

# **AGENDA**

**Regular Meeting of the**

## **CITY COUNCIL OF THE CITY OF TROY**

**DECEMBER 5, 2005**

**CONVENING AT 7:30 P.M.**

**Submitted By  
The City Manager**

TO: The Honorable Mayor and City Council  
Troy, Michigan

FROM: John Szerlag, City Manager

SUBJECT: Background Information and Reports

Ladies and Gentlemen:

This booklet provides a summary of the many reports, communications and recommendations that accompany your Agenda. Also included are suggested or requested resolutions and/or ordinances for your consideration and possible amendment and adoption.

Supporting materials transmitted with this Agenda have been prepared by department directors and staff members. I am indebted to them for their efforts to provide insight and professional advice for your consideration.

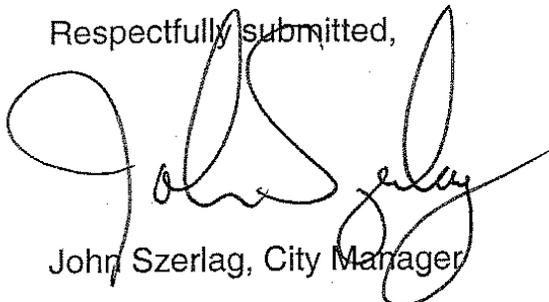
Identified below are goals for the City, which have been advanced by the governing body; and Agenda items submitted for your consideration are on course with these goals.

### **Goals**

1. Minimize cost and increase efficiency of City government.
2. Retain and attract investment while encouraging redevelopment.
3. Effectively and professionally communicate internally and externally.
4. Creatively maintain and improve public infrastructure.
5. Protect life and property.

As always, we are happy to provide such added information as your deliberations may require.

Respectfully submitted,



John Szerlag, City Manager



## CITY COUNCIL

### AGENDA

December 5, 2005 – 7:30 PM  
Council Chambers  
City Hall - 500 West Big Beaver  
Troy, Michigan 48084  
(248) 524-3317

**CALL TO ORDER:** 1

**INVOCATION & PLEDGE OF ALLEGIANCE: Mr. David Carnes – Troy Church of Christ**  
1

**ROLL CALL:** 1

**CERTIFICATES OF RECOGNITION:** 1

A-1 Presentations: a) President of MGFOA, Michael D. O'Connell, Finance Director-Wayne County-Management & Budget/Children & Family Services Presented Three GFOA Awards to John M. Lamerato, Assistant City Manager/Finance & Administration, on Behalf of the City of Troy in Recognition of Its *Budget*, *The Comprehensive Annual Financial Report Award* and *The Popular Annual Financial Report Award*; b) *2005 Audited Financial Report* Presented by Tom Darling, CPA – Rehmann Robson 1

**CARRYOVER ITEMS:** 1

B-1 No Carryover Items 1

**PUBLIC HEARINGS:** 1

C-1 No Public Hearings 1

**POSTPONED ITEMS:** 1

D-1 No Postponed Items 1

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- E-1b Address of “E” Items Removed for Discussion by City Council and/or the Public 2
- E-2 Approval of City Council Minutes 2
- E-3 Proposed City of Troy Proclamations: None Proposed 2
- E-4 Standard Purchasing Resolutions 2
  - a) Standard Purchasing Resolution 4: Cooperative Contract Award – Regional Educational Media Center Association of Michigan (REMC) – Contract for LCD Projectors ..... 2
- E-5 Application for Transfer of Class C License – Kruse and Muer 2
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**REGULAR BUSINESS:** **4**

- F-1 Appointments to Boards and Committees: a) Mayoral Appointments: Local Development Finance Authority (LDFA); and Planning Commission b) City Council Appointments: Advisory Committee for Persons with Disabilities; Advisory Committee for Senior Citizens; Board of Zoning Appeals-Planning Commission Representative & Alternate; Ethnic Issues Advisory Board; Historic District Commission; Liquor Committee; Personnel Board; and Troy Daze Advisory Committee 4
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- f) Historic District Study Committee/Final – October 4, 2005..... 13
- g) Board of Zoning Appeals/Final – October 18, 2005..... 13
- h) Historic District Commission/Final – October 18, 2005..... 13
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**CALL TO ORDER:****INVOCATION & PLEDGE OF ALLEGIANCE:** Mr. David Carnes – Troy Church of Christ**ROLL CALL:**

