use of premises or land, which is begun or changed subsequent to the time of passage of this Chapter and in violation of any of the ~~previous~~ provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order ~~to~~ of any court of competent jurisdiction.

02.50.03 FINES~~, IMPRISONMENT~~AND OTHER SANCTIONS:
The owner of any building, structure or premises or part thereof, where any condition in violation of this Chapter shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be ~~guilty~~ responsible for~~of~~ a separate offense and subject to fines, costs, damages and injunctive orders as authorized by Chapter 100.~~upon conviction thereof shall be liable to the fines and imprisonment herein provided.~~

02.50.04 EACH DAY A SEPARATE OFFENSE:
A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

02.50.05 RIGHTS AND REMEDIES ARE CUMULATIVE

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

Section 3. Savings

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

Section 4. Severability Clause

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

Section 5. Effective Date

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

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

_____
Louise E. Schilling, Mayor

_____
Tonni Bartholomew. City Clerk

G:\ZOTAs\ZOTA 221 Municipal Civil Infractions\CC Public Hearing Draft ZOTA 221 3 9 06.doc

TO: MARK MILLER, PLANNING DIRECTOR
FROM: ALLAN T. MOTZNY, ASSISTANT CITY ATTORNEY
DATE: SEPTEMBER 8, 2004
SUBJECT: MUNICIPAL CIVIL INFRACTIONS ORDINANCE

Attached is a proposed amendment to the zoning ordinance that, if adopted, will designate a violation of the zoning ordinance as a municipal civil infraction subjecting violators to the penalties and procedures set forth in the Municipal Civil Infractions Ordinance, Chapter 100 of the City Code. Chapter 100 was previously approved by City Council and it allows the City to decriminalize zoning, building, property maintenance and other ordinance violations by designating them as municipal civil infractions. Chapter 100 also established the Municipal Ordinance Violations Bureau, which is under the supervision of the City Treasurer's Office. Designating a zoning ordinance violation as a municipal civil infraction allows persons with uncontested violations to pay a scheduled fine directly to the City, as opposed to involving the 52-4 District Court. However, the ordinance still preserves the right of either the cited individual or the City to seek relief from the Court.

Converting a zoning ordinance violation from a misdemeanor to a municipal civil infraction will streamline the prosecution of violations with respect to those matters that end up in court. Perhaps most importantly, the City may seek equitable relief from the District Court in a municipal civil infraction case. Currently, Troy zoning ordinance violation cases in the District Court must follow the procedural rules with respect to misdemeanors. In such cases, equitable relief is generally not available, which frustrates the City's goal of obtaining compliance.

It is my recommendation to adopt the proposed amendment. However, as with all zoning ordinance amendments, the proposed amendment may not be submitted to City Council until after the Planning Commission has held at least one public hearing and made a report with respect to the amendment. Thus, it is my request the proposed amendment be submitted to the Planning Commission for their consideration. If you have any questions and concerns, please let me know.

9. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 221) – Articles 02.50.01, 02.50.02, 02.50.03 and 02.50.04 Municipal Civil Infractions

Mr. Miller provided a brief review of the proposed zoning ordinance text amendment relating to municipal civil infractions.

Mr. Motzny reviewed the reasons that the City Attorney's Office recommends approval of the ZOTA.

A brief discussion followed.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2005-12-198
Moved by: Chamberlain
Seconded by: Wright

RESOLVED, That the Planning Commission hereby recommends to the City Council that Article II, pertaining to Municipal Civil Infractions, be amended as printed on the Proposed Zoning Ordinance Text Amendment.

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

MOTION CARRIED

March 13, 2006

TO: John Lamerato, Acting City Manager

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

SUBJECT: Agenda Item: *City Ordinance*, *Chapter 28 and the Tree Ordinance* and *Landscape Design & Tree Preservations Standards*

RECOMMENDATION:

Attached please find the revised versions of *City Ordinance*, *Chapter 28 – Tree Ordinance* as well as the *Landscape Design & Tree Preservation Standards.* The changes in these documents clarify ambiguous sections and include changes as outlined below. Staff has reviewed and submits for consideration the attached revised ordinances and standards.

Chapter 28 to some extent, supports the standards, therefore, they were revised together. Chapter 28 – Tree & Plant Ordinance is being submitted for Council approval and the Landscape Design and Tree Preservation Standards are being submitted for review.

BACKGROUND:

The two documents, with little overlap, deal with three distinct areas. The purpose of Chapter 28 is to establish procedures, and practices governing the protection, installation and long-term maintenance of trees, plants and vegetation within the City of Troy. The Landscape Design and Tree Preservation Standards provides development standards for commercial properties and subdivisions. Chapter 28 overlaps and empowers the Standards in section # 28.02.15, 28.08.00, and 28.16.02. The following is a general outline of the functions of the two documents:

Chapter 28 – Tree & Plant Ordinance:

- ***Enforcement:***
  - 28.03.00 - Responsibility
  - 28.16.00 – Violation of Tree & Plant Ordinance
  - 28.17.00 – Procedure for Ordering Action on Violations
- ***Maintenance and planting of materials on municipal sites***
  - 28.04.00 – Permits for Planting, Care and Removal of Plants Public Space
  - 28.05.00 – Plant Removal – Public Space
  - 28.07.00 – Plant Protection – Public Spaces
  - 28.09.00 – Excavations near Plants – Public Spaces
  - 28.10.00 – Covering the Surface near Plants – Public Spaces
  - 28.11.00 – Regulations for New Planting – Public Spaces
- ***Responsibilities of private plant owners***
  - 28.06.00 – Duties of Private Plant Owners
  - 28.12.00 – Corner Clearance
  - 28.13.00 – Private Plant - Inspection
  - 28.14.00 – Lawn Extension & Subdivision Entry Islands / Cul-de-Sac

- 28.15.00 – Tree Spacing

- ***Responsibilities of property owner before and during development***
  - 28.08.00 – Plant Protection during Development – Public & Private Property

The Landscape Design and Tree Preservation Standard:

- ***Approval Process for Tree Preservation and Landscape Plans***
  - Page 3
- ***Request for Variance/Waiver***
  - LD2.00.00 – Circumstances for Variations
  - LD3.00.00 – Request for Variance
  - LD5.00.00 – Request for Waiver of Tree Preservation Standards
- ***Information required for review and format for submittal***
  - LD6.00.00 – Preliminary Tree Preservation Plan – General Requirements
  - LD7.00.00 – Final Tree Pres./ Landscape Plan – General Requirements
  - LD9.00.00 – Preliminary Tree Preservation Plans – Specific Requirements
  - LD10.00.00 – Final Tree Pres./ Landscape Plans – Specific Requirements
  - LD11.00.00 – Construction Drawings
  - LD12.00.00 – Landscape Planting Specifications
  - LD13.00.00 – Cost Estimate - Landscaping
  - LD14.00.00 – Submittal Requirements
  - LD16.00.00 – Submissions for Review
  - LD17.00.00 – Changes in Landscape Plan
- ***Tree Preservation and Protection***
  - LD8.00.00 – Tree Preservation Options
  - LD23.00.00 – Tree & Plant Protection
- ***Fees and Deposits***
  - LD18.00.00 – Tree Preservation / Landscape Plan Review Fee
  - LD19.00.00 – Landscape Deposit
- ***Inspections***
  - LD22.00.00 – Landscape Installation
  - LD24.00.00 – Inspection Schedule
  - LD25.00.00 – Initial Site Inspection
  - LD26.00.00 – First Implementation Inspection
  - LD27.00.00 – Final Implementation Inspection
  - LD28.00.00 – Maintenance Inspection
- ***Violations of these Standards***
  - LD20.00.00 – Tree Removals Prior to Final Site Approval
  - LD21.00.00 – Violation of Tree Preservation Plan
- ***Qualifications and Responsibilities of Individuals***
  - LD29.00.00 – Landscape Contractor Qualifications
  - LD30.00.00 – Landscape Contractor Responsibilities
  - LD31.00.00 – Tree Appraiser Qualifications
  - LD32.00.00 – Tree Appraiser Responsibilities
  - LD37.00.00 – Landscape Designer Qualifications
- ***Plant Material Requirements, Site Preparation and Plant Installation***

- LD33.00.00 – Plant Material Requirements
- LD34.00.00 – Other Requirements Placed on Plant Materials
- LD35.00.00 – Prohibited Plant Materials
- LD36.00.00 – Site Preparation Prior to Planting

SUMMARY:

In brief, the following additions and alterations are proposed. Verbiage has been simplified for clarity and understanding. However, these changes are not presented in the following bulleted items. A Table of Contents has been added to both documents understanding.

Chapter 28 – Tree Regulations

- Name has been changed to reflect a more accurate range of responsibilities encompassed by this ordinance.
- Numbering system has been revised to a standardized system that has been implemented in City Ordinances.
- Purpose and Intent section added to clarify reason for this Chapter. (28.01.00)
- Definition section expanded to clarify existing and proposed verbiage (28.02.00)
- Director's responsibilities required by this ordinance have been expanded. (28.03.00)
- Means of applying for planting permits, with an expansion of the Director's authority have been revised and expanded. (28.04.00)
- Director's responsibilities are clarified and expanded. (28.06.00)
- 28.07.00 has been expanded and clarified.
- 28.08.00 had been expanded and clarified to better support proposed changes to Landscape Design & Tree Preservation Standards.
- 28.09.00 was expanded to clarify City's response to damage of unauthorized underground burials on municipal property by private property owners.
- 28.14.00 was added to clarify the responsibilities of private property owners with regards to maintenance of municipal property located in front of their respective properties.
- 28.15.00 is information added to this chapter to assist property owners in proper selection of trees, their proposed locations and how private trees relate to public plantings.
- 28.16.00 is an expansion and clarification of penalties for violations of ordinances in this chapter. Previously listed penalties have been removed from various sections of Chapter 28, and placed in this section as an inclusive list. Additionally, existing penalties have been upgraded and new penalties added.

Landscape Design and Tree Preservation Standards

- Tree Preservation / Landscape Submittal / Approval Process Outline – a new addition to the standards to be used as an aid by the developer. This section provides a road map to guide them through the approval process.
- LD5.00.00 has been altered to allow waivers only if there are no trees on the site.
- LD6.00.00 & LD9.00.00– informational requirements have been increased to facilitate faster evaluation of the proposed project.
- LD7.00.00 & LD10.00.00 – the Final Tree Preservation Plan and the Landscape Plan have been combined into one drawing for review purposes.

- LD8.00.00 - a new section that requires the developer to preserve a percentage of existing trees and/or provide for replacement of trees lost.
- LD15.00.00 expanded the City review authority.
- LD 11.00.00 through LD17.00.00 are relatively unchanged
- LD18.00.00 – The Tree Preservation Review fee and the Landscape Review fee has been combined into one fee, thereby simplifying the approval process.
- LD19.00.00 – the Implementation Deposit and the Maintenance Deposits have been increased to better assure the work is completed as per approved drawings and receives the proper upkeep to maintain desired results.
- LD20.00.00 through LD32.00.00 further explains the developer's responsibilities and ties these responsibilities to City Ordinance.
- LD33.00.00 through LD 35.00.00 – clarifies and expands on plant material and planting requirements.
- LD36.00.00 – a new section, which is intended to improve plant-growing conditions, particularly in new subdivisions, thereby making it easier for new homeowners to maintain a quality landscape.
- LD37.00.00 – a new section that gives the minimum educational requirements to qualify as a designer of landscaping on projects requiring City approval.

Finally, the Landscape Design and Tree Preservation Standards contain various figures and fees (LD8.01.04, LD18.00.00, LD19.00.00) that require periodic adjustment. Staff requests the City Manager be authorized to approve these fees.

Reviewed as to form and legality.

_____
Lori Grigg Bluhm, City Attorney

CHAPTER 28

TREE AND PLANT ORDINANCE

Revised 3-8-06

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28.01.00 Purpose and Intent -

The City acknowledges that Troy's urban forest reduces noise; air pollution; energy costs; reflected light; and flooding, stabilizes soils, sequesters carbon, provides habitat for wildlife and increases the value of all properties in the area and the overall quality of life.

It is the City's intent that the urban forest be protected, preserved and/or restored. To that end the City has created these ordinances, the Landscape Design and Tree Preservations Standards and the Building/Developmental Standards.

The purpose of this Ordinance is to establish procedures and practices governing the protection, installation and long-term maintenance of trees, plants and vegetation within the City of Troy. The *City*'s purpose is to:

28.01.01 Promote the beautification of the City of Troy.

28.01.02 Create for present and future generations a planned pattern for the urban landscape within the City of Troy.

28.01.03 Promote reasonable preservation and replenishment of landscaping on existing commercial and public properties and to provide guidelines for protection of plants.

28.01.04 Safeguard and enhance property values and to protect public and private investment.

28.01.05 Provide an ordinance that is reasonable and enforceable.

28.01.06 Promote the awareness of the benefits of effective landscaping.

28.02.00 Definitions –

For the purposes of this Ordinance the following terms, phrases, words, and their derivations shall have the meaning given here. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

28.02.01 **Caliper** - the diameter of the *tree trunk* measured at:

- **a.** Six (6) inches above the ground level if four (4) inches in diameter or less
- **b.** twelve (12) inches above ground if greater than four (4) inches in diameter.

28.02.02 **City** - *City* of Troy, Michigan

28.02.03 **clearing** - the cutting down and/or removal of *plant*s and/or vegetation from a property whether by cutting or other means.

28.02.04 **damage** - includes any intentional or negligent act which will cause *plant*s to decline and die within a period of three (3) years, including but not limited to such *damage* inflicted upon the *root system* by the compaction of the soil within the *drip line* of a *tree* during the operation of heavy machinery; the change of the natural grade above the *root system*, around the *drip line*, or around the *trunk* of a *plant* and *damage* from injury or from fire to vegetation which results in or permits infection or *pest* infestation. *Damage* also includes application of soil within the *tree protection area* (28.02.23) or introduction into the water source, and/or release of products, which move through the environment of a *plant*, any petroleum products, pesticides, toxic chemicals or other injurious materials.

28.02.05 **DBH** (Diameter at Breast Height) - the diameter of the *tree trunk* measured at 4.5 feet above ground level.

28.02.06 **Department** - the *Department* of Parks and Recreation of the *City* of Troy.

28.02.07 **Director** - Parks and Recreation *Director* and all employees under her/his direction, authorized by her/him to seek compliance with provision of this ordinance.

28.02.08 **drip line** - the *drip line* of a *tree* or *plant* shall be determined by measuring from the center of the *trunk* to the tip of the farthest branch from the *trunk* center. This measurement shall be used as the radius of a circle drawn around the *plant* with the center of the *trunk* being the center of the circle.

28.02.09 **emergency** - an event or events, disease, *pest*, or condition which has *damage*d or destroyed a *tree* or *plant* such that the continued presence of such *damage*d or destroyed *tree* or *plant* threatens *public space* in proximity thereto.

28.02.10 **imminent danger** - any situation or occurrence that would cause directly or indirectly an immediate danger to any person in a *public space* within the *City*.

28.02.11 **grading** - the placement, removal or movement of earth or soil on a property by use of mechanical equipment or hand equipment.

28.02.12 **Listed Species** - any *plant* that is endangered or threatened or is a species of special concern as listed on the Federal Inventory List or Michigan Natural Features Inventory List (MNFI), which is maintained by the Michigan Natural Heritage Program and/or the Michigan Land Conservancy.

28.02.13 **pest** – the full range of dangerous; destructive; or infectious organisms, insects, diseases, pathogens and/or conditions which attack or effect *plants* or which hinder their development as horticultural subjects. This shall include but not be limited to all biotic and/or abiotic agents.

28.02.14 **plant(s)** - any *tree*, shrub, bush, perennial, annual, grass or other vegetation, native or introduced.

28.02.15 **prohibited *plant*s** – Plants that shall not to be planted within the municipal boundaries of the *City of Troy* include the following species and all cultivars thereof (see 28.06.04):

a.	Acer saccharinum	- Silver Maple
b.	Acer negundo	- Box Elder
c.	Acer platanoides	- Norway maple
d.	Ailanthus altissima	- Tree of Heaven
e.	Catalpa speciosa	- Northern Catalpa
f.	Fraxinus spp.	- Ash, all forms
g.	Paulownia tomentosa	- Royal Empress Tree
h.	Populus spp.	- Poplar / Cottonwood
i.	Pyrus calleryana 'Bradford'	- Bradford Pear
j.	Salix spp.	- Willow (excluding shrub forms)
k.	Ulmus	-Elm (excluding cultivars of U. parvifolia & U. americana)

See Temporary Banned plants in the Landscape Design and Tree Preservation Standards section #LD35.01.00.

28.02.16 **protective barrier** – (see figure #1) a minimum four (4) foot tall plastic mesh barrier constructed at the *drip line* of the *plant* to protect the *root system* and/or *trunk* of the *plant* from *damage* caused by but not limited to: construction, vehicular traffic, storage of equipment, debris, soil, fill or other materials. There shall be no undue compression of the earth or otherwise impeding or preventing the access of water or air to the *root system* of the *plant* or excavation around or removal of soil or earth or the addition of earth or any other materials within the *tree protection area* (see 28.02.23). Building material and other debris shall not be placed inside the *tree protection area.*

28.02.17 **public nuisance** - any *plant*:

a. with an infectious disease or *pest* problem that may infect municipal trees.

b. that is dead or dying that has the potential to fall into public spaces.
c. or limb of any plant that obstruct street lights, traffic signs, free passage of pedestrians or vehicles.
d. that poses a threat to the safety of individuals in *public space*s or poses a threat to *City* property.

28.02.18 **public spaces** - public streets, rights-of-way, alleys, avenues, lanes, parkways, sidewalks, walkways, trails, parks, open spaces, lots, retention/detention ponds, drains, streams, museums, bridges, parking lots, or paths within the *City* and all other lands controlled or publicly owned by the *City* or such land privately owned when such land comes within the purview of this ordinance because of the maintenance or continuation of any hazards injurious to property, or individuals in *public space*s or the public interest.

28.02.19 **public utility** - any person, corporation or organization owning or operating any pole, pipe, tower, satellite dish or conduit located in any *public space* or over or along any public easement or rights-of-way for the transmission of electricity, gas, telephone service, inter-net service, or any other means of electronic communication including the television transmission system and/or coaxial C.A.T.V. cable.

28.02.20 **root system** – the part of the *plant*, located within the *plant*s *drip line*, usually but not always underground that holds the *plant* in position, drawing water and nutrients from the soil.

28.02.21 **street tree** - any *tree* growing in the rights-of-way of the *City* of Troy. These *tree*s are generally but not always located between the sidewalk/curb or in the street islands/medians.

28.02.22 **tree** - any self-supporting woody *plant* having one or more defined stems or *trunk*s with a *DBH* of 1.25 inches or more and having a defined crown which customarily attains a mature height of eight (8) feet or greater.

28.02.23 **tree protection area** - the space between the *protective barrier* and the *trunk* of the *plant*. (see 28.02.16 and figure #1). Building material and other debris shall not be placed inside the *tree protection area.*

28.02.24 **trunk** - the main stem or body of a *plant*, to be considered apart from its *root system* and branches. In the case of a multiple trunked *plant*, the stem with the largest *caliper* shall be used for the purpose of this ordinance.

28.02.25 **topping** (also known as: Dead Heading and Severe Crown Reduction)- The reduction of the overall size of a *tree* and/or the severe internodal cutting back of branches or limbs to stubs within the *tree*s crown to such a degree so as to remove the normal *tree* canopy and disfigure the *tree*. *Topping* is not a form of pruning.

28.03.00 Responsibility

The *Director* shall be charged with the duty of enforcing the provisions of this ordinance and shall have exclusive jurisdiction and supervision over all *plant*s planted or growing in *public space*s.

28.03.01 ***Maintain, Preserve or Remove*** - The *Director* shall have the authority and it shall be the *Director's* duty to plant, trim, spray, preserve and remove *tree*s and other *plant*s and grassy areas in *public space*s to insure safety or to preserve the design intent of such *public space*s.

28.03.02 Unless otherwise directed by this or other *City* Ordinance, the *Director* is not required to notify the public of any actions taken when enforcing the provisions of this ordinance.

28.03.03 ***Order to Maintain, Preserve or Remove*** - The *Director* shall have the authority and it shall be her/his duty to order the maintenance, preservation or removal of *tree*s or *plant*s on private property when she/he shall find such *tree* or *plant* to

constitute a *public nuisance*.

28.03.04 ***Unlawful Interference*** - It shall be unlawful for any person to prevent, delay or interfere with the City tree crew, or City contractors while they are engaged in the planting, cultivating, mulching, pruning, spraying, treating, transplanting, or removing any tree on municipal property as authorized in this ordinance.

28.03.05 ***Issue Conditional Permits*** - the *Director* shall have the authority to affix reasonable conditions to the granting of a permit issued in accordance with the terms of this ordinance. Permits issued under this Ordinance shall be obtained through the Department of Parks and Recreation. Any conditions granted by the Director shall be based on current City policies.

28.03.06 ***Supervision*** - The *Director* shall have the authority and it shall be her/his duty to supervise all work done under a permit issued in accordance with the terms of this ordinance.

28.04.00 Permits for Planting, Care and Removal of *Plant*s - *Public Spaces*

The *Director* shall be charged with the duty of issuing and enforcing permits issued to residents, individuals, groups, organizations, companies, and/or corporations for the planting, care and removal of plants in *public spaces*.

28.04.01 ***Preserve, Remove or Treat*** – No person shall trim, spray, transplant, remove or cause/authorize any person to trim, spray, transplant, or remove *tree*s, *plant*s or grassy areas in *public space*s without first filing an application and procuring a permit from the *Director*. This excludes the treatment of turf grasses in Lawn Extensions (28.14.00) with weed/*pest* control and fertilizer when done in conjunction with the adjoining private turf areas.

28.04.02 ***Application Data*** - The application required by this ordinance shall state the number, size and variety of *plants* to be trimmed, sprayed, preserved, transplanted, or removed; the kind of treatment to be utilized, the kind and condition of nearest *plant*s upon the adjoining property. If planting, the application shall include drawings which indicates the variety and number of each *plant* type, the location, *plant* grade, and method of planting, including the supplying of suitable soil or soil amendments. When deemed necessary *Director* reserves the right to request addtional information.

28.04.03 ***Insurance*** - Before any permit shall be issued, each applicant shall first file evidence of possession of worker compensation and liability insurance with the *City*'s Department of Risk Management. The City Risk Manager will set actual amounts and types of insurance required.

28.04.04 ***Standards for Issuance*** - The *Director* shall issue the permit provided for in this ordinance when it is found that the desired action or treatment is necessary, effective, and appropriate and that the proposed method and workmanship is satisfactory and that such action is in conformance with this ordinance, the Landscape Design and Tree Preservation Standards and City Developmental Standards.

28.04.05 ***Permit Issuance*** – This permit shall be issued at the Department of Parks and Recreations, in the Troy Community Center – 3179 Livernois, Troy, MI 48083-5029.

28.04.06 ***Revoking Permit*** - the *Director* may revoke a permit when the permit holder refuses or neglects to comply with any of the provisions of this ordinance, the Landscape Design & Tree Preservation Standards, or specific conditions outlined in the permit.

28.04.07 ***Plant*** - No person shall plant or set out any *tree* or *plant* in *public space*s without first filing an application and procuring a permit from the *Director.*

28.04.08 ***Notice of Completion*** - A notice of work completion concerning all plantings, transplanting, removals, *pest* control or major pruning shall be given by the permit holder, within five (5) days of completion of the permitted work, to the *Director* for inspection and approval. Permit holder will be notified of any required corrections, changes, alterations, or deficiencies. Notification shall include scheduling for required work.

28.05.00 *Plant* Removal - *Public Spaces*

The *Director* shall be charged with the duty of removing or ordering removal of *plant*s in *public space*s:

28.05.01 The *Department* shall have the right to and remove *tree*s and/or *plant*s in *public space*s as may be necessary to ensure safety or to preserve the design intent of such *public space*s.

28.05.02 The *Director* may remove or cause or order to be removed, any *tree* or *plant* or part thereof which is in any unsafe condition or which is a prohibited species, or is affected with any injurious disease, fungus, *pest*, or otherwise be considered by the *City* to be a *public nuisance*.

28.05.03 Whenever the *Department* shall remove a *plant*, solely for the purpose of constructing any public work, the *Director* shall, if practical, replace the same at public expense, at some nearby location by planting another *plant,* but not necessarily of the same type or size.

28.06.00 Duties of Private *Plant* Owners

It shall be the duty of any person, organization, company, group, association, or corporation growing *tree*s and *plant*s within the *City* to:

28.06.01 ***Trim*** - To trim her/his *tree*s and *plant*s so as not to cause a hazard to *public space*s or interfere with the proper lighting of *public space*s by the streetlights.

- **a.** Any overhead portions of a plant/tree shall be a minimum of eight (8) feet above the surface of the street, sidewalk, trail system, or rights-of-way, which ever has the highest elevation and a minimum of one (1) foot off sidewalk (see figure #4).
- **b.** All private *plant*s shall be pruned so that the above ground portions do not extend beyond the property line into *public space*s.
- **c.** Said person shall remove all dead, diseased, or dangerous *tree*s and *plant*s, or broken or decayed limbs which constitute a menace to the safety of the public in *public space*s or which the *City* would otherwise consider a *public nuisance*.
- **d.** *Plant*s installed in the Corner Clearance Zone (see figure #2 & 28.12.00) shall be pruned and maintained to a height not to exceed thirty (30) inches above established street grade for shrubs and the lowest branch on a *tree* shall be eight (8) feet above the established street grade.
- **e.** Private trees planted within thirty (30) feet of municipal property shall be pruned to allow the natural growth and development of the municipal tree.

28.06.02 ***City Trimming*** - The *City* shall have the right to trim any *tree*s and *plant*s on private property which interfere with vehicular and/or pedestrian traffic in *public space*s or the proper spread of light along the street from street lights, or interferes with visibility of any traffic control device / signs or would otherwise be considered by the *City* to be a *public nuisance*. Such trimming is to be confined to that work deemed necessary by the City to eliminate the interference or *public nuisance.* Property

owner will be given 24 hours notice prior to removals unless need for removal is created by an *emergency* or an *imminent danger*. The Property owner shall pay all costs incurred by the City.

28.06.03 ***Private Plants - Diseased, Infested, Damaged, Dead, or Creating a Hazard***
When the *Director* shall discover any *tree* or *plant* on private property within the *City* is creating a *public nuisance (28.02.17),* the *Director* shall serve an order upon the property owner in the manner specified in Section 28.17.00 of this ordinance. This order shall describe the *tree* or *plant*, its location and condition and order the property owner to take such measures as may be reasonably necessary. Such order may require the pruning, spraying or destruction and/or removal of the *tree* or *plant*. Such order may indicate the manner of deposal for all debris created by the required destruction and removal. Every such order shall be completed within ten (10) business days after the notice has been issued, or within such time as may be stipulated in such order as provided in Section 28.17.02. In the event of an *emergency* or *imminent danger* situation the *Director* shall have the authority to take immediate action as is necessary to abate the situation. The Property owner shall pay all costs incurred by the City. The City does not chip private plant debris.

28.06.04 ***Prohibited Plants*** - The general public, individuals, groups, organizations, or corporations shall not plant or cause to be planted any of the *plant*s on the *City*'s *prohibited plant* list (see 28.02.15) or the Temporary Ban List (see Landscape Design and Tree Preservation Standards #LD35.01.00). The Director, on a case-by-case basis, can approve exceptions to this prohibition. Approval by the Director shall be based on current City policies.

28.06.05 ***Tree and* Plant *Protection Prior to Development*** - To prevent the unnecessary destruction of *plant*s and/or *listed species* on land where a building permit or subdivision approval has not been issued, the destruction within any five (5) year period, of more than twenty-five (25%) percent of the *tree*s on any parcel of real property within the *City*, without prior approval of the *Director* shall be prohibited (see 28.08.00, 28.16.02 and Landscape Design & Tree Preservation Standards and the City's Developmental Standards).

28.06.06 ***Chipping or Removal of Plant Debris*** - The *City* does not chip or remove leaves, limbs, stems, logs, roots, or any other debris created by a private *plant* owners or their agents during the maintenance or removing of *plant*s, thereby bring them into conformance to this ordinance.

28.06.07 ***Plant Debris Disposal*** - No individual, group, organization, company, or corporation shall;

- **a.** Dispose in the *City*, *plant* debris, and/or by-products of plants (lumber, logs, firewood, mulch, chips, leaves, etc.) from private or public *plants* that contains dangerous, destructive or infectious *pest*s without first obtaining a permit.
- **b.** Dispose on municipal property any *plant* debris, and/or by-products of plants (lumber, logs, firewood, mulch, chips, leaves, etc.) from private or public *plants* without first obtaining a permit.
- **c.** The *Director* shall have the authority to affix conditions to the granting of the permit issued in accordance with the terms of this ordinance. Affixed conditions shall be based on current City policies.

28.07.00 *Plant* Protection - *Public Spaces*

It shall be the duty of any and all residents, individuals, groups, organizations, companies, and/or corporations within the *City* to protect plantings in *public spaces* so that:

28.07.01 No person shall *damage*, break, injure, mutilate, kill, destroy, transplant, remove, or otherwise deface any *plant*, or set any fire within ten (10) feet of the *drip line* or permit any fire, or the heat from a fire, to injure any portion of any *plant*. No toxic chemicals or other injurious materials shall be allowed to seep, drain, or be emptied on, near, or about any *plant*.

28.07.02 No electric wires or any other lines or wires shall be permitted to come in contact with any *plant* in any manner that shall cause *damage* to the *plant* and no person shall attach any electrical insulation to any *plant*.

28.07.03 No person shall use any *plant* as an anchor except by special written permit from the *Director* and no material shall be fastened to or hung on any *plant*s in *public space*s.

28.07.04 No person shall install, remove, or injure any guard or device placed to protect any *tree*s.

28.07.05 All persons having under their care, custody or control, personal property which may obstruct with the trimming, care, removal or planting of any *plant*, shall, after notice by the *Director*, promptly abate, prior to the time requirement given in said notice, such obstruction in such manner as shall permit the trimming, care, removal or planting of such *plant*s by the *Department*.

28.07.06 At no time will the practice of *topping* be considered appropriate or normal practice for any person, firm or *City* department. *Tree*s severely *damage*d by storms or other causes, or certain *tree*s under utility wires or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the *Director*. This determination shall be based on current City policies.

28.08.00 *Plant* Protection During Development - Public and Private Property

It shall be the duty of any residents, individuals, groups, organizations, companies, developers, and/or corporations developing property within the *City* to protect plantings so that:

28.08.01 During any building, exterior renovation or razing operations, the developer/builder shall erect and maintain suitable *protective barrier*s (see 28.02.16) around all *tree*s, *plant*s, on *public space*s and on private property, so as to prevent *damage* to *plant*s and/or areas intended for preservation. (See figure #1). Building material and other debris shall not be placed inside the *tree protection area (see 28.02.23).*

28.08.02 *Protective barriers* shall not be relocated or removed without prior approval of the *City*.

28.08.03 Silt screen or other acceptable measures shall be placed up slope for the *protective barrier*s. This silt protection barrier shall shield the area of preserved *tree*s or *plant*s from soil sedimentation intrusion into the *tree protection area*.

28.08.04 Where root loss will occur, root prune one foot beyond the *protective barrier*s using a vibrating saw or narrow trencher to make clean cuts. Cutting instrument shall have sharp blades to minimize *damage*. Back fill immediately and cover with three (3) inches of mulch.

28.08.05 When, <u>in isolated incidents</u>, as determined by the City, *protective barriers* may be impractical or ineffectual in protecting *roots* in the *tree protection area (28.02.23),* the developer shall provide temporary buffers as approved by the *City* to prevent *root* damage.

28.08.06 Pruning of preserved trees during development shall be limited to the removal of dead, dying, and/or damaged branches. Where necessary the Developer may, with City permission, prune trees to accommodate construction activities. Upon completion of the development, overall pruning to enhance the quality of the trees

may be done under the guidance and supervision of the City.

28.09.00 Excavations Near *Plants* - *Public Spaces*.

It shall be the duty of any residents, individuals, groups, organizations, companies, developers, and/or corporations working or owning property within the *City* to protect plantings in *public spaces* so that:

28.09.01 ***Excavations and Driveways*** Excavations and driveways shall not be placed within fifteen (15) feet of any existing *tree* without written permit from the *Director*. Any person making such excavation or construction shall erect and maintain a suitable *protective barrier* around the *tree* (see figure #1). Building material and other debris shall not be placed inside the *tree protection area (28-02.23).*

28.09.02 ***Irrigation Systems, Invisible Dog Fences, or any Unauthorized Underground Installation*** - The *City* shall not be responsible for damages to irrigation systems, invisible dog fences or any unauthorized underground installation installed in *public spaces* by private parties.

28.10.00 Covering the Surface near *Trees* - *Public Spaces*.

No person shall place within the *public space* any soil, stone, brick, sand, concrete, or other materials, which will in any way impede the full and free passage of water, air or fertilizer to the *root system* of any *plant* in a *public space*, except a sidewalk or driveway of authorized width and location.

28.11.00 Regulations for New Planting - Public *Spaces*

Work other than that in section 28.08.00 shall be done under a permit issued (see 28.04.00) in accordance with this ordinance, the Landscape Design and Tree Preservation Standards, and City Developmental Standards, shall be performed in strict accordance with the listed terms and with the following regulations for the planting, trimming and care of *tree*s and *plant*s in *public space*s:

28.11.01 *Tree*s must have a *caliper* of 1.5 inches or more for bare rootstock and 2.5 inches or more for container grown/balled and burlapped stock.

28.11.02 *Tree* types shall be selected from Parks and Recreations Recommended Deciduous Trees for Troy list unless otherwise approved by the *Director*. Approval by the Director shall be based on current City policies.

28.11.03 All replacement *plant*s other than *tree*s shall be a minimum of:

a. four (4) inch pot for perennials and non-turf grasses
b. one gallon for all shrubs.

28.11.04 All *tree*s with a *caliper* of two (2) inches or greater must be protected and supported by *tree* guards. (see figure #3)

28.11.05 In rights-of-way, all *tree*s shall be planted on fifty (50) foot centers, unless a special permit is obtained from the *Director* (see 28.04.00). All other plantings on municipal properties shall conform to the City's Developmental Standards. Permit approval by the Director shall be based on current City policies.

28.11.06 All *trees* shall be centered between the sidewalk and curb unless the *Director* issues a permit. Where no sidewalk and/or curb exist, the Director shall approve planting locations. Permit approval by the Director shall be based on current City policies.

28.11.07 No *tree* shall be planted within fifteen (15) feet either side of a driveway that opens onto a public street.

28.11.08 No plant that exceeds thirty (30) inches in height above the lowest established street grade, shall be planted within fifteen (15) feet either side of a driveway that opens onto a public street.

28.11.08 Other than turf grasses, no *tree*s or *plants* shall be planted within fifteen (15) feet of any fire hydrant or as to obstruct the fire hydrant when viewed from the street. Turf grasses planted around a fire hydrant shall be maintained at a mowed height of six (6) inches or less.

28.11.09 No *tree* shall be planted on private property within thirty (30) feet of a *tree* planted in the rights-of-way.

28.11.10 All planting shall be done in accordance with Park and Recreation planting specifications (see figure #3).

28.11.11 All plantings shall conform to Corner Clearance (28.12.00).

28.12.00 Corner Clearance (Visual Barrier Setback)

Property owners in the City shall:

28.12.01 In order that the view of the driver of a vehicle approaching a street intersection is not obstructed, all *plant*s located on the triangle formed by two (2) rights-of-way lines at the intersection of two (2) streets and extending for a distance of twenty-five (25) feet each way from the intersection of the rights-of-way lines on any corner lot within the *City*, shall not be permitted to grow to a height of more than thirty (30) inches from the lowest established street grade, along the legs of the fore mentioned triangle (see figure #2).

28.12.02 *Tree*s may be planted and maintained the corner clearance area, provided that all branches are trimmed for a vertical height of eight (8) feet above the highest established street grade perpendicular to the *tree trunk*.

28.12.03 Any person failing to trim any *plant*s to conformity with this ordinance shall be notified by the *Director* in the manner provided in Section 28.17.01 of this ordinance. Such notice shall require trimming or removal in conformity with this ordinance within the time prescribed in the notice as provided in 28.17.02 of this ordinance. Upon the expiration of such period, the *Director* may cause the trimming or removal to be done and the cost thereof may be collected from the owner of said property as provided in 28.17.06 of this ordinance.

28.13.00 Private *Plant* - Inspection

The *Director* shall have the authority to enter upon private property for the purpose of examining any *plant*s, for the presence of *pest*s and/or to determine if an *emergency* or *imminent danger* situation exists. No *damage*s shall be awarded for the destruction of any *plant*, fruit, or injury to the same, if done by the *Director* in accordance with this ordinance.

28.14.00 Lawn Extensions & Subdivision Entry Islands/Cul-de-sac Islands

Property owners in the City are charged with the responsibility of maintenance of *public spaces* adjacent to their property as follows:

28.14.01 Property owners and/or occupants shall maintain the lawn extensions (see 28.14.02) that abut their property and/or the street island directly in front of their property in a neat and orderly manner in compliance with *City* ordinances. At no time shall property owners and/or occupants allow poison ivy, ragweed or any other poisonous, noxious, or unhealthy growths to occur in the lawn extensions or street island in their care.

28.14.02 Lawn extensions shall be defined as that space between the property line and the curb/road edge.

28.14.03 No person shall willfully injure, destroy, remove, or transplant any *plant*s, or grasses

on any lawn extension / street island or throw papers, refuse, or any other thing thereon.

28.14.04 For other than turf type grasses; the property owner and/or occupants shall apply for a permit to plant in these areas (28.04.00). A proposed maintenance schedule and intended maintained size of the plants shall be provided when applying for permit.

28.14.05 All paved surfaces in the lawn extensions and islands shall be mechanically edged on a regular basis to maintain clean exposed edges and no dirt or other debris shall be allowed to collect on paved surfaces.

28.14.06 Property owners and/or occupants are not responsible for major tree maintenance in the lawn extensions and islands.

28.14.07 Any plantings by developers, property owners, occupants, homeowner's associations, or agents thereof shall conform to 28.11.00.

28.14.08 When necessary based on street layout, additional properties may be required to maintain any street islands. The *Director* shall review and assign responsible properties on a case-by-case basis. Assignments by the Director shall be based on current City policies.

28.15.00 *Tree* Spacing

To promote the awareness of the benefits of effective landscaping in the *City*, the following planting information has been prepared for trees planted on private or municipal property:

28.15.01 The City strongly encourages all *tree*s planted on private property conform to Parks and Recreation's Recommended Deciduous Trees for Troy list.

28.15.02 No *tree* shall be planted on private property within thirty (30) feet of a *tree* planted in the rights-of-way.

28.15.03 ***LARGE TREES*** - *Tree*s that will attain a mature height over fifty (50) feet and at least thirty-five (35) feet wide. These *tree*s should be spaced at least thirty-five (35) feet apart on private property (unless otherwise directed by City Ordinances and/or standards) and fifty (50) feet apart on *public space*s.

28.15.04 ***MEDIUM TREES*** - *Tree*s that will attain a mature height of thirty (30) to fifty (50) feet and at least twenty-five (25) feet wide. These *tree*s should be spaced at least twenty-five (25) feet apart on private property (unless otherwise directed by City Ordinances and/or standards) and as close as forty (40) feet apart on *public space*s if approved by *City*.

28.15.05 ***SMALL TREES*** - *Tree*s that will attain a mature height of fifteen (15) to thirty (30) feet and at least fifteen (15) feet wide. These *tree*s should be spaced at least fifteen (15) feet apart on private property (unless otherwise directed by City Ordinances and/or standards) and as close as thirty (30) feet apart on *public space*s if approved by *City*. Under no circumstance shall a small *tree* be considered for use as a *street tree* unless an overhead utility is involved.

28.15.06 All *tree*s shall have the following setbacks from an overhead utility lines (see figure #5):

- **a.** Large *tree*s shall be planted no closer than fifty (50) feet from the outer most utility line.
- **b.** Medium *tree*s shall be planted no closer than forty (40) feet from the outer most utility line.
- **c.** Small *tree*s may be planted directly under utility lines.

28.16.00 Violation of *Tree* and *Plant* Ordinance –

Except as otherwise provided, any resident, person, group, organization, company, firm or corporation violating the provisions of this Chapter is responsible for a Municipal Civil Infraction

and subject to the provisions of Chapter 100 of the Code of the City of Troy.

28.16.01 ***Penalties for Unauthorized Removals of Plants - Public Spaces***

a. Any person violating or causing to be violated any of the provisions of this ordinance including but not limited to any person cutting down or removing *tree*s or *plant*s without personally seeing a copy of a valid permit authorizing such cutting down or removal of the *tree*s or *plant*s shall be subject to a fine of up to $500.00 per offense, depending on the commercial and/or historical value of such *tree*s and *plant*s.

b. Each *tree* or *plant* destroyed or removed in violation of this ordinance shall be considered a separate offense.

c. In the case of unauthorized removal or destruction of *tree*s or *plant*s, in addition to the fine, each *plant* destroyed or removed in violation of this ordinance shall be replaced with another like *tree* or *plant*. If the responsible party is unable to locate similar sized, type, or quality plant materials, she/he may request a variance from the *Director*. If the *Director* grants a variance, the party replacing the *plant*s will pay the *City* the cost difference between the value of the destroyed *plant* and the value of the replacement. The latest revision of the Guide For Plant Appraisals as published by the International Society of Arboriculture shall be used to determine the value of the destroyed *plant*. Variances approved by the Director shall be based on current City policies.

28.16.02 ***Penalties for Unauthorized Removals or Damage to Plants during or before Development- Public Spaces and Private Property***

Performing any *plant* removals and/or damaging any plants designated for preservation during development or on sites not yet designated for development (28.06.05), found to be in violation of this Ordinance, Tree Preservation Standards or any other developmental standards shall result in the following penalties:

a. Payment of the Tree Preservation / Landscape Review Penalty Fee as found in Chapter 60.

b. Replacement of *tree*s and *plant*s by the property owner will be required when any removal is in violation of this ordinance, and/or the Tree Preservation Standards. Replacement tree varieties shall be selected from the City's *Recommended Deciduous Trees for Troy* list.

c. The property owner must submit for approval a list of replacement *plant* varieties for review by the City. Approval of the list of replacement *plant* varieties shall be based on current City policies.

d. All replacement *tree*s shall have a minimum *caliper* size of four (4) inches.

e. Property owner will be required to replace trees at a rate of three (3) *caliper* inches for each inch *DBH* lost.

f. Amount of inches *DBH* lost will be determined by:

1) City approved Tree Preservation plan if previously submitted and approved prior to removals, otherwise see 28.16.02f2
2) Onsite inspection by City Staff. If staff is not able to make an accurate assessment due to site conditions, see 28.16.02f3
3) Inches of *DBH* lost will be assessed at a rate of 1089 inches *DBH* per acre.
4) Or any combination of above as determined necessary by City Staff to make a reasonable assessment of lost inches *DBH*

g. All replacement *plant*s other than *tree*s shall be a minimum of:

1) one (1) gallon for perennials and non-turf grasses

2) five (5) gallon for all shrubs

h. Planting locations for replacement *plant*s shall be staked by the property owner and approved by the *Director* before any replacement plantings occur. Location approvals shall be based on current City policies.

i. Replacement plantings shall conform to "American Standard for Nursery Stock".

j. *Plant*s selected for use as replacements shall be free from injury, *pest*s, diseases, and nutritional disorders, root defects and must be in good vigor. The *Director* reserves the right to reject any or all *plant*s used as replacements. All rejected *plant*s shall be removed from the site. Rejection of plants shall be based on this ordinance and current City policy.

k. All replacement *plant*s shall carry a two-year unconditional guarantee.

l. All replacement *plant*s shall be planted as per Parks & Recreation specification. Copies of these specifications shall be obtained from the *Director*.

m. All plantings shall conform to Corner Clearance sec #28.12.00 of this ordinance.

28.16.03 ***Failure to Maintain Approved Plantings in Public Spaces***

Approved plantings in *public spaces* found to be poorly maintained shall, upon order by the City, be removed by the parties responsible for the maintenance and the site restored to turf or other City approved ground cover (plants or mulch). Failure to comply, see 28.17.05.

28.16.04 ***Penalties for Damaging Plants - Public Spaces***

Any person or persons who cause *damage* to any *City tree*s and/or *plant*s by the improper use of any machines, automobile, chemicals, or other activities shall be held liable for *damage*s to said *tree*s and *plant*s. *Damage*s shall be corrected, repaired and/or replaced by the *Department* as instructed by the *Director*. All costs incurred by the *City* for corrections, repairs, and replacements including administrative and process costs, shall be billed to the person or persons responsible for the *damage*s. Should the *City* choose not to replace *damaged plant*s, the person or persons responsible for said *damage* shall be billed for the value of the *plant*s as determined in accordance with the latest revision of the Guide for Plant Appraisal (issued by the Council of Tree and Landscape Appraisers) and/or cost estimates for repairs/replacement, including all administrative costs.

28.17.00 Procedure for Ordering Action on Violations of *Tree* and *Plant* Ordinance

When the *Director* shall find it necessary to order the trimming, preservation, spraying or removal of *plant*s on private property or in *public spaces,* as authorized by this ordinance he shall serve a written order on the property owner in which the necessary corrections and time limits are listed.

28.17.01 Such order required herein shall be served in one of the following manners:

a. By making personal delivery of the order to the property owner.

b. By leaving the order with some person of suitable age and discretion upon the premises.

c. By mailing a copy of the order to the last known address of the owner of the property by registered mail.

d. By affixing a copy of the order to the door at the entrance to the premises in violation.

e. By publishing the order in a local paper once a week for three (3) successive

weeks.

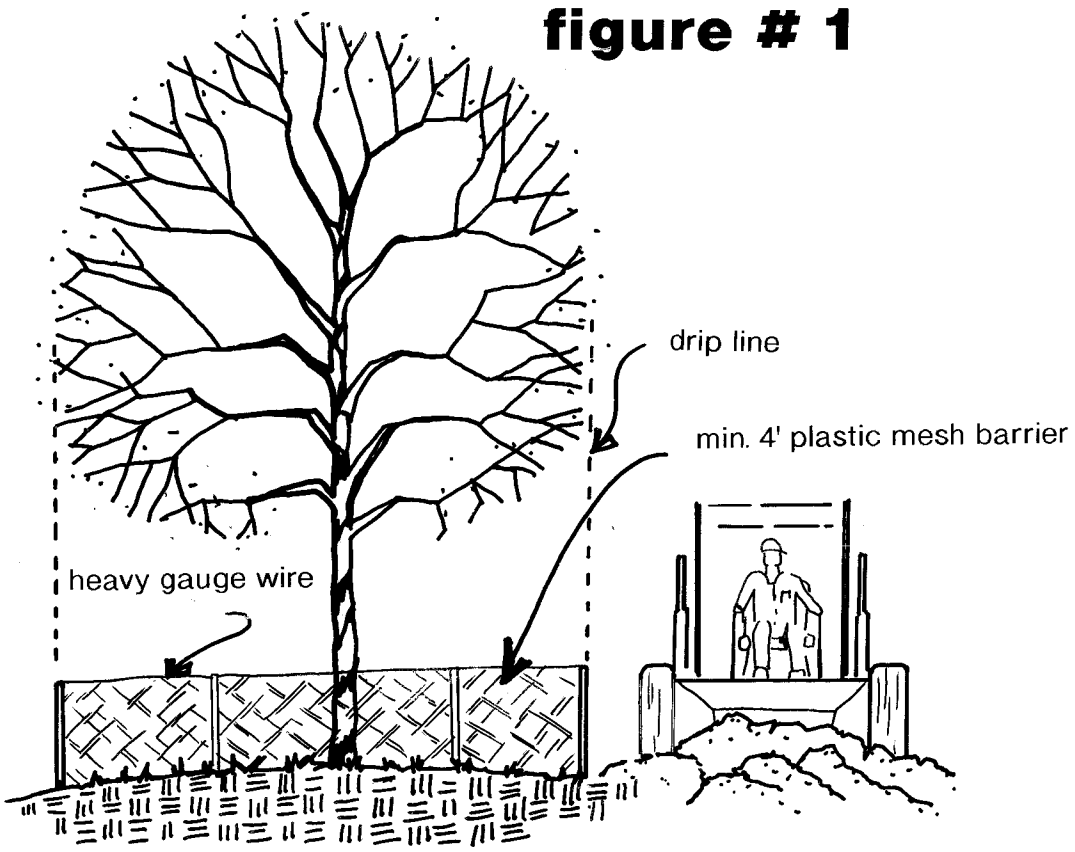
28.17.02 ***Time for Compliance*** - Such order shall set forth a time limit for compliance dependent upon the hazard and danger created by the violation. In no case shall the time limit be less than ten (10) business days, except in case of an *emergency* or an *imminent danger*, nor more than thirty (30) calendar days. In case of *emergency* or *imminent danger* the *City* shall eliminate or lessen the hazard and assess the costs to the owner as provided in Section 28.14.11 of this ordinance.

28.17.03 ***Notice of Compliance*** - Cited individual shall send a notice of compliance within five (5) days of completion of work to the *Director* for her/his inspection of completed work.

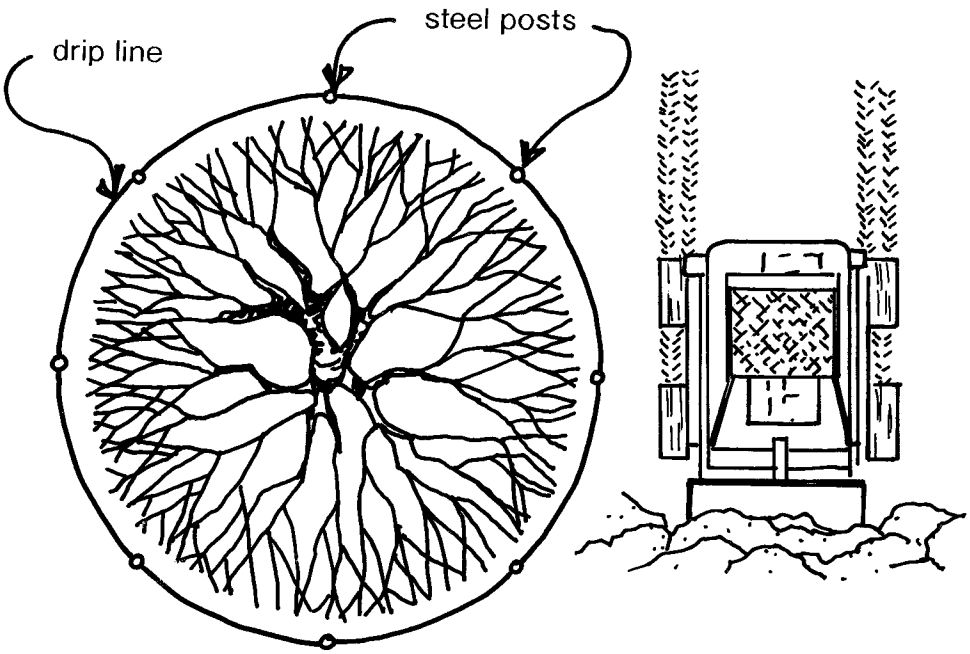
28.17.04 ***Appeal from Order*** - A person to whom such an order is directed shall have the right, within forty-eight (48) hours of service of such order, to appeal to the *City* Manager, of the *City* of Troy who shall review such order within five (5) business days and file her/his decision with the *City* Clerk with a copy to the *Director* of Parks and Recreation and to the appellant which shall be served in any of the methods provided in sec. # 28.17.01; unless the order is revoked or modified it shall remain in full force and shall be obeyed by the person to whom it is directed. No person to whom the order is directed shall fail to comply with such order within ten (10) business days or such additional time as prescribed in the order after an appeal shall have been determined. In the case of *imminent danger*, as described above, the *Director* shall have the authority to require compliance immediately upon service of the order which expressly dictates that the matter is of *imminent danger*.

28.17.05 ***Failure to Comply*** - When a person to whom an order is directed shall fail to comply within the specified time, or in the specified manner, the *Director* shall remedy the conditions or contract with others for the purpose and charge the costs thereof to the person to whom the order is directed. The person remedying the condition under a contract made with the *City* shall be authorized to enter the property for that purpose.

28.17.06 ***Lien Against Property*** - If the cost of remedying a condition is not paid within thirty (30) days after receipt of a statement from the *City*, such cost shall be levied against the property upon which said hazard exists or existed. Levying of such cost shall be certified by the *Director* to the *City* Treasurer and shall become a lien upon such property, and shall be included in the next tax bill rendered to the owner or owners unless paid before, and shall be collected in the same manner as other taxes against such property.



Tree Protection Area study



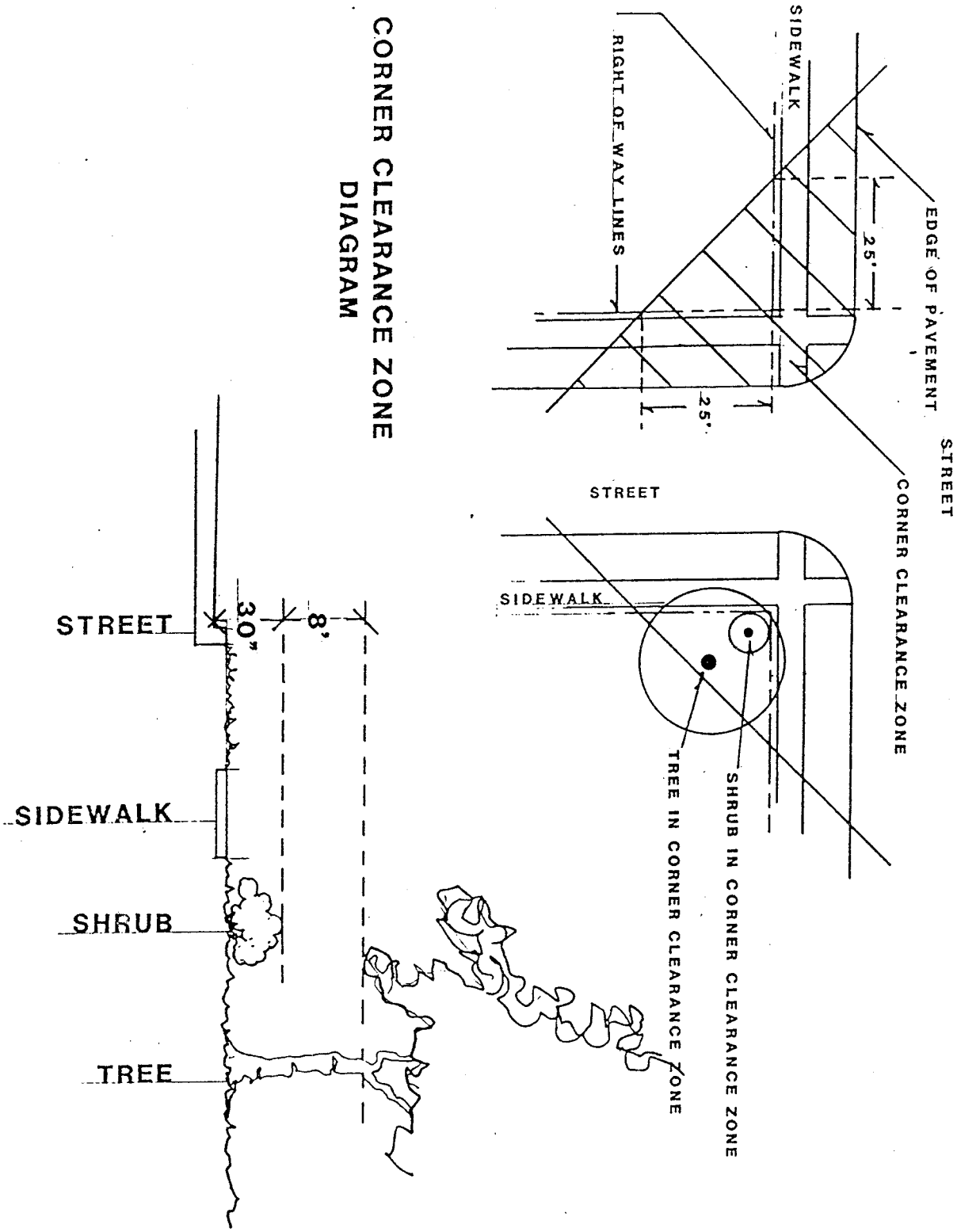
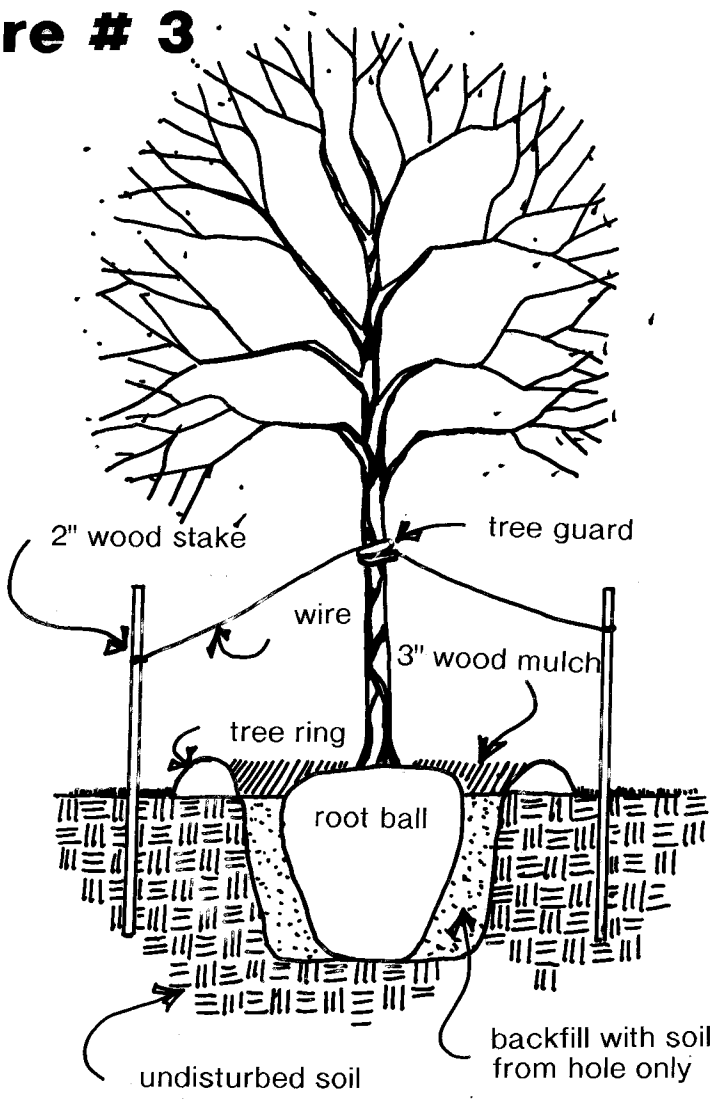
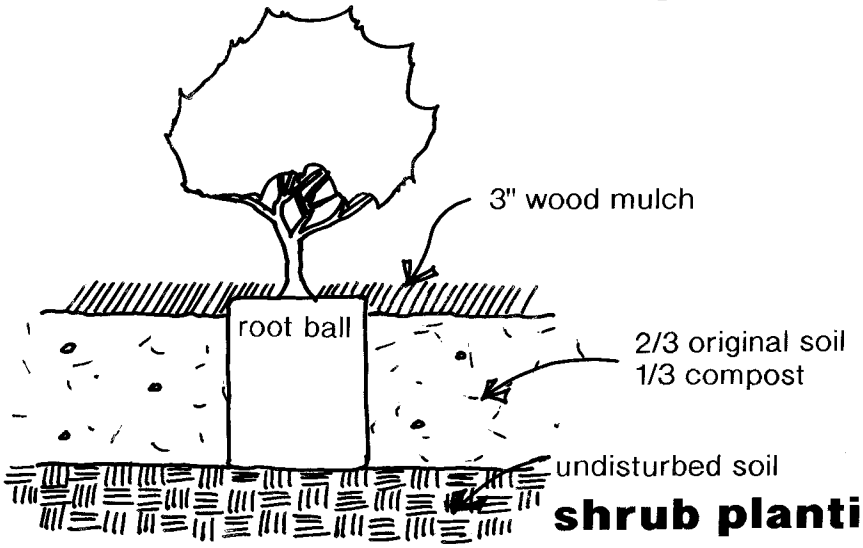

STREET
CORNER CLEARANCE ZONE
EDGE OF PAVEMENT
25'
SIDEWALK
RIGHT OF WAY LINES
25'
STREET
SIDEWALK
SHRUB IN CORNER CLEARANCE ZONE
TREE IN CORNER CLEARANCE ZONE
CORNER CLEARANCE ZONE
DIAGRAM
STREET
30"
8'
SIDEWALK
SHRUB
TREE

figure # 2

figure # 3

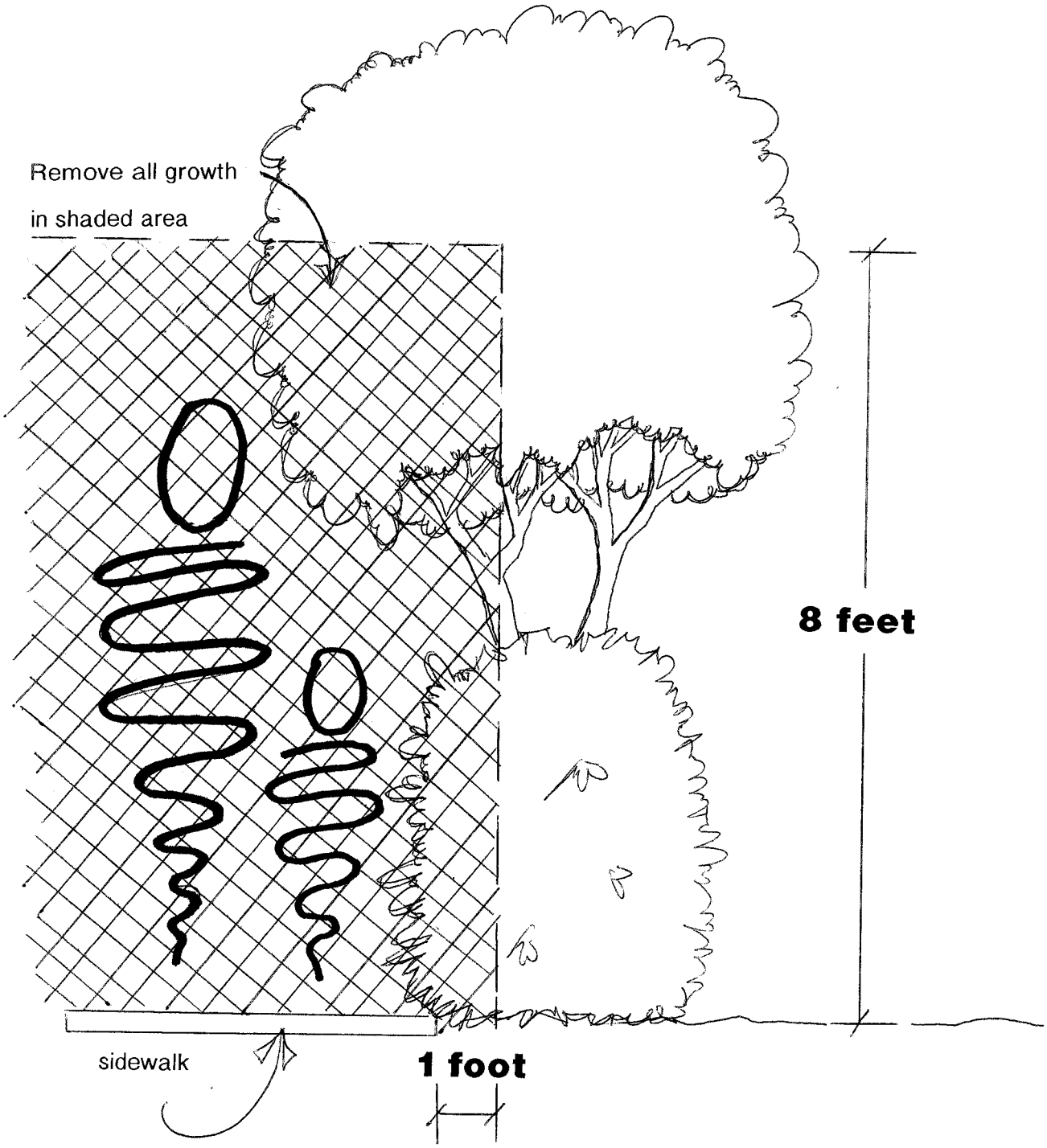


tree planting study



shrub planting study

figure # 4



Area to be cleared.

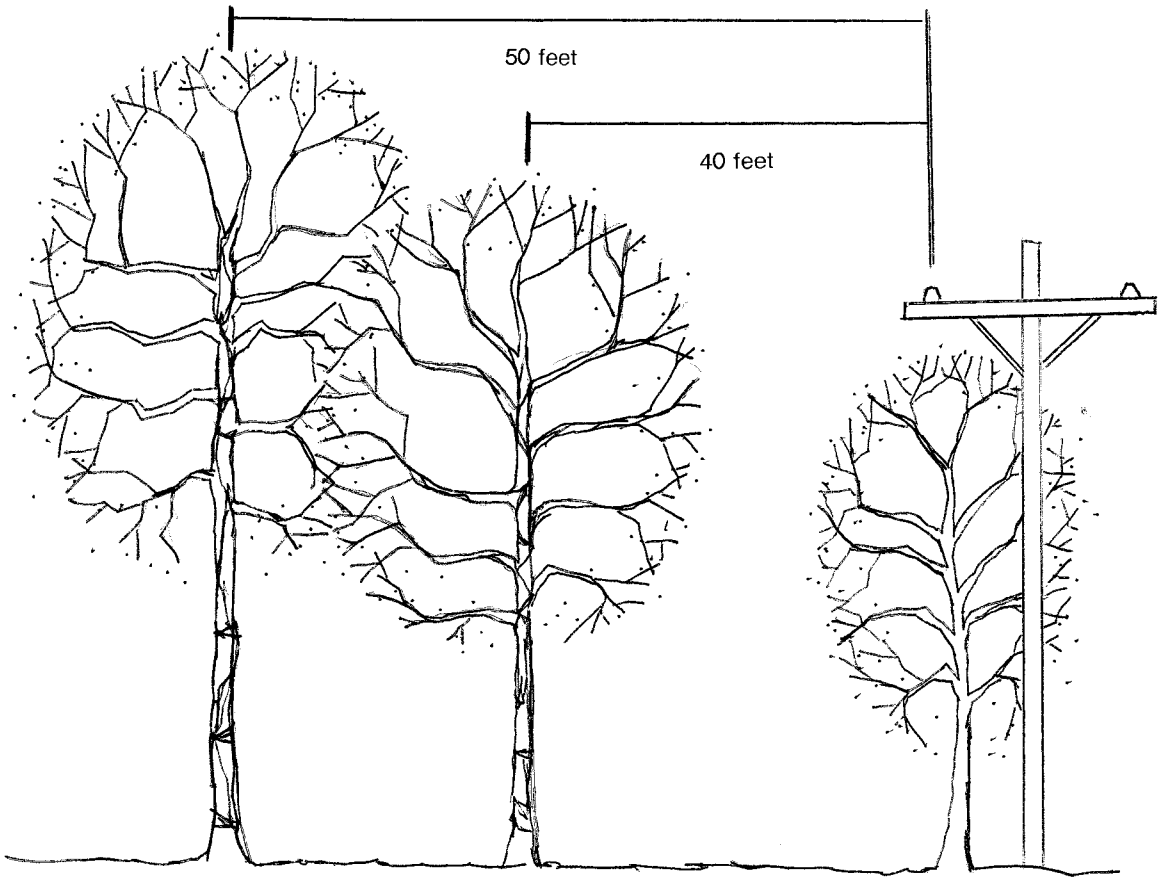


figure # 5

Landscape Design and Tree Preservation Standards

Adopted 09/15/75
Revised 01/13/77
Revised 11/03/86
Revised 03/16/87
Revised 02/12/96
Revised 03-13-06

Changes as of 3-13-06

Reviewing Agency:

City of Troy
Parks and Recreation Department

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Tree Preservation / Landscape Submittal / Approval Process Outline

Preliminary Site Plan Approval

1. Developer submits three (3) copies of **Preliminary** Tree Preservation plan (**PTPP**)(LD6.00.00, LD9.00.00) to Parks and Recreation (P&R) or submits written request for for variance (LD3.00.00) or Waiver of Tree Preservation Standards (LD5.00.00).
2. P&R reviews **PTPP** or request for waiver and validates the survey.
3. P&R comments, if any, will be forwarded to Planning & Building Departments.
4. Developer resubmits three (3) copies of revised **PTPP** plan based on P&R comments. If no comments go to #5.
5. P&R approves PTPP and signs off on preliminary sign off sheet.

Final Tree Preservation / Landscape Plan Approval

6. Developer submits three (3) copies of the **Final** Tree Preservation / Landscape Plan **(FTPLP**)(LD7.00.00, LD10.00.00), Construction Drawings (LD11.00.00), planting specifications (LD12.00.00) and line item cost estimates (commercial only) (LD13.00.00) to P&R.
7. P&R comments, if any, will be forwarded to Planning and Building Departments.
8. Developer resubmits three (3) copies of revised **FTPLP**. If no comments go to #9.
9. For commercial properties, P&R sets and collects Review fees (LD18.00.00) and Landscape Deposits (LD19.00.00). For sub-divisions, required landscape deposits are collected by the Engineering and/or Planning Department.
10. P&R signs off on Final project sheet.

Work Begins

11. P&R advised twenty-four (24) hours prior to tree clearing operation (LD20.02.00).
12. P&R monitors tree removal
13. P&R advised twenty-four (24) hours prior to landscaping operations (LD22.00.00)
14. P&R monitors installation of landscape.

Landscape Inspections called

15. Commercial Properties

- **a.** Developer calls for First Implementation Inspection (**FII**)(LD26.00.00).
- **b.** P&R comments based on **FII** forwarded to Building Department. If no comments **FII** shall be considered the Final Implementation Inspection.
- **c.** Developer calls for Final Implementation Inspection (LD27.00.00)
- **d.** P&R forwards comments to Building Department, if necessary, based on inspection.
- **e.** P&R approves implementation and releases Implementation Deposit, collects Maintenance Deposit (LD19.00.02) and advises Building Department that P&R approves issuance of Certificate of Occupancy.
- **f.** Minimum of twelve (12) months, maximum of thirty-six (36) months later, Developer calls for Maintenance Inspection (LD28.00.00). ***Deposit is forfeited after 36 months***.
- **g.** P&R forwards comments based on Maintenance Inspection to Developer.
- **h.** Developer calls for re-inspections.
- **i.** If P&R approves Landscape, Maintenance Deposit is refunded.

16. Subdivisions

- **a.** Developer calls for **FII** (LD26.00.00).
- **b.** P&R comments based on **FII** forwarded to Developer. If no comments **FII** shall be considered the Final Implementation Inspection.
- **c.** After implementation of City comments, Developer calls for Final Implementation Inspection (LD27.00.00)
- **d.** P&R forwards comments to Developer, if necessary, based on inspection.
- **e.** P&R approves implementation and authorizes release of 90% appropriate landscape deposits. Note, subdivision guaranteed see 34.00.00i

Landscape Design and Tree Preservation Standards

LD1.00.00 ***Introduction - It*** is the intent of the City Code Chapter 28, and Chapter 39, Section 12.60.01; 11.50.05; 12.60.02; 13.60.00; 15.60.00; 16.60.00; 17.60.00; 39.30.01-07; 10.30.03 (C); 18.30.03 (B); 10.30.01 (E); 22.30.01 (B); 24.30.06 (B) and Chapter 41, Sections (E) and (F) to obtain an environment which is responsive to human needs, socially positive, economically viable and environmentally satisfying. Additionally these standards promote reasonable preservation and replenishment of landscaping in developments, commercial properties and municipal grounds by providing guidelines for protection of plants during construction, development and redevelopment.

The reviewing agency for these standards is the City of Troy Parks and Recreation Department (248-524-3484).

These Standards apply to any person or persons developing a subdivision or commercial property, and to individuals purchasing developed or undeveloped commercial property and/or developed or undeveloped residential property. Previously owned and occupied houses are exempt.

LD2.00.00 *Circumstances for Variations* - These Standards are not intended to be arbitrary or inhibiting to creative solutions. Project conditions may justify modifications of these standards when conditions arise where full compliance is impossible or under circumstances where achievement of the City's objectives can be better obtained through modified requirements. Therefore, in specific cases, variation from the requirements may be permitted by the Director of Parks and Recreation when this variation more fully achieves the objective contained herein and when one or more of the following conditions justify the variance*:*

LD2.01.00 Topography, soil, or other site conditions are such that full compliance is impossible.

LD2.02.00 Improved environmental quality, and/or utility would result from the variance.

LD2.03.00 Alternate methods, materials or equipment may be used when their use would more closely fulfill the intended objectives of these standards.

LD2.04.00 Lack of existing native vegetation within the limits of the property.

LD3.00.00 Request for Variance

A request for variance must be submitted to the Director of Parks and Recreation in writing at the beginning of the review procedure, describe completely the rationale for the variance request.

LD3.01.00 Special Conditions - Because of various conditions in a specific project, the Director of Parks and Recreation may require compliance with standards other than those contained herein, in order to obtain those characteristics of viability,

utility, service, public safety, and low maintenance expense, while satisfying its objectives and to ensure continued market acceptance of the project.

LD4.00.00 **Federal and State Standards -**It should be noted that where Federal and/or State Standards pertain, the higher standard shall govern. An example of a possible higher standard would be the Federal Government's Endangered Species Act.

LD5.00.00 **Request for Waiver of Tree Preservation Standards** - If there are no trees on the site, the Developer may request relief from conforming to the tree preservation portion of these standards by requesting a waiver. Written requests should be directed to the Parks and Recreation Department. City staff will evaluate the waiver request and the Developer will be advised of the findings.

LD6.00.00 **Preliminary Tree Preservation Plan – General Requirements.** The preliminary tree preservation plans shall conform to this format. Three (3) copies shall be provided to the Department of Parks and Recreation, at the time of each submittal.

LD6.01.00 **Title block shall include:**

- **a.** Project name, address (if currently assigned) and Sid well numbers
- **b.** Project location map with a scale of 1" = 200'
- **c.** Name of the Developer, address, phone and fax number
- **d.** Name or Project Engineering Firm, address, phone and fax number
- **e.** Name, address, phone and fax number of Landscape Architect, Designer and/or Tree Appraiser
- **f.** Zoning Classification of the project

LD6.02.00 **Information to be included on all other sheets**

- **a.** Number
- **b.** Scale
- **c.** North Arrow (except on detail sheet)
- **d.** Title
- **e.** Legend
- **f.** Property Lines
- **g.** All structures existing on the site
- **h.** Proposed and existing easements, utilities, rights-of-ways and building envelopes.
- **i.** Adjacent land use
- **j.** Label existing topographic contours on preliminary plans
- **k.** Attach relevant sections of Consent Judgment if applicable.
- **l.** See LD9.00.00 for additional required information

LD7.00.00 **Final Tree Preservation / Landscape Plan - General Requirement** The Final Tree Preservation and Landscape plans shall conform to this format. Three (3) copies shall be provided to the Department of Parks and Recreation, at the time of each submittal.

LD7.01.00 **Title block shall include:**

- **a.** Project name, address (if currently assigned) and Sid well numbers

b. Project location map with a scale of 1" = 200'
c. Name of the Developer, address phone and fax number
d. Name or Project Engineering Firm, Landscape Architect/Designer, addresses, phone and fax numbers.
e. Zoning classification of the project

LD7.02.00 **Information to be included on all other sheets**

a. Number
b. Scale - commercial/individual lots min. 1" = 30', max. 1" = 5' Subdivisions min. 1" = 100'
c. North arrow (except on detail sheet)
d. Title
e. Legend
f. Property lines
g. Structures to remain or to be built on the site
h. Proposed and existing easements, utilities, rights-of-ways and building envelopes.
i. Adjacent land use
j. Label existing topographic contours on preliminary plans
k. Label existing and proposed topographic contour lines on final plans.
l. Location and number code of preserved trees (see also 8.02.04)
m. Location of reforested trees – must be called out.
n. Plant list indicating quantity, botanical name, size, condition (bare root, container/size, B&B, etc.),
o. Planting specifications
p. Attach relevant sections of Consent Judgment if applicable.

LD8.00.00 **Tree Preservation Options -** Developer shall use one of the following options or a combination thereof:

LD8.01.00 Preservation of 30% of ***total site DBH inches***. (see LD8.04.00)

LD8.01.01 ***Total site DBH inches*** shall be the total number of DBH (diameter at breast height) inches existing on the site for all trees four (4) inches DBH and up.

LD8.02.00 Replacement of 30% of total site DBH (see LD8.01.01) with new plantings (A.K.A. *Reforestation Plantings*) at a rate of one (1) DBH inch = one and one half (1 ½") caliper inches. (see LD 8.05.00)

LD8.03.00 Should the site be unable to accommodate all or part of the required *Reforestation Plantings*, upon approval by the City, the Developer may pay into the City's Tree Fund at a rate of one (1) DBH inch = two (2) caliper inches, multiplied by the Tree Reforestation Dollar Value (TRDV) (see LD8.01.04) as set annually by the City.

a. Example - 1000 Total Site DBH inches X 2 X TRDV = amount to be paid into City Tree Fund.

LD8.03.01 2006 Tree Reforestation Dollar Value (TRDV) = $114.00

LD8.04.00 **Trees Preserved -** If the Developer chooses to preserve existing trees, tree selection shall be based on the following:

LD8.04.01 Trees to be considered preserved shall be within the size range of four (4) inches DBH and up.

LD8.04.02 Preserved trees shall not be on the City's prohibited species list. Trees on the prohibited species list can be maintained but will not be considered preserved trees.

LD8.04.03 Any tree that is endangered or threatened, or is a species of special concern as listed on the Federal Inventory List or Michigan Natural Features Inventory List (MNFI), which is maintained by the Michigan Natural Heritage Program and/or the Michigan Land Conservancy shall be preserved.

LD8.04.04 Any tree of a unique nature, size, or type that by its presence enhances the quality of the overall landscape design. These trees shall be called out on the Preliminary Tree Preservation Plan and Final Tree Preservation / Landscape Plan. The City reserves the right to remove these trees from the list of preserved trees.

LD8.04.05 Trees to be preserved shall be in good to fair condition at the time of development.

LD8.04.06 At the City's discretion, <u>any tree</u> can be removed from the proposed list of preserved trees.

LD8.05.00 ***<u>Reforestation Plantings</u>***

Reforestation Plants shall conform to the following:

LD8.05.01 Size -

- **a.** Deciduous shade - minimum of 2 ½" caliper
- **b.** Deciduous flowering – minimum 1 ½" caliper
- **c.** Coniferous – minimum of 8 feet tall

LD8.05.02 Deciduous tree varieties shall be selected from the City's <u>Recommended D*eciduous Trees for Troy*</u> list. Proposed tree varieties not found on the City's list must be approved by the City

LD8.05.03 Front, back and side yards are the primary planting locations.

LD8.05.04 If the Developer proves to the City's satisfaction that the required number of trees cannot be located in these areas, the City reserves the option of assigning additional planting sites within the project boundaries.

LD8.05.05 Reforestation trees shall be a minimum of thirty (30) feet away from the right-of –way.

LD8.05.06 Reforestation trees shall not be planted in easements.

LD8.05.07 In areas with above ground utility lines, trees with a matured height of more than twenty (20) feet <u>shall not</u> be planted within fifteen (15) feet of the utility poles. (see City Ordinance 28.15.06)

LD8.05.08 Reforestation trees shall not be incorporated into any green belts, non-access green belts, detention ponds, street planting, medians, cul-de-sac planting or any other landscaping required by the Developmental Standards without City approval. If approved (see LD8.03.04) the trees will be used to augment not replace required landscaping.