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

**CERTIFICATES OF RECOGNITION:**

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**A-1 Presentations:** a) President of MGFOA, Michael D. O'Connell, Finance Director-Wayne County-Management & Budget/Children & Family Services Presented Three GFOA Awards to John M. Lamerato, Assistant City Manager/Finance & Administration, on Behalf of the City of Troy in Recognition of Its *Budget, The Comprehensive Annual Financial Report Award* and *The Popular Annual Financial Report Award*; b) *2005 Audited Financial Report* Presented by Tom Darling, CPA – Rehmann Robson

**CARRYOVER ITEMS:**

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**B-1** No Carryover Items

**PUBLIC HEARINGS:**

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**C-1** No Public Hearings

**POSTPONED ITEMS:**

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**D-1** No Postponed Items

**CONSENT AGENDA:**

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

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

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

Suggested Resolution

Resolution #2005-12-

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:

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

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**E-2 Approval of City Council Minutes**

Suggested Resolution

Resolution #2005-12-

RESOLVED, That the Minutes of the Regular City Council Meeting of November 28, 2005 be **APPROVED** as submitted.

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

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**E-4 Standard Purchasing Resolutions**

**a) Standard Purchasing Resolution 4: Cooperative Contract Award – Regional Educational Media Center Association of Michigan (REMC) – Contract for LCD Projectors**

Suggested Resolution

Resolution #2005-12-

RESOLVED, That a contract for the purchase and installation of LCD projectors from Data Image Systems is hereby **APPROVED** through the Regional Educational Media Center Association of Michigan (REMC) contract MI-REMC at an estimated cost of \$21,000.00.

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**E-5 Application for Transfer of Class C License – Kruse and Muer**

**(a) New License**

Suggested Resolution

Resolution #2005-12-

RESOLVED, That the request from Kruse and Muer Troy, LLC to transfer ownership of a 2005 Class C licensed business with Entertainment Permit and Official Permit (food), located in escrow at 585 W. Big Beaver, Troy, MI 48084, Oakland County, from D. I. Supply, Inc., (a Missouri Corporation) and transfer location to 911 Wilshire, Troy, MI 48084, Oakland County, and add a new Dance Permit, new Outdoor Service Permit, and new SDM License. (Step 2), “above all others”; be considered for approval.

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

**(b) Agreement**

Suggested Resolution

Resolution #2005-12-

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 Kruse and Muer Troy, LLC to transfer ownership of a 2005 Class C licensed business with Entertainment Permit and Official Permit (food), located in escrow at 585 W. Big Beaver, Troy, MI 48084, Oakland County, from D. I. Supply, Inc., (a Missouri Corporation) and transfer location to 911 Wilshire, Troy, MI 48084, Oakland County, and add a new Dance Permit, new Outdoor Service Permit, and new SDM License. (Step 2), “above all others”; 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.

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**E-6 Application for Transfer of Class C License – D.I. Supply, Inc.**

**(a) New License**

Suggested Resolution

Resolution #2005-12-

RESOLVED, That the request from D.I. Supply, Inc., (a Missouri Corporation) to transfer ownership of a 2005 Class C licensed business with Entertainment Permit and Official Permit (food), located in escrow at 585 W. Big Beaver, Troy, MI 48084, Oakland County, from O’Grady’s Irish Pub, Inc. “above all others”; be **CONSIDERED** for **APPROVAL**.

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

**(b) Agreement**

Suggested Resolution

Resolution #2005-12-

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 D.I. Supply, Inc., (a Missouri Corporation) to transfer ownership of a 2005 Class C licensed business with Entertainment Permit and Official Permit (food), located in escrow at 585 W. Big Beaver, Troy, MI 48084, Oakland County, from O'Grady's Irish Pub, Inc., "above all others"; 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.