LD9.00.00 Preliminary Tree Preservation Plans – Specific Requirements

Preliminary Tree Preservation plans shall be submitted to the Director of Parks and Recreation when making the submittal to the Planning and or Building Department for Preliminary Site plan review for a building project or when the Preliminary plan for a subdivision is submitted for review.

LD9.01.00 Plan shall include:

- **a.** All information listed in LD6.00.00
- **b.** Location of all trees four (4) inches DBH and larger within the projects property lines and all trees on adjoining properties that have drip lines

extending onto the site, shall be located on Preliminary Tree Preservation plan. Each tree shall be number coded.

c. Table of trees shall be created indicating tree number code, DBH, species (maple, elm, spruce, etc.) and condition (good, fair, poor)

d. Total site DBH for all trees four (4) inch and greater shall be included with above listed table.

e. Copies of relevant sections of Consent Judgment if applicable.

LD10.00.00 **Final Tree Preservation / Landscape Plan Specific Requirements**

It is the intent of the Final Tree Preservation / Landscape plan to indicate location of preserved and/or reforested trees and show their relationship to the projects overall landscaping. Additionally, this plan will delineate all required and/or proposed landscaping

LD10.01.00 Final Tree Preservation/Landscape plan shall include the following:

a. Base sheet information, as indicated in LD7.00.00.

b. Location of trees to be preserved as per these standards and/or locations of reforestation plantings.

c. Plant list. The plant list can be printed on the plan or can be typed and attached to each of three (3) sets of plans submitted for review. Plant list shall include:

1. Botanical name
2. Common name
3. Plant size
4. Number of each plant variety used
5. Condition
   - **a.** Balled and burlapped
   - **b.** Bare root
   - **c.** Potted
   - **d.** Container grown

LD10.01.01 All plants shall be identified with the proper botanical name. This requirement does not preclude the use of a key system method of identifying plant materials on the plan.

LD10.01.02 Planting details shall be provided for each plant group to be installed on the site (shade/flowering trees, shrubs, evergreens, perennials, ground covers, annuals, etc.)

LD10.01.03 The City reserves to right to reject any proposed plant materials or proposed planting locations.

LD10.01.04 A break down of the Tree Preservation option(s) used and shall also indicate:

a. Option(s) used

b. Total Site DBH inches (see LD8.01.01)

c. Number and size of trees preserved, or replanted, or amount to be paid into City Tree Fund

d. <u>Show calculations for all options used</u>

e. Construction drawings (11.00.00), landscape planting specifications (12.00.00) and cost estimates (13.00.00) shall be submitted at the same time as Final Tree Preservation / Landscape Plan.

LD11.00.00 Construction Drawings - All construction (engineering) drawings and specifications shall conform to the City of Troy Development Design Standards and the Landscape Design and Tree Preservation Standards.

LD12.00.00 Landscape Planting Specifications - The Developer is required to provide a copy of the landscape planting specifications that will be employed during the implementation of the project. If these specifications are found to be insufficient, the proper changes are required to be made before the landscape plans will be approved.

LD13.00.00 Cost Estimate - Landscaping (commercial only) – An itemized estimate covering the costs of all landscaping (hardscape and softscape) scheduled for the project shall be submitted with all landscape plans. The cost estimate shall be in the form of a line item cost break out. A single total cost for the project is not acceptable. Irrigation shall not be included in the cost estimates.

LD14.00.00 Submittal Requirements - It is the intent of the Landscape Design Standards to inform the Developer of submittal requirements, review procedures, fees and inspections and guarantees. It should be noted that strict adherence to the procedures outlined herein will ensure expeditious processing of plans and thereby minimize the need for project modifications.

LD15.00.00 The Reviewing Body - The Tree Preservation Plans, Landscape Plans, cost estimates, construction drawings, details, and specifications will be reviewed by the Director of Parks and Recreation or her/his designated agent.

LD15.01.00 All submitted drawings, and supporting documentation shall be reviewed for:

- **a.** Conformity to all current City Ordinances and Standards.
- **b.** Aesthetic quality.
- **c.** Appropriate selection and use of all plants.
- **d.** Due to the unique natural of each site, no one set of ordinances or standards can cover all contingencies. The City reserves the right to critic any aspect of the proposed design. The Designer/Developer shall resolve any issues brought to their attention by the City.

LD16.00.00 Submission for Review

It is required that all landscape data be submitted, reviewed and approved before any Building permit / Final Site Approval can be issued. <u>No tree regardless of size, shall be removed until the Final Site Approval is issued (see 28.06.05).</u>

LD16.01.00 Three (3) copies of required plans, planting specifications (statements that outline the procedures that will be used to install all plant materials and other landscape elements) and itemized cost estimates will be submitted to the Parks and Recreation Department.

LD16.02.00 On-site changes of an approved landscape plan may be made using the following:

- **a.** The City of Troy must approve all changes.
- **b.** Prior to any deviation from the accepted plan, the City of Troy must be contacted and asked for an evaluation of the proposed change.

c. In projects where deviation from the accepted landscape plan has been approved, the Developer shall forward as-built drawings to the City of Troy prior to the implementation inspection.

d. Any changes made to the required plans, specifications, details, and/or cost estimates after the issuance of Final Site Approval could delay the issuance of the Final Certification of Occupancy, and release of the Implementation and/or Maintenance Deposits.

LD17.00.00 Changes in a Landscape Plan Resulting from Review Process - Any changes required by the reviewing body must be included in three (3) complete sets of revised plans to be submitted to Parks and Recreation, along with the revised specifications and cost estimates.

LD18.00.00 Tree Preservation / Landscape Plan Review Fee

The Tree Preservation / Landscape Plan Review Fee is based on the total (gross) acreage of the project. Final Site approval will not be issued until this fee is paid. The non-refundable fee will be charged at the rate of:

a. Less than five acres - $400.00

b. Five acres or more - $50.00 per acre with a minimum charge of $400.00

LD18.01.00 **Tree Preservation / Landscape Plan <u>Penalty</u> Review fee:**

a. Less than five acre - $800.00

b. Five acres or more - $100.00 per acre with a minimum charge of $800.00

LD19.00.00 Landscape Deposits

Landscape Deposits listed in this section are for all sites <u>other than sub-division</u> developments. Final Site approval will not be issued until this deposit is made.

LD19.01.00 **Implementation Deposit** – After the Final Tree Preservation / Landscape Plans, planting specifications and cost estimates have been approved, and prior to the issuance of Final Site Approval, the Developer shall post with the City of Troy an Irrevocable Bank Letter of Credit and/or cash deposit that will serve as the Implementation Deposit.

LD19.01.01 The amount of Implementation Deposit shall be determined by the Parks and Recreation Department based on the following percentages:

a. Forty-five (45) percent of the total project's landscaping costs of $3999.99 or less

b. Twenty-five (25) percent of the total project's landscaping cost of $4000.00 or more.

LD19.01.02 **No inspections shall be made if Bank Letter of Credit has expired.**

LD19.02.00 ***Maintenance Deposit*** – Once the Final Tree Preservation / Landscape plan has been fully implemented and the implementation has been approved by the City of Troy (LD27.00.00), the City of Troy shall release the Landscape Deposit less the M*aintenance Deposit*. Twenty (20) percent of the total estimate or $1000.00 (whichever is greater) shall be posted as a Maintenance Deposit with the Parks and Recreation Department prior to the issuance of the final Certification of Occupancy. <u>The Property Owner/Developer is responsible for requesting all inspections</u>

LD19.02.01 Final inspection of the landscape for release of Maintenance Deposit

may be called for one year after receiving implementation approval. The Property Owner/Developer is responsible for requesting all inspections

LD19.02.02 The intent of this requirement is to ensure that all dead, dying, diseased and/or weakened plant materials found during the Final Maintenance Inspection shall be replaced with viable plant materials during the next acceptable planting season. Additionally, it ensures that the site has received proper landscape maintenance.

LD19.02.03 The Irrevocable Bank Letter of Credit and/or cash deposit will be held for a minimum of one year. The Developer/Property Owner is responsible for requesting inspections. The Developer/Property Owner will be notified by the City of any replacements / repairs / corrections required. The replacements / repairs / corrections to the landscape shall be made within thirty days of notice unless approved by City.

LD19.02.04 When the replacements / repairs / corrections have been made to the satisfaction of the City, the Bank Letter of Credit and/or cash deposit will be released, and a final project approval will be forwarded to the Building Department.

LD19.02.05 Failure on the part of the Property Owner to comply with these standards may result in the forfeiture of either or both of the Irrevocable Letters of Credit and/or cash.

LD19.02.06 Should it be found that the Bank Letter of Credit has expired before the City has performed the Final Implementation Inspection and approved the landscape, the amount of the appropriate deposit and all administrative costs, may (at the City's discretion) be levied against the property.

a. Levying of such cost shall be certified by the Director of Parks and Recreation to the City of Troy Treasurer and shall become a lien upon such property, and shall be included in the next tax bill rendered to the Property Owner or Property Owners unless paid before and shall be collected in the same manner as other taxes against such property.

b. Of the monies collected in this manner only the original amount of the deposit is refundable and only after the maintenance inspection has been completed and the landscape receives final approval.

LD19.03.00 Depositor shall forfeit the Maintenance Deposit if the Maintenance Inspection is not called for within three years of Final Implementation Inspection, or unless otherwise approved by the Director of Parks and Recreation.

LD20.00.00 Tree removals prior to Final Site Approval –

No tree, regardless of size, shall be removed without Final Site Approval.

LD20.01.00 Undergrowth may be removed at any time. However, if in the process of removing the undergrowth, soil is disturbed, all work shall cease until the City's Environmental Specialist clears the site for the continuation of work.

LD20.02.00 The Parks and Recreation Department shall be notified twenty-four hours prior to the beginning of **any** type of clearing operation.

LD21.00.00 Violation of Tree Preservation plan

Performing any tree or *plant* removals in violation of the City Ordinance Chapter 28 (Tree and Plant Ordinance) and/or the "Tree Preservation and Landscape Design Standards" shall result in the following:

- **a.** Issue of "Stop Work Order"
- **b.** Cancellation of all currently held Tree Preservation and Landscape approvals.
- **c.** See City ordinance 28.16.02

LD22.00.00 Landscape Installation

Prior to and during landscape installation:

LD22.01.00 No landscape work shall take place without final site approval.

LD22.02.00 The Parks and Recreation Department shall be notified of the proposed starting date twenty-four (24) hours before work on the project begins.

LD22.03.00 Landscaping not conforming to approved drawing and specification shall result in the:

- **a.** Issuance of a "Stop Work Order"
- **b.** Cancellation of all currently held permits
- **c.** See LD18.00.03
- **d.** All changes in approved Final Tree Preservation / Landscape plans shall be approved in writing prior to implementation of changes.

LD22.04.00 No temporary or final certificate of occupancy will be granted until these Standards are complied with fully.

LD23.00.00 Tree and Plant Protection

Developer is required to:

LD23.01.00 Adhere to the tree and plant protection measures as listed in Chapter 28 & 39 of City Code.

LD23.02.00 If encroachment into a tree protection area occurs, resulting in irreparable damage to the trees or the area inside the tree protection area, a "*Stop Work Order"* will be issued and the Final Tree Preservation/Landscape plan shall be revised to indicate reforestation planting required compensating for tree loss/damage. (see City ordinance 28.16.02) All revised plans will have to be re-approved. (see LD18.01.00)

LD23.03.00 Under no circumstance shall the Developer be relieved of the responsibility of compliance with the provisions of this Standard, City Ordinances and Developmental Standards.

LD23.04.00 ***Pre-construction Tree Protection***

Prior to construction:

- **a.** All protective measures as outlined in this standard and City Ordinance 28.08.00 shall be in place before any site work will be permitted.
- **b.** Remove non-preserved trees. Cut rather than push over with dozers to protect roots of preserved trees.
- **c.** With City approval, the Developer may prune limbs in the way of improvements prior to construction.

LD23.05.00 ***Construction Tree Protection***

During construction operations:

LD23.05.01 Keep all construction activities out of "Tree Protection Area" (City Ordinance 28.02.23). NO storage of any type of materials, equipment, or any other activity will be allowed inside the Tree Protection Area.

LD23.06.00 ***<u>Post—Construction Tree Protection</u>***

After all construction and the establishment of final grade:

- **a.** Remove all fences
- **b.** Prune any damaged trees
- **c.** Replace preserved trees that died during construction (see City Ordinance 28.16.02)

LD24.00.00 Inspection Schedule - The intent of the following sections is to inform the Developer of the inspection schedule which will be employed by the City of Troy during the landscape construction period. This section also informs the Developer of what procedures must be employed in order to receive an inspection at the request time, and the scope of each inspection. Developer / Property Owner is responsible for requesting all inspections.

LD25.00.00 Initial Site Inspection - When the Parks and Recreation Department receives any plans, a site inspection may be made to help the reviewer(s) determine if any problems areas can be found that may not be fully delineated on the plans. This will also help the reviewers realize the full impact of the proposed development on the local environment. The City of Troy will carry out this inspection.

LD26.00.00 First Implementation Inspection

After the Final Tree Preservation Landscape plan has been approved, review fee paid, landscape deposit posted, Final Site Approval issued, and the Parks and Recreation Department has been notified of installation schedule, the implementation of the Final Tree Preservation / Landscape plan can begin.

LD26.01.00 During the implementation of landscape the City reserves the right to perform unscheduled inspections of the site, and all landscape materials.

LD26.02.00 Developer shall be advised of any sub-standard plant materials, which shall be removed from the site.

LD26.02.00 Developer shall be advised of any installation concerns. These concerns shall be corrected within the time frame given or a “Stop Work Order” will be issued.

LD26.03.00 Failure to follow this procedure on the part of the Developer will result in a “Stop Work Order”.

LD27.00.00 Final Implementation Inspection

The Developer/Property Owner will request a Final Implementation Inspection by the City of Troy at least five (5) working days prior to the proposed inspection date.

LD27.01.00 When the project has been approved by the City of Troy, the Parks and Recreation Department shall forward to the City of Troy Building Department all approvals and upon receipt of Maintenance Deposit the City will release the Implementation Deposit.

LD27.02.00 In cases where the City has not approved the project, the objections shall be outlined in writing and shall be forwarded to the Developer and Building Department. This notice will also stipulate the date and/or dates by which the required alterations will be completed.

LD27.03.00 When a project has not been approved at the time of the Final Implementation Inspection, additional inspections will be made as the required alterations have

been completed. The Developer /Property Owner will contact the City of Troy at least twenty-four (24) hours prior to the proposed re-inspection date.

LD27.04.00 The deposits will not be returned until the required corrections are complete.

LD28.00.00 Maintenance Inspection (Final)

This inspection will take place a minimum of twelve (12) months and a maximum of thirty-six (36) months after the last Implementation Inspection. The depositor forfeits the Landscape Maintenance Deposit after thirty-six (36) months. Developer/Property Owner is responsible for requesting all inspections.

LD28.01.00 It is the responsibility of the Developer/Property Owner to contact the City of Troy and request all inspections. Requests shall be made at least five (5) working days before inspection date.

LD28.02.00 All materials that do not pass this inspection will be listed in written form and forwarded to the Developer by the City of Troy. This notice will also stipulate the date by which all replacements will be completed.

LD28.03.00 When a project has not been approved at the time of the Maintenance Inspection, additional inspections will be made when the required alterations have been completed. The date for this inspection can be established by contacting the City of Troy at least forty-eight (48) hours prior to the proposed inspection date.

LD28.04.00 When the project has been approved by the City of Troy, the Maintenance Deposit shall be released.

LD28.05.00 Failure on the part of the Developer to follow this procedure will result in the forfeiture of the Irrevocable Bank Letter of Credit and/or cash deposit.

LD29.00.00 Landscape Contractor Qualifications -

The intent of this section of the Standards is to inform the Developer of what minimum qualifications a Tree Appraiser and/or Landscape Contractor must have prior to any landscape project coming under the control of these standards. Information as to the responsibilities of the Landscape Contractor other than the simple implementation of the landscape plans can be found in this section of these standards.

LD29.01.00 The Landscape Contractor (person and/or firm responsible for the implementation of the approved landscape development plan) shall be licensed by the State of Michigan, Department of Agriculture Plant Industries Division to handle plant materials.

LD29.02.00 The Landscape Contractor will be covered by a public liability property damage insurance policy.

LD29.03.00 The Landscape Contractor shall conform to all Federal and State Labor Laws.

LD30.00.00 Landscape Contractor Responsibilities

The Landscape Contractor shall guarantee that all plants are true to botanical name, and that the quality and size meet the approved specifications.

LD30.01.00 The Landscape Contractor shall fully guarantee that all plants are in a vigorous growing condition during and at the end of the guarantee periods. This guarantee period shall be minimum of one (1) year from the issuance of Final Implementation Inspection.

LD30.02.00 Replacement plants and/or landscape materials other than plants shall be in accordance with the approved original specifications.

LD30.03.00 The Contractor shall at all times keep the premises and public streets free from any excessive accumulation of soil and waste material or rubbish caused by his employees or work, and at the completion of the work, he shall remove all his waste, excessive material, rubbish and equipment so as to leave the premises neat and clean and ready for the purpose for which it was intended.

LD30.04.00 The Landscape Contractor shall properly protect all existing structures and property on land abutting the project. This is to include, but not be limited to:

- **a.** Sidewalks
- **b.** Curbs
- **c.** Fences
- **d.** Buildings
- **e.** Lawns
- **f.** Trees
- **g.** Shrubbery
- **h.** Irrigation systems
- **i.** Lighting systems
- **j.** Ornamental structures

LD31.00.00 Tree Appraiser Qualifications –

The intent of this section of the Standards is to inform the Developer of what minimum qualifications a Tree Appraiser must have prior to a tree preservation project coming under the control of these standards. Information as the responsibilities of the Tree Appraiser other than the simple implementation of the landscape plans can be found in this section of these standards.

LD31.01.00 A qualified Tree Appraiser shall have a minimum of two (2) years of college in the areas of Horticulture, Forestry, Urban Forestry, Landscape Architecture or related field or two (2) years experience at a supervisory level in one of these disciplines or related fields. The Parks and Recreation Department will review credentials upon request of the Developer.

LD32.00.00 Tree Appraiser Responsibilities

Shall be able to provide the necessary graphic and written reports as outlined in this standard.

LD32.01.00 The Tree Appraiser shall be held accountable for the accuracy of all graphic and written submittals.

LD33.00.00 Plant Material Requirements - The intent of this section of the Landscape Design and Tree Preservation Standard is to inform the Developer of the minimum requirements placed on all plant materials used to implement those landscape requirements as called for by the City Code.

The following information includes the definitions of the seven (7) major plant groups that come under the control of these standards and the specific requirements placed on each plant group.

LD33.01.00 **Broadleaf Evergreens -** As the name implies, this group of plant materials have broad leaves, rather than needles, and retain their

foliage throughout the winter months. This plant group is a woody ornament having both low spreading varieties and shrub forms.

a. Minimum required size for low spreading varieties of broadleaf evergreens is fifteen (15) to eighteen (18) inches in width.
b. Minimum required size for shrub form broadleaf evergreens is eighteen (18) to twenty-four (24) inches in height.

LD33.02.00 Coniferous Evergreens - This group of plant materials maintains its foliage throughout the entire year in a green condition. These plants are woody ornamentals and for the most part, have very narrow leaves, often referred to as needles. It should be noted that coniferous evergreens have both spreading and upright varieties.

a. Minimum required size for spreading coniferous evergreens is fifteen (15) to eighteen (18) inches in width.
b. Minimum required size for upright coniferous evergreens is five (5) to six (6) feet in height.

LD33.03.00 Deciduous Shrubs - This group is made up of those woody ornamental plants with several self-supporting stems, which lose their foliage each autumn.

a. Each plant will have a minimum of at least three (3) stems, at least eighteen (18) to twenty-four (24) inches long.
b. This requirement does not preclude the possibility of using espaliered or topiary shrubs.

LD33.04.00 Deciduous Shade and Small Flowering Trees - These trees and shrubs are those woody ornamental; plant materials with one or more self-supporting stems or trunks with a usually well-defined branching network located near the distal end of the trunk. The foliage of this plant group is dropped each autumn, and is renewed in the spring of the year.

a. The minimum heights and caliper requirements for shade trees are as follows:

1. The minimum caliper - two (2) inches to two and one half (2½) inches.
2. The minimum height - ten (10) feet.

b. The minimum height and caliper requirements for small flowering trees are as follow:

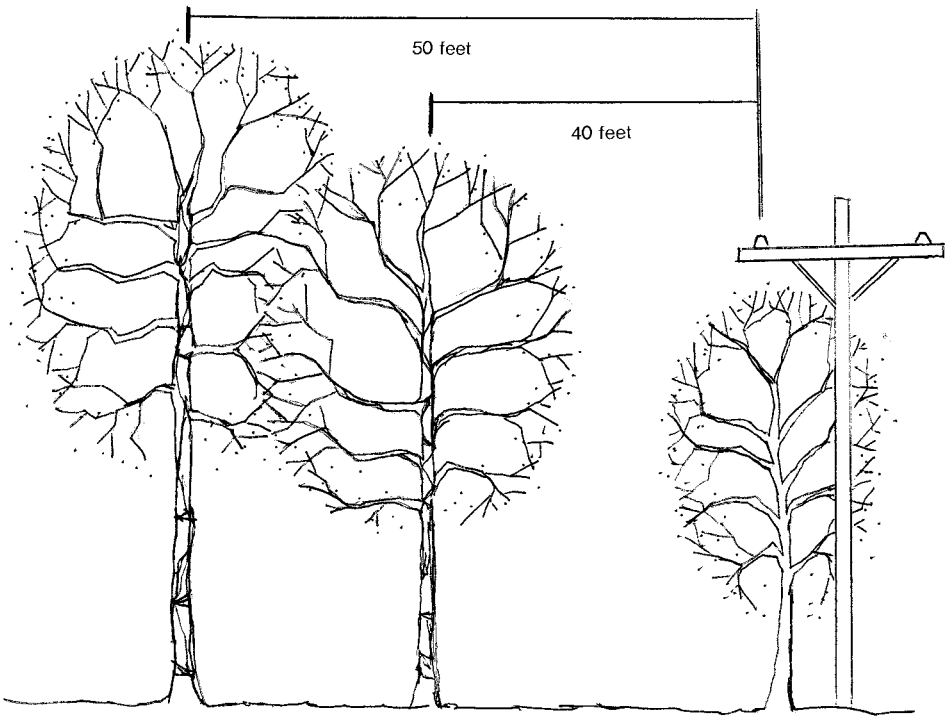
3. Minimum caliper - one and one-half (1½) to one and three-quarters (1¾) inches.
4. Minimum height – five (5) feet.

c. It should be noted that all caliper measurements will be taken at least six (6) inches above the graft (on grafted materials) and six (6) inches above root, shoot junction on all non-grafted materials.
d. All height measurements will be taken from the soil line at the base of the tree to the end of the central leader.
e. Minimum Soil Surface Areas – When planting trees in areas totally surrounded by impermeable surfacing (i.e. Concrete, pavers, asphalt

buildings, etc.), there shall be a minimum of thirty-six (36) square feet of exposed soil surface for *each* tree.

f. All tree spacing in the landscape and setbacks from overhead utility lines shall conform to City Ordinance 28.15.06 & Figure #5 (see below) unless otherwise required (see Developmental Standards) or approved by the City.

g. All parking lots shall contain a minimum of one (1) tree for every 20 parking spaces.



Large (50+ feet) **Medium** (30 – 50 feet) **Small** (15 – 30 Feet)

figure # 5

LD33.05.00 Ground Covers

a. As a general requirement placed on all ground covers, no rooted cuttings shall be deemed as acceptable plant materials. All ground cover materials shall be at least one (1) year bedded stock.

b. The following requirements shall govern those ground covers that spread over the desired area by the use of above ground runners:

1. The minimum number of runners required per plant - three (3).
2. The minimum required length of each runner - six (6) inches.

c. Maximum spacing between plants at installation shall not exceed:

1. 4” root ball and smaller - six (6) inches on center.
2. 6” root ball – twelve (12) inches on center
3. one gallon – twenty four (24) inches on center

d. The following requirements shall govern those ground covers that spread over the desired area by the use of under ground runners:

1. All plants shall be potted either four (4) or six (6) inch pots.
2. All plants shall be well balanced and have a well-established root system.

LD33.06.00 ***Perennials –*** This group is made up of those herbaceous ornamental plants that generally dies down to the ground each fall, but re-grow from the root system for a minimum of three years.

a. The following requirements shall govern perennial plants:

1. All plants shall be potted in minimum six (6) inch pots
2. All plants shall have a well-established root system.

b. Spacing - If used in a mass planting the maximum spacing between plants shall not exceed:

1. Plants with foliage height between one (1) and six (6) inches – twelve (12) inches on center.
2. Plants with foliage height between seven (7) and twelve (12) inches – eighteen (18) inches on center.
3. Plants with foliage height between thirteen (13) and twenty-four (24) inches – thirty (30) inches on center.
4. Plants with foliage height between twenty-five (25) and thirty-six (36) inches – thirty-six (36) inches on center.
5. Plants with foliage height greater than thirty-six (36) inches – forty-eight (48) inches on center

LD33.07.00 ***Turf Grass -*** Those herbaceous plant materials, which have a low spreading growth habit covering the soil surface often used in lieu of an ornamental ground cover, or an organic/inorganic material such as woodchips or stone.

a. City's Development Design Standards shall govern turf grass installations.

LD34.00.00 Other Requirements Placed on Plant Materials - The following information is a list of all other requirements placed on all plant materials used in the implementation of those landscape projects called for by City Code.

a. All plant material shall conform in botanical name, dimensions, and quality of the "Horticultural Standards" adopted by the *American Association of Nurserymen.*

b. All bare root plant material shall have a well-branched root system, characteristic of the species. The root system will meet the minimum standards for bare root nursery stock as set down by the *American Association of Nurserymen.*

c. Balled and Burlapped plant material shall be balled with original soil, intact with the fibrous roots to insure maximum recovery after transplanting.

d. Plants shall conform to the above standards when materials are balled and burlapped.

e. Potted plants shall have sufficient root structures to ensure full recovery and development.

f. Any plants existing on the site requiring relocation must be dug in accordance with the above stated standards.

g. Nursery stock shall be vigorous, free from disease, insects, insect eggs, or larvae.

h. All tree selections shall be made using the City's "*Recommended Deciduous Trees"* list unless otherwise approved.

i. Substitution of materials included in an approved plan shall only be made with the consent of the City of Troy. The Property Owner/Developer may request an amendment verbally or in writing. Approval can be given verbally and followed up in writing. The Property Owner/Developer shall provide an as-built drawing indicating the changes prior to the request for the implementation inspection.

j. All sub-division plantings shall be 100% guaranteed for one (1) year after the City releases relevant landscape deposits.

LD35.00.00 Prohibited Plant Materials -

*Plant*s that shall not be planted by the general public and Developers within the *City* include the following species and all cultivars thereof:

a.	Acer saccharinum	- Silver Maple
b.	Acer negundo	- Box Elder
c.	Acer platanoides	- Norway maple
d.	Ailanthus altissima	- Tree of Heaven
e.	Catalpa speciosa	- Northern Catalpa
f.	Fraxinus spp.	- Ash, all forms
g.	Paulownia tomentosa	- Royal Empress Tree
h.	Populus spp.	- Poplar / Cottonwood
i.	Pyrus calleryana 'Bradford'	- Bradford Pear
j.	Salix spp.	- Willow (excluding shrub forms)
k.	Ulmus	- Elm (excluding cultivars of U. parvifolia & U. americana)

LD35.01.00 Temporary Ban:

At this time the City will not approve the following plants, and all cultivars thereof, for planting in the City of Troy:

a.	Acer spp. (excluding Japanese forms)	-Maple
b.	Betula spp.	-Birch
c.	Gleditsia triacanthos	-Honeylocust
d.	Platanus occidentalis	-Sycamore
e.	Quercus spp.	-Oak
f.	Robinia pseudoacacia	-Black Locust
g.	Sorbus acucparia	-Mountain Ash
h.	Tilia spp. (excluding tomentosa 'Sterling')	-Linden

LD36.00.00 Site Preparation Prior to Plant and Irrigation Installation

LD36.01.00 No construction debris larger than one (1) inch in any dimension shall be found in the top twelve (12) inches of soil after completion of rough grading.

LD36.02.00 No construction debris larger than six (6) inches in any dimension shall be found between twelve (12) inches and twenty-four (24) inches below the topsoil.

LD36.03.00 Rough grades shall be established prior to soil fracturing.

LD36.04.00 Developer shall submit drawings indicating areas to be fractured. City reserves the right to add or delete areas.

LD36.05.00 Prior to the introduction of topsoil or soil improvers all designated areas not covered by hard surfaces, buildings, fences, etc. <u>but excluding the tree protection area(s) and retention/detention ponds</u>, shall be mechanically fractured to a minimum depth of eight (8) inches and re-graded to rough grades. Approved fracturing techniques include but shall not be limited to:

a. Plow
b. Hydro jet
c. Till
d. Drill-n-fill
e. Compressed air treatments
f. Hollow tine aerification

LD36.06.00 To reduce the degree of difficulty during soil compaction mediation, the City encourages Developers/Contractors to limit and confine activities that will cause and/or increase soil compaction.

LD36.07.00 Once the soils have been mechanically fractured, re-compaction of the soils shall be avoided. Should it be found that re-compaction or inadequate fracturing has occurred, the City shall designate those areas that shall be re-fractured.

LD36.08.00 Should it be determined, by the City, that soil fracturing can not be done in all areas, then:

a. Each location to receive a tree:
    1. Shall be radiate trenched. Eight (8) trenches shall radiate out from the tree planting hole, and shall measure a minimum of fifteen (15) feet long from center of hole, a minimum of thirty-six (36) inches deep, and a minimum of six (6) inches wide.
    2. 2/3 original soil, 1/3 decomposed organic matter shall be mixed and used as the trenching backfill.
b. Each location to receive shrubs/perennials/etc. shall be excavated to a depth of twelve (12) inches and backfilled with screened topsoil. (see LD36.01.00)

LD36.09.00 All areas to be maintained as turf shall receive a minimum of two (2) inches of screened topsoil after fracturing. (see LD36.01.00)

LD36.10.00 All finished grades shall be a minimum of one (1) inch and a maximum of two (2) inches below hard surfaces (i.e. concrete, asphalt, etc.) unless otherwise approved by the City.

LD36.11.00 Finish grading shall not be done when soils are wet.

LD37.00.00 Landscape Designer Qualifications and Responsibilities

Individuals designing landscapes for commercial properties or subdivisions, prior to doing the submitted designs, shall have one of the following qualifications:

a. For proposed landscapes with total installed cost of $2000.00 or less - Michigan Certified Nurseryman or equivalent from another state.

b. Landscapes with total installed cost over $2,000.00 to $350,000.00 - Bachelors in Landscape Architecture, Architecture, Landscape Design, Horticulture, or Agriculture.

c. Landscapes with total installed cost over $350,000.00 – Registered Landscape Architect.

LD37.01.00 Responsibilities – Individuals creating landscape designs for commercial Properties and/or subdivisions shall:

a. Thoroughly acquaint themselves with site conditions found in the general area and on their specific project. This shall include but not be limited to:

1. All plants hardy to USDA Hardiness Zone 5b
2. Typical soil type – heavy clay
3. Plants located next to streets must tolerate aerial salt.

b. Produce high quality, easy to read, scaled drawings and details.

c. Produce an aesthetic design using the unique feature on the site.

Landscaping Required

District	*Present Landscape Requirements*
C-F, B-1, B-2, B-3, H-S, O-1, O-M, O-S-C, R-C, M-1, P-1	✓ Ten (10) foot greenbelt along any public street, with one (1) tree for every thirty (30) lineal feet of frontage. ✓ Ten (10) percent of site area landscape – front and side yards only. ✓ General Note – not more than twenty (20) percent of required landscape area will be covered with non-living material, i.e. woodchips, stone etc.
R-1, R-2	✓ Subdivision Control Ordinance requirements only
CR-1	✓ Ten (10) foot greenbelt along any public street, with one (1) tree planted for every twenty (20) feet of frontage. ✓ Five (5) foot berm along any property line abutting a major thoroughfare with one (1) tree planted for every twenty (20) feet of frontage. ✓ Fifteen (15) percent of site shall be landscaped open space. ✓ One (1) tree shall be planted for every two (2) dwelling units.
R-1T, R-M, R-EC	✓ Ten (10) foot greenbelt along any public street with one (1) tree planted for every twenty (20) feet of frontage. ✓ Four (4) foot berm along any property line abutting a major thoroughfare, with one (1) tree planted for every twenty (20) feet of frontage. ✓ Five (5) berm along any property line abutting freeway, landscaped with double row six (6) feet apart, evergreen species, four (4) feet on center staggered two (2) feet on center.
RM-1	✓ Same as R-1T and R-M, with the exception that a five (5) foot rather than a four (4) foot minimum height berm is required along any property line abutting a major thoroughfare.
RM-2, RM-3	✓ Same as RM-1 with the following exceptions: • Seventy-five (75) percent (vs. 70%) of required yards shall be landscaped • Overall requirement for four hundred and fifty (450) feet of landscaped open space per dwelling unit. Sixty (60) percent of this open space area shall be located in direct proximity to the buildings.

A meeting of the Retiree Health Care Benefits Plan & Trust Board of Trustees was held on Wednesday, December 14, 2005, at Troy City Hall, 500 W. Big Beaver Rd., Troy, MI. The meeting was called to order at 3:12 p.m.

TRUSTEES PRESENT: Michael Geise
Thomas Houghton, Chair
John M. Lamerato
William R. Need (Ex-Officio)
Steven A. Pallotta
Louise E. Schilling
John Szerlag

ABSENT: Mark Calice

MINUTES

Resolution # RH – 2005 – 12 - 005
Moved by Szerlag
Seconded by Schilling

RESOLVED, That the minutes of the September 14, 2005 meeting be approved.

Yeas: All 6
Absent: Calice

EXCUSE ABSENT MEMBERS

Resolution # RH – 2005 – 12 - 006
Moved by Houghton
Seconded by Schilling

RESOLVED, That Mark Calice be excused.

Yeas: All 6
Absent: Calice

OTHER BUSINESS – RFP – CUSTODIAL SERVICES

The Board is interested in seeking RFP's for custodial services.

OTHER BUSINESS – 2006 MEETING SCHEDULE

The Board will continue to meet quarterly after the Employee's Retirement System Board Meeting. March 8, 2006, June 14, 2006, September 13, 2006 and December 12, 2006.

The next meeting is March 8, 2006 at 1:00 p.m. at City Hall, Conference Room C, 500 W Big Beaver, Troy, MI.

The meeting adjourned at 3:22p.m.

Thomas Houghton

Thomas Houghton, Chairman

John M. Lamerato

John M. Lamerato, Secretary

JML/bt\Retirement Board\Retiree Health Care Benefits Plan & Trust\2005\12-14-05 Minutes_Final.doc

ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES – DRAFT – FEBRUARY 1, 2006

A Regular Meeting of the Troy Advisory Committee for Persons with Disabilities was held Wednesday, February 1, 2006, at the lower level conference room at City Hall. Angela Done called the Meeting to order at 7:02 P.M.

Present:	C. Buchanan, member	A. Done, member
	P. Hammond, member	P. Manetta, member
	D. Pietron, member	M. Pritzlaff, alternate
	J. Stewart, member	S. Werpetinski, member

Present: M. Grusnick, staff
K. Jearls, staff

Absent: S. Burt, member EA
A. Fuhrman, alternate EA
T. House, member EA

ITEM B – APPROVAL OF MINUTES OF MEETING OF JANUARY 4, 2006
Werpetinski made a motion that the minutes of January 4, 2006 be approved. Supported by Pietron. All voted in favor.

ITEM C – VISITORS, DELEGATIONS AND GENERAL PUBLIC
Dale R. Zygnowicz, Troy resident, attended the meeting as a guest.

Robin Beltramini, City Council Member, was in attendance to clarify comments made at the 1/23/06 City Council meeting regarding overlapping of responsibility between committees. Ms. Beltramini has asked City staff to review the duplicity, if any, between committees to be sure they are making the most efficient use of staff and volunteer time. Ms. Beltramini stated that she is trying to expand the committee's influence; not narrow it. Perhaps an umbrella committee could be formed and meet quarterly with input from individual committees. Current members from existing boards and committees would be appointed to form the membership of this new committee. Several members of this Committee showed support for continuing the study of this new umbrella committee. However, members unanimously urge Council not to consider dissolving or changing the meeting dates of the Advisory Committee for Persons With Disabilities.

ITEM D – NEW BUSINESS
Done contacted the Architectural Department at the Lawrence Tech University and they agreed to come and speak regarding freedom by design and training of students in ADA compliance. April 5th is the tentative date for this guest

Buchanan, member of the Detroit Metro Advocacy Committee for Multiple Sclerosis, has emergency preparedness packets that are being distributed to cities. She will give these to Don Mouch, Fire Department.

Fuhrman notified the Committee that the 3/1/06 meeting conflicts with Ash Wednesday and that he may miss the meeting. The Committee was polled for attendance. It was noted that Hammond will miss this meeting. All others will be in attendance. The meeting will be held as scheduled on 3/1/06.

Done's tenure as Chairperson will expire in March. A vote on Chairperson will be held at the March 1st meeting.

ITEM E – REGULAR BUSINESS
Werpetinski will attend the City Council meeting on 2/6/06, Buchanan on 2/20/06, and Pritzlaff, 2/27/06.

Buchanan has reserved a table at the Senior Health Fair, Tuesday, 3/21/06. Committee members are needed to staff the table from 10 – 2. The table may be shared with the seniors and there will be brochures and handouts available.

ITEM F – OLD BUSINESS
The Committee brochures have been placed at the Troy Public Library and Community Center.

Discussion on Objective 10 of "The Strategic Planning Process" summary document. Further explanation is included in the attached letter to the City Manager and City Council dated February 1, 2006.

Hammond has composed an article titled "An Appeal To The Conscience" regarding illegal parking in handicapped parking spaces. She will contact local newspapers in hope of having it published.

ITEM G - INFORMATIONAL ITEMS

ITEM H – CITY COUNCIL MEETING
No new business.

ITEM I – ADJOURN
Buchanan made a motion to adjourn at 9:08 which was seconded by Manetta.

_____
Angie Done, Chairperson

_____
Kathy Jearls, Recording Secretary

ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES – FINAL – FEBRUARY 1, 2006

A Regular Meeting of the Troy Advisory Committee for Persons with Disabilities was held Wednesday, February 1, 2006, at the lower level conference room at City Hall. Angela Done called the Meeting to order at 7:02 P.M.

Present:	C. Buchanan, member	A. Done, member
	P. Hammond, member	P. Manetta, member
	D. Pietron, member	M. Pritzlaff, alternate
	J. Stewart, member	S. Werpetinski, member

Present: M. Grusnick, staff
K. Jearls, staff

Absent: S. Burt, member EA
A. Fuhrman, alternate EA
T. House, member EA

ITEM B – APPROVAL OF MINUTES OF MEETING OF JANUARY 4, 2006
Werpetinski made a motion that the minutes of January 4, 2006 be approved. Supported by Pietron. All voted in favor.

ITEM C – VISITORS, DELEGATIONS AND GENERAL PUBLIC
Dale R. Zygnowicz, Troy resident, attended the meeting as a guest.

Robin Beltramini, City Council Member, was in attendance to clarify comments made at the 1/23/06 City Council meeting regarding overlapping of responsibility between committees. Ms. Beltramini has asked City staff to review the duplicity, if any, between committees to be sure they are making the most efficient use of staff and volunteer time. Ms. Beltramini stated that she is trying to expand the committee's influence; not narrow it. Perhaps an umbrella committee could be formed and meet quarterly with input from individual committees. Current members from existing boards and committees would be appointed to form the membership of this new committee. Several members of this Committee showed support for continuing the study of this new umbrella committee. However, members unanimously urge Council not to consider dissolving or changing the meeting dates of the Advisory Committee for Persons With Disabilities.

ITEM D – NEW BUSINESS
Done contacted the Architectural Department at the Lawrence Tech University and they agreed to come and speak regarding freedom by design and training of students in ADA compliance. April 5th is the tentative date for this guest

Buchanan, member of the Detroit Metro Advocacy Committee for Multiple Sclerosis, has emergency preparedness packets that are being distributed to cities. She will give these to Don Mouch, Fire Department.

Fuhrman notified the Committee that the 3/1/06 meeting conflicts with Ash Wednesday and that he may miss the meeting. The Committee was polled for attendance. It was noted that Hammond will miss this meeting. All others will be in attendance. The meeting will be held as scheduled on 3/1/06.

Done's tenure as Chairperson will expire in March. A vote on Chairperson will be held at the March 1st meeting.

ITEM E – REGULAR BUSINESS
Werpetinski will attend the City Council meeting on 2/6/06, Buchanan on 2/20/06, and Pritzlaff, 2/27/06.

Buchanan has reserved a table at the Senior Health Fair, Tuesday, 3/21/06. Committee members are needed to staff the table from 10 – 2. The table may be shared with the seniors and there will be brochures and handouts available.

ITEM F – OLD BUSINESS
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Discussion on Objective 10 of "The Strategic Planning Process" summary document. Further explanation is included in the attached letter to the City Manager and City Council dated February 1, 2006.

Hammond has composed an article titled "An Appeal To The Conscience" regarding illegal parking in handicapped parking spaces. She will contact local newspapers in hope of having it published.

ITEM G - INFORMATIONAL ITEMS

ITEM H – CITY COUNCIL MEETING
No new business.

ITEM I – ADJOURN
Buchanan made a motion to adjourn at 9:08 which was seconded by Manetta.

_____
Angie Done, Chairperson

_____
Kathy Jearls, Recording Secretary

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order on Wednesday, February 1, 2006 at 8:30 A.M. in the Lower Level Conference Room of the Troy City Hall.

PRESENT: Ted Dziurman
Rick Kessler
William Nelson
Tim Richnak
Frank Zuazo

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Marlene Struckman, Inspector Supervisor
Pamela Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES – MEETING OF JANUARY 4, 2006

Motion by Richnak
Supported by Kessler

MOVED, to approve the minutes of the meeting of January 4, 2006 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES CARRIED

ITEM #2 – VARIANCE REQUEST. METRO DETROIT SIGNS, 3129-3149 CROOKS, for relief of Chapter 85 to erect a 198 square foot ground sign, with a 16' setback from the public right of way of Crooks Road and a 20' setback from the public right of way of Wilshire Boulevard.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 85 to erect a 198 square foot sign. Section 85.02.05 of the Sign Ordinance requires that a sign of this size be placed at a 30' minimum setback from the public right-of-way. The site plan submitted shows a 16' setback from the public right of way of Crooks Road and a 20' setback from the public right of way of Wilshire Blvd.

This item first appeared before this Board at the meeting of January 4, 2006 and at that time the petitioner was asking for a setback of 26' from both the public right of way of Crooks and Wilshire Boulevard. This request was postponed to this meeting to allow the Building Department the opportunity to publish a new Public Hearing with the revised setbacks. Accordingly, a new Public Hearing notice has been sent out to the appropriate surrounding property owners based upon the revised plans.

Harvey Weiss was present and stated that they had tried to place this sign in another location, however, because of underground utilities and easements there is only a small area that could accommodate a sign. The only curb cut is south of this property and Mr.

ITEM #2 – con't.

Weiss does not believe this sign will affect visibility to oncoming traffic. Presently there is a traffic light at Wilshire and Crooks and there is No Left Turn allowed. Mr. Weiss further stated that this building has frontage on two (2) streets and they plan to have a 10,000 square foot retail space and also plan to construct a 30,000 square foot of office space. This sign will accommodate both uses and they will not require another ground sign.

The Chairman opened the Public Hearing.

Mr. Flaggman from Finsilver Management was present. He stated he managed the building northwest of this site. He objected to the variance because he felt that it would affect the visibility to northbound Crooks Rd. traffic and also traffic on Wilshire Blvd. He stated he did not see the hardship required for the variance and felt that because the sign was closer than originally requested it would create more of a problem. Mr. Flaggman also said that they would approve this request if the size of the sign was smaller.

Mr. Richnak asked if the petitioner would be allowed to put up two (2) signs at this location and Mr. Stimac said that because the property has frontage on a major road they would be allowed one additional 36 square foot ground sign as well as the one monument sign. Mr. Richnak also asked if the Sign Ordinance allows for an additional sign if they put up the 30,000 square foot office building and Mr. Stimac said that there is nothing in the Ordinance that automatically grants another sign.

Mr. Kessler stated that at the time of site plan approval the impact of a sign on traffic visibility at the corner is also studied. Mr. Stimac stated that the proposed sign complies with the requirements involving corner clearance. The proposed sign does not encroach into the corner clearance.

Mr. Richnak asked if this Board could grant the variance with the stipulation that the petitioner would not be able to add an additional sign. Mr. Stimac said that the Board could put that stipulation in their motion; however, since the final development of this property could involve a Planned Unit Development (PUD) the Planning Commission or City Council can create new sign requirements.

Mr. Weiss stated that although they would probably not ask for another ground sign, they would want to put up additional wall signage.

Mr. Dziurman asked if there was any other place they could put this sign and the petitioner stated that they have created an island and moved a parking space to put the sing in this location. The underground utilities and easement make it impossible to move the sign anywhere else.

ITEM #2 – con't.

Mr. Richnak asked if there was some type of sign that could be erected in this location and still comply with the Ordinance. Mr. Stimac explained that the petitioner could put up a sign that was not more than 10' in height and not more than 50 square feet in area at the 0 to 10' setback line, in the 20'-30' setback line, they could put up a sign that was 20' in height and 100 square feet in area.

Mr. Matt Farrell asked if the restrictions placed on signage were different between the retail space and the proposed office building. Mr. Stimac stated that the regulations regarding limits for ground signs apply both to commercial and office property.

Mr. Nelson asked about the dimensions of the actual sign and the petitioner stated that one-half of the size of this sign is actually architectural design. It will be constructed of the same brick and stone of the building. Mr. Stimac asked if the "starburst" design depicted on the sign will convert to actual verbiage. The petitioner stated that this panel could be used as the name of the project in the future.

No one else wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Motion by Kessler
Supported by Richnak

MOVED, to grant Metro Detroit Signs, 3129-3149 Crooks, relief of Chapter 85 to erect a 198 square foot ground sign, which will result in a 16' setback from the public right of way of Crooks Road and a 20' setback from the public right of way of Wilshire Boulevard, where Section 85.02.05 of the Sign Ordinance requires that a sign of this size be placed at a 30' minimum setback from the public right of way.

- No other ground signs will be allowed at this location.
- Existing utilities and easements make conformance difficult.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: All – 5

MOTION TO GRANT REQUEST CARRIED

ITEM #3 – VARIANCE REQUEST. MARK MOSED, OF GREAT LAKES SIGN & ELECTRICAL, 888 W. BIG BEAVER, for relief of Chapter 85 to install a 75 square foot wall sign.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 85 to install a 75 square foot wall sign for Morton's Steak House. Section 85.02.05 3(d) of the Sign

ITEM #3 – con't.

Ordinance limits the size of tenant wall signs in office districts to not more than 20 square feet in area.

Mr. James Jonas, of 888 W. Big Beaver was present and stated that they are asking for this variance to increase visibility to traffic along Big Beaver Road. Mr. Jonas stated that after looking at the competition in this area this sign would be smaller than other signs and would be at the corner of the building. Mr. Jonas also said that they had included the possibility of adding this sign at the time they submitted their plans as part of the signage master plan.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written objections or approvals on file.

Motion by Nelson
Supported by Richnak

MOVED, to grant Mark Mosed, of Great Lakes Sign & Electrical, 888 W. Big Beaver, relief of Chapter 85 to install a 75 square foot wall sign for Morton's Steak House, where Section 85.02.05 3(d) of the Sign Ordinance limits the size of tenant wall signs in office districts to not more than 20 square feet in area.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Variance applies only to the property listed in this application.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #4 – VARIANCE REQUEST, SCOTT GARDNER, GARDNER SIGNS, 2600 W. BIG BEAVER, for relief of Chapter 85 to install a third 80 square foot wall sign.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 85 to install a third 80 square foot wall sign. Only one major wall sign is permitted for each office building up to maximum of 200 square feet in accordance with Section 85.02.05, A3 of the Sign Ordinance. The Board of Appeals on July 6, 2005 already approved a second 80 square foot wall sign for this building. The petitioners are now asking for a third sign. This proposal exceeds the number of signs and area permitted.

Scott Gardner of Gardner Signs, and Tom Darling of 2600 W. Big Beaver were present.

ITEM #4 – con't.

Mr. Gardner explained that they are requesting this third wall sign mainly to increase visibility for westbound traffic on Big Beaver. This sign would be strictly for identification purposes and would aid people in finding the entrance to this Building.

Mr. Darling said that traffic is often past the drive before you can see the identification. They are trying to bring attention to the building and the sign will resemble the logo of LaSalle Bank.

Mr. Dziurman asked if this sign would be the same size as the other signs on the building and Mr. Gardner said that it would be the same size. Mr. Dziurman asked if these signs would be in compliance with the 10% allowable area. Mr. Stimac said that 10% would allow them the maximum of 200 square feet. Presently the existing two signs are 160 square feet and this sign would bring the square footage up to 240 square feet.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written complaints or approvals on file.

Motion by Kessler
Supported by Nelson

MOVED, to grant Scott Gardner, Gardner Signs, 2600 W. Big Beaver, relief of Chapter 85 to install a third 80 square foot wall sign where Section 85.02.05, A3 of the Sign Ordinance allows only one major wall sign for each office building up to a maximum of 200 square feet.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #5 – VARIANCE REQUESTED. BASEMENT EXPERTS, 4451 REILLY DR., for relief of the 2003 Michigan Residential Code to convert a basement to habitable area.

Mr. Stimac explained that the petitioner is requesting relief Section R305 of the 2003 Michigan Residential Code to convert a basement to habitable area. On December 7, 2005 the petitioner was granted a variance to convert a basement to habitable area, resulting in a finished ceiling height of 6'-3" under existing ductwork. Section R305 of the Michigan Residential Code requires a minimum 6'-6" ceiling height under beams and ductwork. Upon rough inspection it was discovered that the height of the ceiling

ITEM #5 – con't.

under the ductwork was only 6' – 1 ¾" instead of the 6'-3" height as approved. Petitioners are now requesting relief to complete this project with a ceiling dropped to the height of 6'-1 ¾" under the existing ductwork.

Mr. Steve Attar was present and stated the basement floor slopes dramatically and although there are sections of the basement that are 6'-3" in height, there are also areas that have resulted in a ceiling height of 6'-1 ¾". These particular problems come up with older homes. They always try to gain as much ceiling height as possible, which allows them to put plywood on ceiling so that it is flat and level. Mr. Dziurman asked if the ceiling was level across the basement. Mr. Attar said that it is, but the I-beam runs right through this area.

Mr. Kessler asked what type of material is used on the ceiling and Mr. Attar said that they put up ½" plywood. Mr. Kessler asked the petitioner how tight the plywood is to the ductwork and Mr. Attar said that they cannot raise the ceiling any higher and the plywood is pretty tight. Mr. Kessler then asked what is between the plywood and the ductwork and the petitioner said that they use a ½" furring strip. Mr. Kessler then asked how they plan to finish the corner where the ceiling goes back up. The petitioner said that it was probably mitered and goes right to the wall. They also use a white board with a laminate cover so that no rough-cut plywood is visible.

Mr. Kessler said that he has always had an issue with this dropped ceiling height and asked if rather then make it a finished part of the basement, turn it into either a storage area or a hallway connecting the two rooms. He went on say that there are a lot of tall people and there is the possibility that they will bank their heads on the lowered ceiling. Mr. Kessler also said that in his opinion a ceiling height of 6'-1" or 6'-2" is too low and is not functional.

Mr. Attar said that he believes the unfinished area of the basement is only 6'-2 ¼" so he did not think this ceiling height would make a difference. He also said that he does not think he could turn this area into a storage space as there would be no way to make them accessible to each other. There are areas throughout the entire basement that the ceiling height varies from 6'-2" or 6'-2 ¼" because of the way the floor slopes. Mr. Kessler said that he would like to see this request postponed to allow the petitioner the opportunity to revise his plans to see if something else could be done.

Mr. Attar said that there are no other options available as the floor is too uneven and he does not think they could straighten it out. Mr. Kessler asked if they could pull the plywood up tighter and use glue to keep it in place and Mr. Attar said that he did not believe it would stay in place.

Mr. Richnak said that the petitioner indicated that there is a floor drain in this area and asked what the height of the ceiling was from the floor drain to the ductwork. Mr. Attar said that the floor drain is not under the ductwork. Mr. Richnak asked how much the

ITEM #5 – con't.

floor slopes and the petitioner said it was probably 2" or 3". Mr. Richnak said that it was possible to grind the cement down to make the floor level. Mr. Richnak also asked if there was a requirement in the Building Code that would determine the slope of the basement floor.

Mr. Stimac said that there is no slope required on a basement floor. He didn't know the overall size of the house but if there was an 1/8" per foot slope that would be more than what you would typically see in the area. Mr. Stimac also said that he didn't know if the floor was bare or if it was going to be covered, which would also affect the ceiling height. Mr. Attar said that he does believe the floor drain is related to the fact that the floor slopes; he thinks it was just a matter of poor construction.

The homeowner, Mr. Geering, was present and stated that they have had the basement waterproofed, and have done a number of repairs to the home. He said his family has no problem with the height of the ceiling and do not plan to move anytime soon so he does not feel this should be a problem. Mr. Dziurman said that eventually the house would probably be sold to someone else and that is the factor the Board has to consider.

Mr. Richnak explained that they are looking at the future of this building as far as the larger picture goes. Mr. Attar said that when people are looking to purchase a home he believes they look at all of these factors, and a tall person would find that this would not be the house for them because of the ceiling height. Even if this area is left unfinished the ceiling height would still be under the 6'-3" requirement.

Mr. Kessler stated that the Residential Code calls for a ceiling height of 6'-6" and going down to 6'-3" would be the maximum he would be comfortable with. Going any lower would create a hazard and they could finish off the other area of the basement, which would result in a good sized room and would be code compliant.

Motion by Kessler
Supported by Richnak

MOVED, to deny the request of Basement Experts, 4451 Reilly Dr., for relief of the 2003 Michigan Residential Code to convert a basement to habitable area that will result with a ceiling dropped to the height of 6'-1 ¾" under the existing ductwork.

- Lower ceiling height would create a hazard for people walking through the basement.
- Lower ceiling height areas could be walled off or converted to closet space.
- Other area of the basement could be finished and would be code compliant.

Yeas: 3 – Kessler, Richnak, Zuazo
Nays: 2 – Dziurman, Nelson

ITEM #5 – con't.

MOTION TO DENY REQUEST CARRIED

ITEM #6 – VARIANCE REQUESTED. BASEMENT EXPERTS, 1493 OAKCREST DR., for relief of Section R305 of the 2003 Michigan Residential Code to convert a basement to habitable area.

Mr. Stimac explained that the petitioner is requesting relief of the 2003 Michigan Residential Code to finish a basement that includes the installation of a suspended ceiling with finished ceiling heights of 6'-9" and 6'-11". The plans also indicate a dropped ceiling for ductwork with a 6'-4" ceiling height. The 2003 Michigan Residential Code, Section R305, requires a 7' minimum ceiling height in finished basements and 6'-6" for dropped ceilings under beams and ductwork.

Mr. Kessler asked what the ceiling height was from the floor to the floor joist. Mr. Attar said that they can get a ceiling height of 6'-11" by the stairs. Mr. Kessler confirmed that they wish to bring the ceiling height down to 6'-9" in the recreation room and Mr. Attar said that this drop is needed because the plumbing lines run in this area, and consist mainly of shut off valves.

Mr. Kessler also said that he would like to see more detailed plans showing where the ductwork and plumbing lines are located. He would also like to see photographs, as he believes the ceilings could be dry walled, which would eliminate the need for a variance. The first few requests that appeared before this Board were because the homeowners had allergies and this type of laminate would help to alleviate some of the symptoms of these allergies. Now the petitioner is coming to the Board without showing any type of hardship that would require a variance.

Mr. Attar said that they are requesting relief of today's construction codes for homes that were built in the past. People want to create additional living space in their homes and he does not believe they are being allowed to do that because of an arbitrary number that should not apply to their homes. The petitioner is trying to accommodate the homeowner's wishes and keep it cost effective. Mr. Attar said that in his opinion the City of Troy does not believe basements are usable space and all they are trying to do is create additional space so that the homeowner can stay in the City. Mr. Attar said that they would be willing to submit extra paperwork but there is nothing he can do to comply with the 7' ceiling height. He does not believe that drywall on the ceiling would provide the access the homeowner needs for plumbing shut off valves.

Mr. Kessler said that he did not believe this was a valid argument and Mr. Attar said that if there is water damage, it is much easier to remove a suspended ceiling than one that has been dry walled. Mr. Attar said that although the new homes have the required 7' ceiling height, the majority of homes in Troy are less than 7'.

ITEM #6 – con't.

Mr. Kessler asked what the cost of the ceiling was in this area of the basement and Mr. Attar said that he didn't know. Mr. Attar advised that the cost of this job was $21,843.00 and also included an egress window. Mr. Kessler said that people are counting on this Board to make sure these home are built to minimum code. Mr. Kessler also asked if there were any deviations in the floor of this home. Mr. Attar assured the Board that there were not and they made more measurements to make sure that the problem with the floor would not happen again.

Motion by Kessler
Supported by Richnak

MOVED, to postpone the request of Basement Experts, 1493 Oakcrest Dr., for relief of Section R305 of the 2003 Michigan Residential Code to convert a basement to habitable area that will result in finished ceiling heights of 6'-9" and 6'-11" where 7' is required; and, for a dropped ceiling for ductwork with a 6'-4" ceiling height.

- To allow the petitioner to draw up additional plans showing the location of ductwork and plumbing lines.
- To allow the petitioner to explore the possibility of another option to finish this basement with a code compliant height for the ceiling.

Yeas: 4 – Nelson, Richnak, Zuazo, Kessler
Nays: 1 – Dziurman

MOTION TO POSTPONE THIS REQUEST UNTIL THE MEETING OF MARCH 1, 2006 CARRIED

The Building Code Board of Appeals meeting adjourned at 9:33 A.M.

_____
Ted Dziurman, Chairman

_____
Pamela Pasternak, Recording Secretary

Advisory Committee for Senior Citizens

A regular meeting of the Advisory Committee for Senior Citizens was held on Thursday, Feb. 2 2006 at the Troy Community Center. Chair JoAnn Thompson called the meeting to order at 1 PM.

Present: JoAnn Thompson, Chair
Bud Black, Member
Merrill Dixon, Member
Jo Rhoads, Member, excused
David Ogg, Member
James Berar, Member
Pauline Noce, Member
Carla Vaughan, Staff

Absent: None

Visitors: None

Approval of Minutes

Resolution # SC-2006-2-001
Moved by Jo Rhoads
Seconded by David Ogg

RESOLVED, That the Minutes of Jan. 5, 2006 be approved as submitted.

Yes: 7
No: 0

MOTION CARRIED

Visitor Comments

None

Old Business

Shuffleboard and Bocce Ball: Merrill reported that the budget has been approved and the bid award will probably go before City Council in April. The Committee reiterated that there should be shade over the bench area. Carla will check the bid specifications.

Catering Service at the Community Center: Carla reported that staff is working on a proposal that the caterer offer a discount to non-profit groups. They will meet with the caterer in February 22.

New Business

Medicare Part D Enrollment: Joann suggested that this be added as a regular item under reports and that members should bring information about this subject to share. The Committee discussed some of the ongoing concerns about the complexity of the program.

Reports

Park Board: Merrill Dixon reported that the Park Board discussed possible development of several parcels of land. He also asked that Carla make copies of the Community Center annual report for all Advisory Committee members.

Medi-Go: Jo Rhoads reported that Medi-Go is doing great.

Senior Program: Carla reported that low-income seniors can have their taxes done by AARP volunteers any Friday through April 14 at the Community Center. Appointments are not required. Last year, 364 seniors participated in this program. The number of seniors receiving the senior newsletter via email has increased 49% over the past year. There are now 342 seniors on our e-mailing list. Check out the Woodcarving Club's exhibit of beautiful carvings in the Community Center display case. This committee's own Joann Thompson won the Troy spelling bee and will be advancing to the county bee in February along with the two runners-up from Troy. Congratulations Joann!

OLHSA: No report

Oakland County Senior Advisory Board: Jo Rhoads reported that they discussed resources to help keep seniors in their own homes.

Suggestion Box: There was one new suggestion that a copy machine be installed at the Community Center for seniors to use. Carla reported that there was a machine at the old center, but it was not being used enough and the vendor removed it.

Comments:

Joann Thompson reported on the upcoming Troy High Stroll and Roll on March 4 and the State of the City Luncheon on February 9.

The meeting was adjourned at 2:30 p.m.

Respectfully submitted,

JoAnn Thompson, Chair

Carla Vaughan, Secretary

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, February 8, 2006, at Troy City Hall, 500 W. Big Beaver Rd., Troy, MI. The meeting was called to order at 1:35 p.m.

TRUSTEES PRESENT:
Mark Calice
Michael Geise
Thomas Houghton, Chair
John M. Lamerato
William R. Need (Ex-Officio)
Steven A. Pallotta
Louise Schilling
John Szerlag (Arrived @ 1:42 p.m.)

ABSENT:

MINUTES

Resolution # ER – 2006 – 02 - 006
Moved by Pallotta
Seconded by Calice

RESOLVED, That the minutes of the January 11, 2006 meeting be approved.

Yeas: All 6
Absent: Szerlag

OTHER BUSINESS – RETIREMENT REQUESTS

Resolution # ER – 2006 – 02 - 007
Moved by Geise
Seconded by Pallotta

RESOLVED, That the board approve the following retirement requests:

Anthony John Szerlag, DB, 3/13/06, 21 years 10 months
Glen J. Malone, DB, 3/18/06, 34 years 8 months

Yeas: All 6
Absent: Szerlag

OTHER BUSINESS – INVESTMENT POLICY REVIEW

Resolution # ER – 2006 – 02 - 008
Moved by Houghton
Seconded by Calice

RESOLVED, That the board has reviewed its current investment policy and is recommending no changes be made.

Yeas: All 7
Absent:

OTHER BUSINESS – RETIREE NEWSLETTER

The Board reviewed the responses of 24 retirees regarding the initial retiree newsletter. The Board will continue to monitor the responses at their March Meeting.

INVESTMENTS

Resolution # ER – 2006 – 02 - 009
Moved by Pallotta
Seconded by Lamerato

RESOLVED, That the Board sell and purchase the following securities:

Sell: Biosite

Purchase: $1,000,000 Toyota, 4.85%, due 2/25/09; and $1,000,000 LaSalle, 5.00%, due 2/15/10

Yeas: All 7
Absent:

The next meeting is March 8, 2006 at 12:00 p.m. at City Hall, Conference Room C, 500 W Big Beaver, Troy, MI.

The meeting adjourned at 2:25 p.m.

Thomas Houghton

Thomas Houghton, Chairman

John M. Lamerato

John M. Lamerato, Secretary

JML/bt\Retirement Board\2006\2-08-06 Minutes_Final.doc

LIBRARY ADVISORY BOARD – DRAFT **FEBRUARY 9, 2006**

A Regular Meeting of the Troy Library Board was held on Thursday February 9, 2006 at the Office of the Library Director. Audre Zembrzuski, Vice-Chairman, called the meeting to order at 7:30 P.M.

ROLL CALL PRESENT: Heather Eisenbacher
Lynne Gregory
Nancy Wheeler
Audre Zembrzuski

Brian Stoutenburg, Library Director

Tammy Duszynski, FTPL President

Resolution #LB-2006-2-01
Moved by Wheeler
Seconded by Gregory

RESOLVED, That Brian Griffen, Lauren Andreoff and Cheng Chen be excused.
Yes: 4—Eisenbacher, Gregory, Wheeler, Zembrzuski
No: 0

The Board welcomed Heather Eisenbacher as a new member of the Library Advisory Board.

The Pledge of Allegiance to the Flag was given

Resolution #LB-2006-2-02
Moved by Gregory
Seconded by Wheeler

RESOLVED, That Minutes of January 12, 2006 be approved.
Yes: 4—Eisenbacher, Gregory, Wilson, Zembrzuski
No: 0

Reviewed Agenda entries

Resolution #LB-2006-2-03
Moved by Wheeler
Seconded by Gregory

RESOLVED, That the Agenda be approved.
Yes: 4—Eisenbacher, Gregory, Wheeler, Zembrzuski
No: 0

MOTION CARRIED

POSTPONED ITEMS
There were no postponed items.

REGULAR BUSINESS
There was no regular business.

REPORTS & COMMUNICATIONS
Director's Report.
The budget has been submitted. The Operating Budget again this year is flat. Requests in the Capital Budget include renovating six bathrooms, replacement of three rooftop HVAC units, powerwashing and painting of the roof screen wall, and low vision aids for the Adult Tech Center. The software for online program registration is ready to go for the Spring programs.

Board Member's Comments
Zembrzuski mentioned an email she received concerning the idea of the Clawson Library joining with the Troy Library. She also mentioned a device that magnifies television screens. Wheeler commented that the Chinese New Year Program storyteller told a story that was too long for young children's attention span. Eisenbacher suggested that some classes offered by the library could be held on weekends and reach patrons that can't attend during the week.

Student Representative's Comments
There were no comments.

Suburban Library Cooperative.
Gregory reported that the SLC Board has contracted with a new law firm; they approved the purchase of Sirsi Secured Resources for the backup of data; and they approved a new library card vendor at a lower cost. He also reported that the Macomb County Commissioners have been discussing the possible closing of the Macomb County Library.

Friends of the Troy Public Library.
Tammy Duszynski reported that the Friends had a booth at Kaleidoscope and that it was successful in promoting membership. The fund-raising effort to expand the library has been put on hold until the fund-raising environment becomes better.

Gifts.
One gift of $50.00 was received.

Informational Items.
February TPL Calendar

Contacts and Correspondence.
11 written comments from the public were reviewed.

Public Participation.
There was no public participation.

The Library Board meeting adjourned at 8:30 P.M.

Audre Zembrzyski
Vice-Chair

Brian Stoutenburg
Recording Secretary

A Meeting of the Civil Service Commission (Act 78) was held Monday, February 13, 2006, at Troy City Hall, 500 W. Big Beaver Road in the Lower Level Conference Room. Chairman McGinnis called the meeting to order at 7:31 AM.

ROLL CALL

PRESENT: Chairman Donald E. McGinnis, Jr.
Commissioner David Cannon
Commissioner Patrick Daugherty

ALSO PRESENT: Lori Bluhm - City Attorney, Peggy Clifton - Human Resources Director, Police Chief Charles Craft, Captain Edward Murphy, Barbara A. Holmes – Deputy City Clerk

Approval of Corrected Minutes of August 10, 2004

Resolution #CSC-2006-02-001
Moved by Daugherty
Seconded by Cannon

RESOLVED, That the Minutes of the meeting of August 10, 2004 be **APPROVED** as corrected.

Yes: All-3

Approval of Minutes of October 17, 2005

Resolution #CSC-2006-02-002
Moved by Daugherty
Seconded by Cannon

RESOLVED, That the Minutes of the meeting of October 17, 2005 be **APPROVED** as presented.

Yes: All-3

Petitions and Communications:

Approval of Eligibility List – Police Officer

Resolution #CSC-2006-02-003
Moved by Daugherty
Seconded by Cannon

RESOLVED, That the *Eligible List for Classification: Police Officer* established on February 3, 2006 be **APPROVED** as presented.

Yes: All-3

New Business: None presented

Old Business: None presented

Adjournment: The meeting was adjourned at 7:41 AM.

Donald E. McGinnis, Jr., Chairman

Barbara A. Holmes, Deputy City Clerk

The Regular Meeting of the Troy City Planning Commission was called to order by Vice Chair Schultz at 7:30 p.m. on February 14, 2006, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:
Lynn Drake-Batts
Fazal Khan
Mary Kerwin
Lawrence Littman
Robert Schultz
David T. Waller

Absent:
Thomas Strat
Mark J. Vleck
Wayne Wright

Also Present:
Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Lori Grigg Bluhm, City Attorney
Kathy Czarnecki, Recording Secretary

Resolution # PC-2006-02-021
Moved by: Littman
Seconded by: Kerwin

RESOLVED, That Members Strat, Vleck and Wright are excused from attendance at this meeting for personal reasons.

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

MOTION CARRIED

2. APPROVAL OF AGENDA

Resolution # PC-2006-02-022
Moved by: Khan
Seconded by: Littman

RESOLVED, That the Agenda be approved as published.

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

MOTION CARRIED

3. MINUTES

Resolution # PC-2006-02-023
Moved by: Khan
Seconded by: Kerwin

RESOLVED, To approve the February 7, 2006 Special/Study Meeting minutes as published.

Yes: Drake-Batts, Kerwin, Khan, Schultz, Waller
No: None
Abstain: Littman
Absent: Strat, Vleck, Wright

MOTION CARRIED

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

Vice Chair Schultz announced that five (5) affirmative votes are required for approval or recommendation of approval of Agenda items, and the petitioner has the option to postpone the item prior to its presentation and deliberation of the Planning Commission.

REZONING REQUESTS

5. PUBLIC HEARING – PROPOSED REZONING (Z 712) – Proposed Medical Office, West side of Dequindre, North of Big Beaver (37373 Dequindre), Section 24 – From CR-1 (One Family Residential Cluster) to B-1 (Local Business) 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.

Mr. Miller confirmed that drive-through windows are not permitted in the B-1 zoning district.

Stephen Sedgewick, project architect, 158 Tillson Street, Romeo, was present to represent the petitioner. Mr. Sedgewick indicated he would like to proceed with the approval process.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2006-02-024
Moved by: Littman
Seconded by: Waller

RESOLVED, That the Planning Commission hereby recommends to the City Council that the CR-1 to B-1 rezoning request, located on the west side of Dequindre, north of Big Beaver, within Section 24, being approximately 1.4 acres in size, be granted.

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

MOTION CARRIED

6. PUBLIC HEARING – PROPOSED REZONING (Z 632-B) – Proposed Condominium Development, West side of Rochester Road, North of Wattles, Section 15 – From CR-1 (One Family Residential Cluster) to R-1T (One Family Attached Residential) 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. Mr. Savidant noted a letter of opposition from Angus Finney was distributed to the members prior to the beginning of the meeting. Mr. Savidant said it is the Planning Department policy to consider the rezoning request only at this time, and no consideration was given to the site plan provided by the petitioner.

There was discussion on the parcel located to the south of the subject parcel as relates to its size and potential future development, and the consolidation of both parcels for development.

Eric Salswedel of SDA Architects, 42490 Garfield Road, Clinton Township, was present to represent the petitioner. Mr. Salswedel said the petitioner and owners of the property are present and have indicated their desire to go forward with the approval process. He said the petitioner intends to construct 6 units on the parcel for their personal use and requests the zoning change to accommodate the number of units needed for their development group.

Mr. Salswedel said the petitioner made several unsuccessful attempts to acquire the parcel to the south, but was just recently approached by the owner indicating an interest to sell. Mr. Salswedel said there is no sale agreement on the table at this time.

Discussion followed on going forward with the rezoning request and development of the individual parcel, or postponing the request based on potential development of the combined parcels.

Ms. Bluhm provided a brief review of pending litigation on a rezoning request to the R-1T zoning district located on Rochester Road that was denied by City Council. Ms. Bluhm said it would be appropriate for the members to proceed in either direction: (1) act on the rezoning request tonight and should the parcel to the south be acquired, the petitioner could come back before the Commission; or (2) postpone the request for the potential development of the parcels combined.

Mr. Salswedel requested the members to act upon the rezoning request as submitted, in the event the sale of the property to the south does not take place.

Vice Chair Schultz announced the rezoning request and site plan are mutually exclusive, and the site plan should not considered at the time of the rezoning request.

PUBLIC HEARING OPENED

Gary Jacobs of 872 Barclay Court, Troy, was present. Mr. Jacobs voiced objection to the proposed rezoning request. He addressed the proposed site plan and said the development and parking lot would be his view from his backyard. He also expressed concern with the resale value of his home. Mr. Jacobs asked if the fence along the property line would be torn down.

Mr. Jacobs submitted for the record a letter of opposition from James and Janice Arnold of 912 Barclay Drive.

Dawn Aronoff of 864 Barclay Court, Troy, was present. Ms. Aronoff expressed opposition to the proposed rezoning request. She said the view from her backyard would be a parking lot and 2nd and 3rd stories of the development. Ms. Aronoff said the adjacent property is a wooded area, and that is the view she and her neighbors currently have and would like to keep. Ms. Aronoff would like the area's natural features to remain.

Mr. Miller informed Mr. Jacobs that the exact location of the fence must be established in order to determine ownership. Further, Mr. Miller stated that condominium developments of this type usually do not have parking lots, but integrate garages into the development. Mr. Miller said there would be some type of buffer provided between the R-1T zoning and the single family residential.

Ms. Bluhm said she understood Mr. Jacobs' concern with the fence, but noted the fence has no bearing on the proposed rezoning request. She said City Management would follow up with Mr. Jacobs on the matter.

Mr. Khan asked if the neighbors would be notified at the time of site plan approval.

Mr. Miller replied the Planning Department is not legally required to notify the public of a site plan approval, but the Planning Department could do so if requested.

Mr. Khan encouraged residents to provide contact information to the Planning Department so they are notified of the site plan approval.

Barbara Finney of 978 Barclay Drive, Troy, was present. Ms. Finney voiced opposition to the proposed rezoning request. She addressed the view from her backyard, traffic, congestion, classroom size, and the type of development proposed. Ms. Finney said she would like to preserve the quality of life in Troy.

Edvin Hoti of 964 Barclay Drive, Troy, was present. Mr. Hoti voiced opposition to the proposed rezoning request. He said the proposed development would not fit well within the square mile of residential homes. Mr. Hoti addressed concerns relating to parked cars, traffic and the resale value of his home.

PUBLIC HEARING CLOSED

Mr. Littman said he could not support the proposed rezoning request because it would result in additional curb cuts on Rochester Road and is inconsistent with the surrounding neighborhood. Mr. Littman said he does not think the rezoning request for the individual parcel is a fit within the area. He said he would support tabling the matter for further study to see how the two parcels might be developed together.

Resolution # PC-2006-02-025
Moved by: Littman
Seconded by: Khan

RESOLVED, To table this rezoning application for sixty (60) days for the following reasons:

1. To allow the petitioner to see if he could propose a development that would include the parcel to the south; and
2. For the Planning Commission to study how these two parcels might develop in a safe manner separately.

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

MOTION CARRIED

See page 15, under Good of the Order, for reason Ms. Drake-Batts was not in favor of the motion.

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

SPECIAL USE REQUESTS

8. PUBLIC HEARING – PROPOSED SPECIAL USE REQUEST (SU 333) – Proposed Franklin Bank, Northeast Corner of Tower and Long Lake Road, Section 9, Zoned R-C (Research Center) District

Mr. Savidant presented a summary of the Planning Department report for the proposed special use and site plan approval and reported it is the recommendation of City Management to approve the special use request and site plan as submitted.

The petitioner, Marcos Makohon of K4 Architecture LLC, 26899 Northwestern Highway, Southfield, was present. Mr. Makohon reviewed the proposed site plan through the use of visual boards as relates to traffic circulation, existing thoroughfares and landscaping. He addressed the matter of pervious asphalt areas in relation to the existing parking lot.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2006-02-027
Moved by: Waller
Seconded by: Kerwin

RESOLVED, That the Special Use Approval and Site Plan Approval, pursuant to Section 27.30.04 of the Zoning Ordinance, as requested for the proposed Franklin Bank, located on the northeast corner of Tower and Long Lake Road, Section 9, within the R-C Zoning District, be granted.

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

MOTION CARRIED

9. PUBLIC HEARING – PROPOSED SPECIAL USE REQUEST (SU 318-B) – Proposed Boys and Girls Club of Troy, East side of John R, South of Wattles, (3670 John R), Section 24, Zoned R-1C (One Family Residential) District

Mr. Miller presented a summary of the Planning Department report for the proposed special use request and site plan approval. He reported it is the recommendation of City Management to approve the special use request and site plan as submitted with the condition that the petitioner receives three variances from the Board of Zoning Appeals.

Steve Toth, Executive Director of the Boys and Girls Club, 2312 Niagara, Troy, was present.

Jim Butler of Professional Engineering Associates, 2430 Rochester Court, Troy, civil engineering consultant for the project, was present. Mr. Butler outlined the site plan and displayed elevations and renderings of the proposed development.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Mr. Miller provided an explanation of site plan approval with respect to the petitioner receiving the variances from the Board of Zoning Appeals.

Ms. Bluhm confirmed that it is the Commission's discretion to give preliminary site plan approval with the conditions as discussed. She said the proposed resolution clearly states the conditions, and special use and site plan approvals would be granted upon satisfaction of those conditions.

Mr. Waller disclosed that he was formerly on the Girls and Boys Club board.

Resolution # PC-2006-02-028
Moved by: Kerwin
Seconded by: Khan

RESOLVED, That the Special Use Approval and Site Plan Approval, pursuant to Section 10.30.07 of the Zoning Ordinance, as requested for the proposed Boys and Girls Club of Troy, located on the east side of John R, south of Wattles, Section 24, within the R-1C Zoning District, be granted, subject to the following conditions:

1. The applicant must receive a variance from the Board of Zoning Appeals for a variance from the 25-foot maximum height requirement to construct a building that is 30 feet in height.
2. The applicant must receive a variance from the Board of Zoning Appeals to waive the required 50-foot wide landscape area adjacent to residential districts for the rear yard adjacent to the residentially-zoned Barnard Elementary School.
3. The applicant must receive a variance from the Board of Zoning Appeals to waive the required 4 foot 6 inch high masonry screen wall along parking areas adjacent to residentially-zoned property.

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

MOTION CARRIED

ZONING ORDINANCE TEXT AMENDMENT

10. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215-A) – Articles 40.55.00-40.59.00, pertaining to Accessory Buildings, Accessory Supplemental Buildings and Accessory Structures

Mr. Miller reviewed the text amendment that was adopted by City Council on July 11, 2005, and the text amendment versions recommended by the Planning Commission and City Management. Mr. Miller detailed the difference between the recommended versions of the Planning Commission and City Management.

Vice Chair Schultz thanked the City Council for accommodating the Planning Commission meeting schedule in forwarding their recommendation to City Council.

PUBLIC HEARING OPENED

Dick Minnick of 28 Millstone, Troy, was present. Mr. Minnick expressed concern that the City might become anti-garage and cited reasons why garages are good for

a neighborhood. He addressed issues relating to the distinction between an attached garage and an accessory building and how they relate to the residential living area; non-garage uses such as swimming pools, basketball courts and large workshops; definitions of a garage and computations of related living space; and door height limitations.

Tom Krent of 3184 Alpine, Troy, was present. Mr. Krent addressed the City Council action on July 11, 2005 and the importance of the zoning ordinance text amendment. Mr. Krent encouraged the Planning Commission to forward to the City Council the same recommendation previously submitted. He voiced appreciation to the members for their hard work and dedication to the zoning ordinance text amendment.

PUBLIC HEARING CLOSED

There was a brief discussion on the door height limitation.

Resolution # PC-2006-02-029
Moved by: Khan
Seconded by: Littman

RESOLVED, That the Planning Commission hereby recommends to the City Council that Articles IV DEFINITIONS and XL GENERAL PROVISIONS, pertaining to Accessory Buildings, Accessory Supplemental Buildings, and Accessory Structures, be amended as printed on the Proposed Zoning Ordinance Text Amendment, Version A Planning Commission Version.

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

MOTION CARRIED

Vice Chair Schultz requested that a new number is assigned to the proposed text amendment.

Vice Chair Schultz requested a recess at 8:59 p.m.

The meeting reconvened at 9:08 p.m.

SITE PLAN REVIEWS

11. SITE PLAN REVIEW (SP 926) – Proposed Crooks and Maple Retail Center, Northwest corner of Crooks and Maple, Section 29 – Zoned B-3 (General Business) District

Mr. Miller presented a summary of the Planning Department report for the proposed retail center. Mr. Miller pointed out a small portion of property that is being purchased by the petitioner as relates to parking. He also addressed an awkward area of access on Crooks Road as relates to the circulation pattern and the existing property to the north. Mr. Miller reported it is the recommendation of City Management to approve the site plan as submitted because the plan meets all numerical requirements of the zoning ordinance, but he strongly encouraged that a joint driveway exist to the property to the north.

Mr. Waller questioned the Traffic Engineer's comments that a deceleration lane would be required on Crooks Road.

Mr. Miller replied that he would seek further guidance from the Traffic Engineer on the requirement.

There was discussion on the procedure of obtaining a cross access easement with the property to the north.

The petitioners, Hathem Hannawa and Tom Hannawa of H & H Design Consultants, 5600 E. Nine Mile, Warren, were present.

Mr. Hathem Hannawa addressed the small portion of property that is being purchased in relation to the parking spaces shown on the plan. Mr. Hannawa also addressed potential of a shared driveway with the property to the north. He indicated that he has been unsuccessful in reaching an agreement with the property owner for a shared driveway.

Mr. Tom Hannawa addressed potential users for the retail center. He stated that at this time there are no users for the center, but a mixture of uses would be desirable; i.e., a high-end coffee user, one restaurant and general retail for the remainder.

Mr. Littman asked how parking requirements could be configured if the retail use is not known at this time.

Mr. Miller explained that a general retail parking calculation is used and the Building Department would apply exact parking standards that relate to the specific users as the building is occupied.

Resolution # PC-2006-02-030
Moved by: Khan
Seconded by: Waller

RESOLVED, That Preliminary Site Plan Approval, as requested for the Proposed Crooks and Maple Retail Center, located on the northwest corner of Crooks and Maple, located in Section 29, on approximately 1.24 acres, within the B-3 zoning district, is hereby granted.

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

MOTION CARRIED

12. SITE PLAN REVIEW (SP 929) – Proposed Medical Office Building, North side of Big Beaver, West of John R, Section 23 – Zoned O-1 (Low Rise Office), E-P (Environmental Protection) and R-1E (One Family Residential) District

Mr. Miller presented a summary of the Planning Department report for the proposed medical office building and reported it is the recommendation of City Management to approve the site plan as submitted.

The petitioner, Lisa High of CDPA Architects, 26600 Telegraph Road, Southfield, was present. Ms. High displayed a rendering of the proposed development.

Resolution # PC-2006-02-031
Moved by: Littman
Seconded by: Khan

RESOLVED, That Preliminary Site Plan Approval, as requested for the Proposed Medical Office Building, located on the north side of Big Beaver, west of John R, located in Section 23, on approximately 4.61 acres, within the O-1, E-P and R-1E zoning districts, is hereby granted.

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

MOTION CARRIED

ZONING ORDINANCE TEXT AMENDMENT

13. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 201) – Article 28.30.00 Commercial Indoor Recreation in the M-1 (Light Industrial) Zoning District

Mr. Miller reviewed Resolutions # PC-2005-12-192 and # PC-2005-12-193 passed at the December 13, 2005 Planning Commission Regular Meeting. He reported City Management recommends that the Planning Commission rescind Resolution # PC-2005-12-193. City Management further recommends that the commercial indoor recreation facilities not include performance theaters, and that consideration be given to developing separate special use standards for performance theaters in the M-1 Light Industrial district.

Resolution # PC-2006-02-032
Moved by: Khan
Seconded by: Littman

RESOLVED, That the Planning Commission hereby rescinds Resolution # PC-2005-12-193, which was approved by the Planning Commission at the Regular Meeting on December 13, 2005.

Discussion on the motion on the floor.

Mr. Littman asked if the proposed zoning ordinance text amendment was forwarded to City Council.

Mr. Miller stated that the proposed ZOTA has not been forwarded to the City Council as of yet. Mr. Miller said a thorough explanation would accompany the report to City Council. He indicated that recreational uses in the M-1 zoning district would go forward to City Council. Mr. Miller clarified that dance studios and performance studios would be included in the recommendation as uses permitted in indoor recreation, but performance theaters would be excluded.

Vote on the motion on the floor.

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

MOTION CARRIED

Resolution # PC-2006-02-033
Moved by: Kerwin
Seconded by: Khan

RESOLVED, That the Planning Commission and City Management shall study the potential for developing standards for permitting Performance Theaters by Special Use Permit in the M-1 Light Industrial District.

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

MOTION CARRIED

OTHER ITEMS

14. PUBLIC COMMENTS – Items on the Agenda

There was no one present who wished to speak.

GOOD OF THE ORDER

Mr. Savidant complimented Vice Chair Schultz on chairing tonight's meeting.

Mr. Waller asked if the developer who initiated the zoning ordinance text amendment for freestanding restaurants in the RC, O-M and O-S-C districts [ZOTA 212] has given up on the concept.

Mr. Miller said The Gale Company, who initiated ZOTA 212, is the developer of the Franklin Bank at Tower and Long Lake Road that received approval tonight. Mr. Miller indicated he is not aware of any future plans.

Ms. Kerwin announced that she would not be attending the February 28, 2006 Special/Study Meeting. Ms. Kerwin commented on the Boards and Commissions recognition dinner, and the recognition given to former member Gary Chamberlain at the function. She provided a brief update on the By-Laws sub-committee.

Mr. Khan commended Vice Chair Schultz on chairing tonight's meeting.

Mr. Miller provided an update on the Maple Road Corridor Study.

Ms. Bluhm said it was a pleasure to be with the members tonight and commented that the meeting was conducted very well.

Ms. Drake-Batts addressed the reason she was not in favor of the tabling motion on Agenda item #6, Z 632-B. Ms. Drake-Batts indicated she has no issue with the proposed change in zoning classification. She felt the residents would be better served with the petitioner's proposed development versus other types of development that could go in. She believes that at some point Rochester Road will be developed more as office.

Vice Chair Schultz thanked Ms. Bluhm for her appearance. He shared that the City of Birmingham has received a lot of column space in the *Detroit Free Press* regarding large garages. Vice Chair Schultz said it was a pleasure to chair tonight's meeting.

The Regular Meeting of the Planning Commission was adjourned at 9:47 p.m.

Respectfully submitted,

_____
Robert Schultz, Vice Chair

_____
Kathy L. Czarnecki, Recording Secretary

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The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:30 p.m. on February 28, 2006 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:
Lynn Drake-Batts
Fazal Khan
Robert Schultz
Thomas Strat
Mark J. Vleck (arrived 7:32 p.m.)
David T. Waller
Wayne Wright

Absent:
Mary Kerwin
Lawrence Littman

Also Present:
Mark F. Miller, Planning Director
Allan Motzny, Assistant City Attorney
Richard K. Carlisle, Carlisle Wortman Associates
Christopher Kulesza, Student Representative (arrived 7:38 p.m.)
Kathy L. Czarnecki, Recording Secretary

Resolution # PC-2006-02-034
Moved by: Wright
Seconded by: Khan

RESOLVED, That Members Kerwin and Littman are excused from attendance at this meeting for personal reasons.

Yes: All present (6)
No: None
Absent: Kerwin, Littman, Vleck (arrived 7:32 p.m.)

MOTION CARRIED

2. APPROVAL OF AGENDA

Resolution # PC-2006-02-035
Moved by: Schultz
Seconded by: Wright

RESOLVED, To approve the Agenda as published.

Yes: All present (6)
No: None
Absent: Kerwin, Littman, Vleck (arrived 7:32 p.m.)

MOTION CARRIED

[Mr. Vleck arrived at 7:32 p.m.]

3. MINUTES

Resolution # PC-2006-02-036
Moved by: Schultz
Seconded by: Khan

RESOLVED, To approve the February 14, 2006 Regular Meeting minutes as published.

Yes: Drake-Batts, Khan, Schultz, Strat, Waller
No: None
Abstain: Vleck, Wright
Absent: Kerwin, Littman

MOTION CARRIED

4. PUBLIC COMMENT (Items Not on the Agenda)

There was no one present who wished to speak.

5. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

Mr. Miller reported on the following actions taken at the February 15, 2006 Downtown Development Authority (DDA) meeting.

- Resolved to prepare Request for Proposal (RFP) to hire firm to conduct marketing campaign.
- Appointed Douglas Smith, Real Estate & Development Director, as Acting Executive Director.
- Initiated process of amending Bylaws as relates to Executive Director capacity.
- Reappointed officers: Chair Alan Kiriluk, Vice Chair Thomas York, Secretary-Treasurer John Lamerato.
- Approved Resolution in opposition of amending DDA boundaries.

6. BOARD OF ZONING (BZA) APPEALS REPORT

Mr. Wright reported on the February 21, 2006 Board of Zoning Appeals (BZA) meeting. One item of interest was the variances granted to the Boys and Girls Club of Troy.

7. PLANNING AND ZONING REPORT

Mr. Miller reported on the following City Council action items:

- Passed Resolution that Downtown Development Authority (DDA) boundaries remain as they are. Discussed utilization of captured funds for open space and park improvements. (*February 27, 2006)*
- Passed Resolution to continue the March 6, 2006 Public Hearings to March 20, 2006 for ZOTA 214 (Group Child Care Homes in Residential Districts) and ZOTA 218 (Child Care Centers by Special Use Approval in Residential Districts). (*February 27, 2006)*
- Granted Rezoning Request (Z 286-B) for Wayne State University Physician Group, southeast corner of Maple Road and Stephenson Hwy, Section 35, from R-C (Research Center) to O-M (Office Mid-rise). (*February 20, 2006)*
- Granted Rezoning Request (Z 372-B) for Industrial Use at former Scott Shuptrine building, north side of Fourteen Mile Road, east of John R, Section 36, from B-2 (Community Business) to M-1 (Light Industrial) District. (*February 20, 2006)*

[Mr. Kulesza arrived at 7:38 p.m.]

8. PLANNED UNIT DEVELOPMENT (PUD 5) – Proposed Caswell Town Center including 14 single family homes, 74 condominium units, ±19,000 s.f. retail space and the existing Petruzzello's banquet center, Southeast corner of Rochester Road and South Blvd., Section 2 – B-3 (General Business), P-1 (Vehicular Parking) and R-1D (One Family Residential) Districts

Mr. Miller announced a Public Hearing has been scheduled on the March 14, 2006 Regular Meeting. He said City Management concurs with the recommendations outlined in the report prepared by the City's Planning Consultant. Mr. Miller said he is impressed with the proposal, its design, and the responsiveness of the petitioner.

Richard Carlisle of Carlisle Wortman Associates, the City's Planning Consultant, was present. Mr. Carlisle provided a brief description of the project and outlined the revisions to the plan since it was last reviewed. He addressed the proposed development as relates to the Master Plan and PUD eligibility. In support of the overall plan, Mr. Carlisle outlined the followed recommendations.

- *Natural Resources:* (1) Proposed trees to be preserved on Landscape Plan. (2) FEMA response to the applicant's request for a Letter of Map Amendment. (3) Discussion about impact to adjacent wetland due to impact of diversion of drainage.
- *Traffic Impact:* Review and recommendations of City's Traffic Engineer.
- *Essential Facilities and Services:* (1) Planting scheme modifications based on functioning of basin. (2) Accurately identify the walkways as pervious paving on the drainage calculations plan. (3) Additional stormwater infiltration areas.
- *PUD Standards:* (1) "Total Open Space" calculation discrepancy corrected. (2) Reconsider excess parking.

- *Area, Width, Height, Setbacks:* Height of multi-family buildings.
- *Parking and Loading:* (1) Barrier-free visitor parking spaces in multi-family area of plan. (2) Information to confirm parking spaces at banquet hall. (3) Reconsider excess parking.
- *Site Access and Circulation:* (1) Signs to deter cut-through traffic. (2) Revised architectural plans to clarify the location of the proposed drive-thru window.
- *Landscaping:* (1) Review and recommendations by City's Department of Parks and Recreation. (2) Trees to be preserved. (3) Bio-swale and detention basin vegetation establishment and maintenance. (4) Approval for work within the rights-of-way.
- *Lighting and Signs:* Provide lighting and sign information.
- *Floor Plans and Elevations:* Multi-family residential building height.

The petitioner, Brad Byarski of Michigan Home Builders, 13400 Canal Road, Sterling Heights, was present. Mr. Byarski addressed the additional parking, proposed retail mix, and the height of the multi family buildings. He responded to concerns relating to lighting, signage and tree preservation. Mr. Byarski indicated all the concerns outlined by the Planning Consultant would be appropriately addressed in a timely fashion.

John Hennessey, project engineer, 2674 W. Jefferson, Trenton, addressed site drainage and pervious materials.

Parking alternatives were discussed at great length; i.e., one-way pattern around the banquet center, angled parking, increased landscaping at corner.

Don Brown of 1221 Cadmus Drive, Troy, Treasurer of Maple Forest of Troy Homeowners Association, was present. Mr. Brown indicated Maple Forest homeowners are satisfied with and approve the intent of the proposed development. He said the petitioner addressed traffic concerns that were expressed by the homeowners. Mr. Brown said he personally views the proposed development as a major improvement to the area in terms of landscaping and signage.

Joe Palluzzi of Michigan Home Builders addressed the parking and landscaping issues. He said it is critical to maintain consistency and continuity to the overall landscaping of the proposed development in relation to Rochester Road. Mr. Palluzzi said it is very important that parking for retail use is properly accommodated, and that sensitivity to the quality of life is shown to the residents who abut the mixed uses.

The Planning Consultant and City Management will continue to work with the petitioner on alternative parking solutions and landscaping. The members requested that the Planning Department place on the next meeting agenda any revisions to the proposed development for discussion purposes.

Chair Strat requested a recess at 8:37 p.m.

The meeting reconvened at 8:49 p.m.

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9. 2006 AMERICAN PLANNING ASSOCIATION (APA) CONFERENCE

Mr. Miller reviewed the Planning Commission budget numbers and requested a Resolution to authorize Chair Strat's attendance at the 2006 American Planning Association national conference in San Antonio, Texas.

Resolution # PC-2006-02-037
Moved by: Waller
Seconded by: Wright

RESOLVED, That the Planning Commission authorizes Mr. Strat, the current Chairman of the Planning Commission, to travel to San Antonio for attending the American Planning Association national planning conference

FURTHER RESOLVED, That all expenses that are submitted in proper format be reimbursed to Mr. Strat.

Discussion on the motion on the floor.

Mr. Vleck requested a written summary from the Chair on what he learns at the conference.

Chair Strat said he would submit a written summary, as well as pass on to the members any valuable material and information obtained at the conference.

Vote on the motion on the floor.

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

MOTION CARRIED

Ms. Drake-Batts said her no vote is characteristic of previous votes on Resolutions to authorize person(s) to attend national conferences. She believes attendance at local conferences is sufficient.

Chair Strat questioned the reason behind the City Management's request for a Resolution.

Mr. Waller provided a brief history on Planning Commission attendance at national conferences and Resolutions in support of members attending national conferences.

The members requested City Management to provide a breakdown of expenses appropriated to accounts and account balances.

[Mr. Kulesza exited at 9:00 p.m.]

10. PLANNING COMMISSION GOALS AND OBJECTIVES

It was the consensus of the members to focus on the Planning Commission goals and objectives at their Special/Study Meetings held on the 1st Tuesday of each month, beginning in the month of April. They agreed that the number one priority objective is the Comprehensive Revision to the Master Plan and Rewrite/Restructure of the Zoning Ordinance. They also agreed that priority of the remaining goals and objectives would be established at the April 4, 2006 Special/Study Meeting.

11. ZONING ORDINANCE TEXT AMENDMENT REQUEST (ZOTA 222) – Articles 04.00.00 and 28.25.00 Classic and Antique Auto Sales Facilities in the M-1 (Light Industrial) District

Mr. Miller reviewed the petitioner's request to amend the Zoning Ordinance to allow classic and antique auto sales facilities in the M-1 zoning district. He outlined the differences between the petitioner's version and City Management's version of the proposed text. Mr. Miller indicated the City Attorney's office and the City Planning Consultant have reviewed both versions of the proposed text. Mr. Miller reported that City Management is supportive of the overall concept.

There was discussion on:

- Antique and classic car definitions.
- Limited edition automobiles and other types of vehicles.
- Repair of automobiles/vehicles.
- Operable and non-operable automobiles/vehicles.
- Sale of automotive/vehicular components.
- Auctions.
- Building requirements; i.e., fire suppression, exhaust and ventilation.
- Building parking requirements; i.e., showroom, storage area.

12. PUBLIC COMMENTS – Items on Current Agenda

Chris Komasara of 5287 Windmill, Troy, was present. Mr. Komasara addressed PUD 5 with respect to parking and landscaping, and agreed that the landscaping along Rochester Road should be uniform. Mr. Komasara also addressed ZOTA 222 stating there are facilities in California that sell vehicular components.

GOOD OF THE ORDER

Mr. Schultz referenced an article he recently read on a Mercedes Benz facility in California offering renovation and manufacturing services to customers. He said ZOTA 222 is a really good thing.

Mr. Khan spoke of his recent trip to the Phoenix and Scottsdale, Arizona, area. He addressed the new residential and commercial developments, the well-kept public areas and roads, and the development process and fees assessed to the developers.

Mr. Wright referred to the heavy truck use and thaw cycles for Michigan roads. He was happy to be back after missing the Boards and Commissions banquet and last week's meeting for personal reasons.

Mr. Miller addressed the Resolution approved by City Council on term limitations for boards and commissions.

Mr. Miller reported the students of Lawrence Technological University (LTU) would like to make its Maple Road Corridor Study presentation to the Planning Commission on Wednesday, May 10, 2006, from 1:00 p.m. to 5:00 p.m. By a show of hands, members agreed on the date and time of the presentation and that a Special Meeting of the Planning Commission should be called.

There was a brief discussion of the location of the Special Meeting.

Chair Strat spoke of his recent visit to the Phoenix and Scottsdale, Arizona, area. He said he was equally impressed with the amount of new construction and cleanliness of the cities. He announced that Mr. Miller would obtain information from both cities for review by the members.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 9:45 p.m.

Respectfully submitted,

_____
Thomas Strat, Chair

_____
Kathy L. Czarnecki, Recording Secretary

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J-01k

TROY DAZE ADVISORY COMMITTEE

CALL TO ORDER

A special meeting of the Troy Daze Advisory Committee was held **Tuesday, February 28, 2006** at the Troy Community Center. Meeting was called to order at 9:30 pm.

ATTENDEES

Members Present:

Cele Dilley	Kessie Kaltsounis
Jeff Stewart	Bill Hall
Mike Gonda	Cheryl Whitton
Marilyn Musick	Bob Preston
Berj Alexandian	

City Staff:

Cindy Stewart	Gerry Scherlinck
Bob Matlick	Jeff Biegler

Absent:
Jim Cyrlewski
Bob Berk

EXCUSE ABSENT MEMBERS

Resolution #TD-2006-02-47

Moved by Bill Hall
Seconded by Mike Gonda to excuse Jim Cyrulewski and Bob Berk

RESOLVED that absent members are excused
Yeas: All
Nays: None

MOTION CARRIED

APPROVAL OF MINUTES

Resolution #TD-2006-02-48
Moved by Mike Gonda
Seconded by Bill Hall to approve the minutes from the January meeting.

RESOLVED that the minutes of the January meeting are approved.
Yeas: All
Nays: None

TREASURER'S REPORT

February 28, 2006: $7400 was paid for Winarski contract (electrical).
Deposited corporate sponsorships of $20,650.
Charge of $122 for bounced check purchase parking fees.

NEW BUSINESS

APPOINTMENT OF NEW FESTIVAL CHAIRPERSONS
Resolution #TD-2006-02-49

Moved by Kessie Kaltsounis
Seconded by Mike Gonda to appoint the following chairpersons:
Alison Miller – Cutest Toddler
Susan Regina - Miss Troy/Junior Miss

RESOLVED that chairpersons are appointed as listed.
Yeas: All
Nays: None

Note: Council eliminated term limits.
Troy Jaycees are canceling their 5k walk/run. They do not have the manpower to organize and run the event.

Tabled items:
1. Subcommittee Reports
2. Suggestion List
3. Festival Committee Manual

MOTION TO ADJOURN
Resolution #TD-2006-02-50
Moved by Cheryl Whitton
Seconded by Mike Gonda

RESOLVED that the Troy Daze Advisory Committee Meeting be adjourned at 9:40 p.m.

Yeas: All
Nays: None
MOTION CARRIED

_____
Cele Dilley, Chairperson

_____
Cindy Stewart, Recording Secretary

Advisory Committee for Senior Citizens

A regular meeting of the Advisory Committee for Senior Citizens was held on Thursday, Mar. 2 2006 at the Troy Community Center. Chair JoAnn Thompson called the meeting to order at 1 PM.

Present: JoAnn Thompson, Chair
Frank Shier, Member
Merrill Dixon, Member
Jo Rhoads, Member
David Ogg, Member
James Berar, Member
Pauline Noce, Member
Carla Vaughan, Staff

Absent: Bud Black, Member

Visitors: None

Approval of Minutes

Resolution # SC-2006-3-001
Moved by Jo Rhoads
Seconded by James Berar

RESOLVED, That the Minutes of Feb. 2, 2006 be approved as submitted.

Yes: 7
No: 0

MOTION CARRIED

Visitor Comments

None

Old Business

Shuffleboard and Bocce Ball: Merrill reported that the bid award will probably go before City Council in April. Carla reported that the courts should be completed in June and she will begin to advertise the facility in the April newsletter.

Catering Service at the Community Center: Carla reported that the contract expires May 1. Staff has initiated discussions with Emerald Food Service.

New Business

Term Limits: Carla reported that term limits for committees have been eliminated.

Attendance at Other Committee Meetings: James Berar suggested that committee members might want to attend other committee meetings on occasion.

Reports

Park Board: Merrill Dixon reported that the Park Board did not meet in February.

Medi-Go: Jo Rhoads reported that the cost of insurance is a concern for Medi-Go and they would like to get under the City's umbrella policy.

Senior Program: Carla reported that the Expo will be held on March 21 with over 60 vendors. New this year is a fashion show to be held on March 29 with fashions from Oakland Mall. Over 200 seniors are expected to attend.

OLHSA: Jo Rhoads reported that a doctor spoke on healthy sleeping habits.

Oakland County Senior Advisory Board: Jo Rhoads reported that they discussed changes in the administration and that their booklet will be printed soon.

Medicare Part D: Joann indicated that everyone she has talked to is hesitating to sign up because they are confused about the conflicting and changing information.

Suggestion Box: There were two comments: one unsigned complaint that the chicken patty on February 21 was "dry and overcooked like a hockey puck." The other comment was about the fact that non-seniors are parking in the lot designated for seniors at the Community Center and therefore the lot is full. Carla will check the sign to see if it needs to be made to stand out more she will and talk to staff about the problem.

Comments:

Joann Thompson welcomed new member Frank Shier. She also commented about the citizen's academy – that it is great and everyone should attend.

The meeting was adjourned at 2:45 p.m.

Respectfully submitted,

JoAnn Thompson, Chair

Carla Vaughan, Secretary

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:30 p.m. on March 7, 2006 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:
Lynn Drake-Batts
Mary Kerwin
Fazal Khan
Lawrence Littman
Robert Schultz
Thomas Strat
Mark J. Vleck
Wayne Wright

Absent:
David T. Waller

Also Present:
Brent Savidant, Principal Planner
Allan Motzny, Assistant City Attorney
Kathy L. Czarnecki, Recording Secretary

Resolution # PC-2006-03-038
Moved by: Wright
Seconded by: Schultz

RESOLVED, That Member Waller is excused from attendance at this meeting for personal reasons.

Yes: All present (8)
No: None
Absent: Waller

MOTION CARRIED

2. APPROVAL OF AGENDA

Resolution # PC-2006-03-039
Moved by: Khan
Seconded by: Wright

RESOLVED, To approve the Agenda as published.

Yes: All present (8)
No: None
Absent: Waller

MOTION CARRIED

3. PUBLIC COMMENT (Items Not on the Agenda)

There was no one present who wished to speak.

4. PLANNING AND ZONING REPORT

Mr. Savidant reported on the following items:

- ZOTA 214 – Article IV and X, Group Child Care Homes in the R-1A through R-1E Districts.
- ZOTA 218 – Article 10.30.03, Permit Child Care Centers by Special Use Approval in the R-1A through R-1E Zoning Districts.
- Z 180-B – Binson's Home Health Care Center, Northwest corner of Rochester and Marengo, Section 3 – R-1B to B-1.

5. PLANNING COMMISSION BY-LAWS

Ms. Kerwin reported on the status of the By-laws sub-committee.

6. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 219) – Articles II and III, Conditional Rezoning

There was general discussion on ZOTA 219 relating to conditional rezoning.

A Public Hearing will be scheduled on the April 11, 2006 Regular meeting.

The Planning Department will review the proposed language in Section 03.24.02 C. (1). The Planning Commission will discuss the language at their March 28, 2006 Special/Study meeting.

7. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215-C) – Article 43.74.00, Article 40.65.02 and Article 44.00.00, pertaining to Commercial Vehicle Parking Appeals

There was general discussion on ZOTA 215-C relating to commercial vehicle parking appeals.

Mr. Motzny will provide a report on his research of the matter at the March 28, 2006 Special/Study meeting.

8. ROCHESTER ROAD FUTURE LAND USE PLAN AMENDMENT

Mr. Savidant led an in-depth discussion on future land use planning for the section of Rochester Road between Long Lake and Square Lake Roads.

No integration of uses and lack of walkability were identified as additional problems.

Mr. Littman addressed development in St. Clair, Michigan, and will provide information to the members.

9. 2005 – 2006 PLANNING COMMISSION BUDGET REPORT
and
10. 2006 – 2007 PLANNING COMMISSION BUDGET REQUEST

There was general discussion on the 2005-06 budget report and the 2006-07 budget request.

Specific discussion took place on budget line items associated with the secretarial staff and the time provided for preparation of meeting minutes.

Ms. Kerwin addressed the accommodation of budget monies related to computer laptops, paperless meetings and updating technology for the presentation of Agenda items.

11. MAPLE ROAD CORRIDOR STUDY – Presentation to Planning Commission

Chair Strat announced the Chamber of Commerce is hosting the Lawrence Technological University students' presentation on the Maple Road Corridor Study. Invitations will be sent to members of the City Council and Planning Commission. The date of the presentation is May 10, 2006 at 1:00 p.m. to 5:00 p.m.

12. PUBLIC COMMENTS – Items on Current Agenda

Tom Krent of 3184 Alpine, Troy, was present. Mr. Krent distributed copies of design standards used by Bloomfield Township.

Chris Komasara of 5287 Windmill Drive, Troy, was present. Mr. Komasara addressed ZOTA 219 and future land use planning on Rochester Road.

GOOD OF THE ORDER

Mr. Vleck addressed an incentive program for re-development.

Ms. Kerwin announced a presentation on surface water management will be given by the City's Environmental Specialist, Jennifer Lawson, at the League of Women's Voters meeting on Tuesday, March 14, at 9:30 a.m. in Room 302 of the Community Center. She thanked Mr. Waller for the informative articles he distributes by email. Ms. Kerwin briefly shared her experience while visiting the Arizona area (Scottsdale, Phoenix, Tucson and Mesa). She asked members to give serious thought to the image and feel of Troy.

Chair Strat commended Ms. Lawson on storm water management seminars she has given.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 9:20 p.m.

Respectfully submitted,

_____
Thomas Strat, Chair

_____
Kathy L. Czarnecki, Recording Secretary

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A Meeting of the Civil Service Commission (Act 78) was held Wednesday, March 8, 2006, at Troy City Hall, 500 W. Big Beaver Road in the Lower Level Conference Room. Chairman McGinnis called the meeting to order at 7:34 AM.

ROLL CALL

PRESENT: Chairman Donald E. McGinnis, Jr.
Commissioner David Cannon (Absent)
Commissioner Patrick Daugherty

ALSO PRESENT: Lori Bluhm - City Attorney, Peggy Clifton - Human Resources Director, Police Chief Charles Craft, Barbara A. Holmes – Deputy City Clerk

Approval of Minutes of Monday, February 13, 2006

Resolution #CSC-2006-03-004
Moved by Daugherty
Seconded by McGinnis

RESOLVED, That the Minutes of the meeting of Monday, February 13, 2006 be **APPROVED** as presented.

Yes: All-2
Absent: Cannon

Petitions and Communications:

Approval of Revised Eligibility List – Police Officer

Resolution #CSC-2006-03-005
Moved by Daugherty
Seconded by McGinnis

RESOLVED, That the Eligible List for Classification: Police Officer established on Friday, February 3, 2006 and **APPROVED** (Resolution #CSC-2006-02-003) as presented on Monday, February 13, 2006 be hereby **AMENDED** with the **REVISED** Eligible List for Classification: Police Officer established on Tuesday, February 21, 2006.

Yes: All-2
Absent: Cannon

Vote on Resolution to Excuse Member Cannon

Resolution #CSC-2006-03-006
Moved by McGinnis
Seconded by Daugherty

RESOLVED, That Member Cannon's absence at the March 8, 2006 meeting of the Civil Service Commission (Act 78) be **EXCUSED**.

Yes: All-2
Absent: Cannon

New Business: None presented

Old Business: None presented

Adjournment: The meeting was adjourned at 7:36 AM.

Donald E. McGinnis, Jr., Chairman

Barbara A. Holmes, Deputy City Clerk

J-01o

TROY DAZE FESTIVAL SPECIAL ADVISORY COMMITTEE MEETING
MARCH 8, 2006

CALL TO ORDER
A special meeting of the Troy Daze Advisory Committee was held **Wednesday, March 8, 2006** at Troy City Hall – Lower Level Conference Room. Meeting was called to order at 6:05 pm.

Members Present:

Cele Dilley	Kessie Kaltsounis
Jeff Stewart	Bill Hall
Cheryl Whitton	Marilyn Musick
Bob Preston	Bob Berk

City Staff:

Cindy Stewart	Gerry Scherlinck (6:20pm)
Bob Matlick	Jeff Biegler

Absent:
Mike Gonda

EXCUSE ABSENT MEMBERS
Resolution #TD-2006-03-51

Moved by C. Whitton
Seconded by B. Hall to excuse Mike Gonda

RESOLVED that absent members are excused
Yeas: All
Nays: None

MOTION CARRIED

NEW BUSINESS

1. Advisory Board Opening

Cheryl Whitton, Bob Berk and, Marilyn Musick volunteered to be on a subcommittee to interview interested people for appointment. They will review candidates who turned in applications to council as well as Festival committee chairpersons. They will interview and submit list to Festival Board at future meeting, possibly by March 28.

2. Committee Festival Chairperson Opening

Cele Dilley spoke with Tom Kaszubski as Troy Daze Festival Chairperson. According to the rules this position does not have to be filled with an Advisory Board member.

MOTION TO APPOINT FESTIVAL CHAIRPERSON
Resolution #TD-2006-03-52
Moved by Cele Dilley
Seconded by Bill Hall to appoint Tom Kaszubski as the Troy Daze General Chairperson.

RESOLVED that Tom Kaszubski is appointed as Troy Daze General Chairperson
Yeas: All
Nays: None
MOTION CARRIED

Tom did say that he needs assistance from Festival Committee. Kessie Kaltsounis, Cele Dilley, Cheryl Whitton, Bill Hall and Mike Gonda will help on this subcommittee.

Cele said that Jim Cyrulewski told her all past files are at the Community Center. He will submit any information the committee needs or asks for.

Suggestion List – Need committee members to make phone calls to get this list finalized.

Sponsor packets almost all mailed out. In-kind sponsors packets not out yet, in the next two weeks. Mike Gonda will follow up with Pepsi.

MOTION TO ADJOURN
Resolution #TD-2006-03-53
Moved by Bob Berk
Seconded by Bob Preston
RESOLVED that the Troy Daze Advisory Committee Meeting be adjourned at 6:25 p.m.
Yeas: All
Nays: None
MOTION CARRIED

_____
Cele Dilley, Chairperson

_____
Cindy Stewart, Recording Secretary

DATE: March 1, 2006

TO: John Lamerato, Acting City Manager
FROM: Mark Stimac, Director of Building & Zoning
SUBJECT: Permits issued during the Month of February 2006

	NO.	VALUATION	PERMIT FEE
INDUSTRIAL			
Add/Alter	9	$798,900.00	$6,723.00
Sub Total	**9**	**$798,900.00**	**$6,723.00**
COMMERCIAL			
Completion (New)	1	$500,000.00	$3,645.00
Tenant Completion	1	$120,000.00	$985.00
Add/Alter	22	$2,422,892.00	$19,942.00
Repair	3	$5,400.00	$185.00
Sub Total	**27**	**$3,048,292.00**	**$24,757.00**
RESIDENTIAL			
New	9	$2,084,964.00	$15,602.00
Add/Alter	12	$382,830.00	$4,175.00
Garage/Acc. Structure	3	$70,296.00	$939.00
Pool/Spa/Hot Tub	1	$38,000.00	$411.00
Repair	1	$37,500.00	$411.00
Fire Repair	2	$153,306.00	$1,368.00
Wreck	2	$0.00	$100.00
Sub Total	**30**	**$2,766,896.00**	**$23,006.00**
TOWN HOUSE/CONDO			
Add/Alter	3	$5,203.00	$165.00
Sub Total	**3**	**$5,203.00**	**$165.00**
RELIGIOUS			
Parking Lot	1	$5,400.00	$135.00
Sub Total	**1**	**$5,400.00**	**$135.00**
MISCELLANEOUS			
Satellite/Antennas	1	$35,000.00	$390.00
Signs	19	$0.00	$2,250.00
Fences	4	$0.00	$60.00
Sub Total	**24**	**$35,000.00**	**$2,700.00**
TOTAL	**94**	**$6,659,691.00**	**$57,486.00**

PERMITS ISSUED DURING THE MONTH OF FEBRUARY 2006

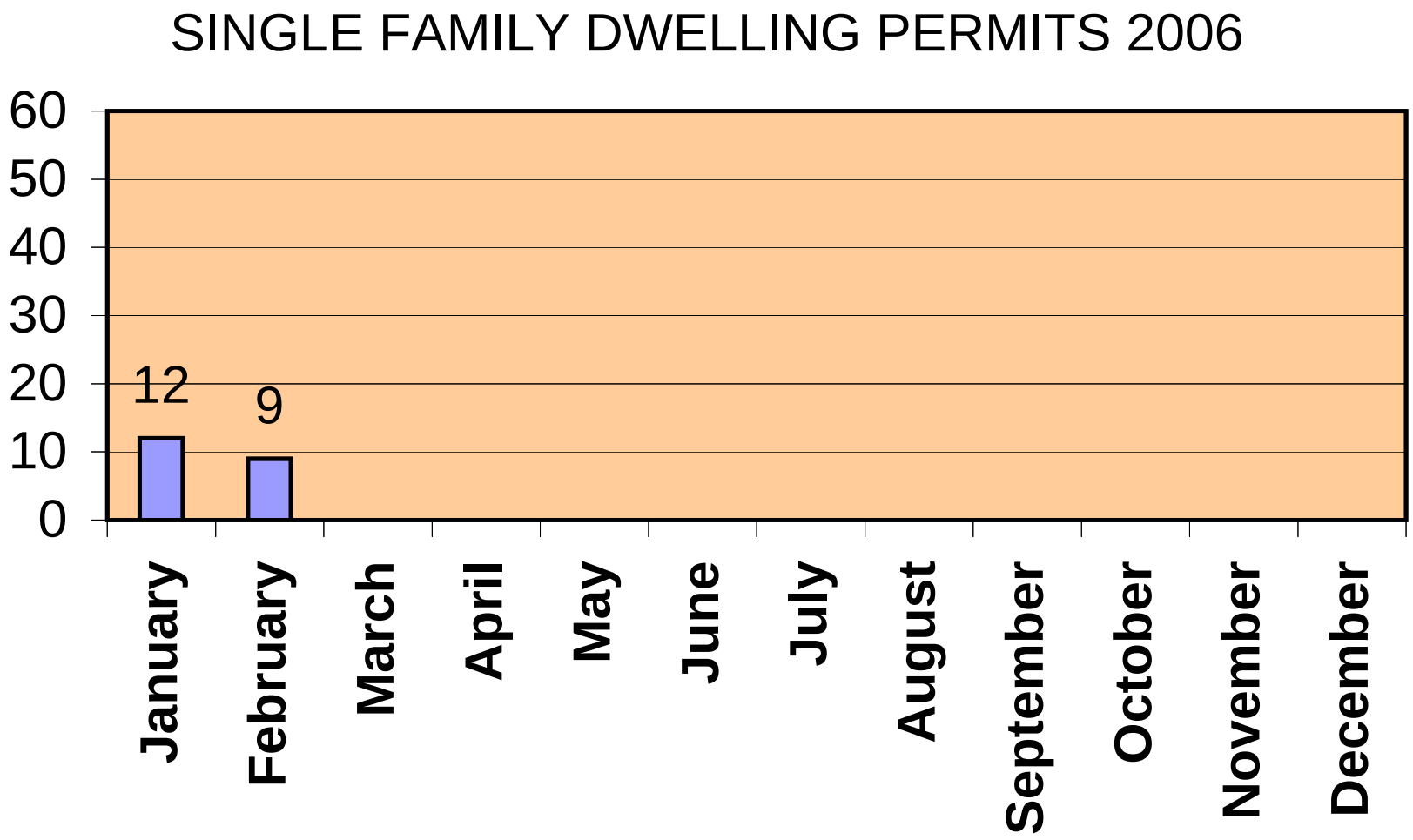
	NO.	PERMIT FEE
Cert. of Occupancy	34	$1,875.95
Plan Review	105	$5,896.66
Microfilm	36	$261.00
Building Permits	94	$57,486.00
Electrical Permits	148	$10,620.00
Heating Permits	116	$6,495.00
Air Cond. Permits	37	$2,580.00
Refrigeration Permits	2	$140.00
Plumbing Permits	64	$5,222.00
Storm Sewer Permits	14	$230.00
Sanitary Sewer Permits	18	$618.00
Sewer Taps	13	$3,606.00
TOTAL	**681**	**$95,030.61**

LICENSES & REGISTRATIONS ISSUED DURING THE MONTH OF FEBRUARY 2006

	NO.	LICENSE FEE
Mech. Contr.-Reg.	5	$25.00
Elec. Contr.-Reg.	7	$105.00
Master Plmb.-Reg.	3	$3.00
E. Sign Contr-Reg.	1	$15.00
Bldg. Contr.-Reg.	1	$10.00
TOTAL	**17**	**$158.00**

BUILDING PERMITS ISSUED

	BUILDING PERMITS 2005	PERMIT VALUATION 2005	BUILDING PERMITS 2006	PERMIT VALUATION 2006
JANUARY	93	$6,617,765.00	116	$7,273,163.00
FEBRUARY	133	$8,586,755.00	94	$6,659,691.00
MARCH	143	$19,405,253.00	0	$0.00
APRIL	234	$16,039,899.00	0	$0.00
MAY	229	$8,974,377.00	0	$0.00
JUNE	207	$14,432,280.00	0	$0.00
JULY	176	$7,490,327.00	0	$0.00
AUGUST	202	$13,132,327.00	0	$0.00
SEPTEMBER	207	$11,424,698.00	0	$0.00
OCTOBER	169	$12,606,760.00	0	$0.00
NOVEMBER	137	$9,014,642.00	0	$0.00
DECEMBER	91	$13,489,338.00	0	$0.00
TOTAL	**2021**	**$141,214,421.00**	**210**	**$13,932,854.00**


SINGLE FAMILY DWELLING PERMITS 2006
60
50
40
30
20
10
0
12
9
January
February
March
April
May
June
July
August
September
October
November
December

BRIEF BREAKDOWN OF NON-RESIDENTIAL BUILDING PERMITS ISSUED DURING THE MONTH OF FEBRUARY 2006

Type of Construction	Builder or Company	Address of Job	Valuation
Commercial, Add/Alter	MIKE HAYDUK	2600 W BIG BEAVER	600,000
Commercial, Add/Alter	JCS CONSTRUCTION SERVICES	5445 CORPORATE 200	551,000
Commercial, Add/Alter	SYNERGY GROUP, INC	755 W BIG BEAVER LOBBY	155,667
Commercial, Add/Alter	GEORGE W. AUCH CO	4550 INVESTMENT B-200	189,600
Commercial, Add/Alter	GEORGE W. AUCH CO	4550 INVESTMENT CORE	250,000
Commercial, Add/Alter	DEJAGER CONSTRUCTION INC	2901 W BIG BEAVER	115,000
Commercial, Add/Alter	DAVE DIESON	1820 E BIG BEAVER 2ND FL	105,000
Total Commercial, Add/Alter			1,966,267
Commercial, Completion New	PROJECT CONTROLS SYSTEMS, INC	3754 ROCHESTER	500,000
Total Commercial, Completion New			500,000
Commercial, Tenant Completion	STEVE POIRIER	38865 DEQUINDRE 106	120,000
Total Commercial, Tenant Completion			120,000
Industrial, Add/Alter	DAVID TENNISWOOD	1307 E MAPLE	400,000
Industrial, Add/Alter	JANSSEN REFRIGERATION	2135 W MAPLE	259,000
Total Industrial, Add/Alter			659,000

Records 12

Total Valuation: 3,245,267

March 8, 2006

TO: John Lamerato, Acting City Manager

FROM: Charles T. Craft, Chief of Police
Wendell Moore, Research and Technology Administrator

SUBJECT: Agenda Item - 2005 Police Department Calls for Service

Attached is a spreadsheet detailing calendar year 2005 calls for police service, criminal offenses, arrests, clearance rates, traffic crashes, and citations issued. This report complies with National Incident Based Reporting System (NIBRS) requirements. NIBRS requires the reporting of incidents and offenses within an incident. As you can see from the attached spreadsheet, there is very little difference between reported incidents and offenses.

Included with this report is a spreadsheet detailing a 10-year history of such occurrences. For the purposes of comparison, the 10-year history is formatted into Part I, Part II, Part III, and Part V categories. The NIBRS system is relatively new and without reformatting, year-to-year comparison is difficult.

GROUP A CRIME

During the year 2005, Group A incidents decreased by 5.3% (194 actual incidents) from 2004 levels.

Within Group A, the following specific crimes decreased significantly:

- Destruction/Damage/Vandalism – decreased by 17.8% (79 incidents)
- Robbery – decreased 5.0% (5 incidents)
- Drug/Narcotic Offenses – decreased by 8.6% (15 incidents)
- Fraud Offenses – decreased by 32.5% (53 incidents)
- Assault Offenses – decreased by 9.6% (66 incidents)

Significant Group A offenses showing an increase over 2004 levels are as follows:

- Breaking and Entering – increased by 15.5% (37 incidents)
- Motor Vehicle Theft – increased 13.4% (15 incidents)

GROUP B CRIME

Group B incidents decreased 4.3% (95 incidents) from 2004 levels. Group B categories showing somewhat significant changes are as follows:

- Disorderly Conduct – decreased 5.1% (13 offenses)
- Family Offenses, Nonviolent – decreased by 41.7% (10 offenses)
- Drunkenness – increased by 20 incidents (666.7%)

TOTAL GROUP A & B CRIME

Together, Group A and B crime decreased 4.9% or 289 incidents.

ARRESTS/CLEARANCE RATES

Overall, arrests for Group A offenses decreased by 2.6% (34 arrests). Within Group A significant increases occurred in the following categories:

- Assault Arrests – increased by 9.3% (17 arrests)
- Larceny/Theft Arrests – increased by 9.8% (60 arrests)

Group A arrests showing significant decreases from 2004 levels include the following:

- Drug/Narcotic Arrests – decreased by 17.0% (38 arrests)
- Fraud Arrests – down 22% (11 arrests)
- Stolen Property Arrests – decreased 55.0% (11 arrests)
- Prostitution Arrests – decreased by 96.2% (25 arrests)

Group A clearance rates (the number of crimes where a perpetrator has been identified, arrested, and charged, or where a perpetrator has been identified but not prosecuted due to specified exceptional reasons) remains high at 38.7%, a 1.8% increase.

Group B crime arrests decreased by 0.7% (9 arrests). Only Driving Under the Influence, which increased by 5.1% (22 arrests), showed a significant change.

58.7% of Group B crimes were cleared, a 1.5% decrease from 2004 levels.

TRAFFIC CRASHES AND ENFORCEMENT

Total traffic crashes increased by 2.6% (119 crashes). Crash categories showing a decrease in occurrences are as follows:

- Fatal Crashes – decreased by 40% (4 crashes)
- Injury Crashes – decreased 8.4% (60 crashes)
- Reported Private Property Crashes – decreased 0.3% (3 crashes)

Increases in reported crashes occurred in the following category:

- Property Damage Crashes – increased 7.1% (186 crashes)

Alcohol use was involved in 1.9% of all crashes.

Hazardous traffic violation citations increased by 2.9% (331 citations). Non-hazardous citations decreased by 5.2% (83 citations), while License/title/registration citations increased 11.2% (389 citations).

TOTAL CALLS FOR POLICE SERVICE

Overall, total calls for police service increased by 3.4% or 1310 calls. Alarms decreased by 4.9%, or 223 alarms.

TEN-YEAR CRIME TREND REPORT

For purposes of comparison, the ten-year crime is presented in the pre-NIBRS, Uniform Crime Reporting (UCR) format, which utilizes Part I and Part II crime categories as opposed to Group A and Group B. You will note that the UCR format is similar to the NIBRS, but not identical. The NIBRS reporting system took effect in 1997, so we will soon have sufficient data to present the ten-year crime

trend report in the same format as our quarterly and annual reports. Regardless of format, the offenses/crimes are the same under each.

2005 Part I reported crime is slightly higher than the 2004 total (65 crimes in total). That increase resulted primarily from the increase in Breaking & Entering (37 offenses) and Motor Vehicle Theft (15). While up slightly, those categories are still the third lowest number of occurrences within the last ten-years. The Part I Crime total, although up from 2004, is the second lowest total of the last ten-years.

Reported 2005 Part II crime is at a 10 year low. Group B incidents are down 33.0% (1768 reported crimes) from 1996 levels.

SUMMARY

Criminal incidents (Part I and Part II crime combined) comprise only 14% of the police departments total call volume. This percentage is consistent with those of previous years. Traffic crashes account for 11.5%, and Alarms account for approximately 11%, of the total calls for police service.

The single most frequently reported criminal offense continues to be larceny/theft, which comprises 3.9% of the total calls for police service. Larceny/theft offenses include what is commonly referred to as “shoplifting”, and have been the most frequently occurring crime in each of the last ten years. Typically they comprise between 4% and 6% of the total police calls.

The year-to-year variances in criminal offenses, as well as the more frequently occurring non-criminal calls for service, tend to be small. Increases in criminal offenses can often be directly linked to one perpetrator or a very small group of perpetrators. Historically, the department has adhered to a policing philosophy that is pro-active in nature, and has devoted resources to identifying those individuals and quickly making arrests. I believe this philosophy minimizes the impact these individuals have on our crime rate and our community. A similar philosophy has been adhered to in dealing with the more frequently occurring non-criminal incidents. The City of Troy’s alarm ordinance, and our highly trained, well-staffed Traffic Safety Unit are examples of how we focus resources on problems and do so proactively.

Following presentation to City Council, this information will be posted on our website. Please feel free to contact us should you require additional information.

Troy Police Department

Annual 2005/2004 Comparison

	INCIDENTS			OFFENSES			ARRESTS			CLEARANCES	
	Annual		Percent	Annual		Percent	Annual		Percent	Annual	
Group A Crime Categories	**2005**	**2004**	**Change**	**2005**	**2004**	**Change**	**2005**	**2004**	**Change**	**2005**	**Percent**
Arson	3	3	NC	5	3	66.7%	2	0	+	2	0.0%
Assault Offenses	625	691	-9.6%	628	693	-9.4%	199	182	9.3%	372	59.2%
Bribery	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Breaking and Entering	276	239	15.5%	278	240	15.8%	16	26	-38.5%	21	7.6%
Counterfeiting/Forgery	107	113	-5.3%	111	114	-2.6%	21	28	9.8%	19	17.1%
Destruction/Damage/Vandalism	364	443	-17.8%	398	460	-13.5%	17	21	-19.0%	48	12.1%
Drug/Narcotic Offenses	159	174	-8.6%	281	271	3.7%	186	224	-17.0%	268	95.4%
Embezzlement	79	91	-13.2%	80	92	-13.0%	50	54	-7.4%	34	42.5%
Extortion/Blackmail	1	0	+	1	0	+	0	0	NC	0	0.0%
Fraud Offenses	110	163	-32.5%	123	180	-31.7%	39	50	-22.0%	40	32.5%
Gambling Offenses	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Homicide Offenses	1	0	+	1	0	+	1	0	+	1	0.0%
Kidnapping/Abduction	0	1	-	0	1	-	0	0	NC	0	0.0%
Larceny/Theft Offenses	1,572	1,564	0.5%	1,595	1,572	1.5%	670	610	9.8%	561	35.2%
Motor Vehicle Theft	127	112	13.4%	136	118	15.3%	8	6	33.3%	14	10.3%
Pornography/Obscene Material	1	1	NC	1	1	NC	2	0	+	1	0.0%
Prostitution Offenses	1	10	-90.0%	1	10	-90.0%	1	26	-96.2%	1	100.0%
Robbery	19	20	-5.0%	19	20	-5.0%	10	14	-28.6%	10	52.6%
Sex Offenses, Forcible	25	30	-16.7%	25	30	-16.7%	11	13	-15.4%	12	48.0%
Sex Offenses, Nonforcible	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Stolen Property Offenses	7	14	-50.0%	14	18	-22.2%	9	20	-55.0%	13	92.9%
Weapon Law Violations	12	14	-14.3%	24	18	33.3%	11	13	-15.4%	22	91.7%
Group A Total	3,489	3,683	-5.3%	3,721	3,841	-3.1%	1,253	1,287	-2.6%	1,439	38.7%
Group B Crime Categories											
Bad Checks	5	11	-54.5%	5	11	-54.5%	2	0	+	0	0.0%
Curfew/Loitering/Vagrancy	0	1	-	1	1	NC	0	0	NC	1	100.0%
Disorderly Conduct	243	256	-5.1%	253	278	-9.0%	13	21	-38.1%	28	11.1%
Driving Under the Influence	446	447	-0.2%	463	475	-2.5%	453	431	5.1%	461	99.6%
Drunkenness	23	3	666.7%	25	4	525.0%	1	0	+	3	12.0%
Family Offenses, Nonviolent	14	24	-41.7%	15	29	-48.3%	0	1	-	3	20.0%
Liquor Law Violations	74	71	4.2%	130	143	-9.1%	179	178	0.6%	126	96.9%
Peeping Tom	2	3	-33.3%	2	3	-33.3%	1	1	NC	1	50.0%
Runaway (Under 18)	28	38	-26.3%	28	38	-26.3%	0	0	NC	26	92.9%
Trespass of Real Property	22	10	120.0%	28	14	100.0%	7	8	-12.5%	13	46.4%
All Other	1,260	1,348	-6.5%	1,364	1,442	-5.4%	630	655	-3.8%	697	51.1%
Group B Total	2,117	2,212	-4.3%	2,314	2,438	-5.1%	1,286	1,295	-0.7%	1,359	58.7%
Group A and B Total	5,606	5,895	-4.9%	6,035	6,279	-3.9%	2,539	2,582	-1.7%	2,798	46.4%

Above data includes both completed and attempted offenses.

Troy Police Department

Annual 2005/2004 Comparison

	INCIDENTS			OFFENSES			ARRESTS			CLEARANCES	
	Annual		Percent	Annual		Percent	Annual		Percent	Annual	
Description	**2005**	**2004**	**Change**	**2005**	**2004**	**Change**	**2005**	**2004**	**Change**	**2005**	**Percent**
Alarms	4,328	4,551	-4.9%	4,328	4,551	-4.9%	NA	NA	NA	NA	NA
All Other	30,136	28,320	6.4%	30,551	28,702	6.4%	771	616	25.2%	NA	NA
Group C Miscellaneous Total	34,464	32,871	4.8%	34,879	33,253	4.9%	771	616	25.2%	NA	NA
Group E Fire Total	64	58	10.3%	64	58	10.3%	NA	NA	NA	NA	NA
Grand Totals	40,134	38,824	3.4%	40,978	39,590	3.5%	3,310	3,198	3.5%	2,798	46.4%

Traffic Crashes and Citations

Reportable Traffic Crashes				2005 Alcohol Involved Crashes
Personal Injury	656	716	-8.4%	22 Incidents--3.4% involved alcohol.
Property Damage	2,824	2,638	7.1%	41 Incidents--1.5% involved alcohol.
Fatal	6	10	-40.0%	2 Incidents--33.3% involved alcohol.
Total Reportable	3,486	3,364	3.6%	65 Incidents--1.9% of all reportable crashes involved alcohol.
Private Property Crashes	1,130	1,133	-0.3%	
Crashes Grand Total	4,616	4,497	2.6%	
Traffic Citations				
Hazardous	11,869	11,538	2.9%	
Non-hazardous	1,513	1,596	-5.2%	
License, Title, Registration	3,865	3,476	11.2%	
Parking	1,195	798	49.7%	
Traffic Citations Total	18,442	17,408	5.9%	

UCR ACTUAL INCIDENTS BY CRIME CLASS GROUP
TEN YEAR TREND

Part I Crimes	**2005**	**2004**	**2003**	**2002**	**2001**	**2000**	**1999**	**1998**	**1997**	**1996**
Criminal Homicide	1	0	1	2	0	2	0	1	4	3
Forcible Rape	7	9	12	12	7	12	7	11	6	10
Robbery	19	20	27	21	18	19	15	21	23	30
Aggravated Assault	39	32	49	45	45	49	50	65	64	60
Burglary	276	239	292	344	314	348	264	385	427	386
Larceny	1,572	1,564	1,563	1,507	1,712	1,819	1,915	2,347	2,659	2,691
Motor Vehicle Theft	127	112	158	120	201	132	157	164	205	292
Arson	3	3	5	10	19	6	3	4	7	15
Total Part I	2,044	1,979	2,107	2,061	2,316	2,387	2,411	2,998	3,395	3,487
Part II Offenses										
Negligent Homicide	5	2	1	2	2	0	3	1	1	0
Non-Aggravated Assault	312	299	273	309	286	318	319	330	379	434
Forgery/Counterfeiting	115	113	109	99	69	51	58	41	41	54
Fraud	108	163	184	207	256	279	317	299	285	269
Embezzlement	80	91	82	100	115	113	105	113	84	107
Stolen Property	7	14	11	8	6	20	22	16	21	41
Vandalism	364	443	558	482	505	638	521	770	735	773
Weapons	12	14	10	12	23	19	22	24	24	25
Accosting and Soliciting	1	10	1	1	1	1	2	0	2	1
Sex Offenses	31	46	37	48	36	39	47	44	50	65
Narcotics	142	134	93	103	128	133	147	143	124	139
Gambling	0	0	0	0	0	0	0	1	0	0
Family and Children	13	24	10	15	17	24	12	15	7	24
OUIL/OUIN	446	447	322	455	476	470	452	580	399	370
Liquor Laws	74	71	60	70	86	101	69	120	84	97
Disorderly	74	117	119	100	128	133	111	117	93	217
All Other Offenses	1,778	1,928	2,141	2,209	2,568	2,612	2,822	2,920	2,593	2,714
Total Part II	3,562	3,916	4,011	4,220	4,702	4,951	5,029	5,534	4,922	5,330
Total Part I & II	5,606	5,895	6,118	6,281	7,018	7,338	7,440	8,532	8,317	8,817
Total Part III	34,464	32,871	32,391	33,348	35,797	37,869	37,787	36,738	34,966	36,019
Total Part V Fire	64	58	77	69	140	158	144	149	133	204
Total Incidents	40,134	38,824	38,586	39,698	42,955	45,365	45,371	45,419	43,416	45,040
Traffic Citations										
Hazardous	11,869	11,538	12,356	11,621	13,250	12,240	11,621	11,627	9,800	9,727
Non-Hazardous	5,378	5,072	3,829	5,027	4,161	5,017	5,797	6,091	5,547	5,610
Parking	1,195	798	886	1,120	1,717	1,479	1,686	2,163	1,513	1,534
Total Citations	18,442	17,408	17,071	17,768	19,128	18,736	19,104	19,881	16,860	16,871
Traffic Crashes										
Property Damage	2,824	2,638	2,700	2,474	2,737	3,247	3,049	3,078	3,017	3,010
Personal Injury	656	716	722	753	882	940	930	1,008	1,060	1,149
Fatal	6	10	2	7	9	8	8	3	4	8
Total State Reportable	3,486	3,364	3,424	3,234	3,628	4,195	3,987	4,089	4,081	4,167
Private Property	1,130	1,133	1,137	1,317	1,345	1,440	1,479	1,491	1,406	1,489
Total Crashes	4,616	4,497	4,561	4,551	4,973	5,635	5,466	5,580	5,487	5,656

March 9, 2006

TO: John M. Lamerato, Acting City Manager

FROM: Jeanette Bennett, Purchasing Director

SUBJECT: **Agenda Item** – Final Reporting - BidNet On-Line Auction and Mid-Thumb Auctioneering, LLC

SUMMARY

In compliance with Resolution #2004-02-075, final reporting is being presented for Nineteen (19) computers, (4) air compressors, (7) hydraulic cutters, (6) federal lights, (2) gasoline power units, and (4) 21" monitors, which were auctioned on-line through BidNet the City's e-procurement website, on February 8, 2006 and closed on February 19, 2006. Three (3) vehicles, two (2) Trailers, and one (1) fire truck were also auctioned through Mid-Thumb Auctions on February 4, 2006, but only 3 vehicles were sold.

Final sale amounts and fees are listed below:

DESCRIPTION	PROCEEDS	SUB-TOTAL	NET INCOME
19 Computers & 4 –21" Monitors	779.61		
4 Air Compressors, 7 Cutters, 6 Lights, & 2 Power units	8,750.03		
1 Fire Truck	17,000.00		
3 Vehicles, 2 Trailers, & Misc. Tires	36,850.00		
SUB-TOTAL:		**63,379.64**	
	FEES:		
6% on Vehicles, Trailers, & Misc. Items	2,211.00		
8% on Fire Truck	1,360.00		
5% Fee (Computers, Cutters, Lights, & etc)	476.48		
SUB-TOTAL:		**(4,047.78)**	
Sales Tax - +6% (Computers, Air Compressors, etc):	114.69		
Sales Tax (None on Vehicles):	0.00		
SUB-TOTAL:		**114.69**	
			59,446.85

BACKGROUND

Included in the specifications for the auction contract is the ability of our auctioneer to take the City's auction items to other auction locations. Mid-Thumb Auctioneering, LLC suggested using the City of Rochester Hills, 6841 North Rochester Road, Rochester Hills, Michigan. All transportation, reporting, and advertising are included in the auction fee.

Resolution #2004-02-075 established the auction fee of 5% and provided approval to use BidCorp with the provision that other on-line auction service options would be considered. BidNet moved forward and implemented the on-line surplus auction service for MITN (Michigan Inter-governmental Trade Network), which can be accessed through the City of Troy home web page. MITN is Purchasing's official e-procurement website used for posting bids, tabulations, quotations, and award information. It was a Purchasing goal that one e-procurement site would be operational for all functions.

VEHICLE AUCTION REPORT

NUMBER	MAKE	MODEL	YEAR	AUCTION FEE	AUCTION PRICE
430	AUTOCAR	TANDEM W/FLOAT	90	$720.00	$12,000.00
432	AUTOCAR	TANDEM W/FLOAT	91	$720.00	$12,000.00
433	AUTOCAR	TANDEM W/FLOAT	91	$720.00	$12,000.00
453	AMIDA	ARROW BOARD	89	$27.00	$450.00
456	AMIDA	ARROW BOARD	87	$21.00	$350.00
			TOTALS	**$2,208.00**	**$36,800.00**

Vehicles sold at Mid-Thumb Auctioneering Service on 2/04/2006

FINANCE: PLEASE CREDIT ACCOUNT # 6610.4693.100 GAIN/SALE OF DEPRECIATED FIXED ASSETS

TOTAL SALE – VEHICLES:	**$36,800.00**
TOTAL SALE – MISC ITEMS:	**$ 50.00**
TOTAL SALE:	**$ 36,850.00**
AUCTION FEE (6%)	**$- 2,211 .00**
	$ 34,639.00

Prepared by: Samuel P. Lamerato, Superintendent of Fleet

MID THUMB AUCTIONEERING SERVICE L.L.C.
8769 MORRIS ROAD
GOODELLS, MI 48027
810-325-9595

Settlement CITY OF TROY - Fleet Page: 1
Seller: 3

Item	Description	Price	Qty	Total	
400	1987 AMIDA TRAFFIC ARROW BOARD SING ON TRAILER W/GAS POWERED ENGINE		1	350.00	A
401	1989 AMIDA TRAFFIC ARROW BOARD SING ON TRAILER W/GAS POWERED ENGINE		1	450.00	A
431	1991 WHITE/GMC AUTOCAR LIVE TANDEMS AXLE 10/12 YARD DUMP TRUCK L10-270 HP CUMMINS 6 CYL DSL ALLISON A/T ROCKWELL AIR DISC ALL WHEELS BRAKES UNDERBODY BLADE TAILGATE SALE SPREADER 12FT FRONT PLOW MILES 55816 VIN 4V2RCBMD4MU508023	*** Not sold ***			
433	1991 WHITE/GMC AUTOCAR LIVE TANDEMS AXLE 10/12 YARD DUMP TRUCK L10-270 HP CUMMINS 6 CYL DSL ALLISON A/T ROCKWELL AIR DISC ALL WHEELS BRAKES UNDERBODY BLADE TAILGATE SALE SPREADER 12FT FRONT PLOW MILES 52078 VIN 4V2RCBMD0MU508021		1	12,000.00	A
430	1991 WHITE/GMC AUTOCAR LIVE TANDEMS AXLE 10/12 YARD DUMP TRUCK L10-270 HP CUMMINS 6 CYL DSL ALLISON A/T ROCKWELL AIR DISC ALL WHEELS BRAKES UNDERBODY BLADE TAILGATE SALE SPREADER 12FT FRONT PLOW MILES 57201 VIN 4V2RCBMD2MU508022		1	12,000.00	A
10	SALT SPREADER	*** Not sold ***			
-	TIRES		1	50.00	A
432	1991 WHITE/GMC AUTOCAR LIVE TANDEMS AXLE 10/12 YARD DUMP TRUCK L10-270 HP CUMMINS 6 CYL DSL ALLISON A/T ROCKWELL AIR DISC ALL WHEELS BRAKES UNDERBODY BLADE TAILGATE SALE SPREADER 12FT FRONT PLOW MILES 54196 VIN 4V2RCBMD9MU508020		1	12,000.00	A

Items: 8 Amount: 36,850.00

Planning an Auction (810) 325-9595
MID-THUMB AUCTIONEERING SERVICE, L.L.C.
8769 MORRIS RD.
GOODELLS, MI 48027

AUCTION FINAL SETTLEMENT

AUCTION HELD FOR: TROY Avondale + Rochester Schools

PROPRIETOR OF SALE: City of TROY Fire Dept.

LOCATION OF AUCTION: N. Rochester Rd
Rochester Hills

DATE AUCTION WAS HELD: Saturday February 4, 06

Auction Co. moved vehicle to Site + washed.

TOTAL PROCEEDS OF VEHICLES SOLD **********$ 17,000.00

TOTAL PROCEEDS OF ALL OTHER ITEMS SOLD**********$ —

EXPENSES:

AUCTION FEE ON VEHICLES: 8 %**********$ 1,360.00

AUCTION FEE ON ALL OTHER ITEMS: ____ %**********$ —

TOTAL EXPENSES $- 1360.00

NET PROCEEDS**********$ 15640.00

ADVERTISING BREAKDOWN:

Staples	$62.54	Postage	$78.00
Auction Exchange	$148.71	St Clair Co. SHOPPER	$205.00
Detroit Newspapers	349.24	Lapeer Co. LA View	$110.40
Local	54.60	Wheeler Dealer	$200.00
Scottys Rental	80.00		

PROPRIETOR APPROVAL & RELEASE SIGNATURE: X

X

AUCTIONEERS SIGNATURE

DATE Feb 23 06 CHECK#

Michigan Inter-governmental Trade Network

MITN

MITN Auctions	National Auctions	Auctions Main Menu	HELP/FAQ	Contact Support	MITN Admin Menu

Report For The City Of Troy, MI

Detailed Report For Seller: ALL

Reported On 3/3/2006 **From: 2/1/2006 To: 2/28/2006**

Item ID	Date	Sale Amount	Charge	Type of Fee	Auction Description	Seller
969	2/20/2006	1,132.00	56.60	Sale	Air Compressor	Bockstanz
987	2/20/2006	530.00	26.50	Sale	Hydraulic Cutter	Bockstanz
988	2/20/2006	530.00	26.50	Sale	Hydraulic Cutter	Bockstanz
992	2/20/2006	54.55	2.73	Sale	Lot B140 - Computer Unit	Bockstanz
993	2/20/2006	35.00	1.75	Sale	Lot B141 - Computer Unit	Bockstanz
996	2/20/2006	51.00	2.55	Sale	Lot B144 - Computer Unit	Bockstanz
998	2/20/2006	30.00	1.50	Sale	Lot B146 - Computer Unit	Bockstanz
1000	2/20/2006	45.00	2.25	Sale	Lot B148 - Computer Unit	Bockstanz
1006	2/20/2006	51.50	2.58	Sale	Lot B154 - Computer Unit	Bockstanz
1008	2/20/2006	35.78	1.79	Sale	Lot B156 - Computer Unit	Bockstanz
1009	2/20/2006	31.00	1.55	Sale	Lot B157 - Computer Unit	Bockstanz
971	2/20/2006	1,110.00	55.50	Sale	Air Compressor	Bockstanz
973	2/20/2006	162.50	8.13	Sale	Gasoline Power Unit	Bockstanz
980	2/20/2006	60.00	3.00	Sale	Federal Lights	Bockstanz
983	2/20/2006	520.00	26.00	Sale	Hydraulic Cutter	Bockstanz
997	2/20/2006	30.00	1.50	Sale	Lot B145 - Computer Unit	Bockstanz
1015	2/20/2006	13.50	0.68	Sale	Lot B163 - Monitor	Bockstanz
982	2/20/2006	510.03	25.50	Sale	Hydraulic Cutter	Bockstanz
989	2/20/2006	30.00	1.50	Sale	Lot B137 - Computer Unit	Bockstanz
1002	2/20/2006	32.00	1.60	Sale	Lot B150 - Computer Unit	Bockstanz
1004	2/20/2006	30.00	1.50	Sale	Lot B152 - Computer Unit	Bockstanz
1005	2/20/2006	51.00	2.55	Sale	Lot B153 - Computer Unit	Bockstanz
1007	2/20/2006	35.89	1.79	Sale	Lot B155 - Computer Unit	Bockstanz
1011	2/20/2006	30.00	1.50	Sale	Lot B159 - Computer Unit	Bockstanz
1012	2/20/2006	12.50	0.63	Sale	Lot B160 - Monitors	Bockstanz
1013	2/20/2006	11.50	0.58	Sale	Lot B161 - Monitor	Bockstanz
974	2/20/2006	101.00	5.05	Sale	Gasoline Power Unit	Bockstanz
977	2/20/2006	60.00	3.00	Sale	Federal Lights	Bockstanz
978	2/20/2006	60.00	3.00	Sale	Federal Lights	Bockstanz
979	2/20/2006	60.00	3.00	Sale	Federal Lights	Bockstanz
991	2/20/2006	35.00	1.75	Sale	Lot B139 - Computer Unit	Bockstanz
994	2/20/2006	35.00	1.75	Sale	Lot B142 - Computer Unit	Bockstanz
999	2/20/2006	36.89	1.84	Sale	Lot B147 - Computer Unit	Bockstanz
1001	2/20/2006	52.00	2.60	Sale	Lot B149 - Computer Unit	Bockstanz
1014	2/20/2006	10.50	0.53	Sale	Lot B162 - Monitor	Bockstanz
976	2/20/2006	63.50	3.18	Sale	Federal Lights	Bockstanz
981	2/20/2006	56.00	2.80	Sale	Federal Lights	Bockstanz
984	2/20/2006	735.00	36.75	Sale	Hydraulic Cutter	Bockstanz
985	2/20/2006	510.00	25.50	Sale	Hydraulic Cutter	Bockstanz
970	2/20/2006	1,010.00	50.50	Sale	Air Compressor	Bockstanz
972	2/20/2006	1,010.00	50.50	Sale	Air Compressor	Bockstanz
986	2/20/2006	530.00	26.50	Sale	Hydraulic Cutter	Bockstanz

Total Sales Amount	Total Amount Charged	Total Payments	Total Balance Due for the selected date range	Total Balance Due
$9,529.64	$476.48	$0.00	$476.48	$520.21 ✓

J-02d

CITY OF TROY

MONTHLY FINANCIAL REPORT

28-Feb-06

CITY OF TROY
Monthly Financial Report
General Fund
For the Period Ending February 28, 2006

CITY OF TROY GENERAL FUND

Description	Last Year Actual	2005-06 Budget	Current Month	Year To Date	%
GENERAL FUND REVENUES					
TAXES	32,300,413	34,351,690	0	34,802,799	101.31
BUSINESS LICENSES & PERMITS	40,294	38,000	4,015	34,948	91.97
NON-BUS. LICENSES & PERMITS	1,567,149	1,974,500	95,544	1,094,329	55.42
FEDERAL GRANTS	126,091	32,320	0	12,756	39.47
STATE AGENCIES	7,072,396	6,658,000	3,005	2,581,909	38.78
CONTRIBUTIONS-LOCAL	165,154	135,000	0	61,766	45.75
CHARGES FOR SERVICES - FEES	1,338,922	1,203,000	111,967	639,048	53.12
CHARGES FOR SERVICES - REND.	1,549,128	1,616,000	43,133	688,604	42.61
CHARGES FOR SERVICES - SALES	137,888	140,000	34,265	103,181	73.70
CHARGES FOR SERVICES - REC	3,377,440	3,010,200	221,064	2,123,669	70.55
FINES & FORFEITS	973,526	995,000	96,921	685,148	68.86
INTEREST AND RENTS	1,350,075	1,110,300	56,470	749,769	67.53
OTHER REVENUE	1,755,220	479,780	6,706	251,375	52.39
OTHER FINANCING SOURCES	7,508,876	8,333,200	0	3,499,100	41.99
TOTAL GENERAL FUND REVENUE	59,262,572	60,076,990	673,090	47,328,401	78.78
EXPENDITURES					
LEGISLATIVE	1,980,389	2,077,060	135,286	1,149,792	55.36
FINANCE	4,419,523	4,706,650	335,141	2,941,791	62.50
OTHER GEN GOVERNMENT	2,578,758	2,638,720	179,836	1,560,301	59.13
POLICE	21,192,309	22,618,610	1,602,457	14,168,947	62.64
FIRE	4,071,775	4,092,750	182,419	2,864,831	70.00
BUILDING INSPECTION	1,938,958	2,105,420	146,962	1,267,739	60.21
STREETS	5,074,869	5,303,780	333,819	3,063,784	57.77
ENGINEERING	2,780,647	2,996,560	202,227	1,777,134	59.31
RECREATION	8,331,857	8,454,160	460,640	5,261,414	62.23
LIBRARY	4,758,581	4,973,280	320,252	2,911,334	58.54
TRANSFERS OUT	10,000	110,000	0	0	.00
TOTAL GEN FUND EXPENDITURES	57,137,666	60,076,990	3,899,039	36,967,067	61.53

CITY OF TROY
Monthly Financial Report
Refuse Fund
For the Period Ending February 28, 2006

REFUSE FUND

Description	Last Year Actual	2005-06 Budget	Current Month	Year To Date	%
REVENUES					
TAXES	4,010,718	4,108,500	0	4,193,401	102.07
CHARGES FOR SERVICES - REND.	0	0	0	43,378	.00
CHARGES FOR SERVICES - SALES	1,410	1,500	127	861	57.40
INTEREST AND RENTS	74,280	70,000	14,774	92,517	132.17
OTHER FINANCING SOURCES	0	345,650	0	0	.00
TOTAL REVENUE	4,086,408	4,525,650	14,901	4,330,157	95.68
EXPENDITURES					
CONTRACTORS SERVICE	4,268,532	4,355,000	473,069	2,515,586	57.76
OTHER REFUSE EXPENSE	36,672	52,180	1,208	25,916	49.67
RECYCLING	127,637	118,470	7,255	67,474	56.95
TOTAL EXPENDITURES	4,432,841	4,525,650	481,532	2,608,976	57.65

CITY OF TROY
Monthly Financial Report
Capital Fund
For the Period Ending February 28, 2006

CAPITAL FUND

Description	Last Year Actual	2005-06 Budget	Current Month	Year To Date	%
REVENUES					
TAXES	9,036,196	8,019,000	0	8,184,710	102.07
FEDERAL GRANTS	20,550	305,000	91,392	101,392	33.24
STATE AGENCIES	3,498,065	1,621,000	39,168	310,260	19.14
CHARGES FOR SERVICES - REND.	178,301	167,000	8,482	51,623	30.91
INTEREST AND RENTS	700,855	400,000	118,621	673,697	168.42
OTHER REVENUE	88,073	800,000	360	868,403	108.55
OTHER FINANCING SOURCES	2,150,000	21,274,320	0	958,665	4.51
TOTAL REVENUE	15,672,040	32,586,320	258,023	11,148,750	34.21
EXPENDITURES					
FINANCE	32,516	144,340	0	29,260	20.27
OTHER GEN GOVERNMENT	3,524,419	5,230,810	5,104	3,113,780	59.53
POLICE	318,080	586,680	3,805	80,436	13.71
FIRE	86,267	839,230	0	798,627	95.16
BUILDING INSPECTION	2,088	20,000	0	1,365	6.83
STREETS	9,539,256	16,436,740	235,963	5,499,908	33.46
ENGINEERING	8,331	0	0	0	.00
RECREATION	2,630,558	4,990,940	2,746,844	3,926,141	78.67
LIBRARY	232,529	47,620	35,429	127,281	267.28
MUSEUM	246,984	624,370	248,306	366,957	58.77
STORM DRAINS & RET PONDS	1,086,501	2,797,750	767	336,901	12.04
INFORMATION TECHNOLOGY	75,763	867,840	0	0	.00
TOTAL EXPENDITURES	17,783,292	32,586,320	3,276,218	14,280,656	43.82

CITY OF TROY
Monthly Financial Report
Sanctuary Lake Golf Course
For the Period Ending February 28, 2006

SANCTUARY LK GOLF COURSE FUND

Description	Last Year Actual	2005-06 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - SALES	30,674	42,000	0	16,810	40.02
CHARGES FOR SERVICES - REC	931,301	1,901,380	0	647,809	34.07
INTEREST AND RENTS	457	22,000	157	948	4.31
OTHER REVENUE	31-	0	0	903	.00
OTHER FINANCING SOURCES	0	0	0	0	.00
TOTAL REVENUE	962,401	1,965,380	157	666,470	33.91
EXPENDITURES					
SANCTUARY LAKE GREENS	974,918	832,730	40,833	453,139	54.42
SANCTUARY LAKE PRO SHOP	773,060	1,104,210	12,954	481,306	43.59
SANCTUARY LAKE CAPITAL	2,420	0	0	4,606	.00
TOTAL EXPENDITURES	1,750,398	1,936,940	53,787	939,051	48.48

CITY OF TROY
Monthly Financial Report
Golf Course
For the Period Ending February 28, 2006

SYLVAN GLEN GOLF COURSE FUND

Description	Last Year Actual	2005-06 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - SALES	36,425	41,000	0	18,589	45.34
CHARGES FOR SERVICES - REC	1,067,896	1,133,370	10,931	611,052	53.91
INTEREST AND RENTS	145,742	173,000	8,581	164,840	95.28
OTHER REVENUE	377-	0	0	17-	.00
OTHER FINANCING SOURCES	0	206,770	0	0	.00
TOTAL REVENUE	1,249,686	1,554,140	19,512	794,464	51.12
EXPENDITURES					
SYLVAN GLEN GREENS	747,474	822,320	25,951	507,870	61.76
SYLVAN GLEN PRO SHOP	317,853	326,050	13,121	214,440	65.77
SYLVAN GLEN CAPITAL	43,238	405,770	0	44,490	10.96
TOTAL EXPENDITURES	1,108,565	1,554,140	39,072	766,800	49.34

CITY OF TROY
Monthly Financial Report
Aquatic Center
For the Period Ending February 28, 2006

AQUATIC CENTER FUND

Description	Last Year Actual	2005-06 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - REC	415,224	428,000	0	184,532	43.11
INTEREST AND RENTS	22,793	27,300	0	20,846	76.36
OTHER REVENUE	36-	0	0	1	.00
TOTAL REVENUE	437,981	455,300	0	205,379	45.11
EXPENDITURES					
AQUATIC CENTER	560,211	596,100	15,656	374,610	62.84
CAPITAL	0	15,000	0	9,845	65.63
TOTAL EXPENDITURES	560,211	611,100	15,656	384,455	62.91

CITY OF TROY
Monthly Financial Report
Sewer Fund
For the Period Ending February 28, 2006

SEWER FUND

Description	Last Year Actual	2005-06 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - FEES	202,747	200,000	10,824	111,935	55.97
CHARGES FOR SERVICES - REND	9,420,758	9,695,000	631,828	5,378,152	55.47
INTEREST AND RENTS	481,995	310,000	93,898	507,831	163.82
OTHER REVENUE	359,038	0	0	0	.00
TOTAL REVENUE	10,464,538	10,205,000	736,550	5,997,918	58.77
EXPENDITURES					
ADMINISTRATION	8,378,129	8,108,990	425,501	5,838,358	72.00
MAINTENANCE	1,433,241	1,445,700	44,561	744,603	51.50
CAPITAL	0	4,835,000	0	27,417	.57
TOTAL EXPENDITURES	9,811,370	14,389,690	470,062	6,610,378	45.94

CITY OF TROY
Monthly Financial Report
Water Fund
For the Period Ending February 28, 2006

WATER FUND

Description	Last Year Actual	2005-06 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - FEES	1,086,665	995,000	42,378	634,814	63.80
CHARGES FOR SERVICES - SALES	12,337,081	14,171,000	919,329	8,123,970	57.33
INTEREST AND RENTS	508,320	350,000	37,886	446,588	127.60
OTHER REVENUE	266,765	0	0	14,226	.00
TOTAL REVENUE	14,198,831	15,516,000	999,593	9,219,598	59.42
EXPENDITURES					
ADMINISTRATION	11,420,270	11,233,860	230,441	7,180,427	63.92
TRANS AND DISTRIBUTION	158,767	200,090	40,875	95,325	47.64
CUSTOMER INSTALLATION	66,356	114,830	6,563	46,155	40.19
CONTRACTORS SERVICE	166,181	228,240	10,692	102,502	44.91
MAIN TESTING	44,667	195,040	1,551	27,127	13.91
MAINTENANCE OF MAINS	293,214	353,770	19,625	178,384	50.42
MAINTENANCE OF SERVICES	188,039	210,060	7,823	114,866	54.68
MAINTENANCE OF METERS	285,835	233,650	14,746	188,721	80.77
MAINTENANCE OF HYDRANTS	228,767	336,580	14,051	166,963	49.61
METERS AND TAP-INS	245,045	347,270	6,319	205,163	59.08
WATER METER READING	105,362	93,000	15,982	124,026	133.36
ACCOUNTING AND COLLECTING	74,125	77,900	10,840	79,830	102.48
CAPITAL	28,835	4,090,000	58,946	1,822,715	44.57
TOTAL EXPENDITURES	13,305,463	17,714,290	438,454	10,332,204	58.33

CITY OF TROY
Monthly Financial Report
Motor Pool
For the Period Ending February 28, 2006

MOTOR POOL FUND

Description	Last Year Actual	2005-06 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - REND	0	5,000	941	941	18.82
INTEREST AND RENTS	3,693,243	3,669,300	275,566	2,513,917	68.51
OTHER REVENUE	302,329	394,000	32,907	254,655	64.63
OTHER FINANCING SOURCES	0	2,110,570	0	0	.00
TOTAL REVENUE	3,995,572	6,178,870	309,414	2,769,513	44.82
EXPENDITURES					
ADMINISTRATION	495,493	536,530	34,919	332,143	61.91
OPERATION AND MAINTENANCE	2,912,203	3,133,410	224,651	1,984,080	63.32
DPW FACILITY MAINTENANCE	327,461	389,640	17,876	195,092	50.07
CAPITAL	28,965	2,119,290	47,894	674,339	31.82
TOTAL EXPENDITURES	3,764,122	6,178,870	325,340	3,185,654	51.56

Fund	Mat Yr.	Mat Mo.	Mat Day	Type	Loc	Pur Yr.	Pur Mo.	Pur Day	Rate	Name	Face	Accrue 6/30	Book
112	2006	3	2	9	ML	2005	12	2	3.970	TBILL	2,223,000		2,201,409.11
	2006	3	2	7	HUNT BANK	2005	12	22	4.510	CD	2,021,833		2,021,833.33
	2006	3	2	7	FLAGSTAR	2005	12	29	4.570	CD	2,024,637		2,024,636.67
	2006	3	9	9	ML	2005	12	15	3.870	TBILL	2,270,000		2,249,946.82
	2006	3	9	7	REPUBLIC	2005	12	22	4.250	CD	2,022,292		2,022,291.67
	2006	3	16	9	ML	2006	1	5	4.110	TBILL	2,628,000		2,607,406.70
	2006	3	16	7	FLAGSTAR	2006	1	6	4.580	CD	2,038,165		2,038,164.97
	2006	3	16	7	FITB	2006	1	12	4.410	CD	1,027,973		1,027,972.78
	2006	3	16	7	FITB	2006	1	13	4.410	CD	2,026,298		2,026,297.78
	2006	3	16	7	FLAGSTAR	2006	1	26	4.630	CD	2,087,031		2,087,031.20
	2006	3	20	7	FLAGSTAR	2006	1	6	4.580	CD	2,125,375		2,125,374.69
	2006	3	23	7	FLAGSTAR	2006	1	6	4.580	CD	2,026,366		2,026,365.56
	2006	3	23	9	ML	2006	1	12	4.250	TBILL	3,848,000		3,816,873.95
	2006	3	23	7	REPUBLIC	2006	1	19	4.300	CD	2,106,833		2,106,832.54
	2006	3	28	8	NATL CITY	2005	12	22	3.000	FHLM	1,047,000		1,035,273.60
	2006	3	30	7	FLAGSTAR	2006	1	19	4.640	CD	2,186,639		2,186,639.03
	2006	3	30	7	FITB	2006	1	19	4.460	CD	1,133,301		1,133,300.65
	2006	3	30	9	ML	2006	1	19	4.250	TBILL	2,197,000		2,179,228.71
	2006	3	31	8	NAT CITY	2005	9	29	4.020	FHLM	1,000,000		980,175.00
	2006	4	6	7	CITIZENS	2006	1	6	4.550	CD	2,024,278		2,024,277.79
	2006	4	6	9	ML	2006	1	26	4.320	TBILL	3,107,000		3,081,444.93
	2006	4	13	7	HUNT BANK	2006	2	2	4.650	CD	1,018,729		1,018,728.53
	2006	4	13	7	TCF BANK	2006	2	2	4.650	CD	2,033,140		2,033,139.99
	2006	4	13	7	FLAGSTAR	2006	2	9	4.750	CD	2,121,724		2,121,723.77
	2006	4	20	7	LA SALLE	2006	1	19	4.350	CD	2,873,914		2,873,914.33
	2006	4	20	7	TCF BANK	2006	1	20	4.550	CD	2,039,717		2,039,717.21
	2006	4	27	7	FLAGSTAR	2006	1	20	4.700	CD	2,027,662		2,027,662.22
	2006	5	1	7	FLAGSTAR	2006	2	23	4.800	CD	2,110,883		2,110,883.06
	2006	5	4	7	CITIZENS	2006	1	26	4.600	CD	2,041,986		2,041,986.29
	2006	5	4	7	CITIZENS	2006	2	2	4.690	CD	1,035,789		1,035,788.90
	2006	5	4	7	TCF BANK	2006	2	2	4.700	CD	2,031,226		2,031,226.44
	2006	5	4	9	ML	2006	2	9	4.460	TBILL	2,624,000		2,597,335.78
	2006	5	11	7	HUNT BANK	2006	1	26	4.670	CD	2,031,825		2,031,825.34
	2006	5	11	9	ML	2006	2	16	4.490	TBILL	2,353,000		2,328,897.44
	2006	5	18	7	HUNT BANK	2006	1	27	4.690	CD	1,077,631		1,077,631.10
	2006	5	18	7	FITB	2006	1	27	4.550	CD	2,043,973		2,043,973.33
	2006	5	18	7	HUNT BANK	2006	5	18	4.720	CD	2,129,129		2,129,129.36
	2006	5	25	7	HUNT BANK	2006	2	3	4.730	CD	2,030,449		2,030,448.88
	2006	5	25	7	FLAGSTAR	2006	2	10	4.820	CD	2,031,539		2,031,539.44
	2006	5	25	7	CITIZENS	2006	2	16	4.750	CD	1,019,064		1,019,064.16
	2006	5	25	7	PRIV BANK	2006	2	16	4.700	CD	504,217		504,216.67
	2006	5	25	7	FLAGSTAR	2006	2	23	4.870	CD	2,097,994		2,097,993.67
	2006	6	1	7	FITB	2006	2	10	4.650	CD	2,030,983		2,030,983.33
	2006	6	1	7	HUNT BANK	2006	2	23	4.790	CD	2,042,513		2,042,513.01
	2006	6	8	7	CITIZENS	2006	2	10	4.750	CD	2,030,983		2,030,983.33
	2006	6	30	8	FITB	2003	2	27	4.200	MAX SAVER	6,718,402		6,718,402.24
	2006	6	30	8	FITB	2003	5	19	5.000	FHLMC95237	1,000,000		599,485.89

7 = CD 8 = Paper 9 = T-Bills

Fund	Mat Yr.	Mat Mo.	Mat Day	Type	Loc	Pur Yr.	Pur Mo.	Pur Day	Rate	Name	Face	Accrue 6/30	Book
112	2006	6	30	8	FITB	2003	7	30	3.600	FHR03 2640	900,000		490,953.32
	2006	6	30	8	FITB	2004	1	1	4.000	MM	27,727		27,726.80
	2006	6	30	8	FITB	2004	1	30	4.250	FHR 2537LA	2,000,000		203,441.89
	2006	6	30	8	FITB	2004	1	30	4.000	FHR 2535LK	3,500,000		1,754,299.08
	2006	6	30	8	FITB	2004	7	26	1.200	FNR03 24GA	550,000		144,726.37
	2006	6	30	8	HUNT BANK	2004	8	27	4.161	MM	540,933		540,933.49
	2006	6	30	8	FITB	2004	10	7	2.250	FHR 2625QX	800,125		497,737.95
	2006	6	30	8	FITB	2004	10	8	3.000	FHR 2564CN	1,841,000		1,533,506.14
	2006	6	30	8	FITB	2004	10	12	4.000	FHR 2617BG	3,730,000		2,862,948.36
	2006	6	30	8	FITB	2004	11	16	3.500	FHLM 2586	500,000		295,045.79
	2006	6	30	8	FITB	2005	1	11	4.000	FNMA 42	1,700,000		1,687,700.00
	2006	6	30	8	FITB	2005	8	26	2.500	31	1,500,000		1,351,103.78
	2006	6	30	8	FITB	2005	8	30	4.000	2545	615,000		478,499.73
	2006	6	30	8	MBIA	2005	11	18	4.250	MBIA	505,853		505,853.91
	2006	11	15	8	FITB	2005	7	27	4.500	FHLM 2687	2,350,000		2,346,000.00
	2006	11	15	8	FITB	2005	11	30	5.000	2802	2,250,000		981,966.13
	2006	12	15	8	FITB	2005	5	25	5.000	FHLM 2808	1,200,000		413,756.66
	2006	12	30	8	FITB	2004	3	25	4.500	FHR 2669DT	700,000		696,000.00
	2007	3	16	8	FITB	2005	2	9	3.550	FHLB 3133	1,000,000		975,250.00
	2007	6	30	8	FITB	2005	9	29	4.500	FHLM 2618	775,000		775,000.00
	2007	6	30	8	FITB	2006	1	30	4.500	FHLM 2557	1,000,000		997,031.25
											TOTAL		115,211,451.84
591	2006	3	7	8	NATL CITY	2005	12	6	4.140	FHLM	1,500,000		1,484,454.17
	2006	4	3	7	REPUBLIC	2006	1	3	4.300	CD	144,095		144,094.80
	2006	4	3	7	HUNT BANK	2006	1	3	4.570	CD	157,263		157,263.40
	2006	4	20	7	LA SALLE	2006	1	19	4.350	CD	2,796,601		2,796,601.34
	2006	6	30	7	COMERICA	1997	7	1	4.260	GOV'T POOL	1,917,409		1,917,409.72
	2006	6	30	8	FITB	2004	2	2	3.750	FNR03 24MN	1,015,000		446,599.34
	2006	6	30	8	FITB	2005	8	31	1.000	MM	138,098		138,097.62
	2006	6	30	8	FITB	2005	9	29	4.500	FHLM 2618	325,000		325,000.00
	2006	7	31	8	FITB	2006	2	25	3.500	FHLM 2786	175,000		175,251.39
	2006	10	15	8	FITB	2004	4	14		FHLB 3133	1,000,000		988,000.00
	2006	11	15	8	FITB	2005	8	26	4.500	FHLM 2687	1,000,000		995,000.00
											TOTAL		9,567,771.78
688	2006	6	30	7	BANK ONE	1997	7	1	4.190	GOV'T POOL	1,355,513		1,355,513.28
											TOTAL		1,355,513.28
											TOTAL		126,134,736.90

* * * E N D O F R E P O R T * * *

7 = CD 8 = Paper 9 = T-Bills

J-03a

Ruth Johnson
Oakland County Clerk/Register of Deeds
www.oakgov.com/clerkrod

March 8, 2006

RECEIVED
MAR 10 2006
CITY OF TROY
CITY MANAGER'S OFFICE

Troy City Council
C/O Louise Schilling, Mayor
500 West Big Beaver Road
Troy, MI 48084-5285

Dear Mayor Schilling:

I am writing to you in appreciation for the work done by Clerk Tonni Bartholomew in the creation of a new training manual/reference guide for Oakland County election workers.

This year for the first time, all Oakland County voters will be using the same voting equipment – a change that while exciting, creates new challenges for thousands of election and poll workers countywide.

Last year, in an effort to promote training on the new M-100 equipment and take the opportunity to standardize voting procedures countywide, Tonni was part of a dedicated group of clerks from across Oakland County who volunteered to create a comprehensive manual.

It was a huge undertaking. Tonni spent long hours, on her own time, developing, compiling, revising and editing the "Oakland County Election Day Precinct Guide." Her leadership and the efforts of other committee members will help ensure the integrity of the voting process and support efforts toward streamlining election procedures around the county.

Tonni continues to be a pleasure to work with and offers her expertise at every turn. I really appreciate her efforts and wanted to publicly recognize her dedication to the democratic process and commitment to voters across Oakland County.

Sincerely,

Ruth Johnson
Oakland County Clerk/Register of Deeds

Administrative Offices
1200 N Telegraph, Dept 415
Pontiac MI 48341-0415
(248) 858-0560
clerk@co.oakland.mi.us

Elections Division
1200 N Telegraph, Dept 417
Pontiac MI 48341-0417
(248) 858-0564
elections@co.oakland.mi.us

Legal & Vital Records
1200 N Telegraph, Dept 413
Pontiac MI 48341-0413
(248) 858-0581
clerklegal@co.oakland.mi.us

Register of Deeds Office
1200 N Telegraph, Dept 480
Pontiac MI 48341-0480
(248) 858-0605
deeds@co.oakland.mi.us

J-03b

March 1, 2006

City of Troy Police Department
Patrol Division
500 W. Big Beaver Road
Troy, MI 48084

Attention: Patrol Division

To Whom It May Concern:

I want to commend the City of Troy Police Department and Stephen L. Vaillancourt, Police Service Aide, Badge #415, for his assistance in protecting me and my green 1996 VW Jetta from disaster. Today, I was driving east on Maple, between Coolidge and Woodward, when my clutch failed to operate. I was unable to move my car to the shoulder out of traffic, but I did use my emergency flashers. After calling 911, Officer Vaillancourt responded.

During this incident, I was in extreme danger of being struck from behind, which could have become a very bad accident involving numerous vehicles. I want to extend my thanks to Officer Vaillancourt for "coming to my rescue." Keep up the good work.

Sincerely,

Claudia T. Pietras

Claudia T. Pietras
54882 Shady Creek Drive
New Baltimore, MI 48047

cc

PSA Vaillancourt's Personnel File
3-6-06

Cc: City Mgr.
Capt. Murphy
BB
Correspondence file

RECEIVED
Chief of Police
3/7/2006 CR

J-03c

BenchMark
Traffic Services, LLC
P.O. Box 534
Grand Ledge, MI 48837-0534
(517) 622-3135
(517) 622-3135 – Fax
brandtb@benchmarktrafficservices.com

February 23, 2006

Chief Charles Craft
Troy Police Department
500 W. Big Beaver Road
Troy, MI 48084

Dear Chief Craft:

I am writing you to commend your staff at the Training Center. The Training Center hosted a two-week Technical Traffic Crash Investigation class February 6-17, presented by myself along with the Michigan State Police.

Sgt. Bjork, Officer Fitzpatrick and Lynn McDaniel were superb to work with. They did everything possible to make the training staff and the students welcome and comfortable. The training facility is excellent and made the presentation of the course a very pleasurable experience. Their enthusiasm and professionalism in support of the class was outstanding.

The Training Center and its staff are a credit to your Department. I look forward to working with them again in the future.

Sincerely,

Bill Brandt
Michigan State Police - retired

Cc: City Mgr
Capt. Mayer
Sgt Bjorkstrom/Off Fitzpatrick/Lynn McDaniel
File
BB

RECEIVED
Chief of Police
2/27/2006 CC

Institute of Transportation Engineers Inc.

1099 14th Street, NW • Suite 300 West • Washington, DC 20005-3438 USA • Tel: +1 202-289-0222 • Fax: +1 202-289-7722 • www.ite.org

J-03d

February 23, 2006

Dr. John K. Abraham, MITE
City of Troy
Transp. Dept.
500 W. Big Beaver Rd.
Troy MI 48084

Dear John,

I would like to express the Institute's appreciation for your time and effort serving as a Review Panel member for the production of the "Transportation Impact Analyses for Site Development: An ITE Proposed Recommended Practice." This publication is now available for purchase through the ITE Bookstore at http://www.ite.org/bookstore.

Your service to ITE as a Review Panel member was critical in preparing this document. We appreciate your input, as we believe this publication will be a major contribution to the transportation profession.

Sincerely,

Lisa Fontana Tierney

Lisa Fontana Tierney
Senior Director, Technical Projects

RECEIVED
MAR 10 2006
CITY OF TROY
CITY MANAGER'S OFFICE

d-04a

A RESOLUTION
OF THE CITY OF ROYAL OAK, MICHIGAN
STRONGLY SUPPORTING FULL FORMULA FUNDING
OF STATE REVENUE TO LOCAL GOVERNMENT

WHEREAS, as a component of tax restructuring, the consolidation of specific business taxes and the elimination of local option taxes, the State of Michigan developed a system of collecting local taxes at the State level for distribution to municipalities; and

WHEREAS, the Statutory Revenue Sharing Act currently earmarks a percentage of State Sales Tax for distribution to cities, villages and townships under a formula measuring local tax capacity, government type and population; and

WHEREAS, Statutory Revenue Sharing is the only State tax policy attempting to level the playing field by providing more funding to communities with low tax bases; and

WHEREAS, local government recognizes and accepts the fact that there will be fluctuations in the State economy impacting the statutory shared revenues, however, that State began ignoring the revenue sharing commitment in 1991; and

WHEREAS, the current budget proposed by Governor Granholm diverts over $600 million of statutory funding for cities, villages and townships to the State; and

WHEREAS, in the past 5 years approximately 40% of the State budget deficit has been assumed by cities, villages and townships as the State continues to reduce revenue commitments and shift funding responsibility; and

WHEREAS, the hardest hit have been fully developed urban areas already losing revenue under Michigan's property tax system as revised following the passage of Proposal A; and

WHEREAS, it is inconceivable that the Governor and Legislature continue to put our State's future in jeopardy by mandating cuts to public safety and core services which define our quality of life.

NOW, THEREFORE, BE IT RESOLVED, that the Governor, Senate, and House of Representatives of the State of Michigan are hereby strongly urged to fully fund the current formula of local revenues collected by the state and distributed under the Statutory Act.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to Governor Granholm, Senator Johnson, Representative Donigan, the Michigan Municipal League and all surrounding communities.

Resolved the 6th day of March, 2006.

James B. Ellison, Mayor

March 2006

March 2006

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Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
		March 1 8:30am BUILDING CODE BOARD OF APPEALS (Conference Room LL)	2	3	4 5
6 7:30pm City Council Meeting (Council Chambers)	7 7:30pm Planning Commission Special/Study (Council Boardroom)	8	9	10	11 12
13	14 7:30pm Planning Commission Regular Meeting (Council Chambers)	15 7:30am DDA Meeting (Conference Room Lower Level)	16	17	18 19
20 7:30pm City Council Meeting (Council Chambers)	21 7:30pm BZA (Chambers) 7:30pm Historic District Commission (Conference Room C)	22	23	24	25 26
27 7:30pm City Council Meeting (Council Chambers)	28 7:30pm Planning Commission Special/Study (Council Boardroom)	29	30	31	

3/27/06 Rez. App. Sec. 24 CR-1 to B-1 (Z-712)
3/27/06 ZOTA 221 Art. II Mun. Civil Infractions

April 2006

April 2006

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					April 1
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3 7:30pm City Council Meeting (Council Chambers)	4 7:30pm Planning Commission Special/Study (Council Boardroom)	5 8:30am BUILDING CODE BOARD OF APPEALS (Conference Room LL)	6	7	8
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10	11 7:30pm Planning Commission Regular Meeting (Council Chambers)	12	13	14	15
					16
17 7:30pm City Council Meeting (Council Chambers)	18 3:00pm Brownfield Redevelopment Meeting (Conference 7:30pm BZA (Chambers) 7:30pm Historic District Commission (Conference Room C)	19 7:30am DDA Meeting (Conference Room Lower Level)	20	21	22
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24 7:30pm City Council Meeting (Council Chambers)	25 7:30pm Planning Commission Special/Study (Council Boardroom)	26	27	28	29
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May 2006

May 2006

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Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
May 1 7:30pm City Council-Special/Study Budget (Council Boardroom)	2 7:30pm Planning Commission Special/Study (Council Boardroom)	3 8:30am BUILDING CODE BOARD OF APPEALS (Conference Room LL)	4	5	6 7
8 7:30pm City Council Meeting (Council Chambers)	9 7:30pm Planning Commission Regular Meeting (Council Chambers)	10	11	12	13 14
15 7:30pm City Council Meeting (Council Chambers)	16 7:30pm BZA (Chambers) 7:30pm Historic District Commission (Conference Room C)	17 7:30am DDA Meeting (Conference Room Lower Level)	18	19	20 21
22 7:30pm City Council Meeting (Council Chambers)	23 7:30pm Planning Commission Special/Study (Council Boardroom)	24	25	26	27 28
29	30	31			

To: City Council
From: Lynn Drake-Batts
Re: Zoning Ordinance Text Amendment 214
Date: March 1, 2006

I'm hoping that most of you were able to watch the hearings on the daycare issue. If you listen or read the final comments from the planning commission you will get the sense that most of the comments from the citizens were negative. That is far from the case.

Per Paul Bratto, 975 neighbors of group daycare providers were notified of the public hearings. Several hundred people showed up supporting group daycare while only three people came and spoke against the issue. I'm hoping that you get copies of all the emails and letters which came to our group. Once again there were only a handful of letters against. Most of those letters came from one household.

The majority of the planning commissioners announced they were against all daycare before the first hearing. Holding hearings made no difference in the decisions of those sitting on the planning commission. The zota which has been presented for approval is written in a way that won't allow in home day care to exist in our community.

Mr. Vleck included in his motion that "It has been demonstrated by public input, letters and phones that family and group day care homes do have a negative impact on the neighboring property owners." Since Mr. Vleck and I came away with two opposing opinions I urge you to watch the tapes and form your own opinion. With almost 100 child and adult foster homes in Troy, out of the dozens of neighbors who showed up only two or three voiced negative opinions. Statistically less than one percent does not constitute a majority.

One of my biggest concerns is if the city restricts these types of daycares then they will simply operate without getting the state permits. The State of Michigan does a good job at setting requirements for these types of use. Let them continue to do their job!

The planning department sent a memo dated December 7, 2005 which outlined some changes to the ordinance proposed by the planning commission. I agree with all their proposed changes.

1. Eliminate fenced or screened play areas. Every neighborhood has its own rules about whether or not it allows fences. I do not believe the city has access to all neighborhood rules and regulations. What if a city employee tells a citizen they have to erect this fence and then it turns out they aren't allowed in their neighborhood? Where does the liability fall? Last I ask you, would you like to live next to a 6' fence? This is excessive and putting up a chain link fence will not do anything to eliminate any sound or enhance property values.

Not all daycare homes use their back yards as a place for the kids to play. The provider I used when my son was young had a morning and afternoon park. Many senior citizens would come out and greet them as they passed by their homes.

2. Eliminate registering with the City Clerk. The state as already taken this role. What if a person buying a house checks with the city clerk to see if there is a daycare in the neighborhood before buying the house? The city clerk tells them there are no group child care homes mistakenly. Is the city at risk for this error? If a citizen wants to know where the homes are at they can look at the State of Michigan's website to determine this information for themselves. With about 100 foster, group and family daycares the city may need additional staff to track these. Is there money in the 2006 budget for this?

3. Eliminate inspection and code requirements. All buildings in Troy are required to have inspections. Adding this language is redundant. Does the city have the staff to inspect these buildings? If so, where will the funding come from to handle this requirement? Since the state is already inspecting the homes, why do they need to be reinspected by city staff?

4. Eliminate keeping all daycares and foster homes at least 1500 feet away from each other. This concept came from the existing state law. If one looks at the map prepared by the planning department dated 12/1/05 you will see the state has not adhered to this law. If this zota goes into effect who is going to decide who can stay open and who has to close? The location of family day cares is made by the state not our community. If a family day care is given permission to open up next door to a group day care does the first one have to close down? The ordinance provides for a public hearing on every group daycare home. Can't the neighbors make these decisions for themselves?

My comments on the addition to the zota present by Mr. Vleck are as follows:

10.25.02 E Should be eliminated see item 1 above.

H Does the city really want more curb cuts on our main roads?

10.30.1 A. The size of the homeowner's lot has been added to reduce the number of neighborhoods this is allowed. There was no valid reason for putting this in the ordinance other than disallowing them in most neighborhoods. The same applies to a 20' side yard. Children don't generally play in a side yard so I see no reason for this to be a part of the ordinance.
H Same as H in 10.25.02
J See 1 above.
K see 2 above.
M see 4 above

I urge you to watch all the tapes of planning commission's hearings. The words and actions of the planning commissioners will speak for themselves. Mark Miller representing the city took a neutral position and offered up a neutral solution which is fair to all concerned. Having lived in Troy most of my life I feel the zota passed onto council is outdated and out of step with the rest of society. If we are truly the city of tomorrow today we need changes in our ordinance that reflect how families are living today.

By temporarily allowing group day care in the city by decrees of city council precedence has been set which allows you to Grandfather all existing daycares that are currently servicing our community. Especially in light of fact that many of these group homes have been operating for decades. My suggestion is to allow the existing daycares to continue operating and as new ones open up then they should go through the process as contained herein.

Thank you for time and consideration.

Sharon M. & David A. Schafer
5593 Mandale Drive
Troy, Michigan 48085
248 879 9249
dschafer@ix.netcom.com
Monday, February 27, 2006

Mr. Mark F. Miller AICP/PCP
Planning Director
City of Troy
500 W. Big Beaver
Troy MI 48084

Dear Mr. Miller

This is a formal request that David Schafer and Curtis Childs be permitted to make a presentation to the City Council at the City Council meeting on Monday, March 6, 2006 during the Public Hearing for Zota 214 Group Child Day Care in Troy.

The reason for this request is that we feel they could cover a lot of the issues regarding Child Group Day Homes in one presentation so that you would not need numerous people come up to talk individually.

We appreciate your consideration of this request.

Sincerely,

Sharon M. Schafer & David A. Schafer

J-08

City of Troy

Date: March 13, 2006

To: John M. Lamerato, Acting City Manager

From: Peggy E. Clifton, Human Resources Director

Re: Costing of Tentative Agreement Between Troy Command Officers Association (TCOA) and City of Troy

---

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

As indicated previously in the Tentative Agreement Summary, this tentative agreement includes a proposed change in the multiplier in the Defined Benefit (DB) pension plan for current DB participants; the multiplier would increase to 2.8% of FAC for the first 25 years, an additional 1% for each year of service over 25 years, with a 75% maximum FAC. Currently the multiplier is 2.5% of FAC, reduced to 2.25% at age 62. (Note that the increased multiplier would be consistent with the DB multiplier in effect for the TPOA, and that both units are 'closed' in that no new employees can participate in the DB plan.) This agreement is contingent on one DB employee retiring by July 1, 2006. If no DB employee retirees by July 1, 2006, the 2.8% multiplier would not go into effect.

The actuary's valuation was inadvertently not included and is attached for your review. The cost is calculated to be 7.76% of payroll for the 18 officers participating in DB, or a net cost of 3.88% of the total payroll for 36 command officers. However, the resultant cost savings realized by the decrease in manpower, plus the cost savings measures agreed upon in health insurance and other pension areas, bring the net cost of that 2nd contract year to less than 2.5%.

I am of course available to provide any additional information you or City Council may require.

PEC/bjm

Attachment

PC06M.023

GRS

Gabriel Roeder Smith & Company
Consultants & Actuaries

One Towne Square
Suite 800
Southfield, MI 48076-3723

248.799.9000 phone
248.799.9020 fax
www.gabrielroeder.com

February 10, 2006

Mr. John Lamerato
Assistant City Manager-Finance
City of Troy
500 W. Big Beaver Road
Troy, Michigan 48084

Re: TCOA Pension Study

Dear John:

Enclosed is a copy of the supplemental actuarial valuation outlining the City's costs associated with a proposed benefit change for TCOA members as requested.

Please contact us with any questions or comments.

Respectfully submitted,

Brad Lee Armstrong

RJD:sew
Enclosures

cc: Employees Retirement System Board of Trustees
John Lamerato, Secretary

City of Troy Employees Retirement System
(TCOA MEMBERS)

Supplemental Actuarial Valuations
as of December 31, 2004

REQUESTED BY: Mr. John Lamerato, Assistant City Manager - Finance

DATE: February 10, 2006

SUBMITTED BY: Brad L. Armstrong, A.S.A., EA, Actuary
Gabriel Roeder Smith & Company

BACKGROUND

This report contains the results of the supplemental actuarial valuation requested to determine the costs associated with the proposal for TCOA Members covered by the City of Troy Employees Retirement System.

The date of the valuation was December 31, 2004. The results of the supplemental valuation indicate the increase in cost over existing benefits if the proposal had been in effect on that date. Supplemental valuations do not predict the result of future actuarial valuations. (Future activities can affect future valuation results in an unpredictable manner.) Rather, supplemental valuations give an indication of the probable effect of **only the benefit change** on future valuations without comment on the complete end result of the future valuations.

Except as otherwise noted, actuarial assumptions and methods were the same as those used in the regular actuarial valuation of the retirement plan on the valuation date. Changes in liabilities were amortized over 10/30 years for the pension plan.

A brief summary of the active data used in these valuations is presented below:

Active TCOA Members				
	Average in Years		Average	Total
Number	Age	Service	Annual Pay	Payroll
16	45.1	18.1	$96,636	$1,546,169

It was assumed that benefits for members as of 12/31/04 who were either inactive or retired would not be affected by this proposal.

City of Troy Employees Retirement System
(TCOA MEMBERS)

Supplemental Actuarial Valuation
As of December 31, 2004

Proposal One

Present Plan Provisions:

2.25% of FAC * service plus a supplemental benefit of 0.25% x FAC x service to age 62.

Proposed Pension Plan Provisions:

2.80% of FAC * x service up to 25 years, an additional 1% for each year of service over 25 years, 75% maximum FAC.

* *Final Average Compensation*

Actuarial Statement

The effect of the proposed change on computed employer contributions is shown below:

	Increase in Computed Annual Employer Contributions	
	10 Years	**30 Years**
Normal Cost	2.88%	2.88%
Unfunded Accrued Liability Cost	8.87%	4.88%
Percentage of Active Member Payroll	11.75%	7.76%
Dollar Amount	$181,675	$119,983

We have shown the new liability created by the proposal amortized as a level dollar amount over 10 years and 30 years. 10 years is the period used in the December 31, 2004 valuation to amortize the assets in excess of accrued liabilities.

It is typical to amortize credits over shorter periods such as 10-15 years. Benefit changes resulting in unfunded actuarial accrued liabilities are often amortized over longer periods such as 30 years.

The dollar cost increases shown above are based on the TCOA pension payroll ($1,546,169).

TO: Mayor and Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
Allan T. Motzny, Assistant City Attorney
DATE: March 13, 2006
SUBJECT: Papadelis v. City of Troy

Once the City of Troy filed a Claim of Appeal in the *Papadelis v. Troy* lawsuit, the Plaintiffs filed a Claim of Cross Appeal of the claims where Oakland County Circuit Court Judge Colleen O'Brien ruled in favor of the City. A copy of the Cross Claim of Appeal is attached for your information.

The City's appeal challenges O'Brien's opinion that the Papadelis family and their business entities (Telly's Greenhouse and Garden Center and Telly's Nursery, L.L.C.) were conducting agricultural activities on the residential properties at 3301 and 3305 John R. Road in the City of Troy, which were protected by the State Right to Farm Act (RTFA). Based on this determination, O'Brien further held that the Papadelis family was exempt from obtaining permits or other approvals from the City, based on her interpretation of the agricultural building exemption under the State Code Construction Act.

The Papadelis family claims entitlement to monetary damages and injunctive relief, even though Judge O'Brien dismissed those claims on the City's motion. Specifically, they charge that City employees engaged in unconstitutional conduct, which violated the rights of Gust and Niki Papadelis, and/or Telly's Greenhouse and Garden Center and Telly's Nursery, L.L.C.

Absent objection from the Troy City Council, our office will represent the interests of the City in this cross appeal. If you have any questions concerning the above, please let us know.

STATE OF MICHIGAN
IN THE COURT OF APPEALS
(ON APPEAL FROM 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/Appellees-Cross Appellants,

v

CITY OF TROY, a Michigan Municipal Corporation, MARK STIMAC, MARLENE STRUCKMAN, and JOHN/JANE DOES(S),

Defendants/Appellee-Cross Appellees.

_____/

COA Docket No. _____

Lower Case No.05-067029-CZ
Hon. Colleen A. O'Brien

CLAIM OF CROSS APPEAL

Plaintiffs/Appellees-Cross Appellants, GUST PAPADELIS, NIKI PAPADELIS, TELLY'S GREENHOUSE AND GARDEN and CENTER, INC. and TELLY'S NURSERY, L.L.C., through their counsel, CARSON FISCHER, P.L.C., claim a cross appeal of right from the Opinion and Order dated February 17, 2006, in the Circuit Court for the County of Oakland, State of Michigan, by the Honorable Colleen A. O'Brien, a copy of which is attached hereto, pursuant to MCR 7.203(A)(1) and (G).

Robert M Carson (P11682)
Karen H. Safran (P51317)
CARSON FISCHER, P.L.C.
Attorneys for Plaintiffs/Appellees-Cross Appellants
4111 Andover Road
West, Second Floor
Bloomfield Hills, MI 48302-1924
(248) 644-4840

Dated: March 10, 2006

Trial Court/Tribunal Name: Oakland Circuit Court	**Court of Appeals, State of Michigan**	CASE NO. Trial Court/Tribunal: 05-067029-CZ Court of Appeals:

Jurisdictional Checklist

Case Name: GUST PAPADELIS, et al. v CITY OF TROY, et al.

INSTRUCTIONS: Please complete this checklist and file with your claim of appeal. **ALL** of the numbered items are required. Check each box as you confirm that each item is being filed.

☑ 1. A **signed** claim of appeal form showing the correct lower court number(s). [MCR 7.204(B)(1) & (D).]

☑ 2. A filing fee of $375.00 or appropriate fee substitute. [MCR 7.202(3) & 7.204(B)(2).] (Where multiple lower court or tribunal numbers are involved, an additional filing fee may be required. Appellants will be advised of any additional amount required.)

☑ 3. A copy of the order you are appealing. [MCR 7.204(C)(1).] (This is the order deciding the merits and not an order denying reconsideration, new trial, or other post-judgment relief.)

☑ 4. Evidence that the necessary transcript has been ordered. [MCR 7.204(C)(2).] (Only one item from a through e is required).

- ☐ a. No transcript will be filed. [MCR 7.204(C)(2) & AO 2004-5 ¶ 8(A)(1).]
- ☐ b. The transcript has already been filed. [MCR 7.210(B)(1)(a).]
- ☑ c. The complete transcript has been ordered. [MCR 7.210(B)(1)(a).]
- ☐ d. This appeal is from a probate court proceeding which does not require a complete transcript. [MCR 7.210(B)(1)(b).]
- ☐ e. A motion has been filed in the lower court or tribunal for submission of the appeal on less than the complete transcript. [MCR 7.210(B)(1)(c).]
- ☐ f. The parties have stipulated to submission of the appeal on less than the complete transcript. [MCR 7.210(B)(1)(d).]
- ☐ g. The parties have stipulated to a statement of facts. [MCR 7.210(B)(1)(e).]

☑ 5. Proof of service demonstrating that all other parties have been served. [MCR 7.204(C)(3).] (Even if a party is not an appellee, they must be served.)

☑ 6. A **current** register of actions from the lower court or tribunal. [MCR 7.204(C)(5).]

Finality of Order Being Appealed (Check the box that demonstrates your claim of appeal is by right. If neither applies, you do not have an appeal by right.)

☑ The claim of appeal is from an order defined as a final order by MCR 7.202(6) or MCR 5.801(B)(1). [MCR 7.203(A)(1).] Please specify which category of final order applies: MCR 7.202(6)(a)(1)

☐ The claim of appeal is from an order which is designated by statute, court rule, or case law as an order appealable by right to the Court of Appeals. Please specify the authority under which you have an appeal by right: _____

Track Designation [Administrative Order 2004-5]

☑ This appeal involves only summary disposition. The nature of the action is: Deprivation of constitutional property rights and violation of 42 USC 1983.

03/10/2006
Date

Preparer's Signature

TO: Members of the Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
DATE: March 14, 2006
SUBJECT: First Amendment Article for Hot Topics in Municipal Law Practice

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Enclosed please find a copy of my article, *Competing Dictates of the First Amendment: Walking The Fine Line Between the Establishment Clause and Religious Free Speech.* This was presented at the recent seminar, **Hot Topics in Municipal Law Practice**, which was co-sponsored by the Institute of Continuing Legal Education and the Public Corporations Section of the State Bar of Michigan.

Hopefully, the material will be of value to Michigan municipalities that are struggling with First Amendment issues. Of particular assistance will be the City of Troy's Private Display Policy, which was incorporated as a part of the seminar presentation.

I was honored to represent the City of Troy as a speaker at this seminar. If Council would like further information on these matters, or if there are any questions concerning the material, I would be happy to address them.

ICLE

Lynn P. Chard, Director

1020 Greene Street

Ann Arbor, MI

48109-1444

Toll free: (877) 229-4350

Toll free fax: (877) 229-4351

email: icle@umich.edu

www.icle.org

THE INSTITUTE OF CONTINUING LEGAL EDUCATION

The source Michigan lawyers trust

February 22, 2006

City of Troy
City Attorney's Office

Lori Grigg Bluhm
City of Troy City Attorney's Office
500 W Big Beaver Rd
Troy, MI 48084

Re: *Hot Topics in Municipal Law Practice*
Thursday, February 16, 2006
MSU Management Education Center, Troy

Dear Lori:

Thank you very much for taking part in the ICLE presentation **"Hot Topics in Municipal Law Practice."** We appreciate very much your participation in the program and the time and effort you devoted to preparing your materials and lecture.

I am enclosing a summary of the registrant evaluations turned in after the presentation. As you can see, the registrants were generally very pleased both with the course and with your presentation. Evaluations were done on a seven-point scale, seven as the highest possible score.

Also enclosed is an expense voucher which you can use to claim reimbursement for any out-of-pocket expenses you may have incurred as a result of your participation in the program. Simply complete and return to me using the enclosed envelope. Please note that mileage is reimbursed at 44.5 cents per mile, and that the University requires original cash register or credit card receipts for all other expenses.

Thank you again for taking part in the course. I would be very interested in any comments you might have concerning the course, and also any suggestions you might have for future programs the Institute should present. We strive to present the topics that will be the most useful and of the highest possible quality for Michigan lawyers. Your thoughts would be very welcome.

Thanks so much, Lori!

Cordially,

Kay

Kay Holsinger
Assistant Director, Partnership Seminars and Online Content

KH/sam
Enclosures

The State Bar of Michigan

The University of Michigan Law School

Wayne State University Law School

The Thomas M. Cooley Law School

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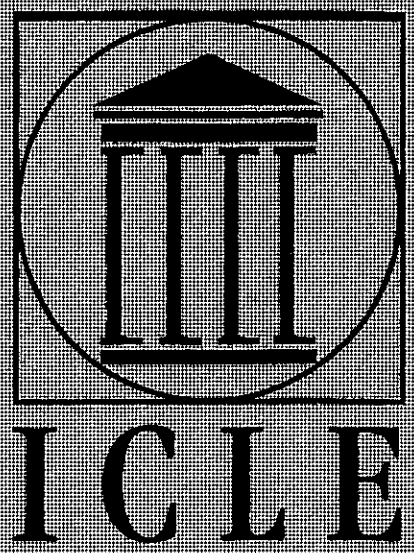

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Hot Topics in Municipal Law Practice

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City of Troy City Attorney's Office
Troy

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Competing Dictates of the First Amendment: Walking the Fine Line Between the Establishment Clause and Religious Free Speech

by

Lori Grigg Bluhm

City of Troy City Attorney's Office

Troy

COMPETING DICTATES OF THE FIRST AMENDMENT: WALKING THE FINE LINE BETWEEN THE ESTABLISHMENT CLAUSE AND RELIGIOUS FREE SPEECH

Submitted by: Lori Grigg Bluhm, City Attorney, City of Troy

I. Mixing Religion and Government.

Pursuant to the Establishment Clause of the First Amendment of the U.S. Constitution, "Congress shall make no law respecting an establishment of religion." Although this Constitutional provision centers on the federal government (Congress), the passage of the Fourteenth Amendment extended this prohibition to state and local government as well (including counties, cities, townships, villages, and school districts). *Widmar v. Vincent*, 454 U.S. 263 (1981). The Michigan Constitution of 1963, Article 1, §4 also requires a separation of church and state.

Under the Free Exercise Clause of the First Amendment to the U.S. Constitution, government shall not interfere with an individual's free exercise of religion. Some governmental entities may be tempted to provide preferential treatment to religious organizations, to avoid a challenge that the government activity impedes an individual's free exercise of religion.

Recently, there is an increasing presence of organizations devoted to the promotion of the Christian faith, and the rights to publicly express religious beliefs and practice their religion. These organizations include the Beckett Fund for Religious Liberty and the Thomas More Law Center, among others. These groups emphasize the Free Exercise Clause of the First Amendment of the United States Constitution, and provide a counter to the long- standing tradition of the ACLU in emphasizing the Establishment Clause of the First Amendment. Governmental entities are subject to challenges from either side if they fail to maintain the tenuous balance between these two constitutional positions. Unfortunately, governmental entities are left with little guidance when religion is involved. The majority of cases are decided on a fact specific basis, in the absence of a bright line test or even definitive guidance on the applicable test for each circumstance. Governmental entities are left to decipher this maze of First Amendment jurisprudence to determine when the fine line between the Establishment Clause and the Free Exercise Clause of the First Amendment has been crossed.

II. Establishment Clause Cases.

A. Invocations in Legislative Sessions

For many municipalities, each legislative session opens with the pledge and an invocation. In today's more diverse society, there are more challenges to both the recitation of the pledge and also the invocation practice as a violation of the Establishment Clause. As with the other First Amendment issues, there is no bright line rule. Many jurisdictions allow invocations at legislative sessions, based on the ruling in

Marsh v. Chambers, 463 U.S. 783 (1983). In *Marsh,* the U.S. Supreme Court determined that it was not an Establishment Clause violation for a Christian chaplain to offer invocations for the Nebraska legislature, even when the minister had continuously and exclusively given the invocations for a period in excess of 16 years. In reaching this decision, the Court looked to the practices of the founding fathers, and determined that just one week before the ratification of the Constitution, they authorized the expenditure of public funds to pay a chaplain to give an invocation for each legislative session. The Court reasoned that the founding fathers approved of invocations, based on their hiring authorization, and based on this, they would not have authorized a practice that was in violation of the Establishment Clause.

Marsh does not provide carte blanche approval of invocations at public meetings, however. In *Lee v. Weisman*, 505 U.S. 577 (1992), a divided U.S. Supreme Court declared that non-sectarian prayers could not be offered at public school graduations. First, the audience at a high school graduation is primarily comprised of students, who are more susceptible to religious indoctrination than adults. Second, attendance at the event was essentially compelled for those who wanted to graduate. Third, the local officials (the government) had too much control over the content, and therefore the government had crossed the line in promoting religion, which violated the Establishment Clause.

The Courts are highly suspect of invocations or other religious practice in the schools. In *Engel v. Vitale*, 370 U.S. 421 (1962), the school regents had composed a prayer, that was required to be daily recited by the students. The Courts held this practice was unconstitutional. In *School District of Abington Township v. Schempp*, 374 U.S. 203 (1963), the required daily reading from the Bible violated the Establishment Clause. In *Wallace v. Jaffree*, 472 U.S. 38 (1985), the requirement of starting each new school day with a moment of silence was declared unconstitutional and in violation of the Establishment Clause. In *Doe v. Duncanville Independent School District*, 70 F. 3d 402 (5th Cir. 1995), prayers offered by the coach at the beginning of high school basketball games were prohibited. In *Jager v. Douglas County School District*, 862 F.2d 824 (11th Cir. 1989), prayers at the beginning of high school football games were prohibited.

Prayers at local school board meetings should also be avoided. In *Coles ex. Rel. Coles v. Cleveland Board of Education*, 171 F.3d 369 (1999), the Plaintiffs challenged the recently initiated practice of invocations at public school board meetings, where there were students regularly in attendance (including student representatives, students being honored or grieving a policy). These invocations did not commence until 1992, when there was a significant change in the composition of the school board. The justification for suddenly including invocations at the school board meetings was to create a "more businesslike and professional decorum" that would give the attendees a "greater respect for the process and attach importance to the school board meetings." (Affidavit of School Board President). Although local clergy initially gave the prayers, this practice was modified by the election of a Christian minister to the school board in 1996. The School Board President/ Minister assumed all responsibility for offering invocations from that point on. The Court ruled that this practice was in violation of the Establishment

Clause. This case may have been impacted by the recent additions of giving invocations, as opposed to the long-standing tradition of invocations in *Marsh.*

Apparently, religious reflection and spontaneous prayer is permissible at university events. In *Chaudhuri v. State of Tennessee*, 130 F. 3d 232 (6th Circuit 1997), the Court upheld the practice of offering a moment of silence at university functions, in spite of a First Amendment challenge by a practicing Hindu professor of the university. These functions included graduation exercises, faculty meetings, dedication ceremonies, and guest lectures. During two such functions, participants "spontaneously" recited the Christian Lord's Prayer during the moment of silence. Chaudhuri challenged this as an unlawful encouragement or endorsement of religion, but the Court disagreed, and found there was no need to admonish the audience or to censor the speech of the graduation attendees. This speech to a college age crowd is much different than a speech to public school students.

Invocations are an area where governmental entities should proceed with caution, since they are being closely monitored for upsetting the delicate balance between the Establishment Clause and the Free Exercise Clause. There has been a great deal of press about a recent decision in Indiana, where the primarily Christian invocations of the Indiana legislature were declared unconstitutional and in violation of the Establishment Clause. *Hinrichs v. Bosma,* 400 F. Supp.2d 1103 (S.D. Indiana, December 2005). In *Hinrichs*, the Court reviewed the content of the past invocations, and declared that although the policy was to accommodate ecumenical prayers from different faith backgrounds, 41 of the 53 most recent prayers were given by Christians, who invoked the name of Jesus Christ in at least 29 of the prayers.

There is no guarantee that the practice of invocations at public meetings will not be challenged. Those entities with long standing practices are most likely to withstand challenges. Government should be cautious in promoting prayer to audiences of children or others that are susceptible to religious indoctrination. As additional insurance, governmental entities should attempt to recruit persons from diverse religious backgrounds and beliefs to offer the invocation on a rotating basis, or instead opt to have a moment of reflective meditation, rather than a spoken prayer at a public meeting.

Governmental entities can hopefully learn from the mistakes of others. For example, it is pretty clear from *Wynne v. Town of Great Falls, South Carolina*, 376 F.3d 292 (4th Circuit 2004) that municipalities should not take retaliatory actions against anyone who refuses to participate in the invocation. In *Wynne*, the municipality allegedly banned the Plaintiff, a Wiccan, from speaking at the council meeting, since she didn't participate in the invocation. In addition, municipalities should not be tolerant of invocation speakers that are critical of other religions or persons. Tolerance of all should be paramount in the invocations at public meetings, and any prayer that criticizes other religions or disparages other persons may result in an invalidation of the entire practice of prayer at public meetings. *Snyder v. Murray*, 159 F.3d 1227 (10th Cir. 1998).

B. Religious Speech or Assembly on Public Property.

Recent requests by organizations such as the National Day of Prayer or the Christian student "See You At the Pole" have forced some governmental entities to review their policies for religious assemblies on public property, and to protect against violations of either the Establishment Clause or the Free Exercise Clause of the First Amendment.

Under the First Amendment, freedom of speech is a fundamental right, and therefore any impediment to protected speech on publicly owned property is subject to scrutiny. (Obscenity and defamation would not fall within the protected speech category). The level of scrutiny for each regulation is dependent upon the characterization of the forum where the religious speech occurs. There are essentially three types of fora- the traditional public forum, the limited or designated forum, and the non-public forum.

Public forums are defined in *Perry Education Association v. Perry Local Educators' Association*, 460 U.S. 37 (1983). According to the case, traditional public forums are properties that have been "used for purposes of assembly, communicating thoughts between citizens, and discussing public questions." Streets and sidewalks are examples of public fora. According to the cases, any government regulation of speech occurring in a traditional public forum must be content neutral time place and manner restrictions that serve a legitimate government interest. These regulations must be narrowly tailored to serve the interest, and must leave open ample alternative channels of communication. *Ward v. Rock Against Racism*, 491 U.S. 781 (1989). Content neutral regulations are those that are applied equally to all persons desiring to use a forum, and are implemented in order to protect the public property or the surrounding properties. For example, the requirement to obtain a permit for a parade would be a content neutral regulation. Although content neutrality has been used interchangeably with viewpoint neutrality in some cases, the U.S. Supreme Court has distinguished the two terms, and has clarified that the public forum analysis requires content neutrality, which is subject matter based, as well as viewpoint neutrality.

In addition to the traditional public forum, the government can also create a limited public forum. A limited public forum is a designated public area (other than a traditional public forum) that is opened up for speech by the government. The difference between the traditional public forum and the limited public forum is that the government can limit the availability of the forum. Examples of limited public forums include public libraries, sports and entertainment facilities, fairgrounds, and public university facilities. It is reasonable for a municipality to declare that these limited public forums are available only during the operational hours of the public facility. It is also reasonable for a municipality to declare only certain portions of the facilities as limited public forums. However, once government property is designated as a limited public forum, it should be treated just like any traditional public forum.

The designation of a limited public forum is not a claim in perpetuity. However, municipalities should be cautious in the closure of a limited public forum, and should be

careful that the closure of the forum is not perceived as a masked attempt to censor the content of a proposed speech. The closure of a public forum should be related to some change in circumstance, such as a proposed reuse of a facility or redevelopment of the property, or budget limitations that cut janitorial service budgets, etc.

According to *Paulsen v. County of Nassau,* 925 F.2d 65 (2nd Cir. 1991), a county owned sports and entertainment facility is a designated public forum. In *Heffron v. International Society for Krishna Consciousness,* 452 U.S. 640 (1981), a state fairground was limited public forum. In *Arkansas Educational Television Commission v. Forbes-* 523 U.S. 666 (1998), a government owned cable television station was a designated public forum. In *Good News Club v. Milford Central School*, 533 U.S. 98 (2001), a public school was declared a limited public forum, and therefore it could be used for after hours prayers and religious studies, as long as the facilities were also available to any other organization under the same conditions.

Government property can also be classified as a non-public forum, where the freedom of speech can be reasonably limited. Non-public forums can include the interior of prisons, public school buildings, airports, postal service letterboxes, military reservations, etc.. According to *Grayned v. City of Rockford,* 408 U.S. 104 (1972), there is no absolute constitutional right to use all parts of a school building or its surrounding environment for unlimited expressive purposes. According to *Members of the City Council of City of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789 (1984), if unlimited free speech would interfere with the primary function of the location, then it is likely a non-public forum. In addition, according to *International Society for Krishna Consciousness, Inc. v. Lee*, 505 U.S. 672 (1992) and *U.S. v. Kokinda,* 497 U.S. 720 (1990), public property that has not traditionally been available for free speech can be a non-public forum. In *Kokinda*, the U.S. Supreme Court held that a sidewalk and an adjacent parking lot was a non-public forum. Government has the ability to impose reasonable limitations on free speech in non-public forums. These limitations, however, should not be viewpoint based.

As long as religious speech is occurring in a traditional public forum, a municipality doesn't need to fear that the tolerance of the speech would violate the Establishment Clause. In addition, religious speech in a previously designated limited public forum is not likely to be challenged. However, if a municipality designates a limited public forum in order to accommodate religious speech or activity, then the action may be subject to an Establishment Clause challenge. As long as religious speech is afforded the same opportunities as all other categories of speech, the municipality has successfully accommodated the free exercise of religion, without violating the Establishment Clause. However, if religious speech is given preferential treatment on publicly owned property, a municipality has violated the tenuous balance.

Municipalities should establish policies or regulations for speech on government owned property. For traditional public forums and limited public forums, these regulations must be content neutral time place and manner restrictions that serve a legitimate government interest. These regulations must be narrowly tailored to serve the

interest, and must leave open ample alternative channels of communication. For non-public forums, government regulations must be reasonable and not discriminate against the speaker's viewpoint. Suggested regulations include:

1. Regulations must be time, place and manner only (ie. a uniform ban of sound amplification, prohibitions on obstructing entry ways, etc.).
2. There should be a quick and easy permit process for persons wanting to conduct First Amendment activities that is supported by the muncipality's need for advance notice (ie- if a police presence is necessary, the government should have some advance notice)
3. No viewpoint discrimination should occur. Permit denials should include detailed reasons for denial that are tied to regulations or policy.
4. There should be an expedited appeals process for any suppressed First Amendment activity. The appeal should be decided by a neutral party.
5. The municipality should emphasize that the regulations stem from the need to retain physical control over the public facility- not a need to censor speech.
6. There should be ample alternative avenues for First Amendment activity- and provisions for emergency situations.
7. If the distribution of materials will be limited, the policy should clearly define the limits, as well as any limits to solicitation or other activities.
8. In non-public forum cases, the government should expressly state that the regulations are not intended to create a limited or designated public forum.
9. Enforcing agencies or persons should not be given unfettered discretion, which could lead to censorship based on viewpoint or content.
10. All staff and enforcing entities should be properly trained.

C. Religious Displays on Public Property.

On one hand, municipalities are pressured by religious groups to allow nativity scenes on public property. On the other hand, governments are sued to have Ten Commandment monuments removed from public buildings. Both of these factual scenarios engender controversy in the community, and are likely to result in litigation. Since a religious display on public property could be governmental endorsement of religion, municipalities should proceed with caution to avoid an unconstitutional entanglement of religion and government.

There are at least seven Establishment Clause cases where the U.S. Supreme Court has rejected the three part test set forth in *Lemon v. Kurtzman,* 403 U.S. 602 (1971). In addition, the Supreme Court cases that were decided under *Lemon* are usually cases where the Court is sharply divided. However, *Lemon* is still controlling for most Establishment Clause cases, absent another pronouncement from the U.S. Supreme Court or an express rejection of the *Lemon* test by the U.S. Supreme Court. Under the *Lemon* three-part test, any religious display on public property must first have a secular purpose. In addition, the government action must not advance or inhibit religion. Third, the government action cannot foster excessive government entanglement with religion.

Under the first prong of *Lemon*, the Courts must decide "whether the government's actual purpose is to endorse or disapprove of religion." *Edwards v. Aguillard*, 482 U.S. 578, 585 (1987). If the actual purpose is something other than to endorse or disapprove of religion, then it is a secular purpose. Governmental entities are entitled to some deference when they articulate a secular purpose. *Edwards*, p. 586-587. However, the Courts will scrutinize the pronouncement of a secular purpose, if they suspect that the true purpose is actually religious promotion.

Under the second prong of *Lemon*, the Courts must decide whether the reasonable observer would conclude that the government regulation had the principal or primary effect of the either advancing or inhibiting religion. *County of Allegheny v. ACLU*, 492 U.S. 573 (1989). In *Allegheny*, a free-standing nativity scene at a county courthouse was held to be an endorsement of religion. However, a menorah that was integrated with other holiday symbols, such as a Christmas tree, was not unconstitutional endorsement of religion.

Under the third prong, there must not be excessive entanglement of church and state. In other words, the government should not be an integral proponent of religious displays on public property. Excessive entanglement is also found whenever government officials have a direct connection with a display, or have the authority to censor or reject displays.

Many of the cases employing the *Lemon* test involve the display of the Ten Commandments. For this reason, it is perhaps ironic that the U.S. Supreme Court holds its sessions in a building that is decorated with a statute of Moses with the Ten Commandments. The U.S. Supreme Court had not issued an opinion on the Ten Commandments for over 25 years, when it decided *Stone v. Graham,* 449 U.S. 39 (1980). In *Stone*, the Court struck down as unconstitutional a Kentucky law that required all public schools to post a copy of the Ten Commandments in the schools. This law was enacted to promote religious purposes, and therefore could not pass the *Lemon* test.

Just as in *Stone v. Graham*, the U.S. Supreme Court has more recently invalidated the government's actions in *McCreary County, Kentucky v. ACLU of Kentucky, 125 S. Ct. 2722 (2005).* In a five to four divided opinion, the U.S. Supreme Court affirmed the issuance of an injunction preventing a new, framed copy of the Ten Commandments from being posted in the County Courthouse. In so affirming, the Court held that the display was motivated by religious purposes, and therefore was unconstitutional. Initially, the Ten Commandments were initially the sole item on display. However, after the ACLU filed their lawsuit, the County added other historical documents, including the Bill of Rights, the Magna Carta and the Mayflower Compact, to create a "Foundations of American Law and Government Display." The majority reviewed the origins of the display, as well as the dedication of the Ten Commandments, and found religious intendment- which did not pass the required secular purpose prong of the *Lemon* test, and was therefore unconstitutional.

In a second Ten Commandments case decided on the same day, (*Van Orden v. Perry*, 125 S. Ct. 2854 (2005)), the Supreme Court steered clear of the *Lemon* test, and found that a six foot granite monument, which had been in a large park outside the Texas capitol for the past 20 years, was not in violation of the Establishment Clause. This monument was one of several in the park, and was labeled with the words "I am the Lord thy God." The *Van Orden* and *McCreary County* cases could be distinguished on the basis that *Van Orden* had been on public property for over twenty years, and was intermixed with other monuments in a public park. In contrast, *McCreary County* was challenged immediately upon the placement of the Ten Commandments. In addition, the Ten Commandments in *McCreary County* were initially going to be stand alone. Only when the ACLU challenged the action did the government add the other historical documents. In addition, the dedication of the Ten Commandments in *McCreary County* was reviewed, and based on the clearly religious statements therein, the Court declared the placement unconstitutional.

Unfortunately, the Court's use of the *Lemon* test in one case, and rejection of *Lemon* in the second case, has deprived municipalities of a bright line test for religious displays cases. Therefore, the government must continue to analyze each display on a case-by-case basis. A review of some of the recent cases may help with this required fact-specific inquiry.

In *ACLU of Kentucky v. Mercer County*, ____F.3d _____, 2005 WL 3466545 (6th Circuit, December 2005), the Court found no Establishment Clause violation when the Ten Commandments were combined with other historical items to form a display. In *ACLU v. City of Plattsmouth*, 419 F.3d 772 (8th Cir. 2005), the Court similarly held that a Ten Commandments display, which was located in a park with other recreational items, was within the permissible boundaries of the Establishment Clause. In *O'Connor v. Washburn University*, 416 F.3d 1216 (10th Cir. 2005), the Court again found no violation of the Establishment Clause under *Lemon*. *Washburn* involved a statute of a pointing Roman Catholic Bishop, with the sign "Holier Than Thou." This statute was placed in a prominent location of the University. The University was sued under 42 USC §1983, since the statute was allegedly anti-Catholic. However, the statute was one of approximately thirty outdoor statutes, and therefore was seen more as "art" than an unconstitutional endorsement against the Catholic faith.

The *Lemon* analysis is not limited to the Ten Commandment cases, but instead is extended to most cases involving religious displays on public property. The nativity scene cases (holiday displays on public property) also invoke the *Lemon* constitutional analysis. *In Lynch v. Donnelly*, 465 U.S. 668 (1984) a divided Court held in a five to four decision that a City's ownership, maintenance, and display of a nativity scene in the town square was not in violation of the Establishment Clause, since it was one element of a secular display, which also contained a Santa Claus & reindeer.

There are also recent cases that do not employ the *Lemon* test to adjudicate Establishment Clause matters. In *Capitol Square Review Board v. Pinette*, 515 U.S. 753 (1995), the Court relied on the public forum cases to decide the Establishment Clause

issues. The Court recognized that religious displays in dedicated public forums, which were placed by private groups and divested of any government involvement, would pass constitutional muster, as long as the public forum was available to all equally. If both religious and non-religious groups had the equal opportunity to place displays on the designated public forum, then religious displays were not unconstitutionally placed on public property. *Pinette* invovled a cross that was located on property that was otherwise used openly for other displays, gatherings and festivals. This hands off, public forum approach may be the ultimate direction of the U.S. Supreme Court, now that there has been a change in its composition. Whatever the direction, however, it is almost guaranteed that there will continue to be Establishment Clause challenges. The next wave will focus on the phrase "In God We Trust," which is found in the pledge, on government buildings and on our money.

Each municipality should adopt a uniform policy to address religious displays on public property. Attached for reference is the private display policy for a designated public forum in the City of Troy. (Exhibit A) Although this document may provide a starting point, it should be carefully reviewed to insure that the policy is compliant with all state and local laws, and also the internal policies and procedures of a community. However, the adoption of such a policy will not necessarily immunize a municipality against lawsuits. Recently, the ACLU has filed a lawsuit against Polk County, Florida, challenging the "free-speech zone" policy. A crèche was placed in the "free-speech zone," without adherence to the requirements of the "free speech zone policy." In that case, the church did not obtain the required $500,000 in liability insurance, or obtain approval from the county attorney, or execute the document that held the county harmless from any liability.

III. RLUIPA

Municipalities are left without a bright line rule in discerning what religious uses are permitted on public property. However, this fact specific analysis might be preferable to the automatic preferential treatment afforded by the federal Religious Land Use and Institutionalized Persons Act, or RLUIPA. The Religious Land Use and Institutionalized Persons Act, has been federal law since 2000, but it has been subject to many challenges and criticisms. There are essentially two components of RLUIPA. First, when government imposes a substantial burden on the religious exercise of an institutionalized person, then the governmental entity must have a compelling interest that is served by the regulation, which must be the least restrictive path of promoting the compelling government interest. (42 U.S.C. § 2000cc(a)). A recent ruling of the U.S. Supreme Court has upheld the constitutionality of this institutionalized portion of the statute. *Cutter v. Wilkinson*, 125 S. Ct. 2113 (2005). However, this opinion is specifically limited to the facial constitutionality of the institutionalized persons provisions. The *Cutter* Court distinguished the state run institutions, such as mental hospitals and prisons, as those where "the government exerts a degree of control unparalleled in civilian society and severely disabling to private religious exercise." (Id., p.2121) The opinion does not necessarily extend to the land regulation sections of RLUIPA, which were not at issue in the *Cutter* case. It similarly does not rule out an as applied challenge to the statute, in the

event that the accommodations of the religious practices of prisoners or mental patients weakens the security of the institutions or presents other disruptive challenges.

42 U.S.C. § 2000cc is the land use regulation component of RLUIPA that directly impacts municipalities. According to the provisions of 42 U.S.C. §2000cc, governmental entities cannot impose land use regulations on persons, churches, or religious institutions that substantially burden the free exercise of religion unless there is a compelling governmental interest that is furthered in the least restrictive manner. Under the statute, the Court is vested with jurisdiction on a RLUIPA claim when one of the following elements are established:

- The religious program or activity that is substantially burdened receives federal financial assistance (Spending Clause jurisdiction- where there is an implied right that Congress can attach conditions to federal grants); or
- The religious program or activity that is substantially burdened impacts commerce with foreign nations or between states (Commerce Clause jurisdiction); or
- The religious program or activity that is substantially burdened requires the government to complete a formal or informal individualized assessment of the proposed use of the property. (Enforcement Clause jurisdiction)

Lower court cases and law review articles challenge that RLUIPA exceeds the powers of Congress, in spite of the efforts of Congress to specifically address the constitutional challenges to RLUIPA's predecessor, the Religious Freedom Restoration Act (RFRA, codified at 42 U.S.C. § 2000bb et. seq.). One of the modifications made to the RFRA was to tie the legislation to the Spending Clause and also the Commerce Clause, since federal legislation must be based on one of the enumerated powers of Congress. This action was in response to *Boerne v. Flores*, 521 U.S. 507 (1997), where the U.S. Supreme Court invalidated RFRA as exceeding Congressional powers. Congress also strengthened the Congressional record, after the *Boerne* decision, to articulate examples of widespread and persistent religious discrimination, which would allow Congress to enact laws under the Enforcement Clause, § 5 of the 14th Amendment, since the First Amendment protections of Free Speech and Free Exercise of Religion were not being adequately protected. In *Elsinore Christian Center v. City of Lake Elsinore*, 291 F. Supp.2d 1083 (2003), the Court discusses the insufficiency of the Congressional record in establishing the widespread and persistent religious discrimination, which is necessary for Enforcement Clause jurisdiction. Hopefully, the U.S. Supreme Court will have the opportunity to address whether RLUIPA sufficiently corrected the fatalities of RFRA in the land use regulation context.

Although the Spending Clause and the Commerce Clause allegedly provide jurisdiction for a RLUIPA claim, most of the claims against municipalities are brought under the individualized assessment jurisdictional basis. Individual assessments are made in special use zoning requests, rezoning requests, variance requests, and all other requests that vest discretionary power with a municipality. The municipality is charged with overseeing orderly development and the preservation of property values in the

community. However, under RLUIPA, the churches and religious institutions are afforded special treatment, and are not necessarily required to follow the rules that are otherwise evenly applied to all other landowners. Under RLUIPA, municipalities must meet the strict scrutiny test to deny a requested land application for churches, but they are only required to have a reasonable basis to deny requested land applications for all other entities. This preferential treatment for churches and religious institutions may cross the line between the Establishment Clause and the Free Exercise Clause. The U.S. Supreme Court will eventually need to assess whether Congress successfully walked the fine line between the Free Exercise of Religion Clause and the Establishment Clause. The U.S. Supreme Court will also need to determine whether RLUIPA in its current form is within the limits of Congressional authority.

In the interim, municipalities will face difficulties in securing uniform development in the communities. The use of the words "strict scrutiny" are reflective of the true application of the test, and very few municipal land use regulations will satisfy the elevated burden of proof. The strong bias in favor of de-regulation for churches and religious institutions is evident in the RLUIPA cases during the past five years, when RLUIPA was passed.

Under RLUIPA, the Courts must first assess whether one of the three jurisdictional elements have been satisfied. It would be unusual to have a land use regulation that didn't vest some discretion with the municipality, so the jurisdictional test would easily be satisfied. Once the jurisdictional hurdle is overcome, the Plaintiff must then set forth a prima facie case to show that the challenged land use regulation substantially burdens their religious exercise. In *Shepherd Montessori Center Milan v. Ann Arbor Charter Township*, 259 Mich. App. 315 (2003), leave to appeal denied, 471 Mich. 877 (2004), the parties did not sufficiently address this issue, and therefore the case was remanded to determine whether the municipality had imposed a substantial burden on the Plaintiff's religious exercise. According to *Shepherd Montessori:*

> The substantial burden must be based on a "sincerely held" religious belief. (citations omitted) In *Lyng* (citation omitted), the Supreme Court indicated that for a governmental regulation to substantially burden religious activity, it must have a tendency to coerce individuals into acting contrary to their religious beliefs (citation omitted). Conversely, a government regulation does not substantially burden religious activity when it only has an incidental effect that makes it more difficult to practice the religion (citation omitted). **Thus, for a burden on religion to be substantial, the government regulation must compel action or inaction with respect to the sincerely held belief; mere inconvenience to the religious institution or adherent is insufficient.** *Shepherd Montessori,* 259 Mich. App. 315, 330 (2004), emphasis added

Although Plaintiffs should be required to satisfy this burden of proof, recent decisions demonstrate the balance has shifted to the Plaintiff religious institutions. Religious exercise is broadly defined as "any exercise of religion, whether or not

compelled by, or central to, a system of religious belief." (42 U.S.C. § 2000cc-5(7)(A)) The religious exercise could be carried out by one person or by an undefined group of persons that formed their church just moments before asking for leniency in the land use regulations. The object of worship is also unlimited and above reproach, as long as it is a sincerely held belief. The Church of What's Happening Now is on equal footing with the traditional religious institutions. These factors alone could lead to a very broad application of the RLUIPA protections. The recent cases, and especially the cases in the 6th Circuit, have essentially eviscerated the ability of municipalities to regulate land uses.

Although under RFRA (the predecessor to RLUIPA), the Court's deference to the church in *Jesus Center v. Farmington Hills Zoning Board of Appeals*, 215 Mich. App. 54, 544 NW2d 698 (1996) foreshadowed the Michigan approach to land use regulations for churches. The Court in *Jesus Center* unquestionably accepted the church's pronouncement that it was engaging in a religious exercise when it was operating a homeless shelter in a residential district. This same approach was recently taken in *Greater Bible Way Temple of Jackson v. City of Jackson,* 268 Mich. App. 673 (2005). In *Greater Bible Way Temple*, the Court unquestionably accepted the pastor's affidavit that claimed that providing housing to the elderly and disabled is "central" to plaintiff's ministry. In this case, the church filed a lawsuit against the City of Jackson for failing to rezone eight parcels of property from single family residential to a multiple family residential. The church had recently acquired the property for $150,000, and the requested rezoning would allow the church to build 32 elder family residences. The church did not claim that the elder family residences were reserved for church members or their families. The project's major significance for the members was the revenue-raising potential, which would finance other projects. The church also belatedly argued that the elder housing near the church would serve as an excellent membership recruitment tool. After a bench trial, the Circuit Court issued an injunction against the City, finding that the refusal to rezone was a substantial burden on the church's free exercise of religion. The Court then rejected all compelling governmental interest arguments submitted by the City. The Michigan Court of Appeals recently upheld this decision, which is now being submitted to the Michigan Supreme Court on an application for leave to appeal. Hopefully the Michigan Supreme Court will grant leave to appeal, and provide some relief to all the other Michigan municipalities that are being challenged on their land use regulations.

IV. Conclusion.

Municipalities must walk through a narrow and always changing path to avoid violating the Establishment Clause and the Free Exercise Clause of the First Amendment to the U.S. Constitution. Changes in the make up of the U.S. Supreme Court may lead to more definitive guidance on these First Amendment questions, and based on the recent changes, the balance will likely be in favor of the Free Exercise Clause.

Exhibit A

DISPLAY POLICY FOR TROY CITY PLAZA[1]

1.0 MISSION STATEMENT

The Troy City Plaza is dedicated to the positive expression of our cultural and historical heritage, philosophies, and ethnic diversity, encouraging activities and displays depicting events which highlight and honor them.

In recognition of the rights protected by the U.S. Constitution and Bill of Rights the City of Troy provides this plaza as a limited public forum.

This Policy is established to ensure equal access and opportunity to use the Troy City Plaza. All displays shall comply with the provisions of this Policy.

2.0 PUBLIC FUNDING PROHIBITION

2.1 There shall be a disclaimer prominently displayed immediately in the front of the designated display areas, which shall read substantially as follows:

This display was not constructed with public funds and does not constitute an endorsement of any message by the City of Troy.

2.2 A notice must be prominently posted in the immediate area of the designated display areas advising the public that the area, as a limited public forum, is available to all Troy citizens and Troy civic and charitable groups.

2.3 All displays must be privately owned, erected, and maintained.

2.4 The City of Troy shall have no role in the planning, construction, erection, or storage of any display.

3.0 LOCATION OF AREAS DESIGNATED FOR DISPLAYS

3.1 The display areas shall be limited to two areas identified by the City of Troy on the Civic Center site as follows:

Display Area A - A 25' x 25' area located on the north side of the sidewalk west of the Peace Garden Court Yard, which is north of City Hall and west of the Library, as depicted in the diagram attached and incorporated as Exhibit A.

Display Area B - A 25' x 25' area located on the south side of the sidewalk west of the Peace Garden Court yard, north of City Hall and west

of the Library, as depicted in the diagram attached and incorporated as Exhibit A.

3.2 The designated display area will remain in its natural vegetative state. The area does not currently have any direct artificial light, other than the light that emanates from building lights and light poles that are already in place on the property.

3.3 There shall be no concrete or asphalt or other permanent materials placed or poured in the designated display area.

4.0 DISPLAY RULES AND REGULATIONS

4.1 Displays shall be erected and installed only within the designated display areas, as indicated by survey markers on the property.

4.2 No portion of the displays shall extend more than 20' above the ground, nor outside the display area.

4.3 No sound shall be emitted by the display that exceeds 65 decibels measured at a distance of 15' from the display area in any direction.

4.4 Displays shall be designed or secured so that they will not be moved out of the designated display area by forces of nature, such as the effect of wind. Displays shall be designed and installed to be structurally sound and self-supporting of their own weight and loads, so that the displays can withstand any negative effects of wind, rain, snow or other natural forces.

4.5 Displays shall be designed and installed in a manner to prevent damage to the City's designated display areas.

4.6 There shall be no excavation of the display site as part of the installation of the display.

4.7 No part of the display shall be driven into the ground, except that stakes not bigger than 4 square inches can be used to secure the display to the ground as long as there is no permanent damage to the property.

4.8 There shall be no detectible odors emanating from the display.

4.9 Displays shall not include foul, putrid, or hazardous material.

4.10 There shall be no open flames or pyrotechnics as part of any display.

4.11 There shall be no spray painting of the public property designated for the displays.

4.12 Displays may be set up beginning at 8:00 am on the first day of the designated date group. Displays must be totally removed from the display area by 6:00 pm on the last day of the designated date group. The designated date group is the number of the grouping of days for the allowable display periods, as set forth on the attached Exhibit B, which shall be prepared annually for each calendar year and incorporated by reference into this Policy. The designated date group shall be determined by the lottery, as set forth in section 5.0 of this policy.

4.13 No public assembly will be permitted in the designated display area. Displays shall be unattended, and there shall be no solicitation in the designated display area.

4.14 There is no accessibility to electricity on the site, and displays shall not require external electric power. In addition, generators or motors of any kind shall not be used on the property. Displays shall be permitted to utilize battery or solar power sources.

4.15 There shall not be awnings or canopies or tents erected in the designated display area.

4.16 There shall be no commercial speech in or on the designated display area. Signs with company logos which indicate sponsorship of a display shall not be considered commercial speech, as long as they are located in the designated area and do not exceed 8 ½ x 11" in size, and as long as the sponsorship signs do not include telephone numbers and/or web site addresses.

4.17 There shall be no profanity, pornography, or obscenity in or on the designated display area.

4.18 There shall be no vehicles used on, in, or leading to the designated display areas unless the City approves the use of a vehicle in advance. Such approval shall be based on the ground conditions and the expected impact of the use of a vehicle.

5.0 SITE/DATE GROUP SELECTION PROCESS

5.1 Sites/Date Groups for the displays shall be selected by lottery process conducted by the City of Troy.

5.2 The selection lottery for each calendar year shall be held at 10:00 am on the first Wednesday of the month of November in the preceding year. This date shall also be used as the selection lottery for the remaining date groups in the 2004 calendar year.

5.3 Applications for the lottery shall be filed on forms provided by the City of Troy and shall be filed no less than 7 calendar days prior to the selection lottery.

5.4 Applications for the lottery shall be accepted from residents of the City of Troy above 18 years of age, or businesses, , civic groups or non-profit organizations located in the City of Troy.

5.5 Not more that one application for the lottery shall be accepted from any one individual or group.

5.6 The lottery process shall require the applications to be selected at random.

5.7 Applicants shall either appear in person at the lottery, or have their designee present, as identified in their application for the lottery. The applicants or their designee must be present to select their preferences for the designated display area. Applications that have been selected, for which there is no applicant or designated representative present at the time of the drawing, shall be disqualified.

5.8 If selected, applicants shall pick the designated display area (A or B) and date group for their display from the remaining available locations and date groups. This process shall continue until all dates for each location are selected or until all applications have been drawn in the lottery.

5.9 Any date groups not selected for either of the two designated display areas on the day of the lottery shall become available after the first day of December. Troy residents, businesses, , civic or non-profit organizations can apply for one of these available dates by filing an application at least 21 calendar days in advance of the first day of the desired date group.

6.0 AGREEMENT BETWEEN CITY AND SUCCESSFUL APPLICANTS

6.1 Each successful applicant shall pay a non-refundable fee of $50.00 for each display to offset any public costs. This fee shall be paid at least 21 calendar days prior to the first date of the date group, as designated by the lottery system described in Section 5.0 of this policy.

6.2 Each successful applicant shall enter into an agreement with the City of Troy at least 21 calendar days prior to the first date of the date group, as designated by the lottery system described in Section 5.0 of this policy. The agreement shall be in the form approved by the City of Troy. The approved agreement form shall be supplied to all persons at the time of the yearly application for the lottery, and shall be subsequently available at City Hall, the Community Center, and the web site.

6.3 The agreement shall require the successful applicant to provide a proposed layout of the proposed display (at a suitable scale), which shall include the size (square footage) and location of any signs, booths, tables, or temporary structures of any kind. Applicant shall provide a written description of the display material types (wood, metal, plastic, etc.), the dimensions, and a description of the method of anchoring the display. This information shall be provided at least 21 calendar days prior to the first date of the date group, as designated by the lottery system described in Section 5.0 of this Policy.

6.4 The agreement shall require each successful applicant proposing a display for the Troy City Plaza to submit an executed hold harmless agreement on the applicant's letterhead. The hold harmless agreement shall be signed by the applicant's authorized representative, and shall agree to defend, indemnify, or hold harmless the City of Troy, its elected and appointed officials, employees and volunteers and others working on behalf of the City of Troy; against any and all claims, demands, suits, loss, including all costs connected therewith, for any damages that may be asserted, claimed, or recovered against or from the City of Troy, its elected and appointed officials, employees, volunteers or others working on behalf of the City of Troy, by reason of personal injury, including bodily injury and death; and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with the activity authorized by this permit.

6.5 The agreement shall require each successful applicant proposing a display for the Troy City Plaza to procure and maintain insurance acceptable to the City, demonstrating that general liability coverage is available for claims for personal injury or property damage caused by the display or attributed to the placement of the display. Such insurance shall be in the amount of $500,000 per occurrence and aggregate limit. The Certificate of Insurance shall name the City of Troy as an additional insured. The City reserves the right to modify the insurance requirements as necessary with 30 calendar days notice to the successful applicant. The successful applicant agrees to provide the certificate of coverage at least 21 calendar days prior to the first date of the date group, as designated by the lottery system described in Section 5.0 of this Policy. The successful applicant must keep said insurance or a similar policy with the above minimum insurance coverage in effect for the term of the display. The successful applicant shall submit to the City of Troy Risk Management Department a Certificate of Insurance acceptable to the City demonstrating coverage for the above insurance amounts. Additionally, the City may request a copy of said insurance certificate at any time during the display.

6.6 The agreement shall require each successful applicant proposing a display for the Troy City Plaza to provide a $100 deposit to the City. This deposit shall be security for the City against any property damage to the designated display areas caused by the successful applicant's display or any costs or contract or Troy personnel charges incurred by the City as a result of the successful applicant's failure to comply with the terms of the agreement or this display policy. This deposit shall be made at least 21 calendar days prior to the first date of the date group, as determined by the lottery system set forth in Section 5.0 of this Policy. The existence of a deposit does not preclude the City from taking any other available legal action to recoup any City damages resulting from the successful applicant's failure to comply with the terms of the agreement or this display policy. Upon removal of the display, the deposit shall be returned to the successful applicant, less any costs incurred by the City as a result of the applicant's breach of the Policy or agreement.

6.7 The agreement shall require each successful applicant to submit the details for any graphics, and any messages or wording for the display (at a suitable scale) at least 21 calendar days prior to the first date of the date group, as determined by the lottery system set forth in Section 5.0 of this Policy. This information shall be reviewed by the Troy City Attorney or Attorney's designee for compliance with this Policy. The Attorney shall indicate any objections to the proposed display in writing within seven days of receiving the information. Objections can be based on the inclusion of pornography, profanity, obscenity, or commercial speech, which are prohibited in the limited public forum. The Attorney shall rely on First Amendment jurisprudence in making this determination. Appeals of the Attorney's decision can be made to the Troy City Council or by filing an action with the Oakland County Circuit Court.

6.8 The displays must contain only the items that were submitted and approved by the City, in accordance with this policy.

6.9 The failure to comply with the terms this policy or the agreement will result in disqualification of the successful applicant, and shall be considered grounds for removal of the display (at the expense of the successful applicant) from the designated area and a forfeiture of the remaining time contained within the lottery assigned time slot.

6.10 The successful applicant agrees to comply with all federal, state, and local laws and regulations that apply to the display.

March 14, 2006

To: John M. Lamerato, Acting City Manager

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

Subject: Report and Communication: Parks and Recreation Survey Results

An updated version of the Parks and Recreation Masterplan is being completed and as a part of this update a community survey was conducted.

Prior to the survey being developed, a focus group meeting was held seeking input for the survey. Residents were invited to this meeting held August 31, 2005. Development of the survey document was based, in part, on the input received at this meeting.

The survey was sent to 3254 random households and business property owners. After accounting for undelivered surveys, a 31% return rate was achieved.

Planning Department staff members, Mark Miller and Brent Savidant will be finalizing the Masterplan document. The Masterplan will be reviewed by the Parks and Recreation Advisory Board and subsequently forwarded to City Council for approval.

A hard copy of the Parks and Recreation Survey Results will be distributed with the agenda. The survey can also be found on the City website www.ci.troy.mi.us under “News.”