### **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.*

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**F-1** **Appointments to Boards and Committees:** a) Mayoral Appointments: Local Development Finance Authority (LDFA); and Planning Commission b) City Council Appointments: Advisory Committee for Persons with Disabilities; Advisory Committee for Senior Citizens; Board of Zoning Appeals-Planning Commission Representative & Alternate; Ethnic Issues Advisory Board; Historic District Commission; Liquor Committee; Personnel Board; and Troy Daze Advisory Committee

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

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

(a) **Mayoral Appointments**

Suggested Resolution

Resolution #2005-12-

Moved by

Seconded by

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

**Local Development Finance Authority (LDFA)**

Appointed by Mayor, Council Approval - Council Alternates (2) - Term expires with term of office

Term expires with term of office

Term expires with term of office

**CURRENT MEMBERS**

NAME	TERM EXPIRES
John Szerlag, City Manager	06/30/2007
Douglas Smith, Real Estate & Development Director	06/30/2007
Keith Pretty, President-Walsh College	06/30/2008
Michael M. Adamczyk, Asst. Supt. Business Services-Troy Schools	06/30/2008
Robin E. Beltramini, Council Member-City of Troy	06/30/2006
Cristina Broomfield, Council Member-City of Troy (Alternate)	11/08/2005
David Eisenbacher, Council Member-City of Troy (Alternate)	11/08/2005

**INTERESTED APPLICANTS**

NAME	COUNCIL TERM EXPIRES
Cristina Broomfield	11/09/09
Wade Fleming	11/09/09
Martin Howrylak	11/06/07
David Lambert	11/06/07
Jeanne Stine	11/06/07
Louise Schilling	11/06/07

**Planning Commission**

Appointed by Mayor, Council Approval (9) - 3 Year Terms

Term Expires 12/31/08

Term Expires 12/31/08

Term Expires 12/31/08

**CURRENT MEMBERS**

NAME	TERM EXPIRES
Gary G. Chamberlain ( <b>Does not request reappointment</b> )	12/31/05
Lynn Drake-Batts ( <b>Alt PC Rep on BZA</b> )	12/31/06
Fazlullah M. Khan	12/31/06
Christopher Kulesza ( <b>Student</b> )	07/01/06
Larry Littman	12/31/07
Robert M. Schultz ( <b>Requests reappointment</b> )	12/31/05
Thomas Strat ( <b>Requests reappointment</b> )	12/31/05
Mark J. Vleck	12/31/07
David T. Waller	12/31/06
Wayne C. Wright ( <b>PC Rep on BZA</b> )	12/31/07

**INTERESTED APPLICANTS**

NAME	DATE APPLIED	DATE SENT TO COUNCIL
James K. Campbell	10/31/05- <b>11/2007</b>	11/14/05
Kul B. Gauri	07/03/03-07/13/05- <b>07/2007</b>	07/21/03-10/17/05
Patrick C. Hall	01/26/01-03/10/03- <b>03/2005</b>	02/05/01-03/17/03
Dan Kaiser	10/18/04- <b>10/2006</b>	11/08/04
Laurence G. Keisling	04/29/04- <b>04/2006</b>	05/03/04
Chris Komasara	11/14/05- <b>11/2007</b>	11/21/05
Rosemar Kornacki	07/18/05- <b>07/2007</b>	07/18/05
David Lakin	01/13/04- <b>01/2006</b>	02/02/04
Carmelo Milia	06/14/01-06/04/03-10/03/05- <b>09/2007</b>	07/09/01-06/16/03
David Ogg	02/09/99-04/16/01-06/09/03- 01/19/05- <b>01/2007</b>	04/23/01-06/16/03
Joseph M. Polito, Jr.	10/28/05- <b>10/2007</b>	11/14/05
Mark Pritzlaff	04/17/03- <b>04/2005</b>	04/28/03
Jayshree Shah	01/12/03-04/23/04- <b>04/2006</b>	02/02/04-05/03/04
Frank Shier	02/18/03- <b>02/2005</b>	03/03/03
Beatrice G. Smits	12/02/03-12/2005	12/15/03
Lon M. Ullmann	03/19/01-03/10/03- <b>03/2005</b>	04/09/01
Brian J. Wattles	07/10-01- <b>07/2003</b>	07/23/01

Yes:

No:

**(b) City Council Appointments**Suggested Resolution

Resolution #2005-12-

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

**CURRENT MEMBERS**

<b>NAME</b>	<b>TERM EXPIRES</b>
Cynthia Buchanan	11/01/07
Susan Burt	11/01/06
Angela J. Done	11/01/08
Adam Fuhrman <b>(Alternate)</b>	11/01/06
Peggy Hammond	11/01/08
Theodora House	11/01/06
Nancy Johnson <b>(Alternate) – Resigned</b>	11/01/06
Pauline Manetta	11/01/06
Dorothy Ann Pietron	11/01/07
Mark Pritzlaff <b>(Alternate)</b>	11/01/06
Jeffrey Stewart	11/01/08
Susan Werpetinski	11/01/07
<b>(Student)</b>	07/01/05

**INTERESTED APPLICANTS**

<b>NAME</b>	<b>DATE APPLIED</b>	<b>DATE SENT TO COUNCIL</b>
Margaret Apte	01/19/05-01/2007	01/24/05
Kathleen Ann Connor	02/25/04-02/2006	03/01/04
Mary E. Freliga	09/21/05-09/2007	10/03/05
O. Carlene Geier	08/10/05-08/2007	08/15/05
Renee Uitto	12/03/04-12/2006	12/06/04

**INTERESTED STUDENT APPLICANTS**

<b>NAME</b>	<b>DATE APPLIED</b>	<b>DATE SENT TO COUNCIL</b>
None on file.		

**Advisory Committee for Senior Citizens**

Appointed by Council (9) – 3 Year Terms

Term Expires 04/30/08

Unexpired Term 04/30/06

**CURRENT MEMBERS**

<b>NAME</b>	<b>TERM EXPIRES</b>
James Berar	04/30/07
Burdette L. Black, Jr. (Bud)	04/30/07
Merrill W. Dixon <b>(Sr Rep for Parks &amp; Rec Board)</b>	04/30/06

Marie Hoag ( <b>Resigned</b> )	04/30/06
Pauline Y. Noce	04/30/07
David S. Ogg	04/30/08
Josephine Rhoads	04/30/08
JoAnn Thompson	04/30/06
William Weisgerber ( <b>Does not request reappointment</b> )	04/30/05

**INTERESTED APPLICANTS**

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Kathleen Ann Connor	02/25/04- <b>02/2006</b>	03/01/04
Mary E. Freliga	11/25/02-09/21/05- <b>09/2004</b>	12/02/02
Kul B. Gauri	07/31/05- <b>07/2007</b>	
Dorothy A. Pietron	12/21/98-07/10/01-09/21/05- <b>09/2007</b>	07/23/01
Mark Pritzlaff	04/17/03- <b>04/2005</b>	04/28/03
Shiva Shakara K. Sastry	07/20/04- <b>07/2006</b>	08/23/04
Donald E. Schafer	06/08/04- <b>06/2006</b>	06/21/04
Remedios Solarte	09/15/04- <b>09/2006</b>	09/20/04
Nancy Wheeler	03/108/04- <b>03/2006</b>	04/12/04

**Board of Zoning Appeals-Planning Commission Representative & Alternate**

Appointed by Planning Commission (1 Representative & 1 Alternate) – 1 Year Term  
Confirmed by City Council

**NOTE:** City Management requests that City Council defer the confirmation of the Planning Commission representative and alternate to the Board of Zoning Appeals so that the term expirations can be adjusted to fall after Planning Commission expiration dates. The Planning Commission's current by-laws stipulate that these appointments be made at their first meeting in January so that they can consider all Planning Commission members.

**CURRENT MEMBERS**

NAME	TERM EXPIRES
Kenneth L. Courtney	04/30/07
Christopher Fejes	04/30/06
Marcia Gies	04/30/07
Michael W. Hutson	04/30/06
Matthew R. Kovacs	04/30/08
Mark Maxwell	04/30/08
Wayne C. Wright <b>PC Rep (Requests reappointment)</b>	12/31/05
Lynne Drake-Batts <b>PC Alt Rep (Does not request reappointment)</b>	12/31/05

**PLANNING COMMISSION MEMBERS**

NAME	PC TERM EXPIRES
Gary G. Chamberlain ( <b>Does not request reappointment</b> )	12/31/05
Lynn Drake-Batts ( <b>Alt PC Rep on BZA-Does not request reappointment</b> )	12/31/06
Fazlullah M. Khan	12/31/06
Christopher Kulesza ( <b>Student</b> )	07/01/06

Larry Littman	12/31/07
Robert M. Schultz ( <b>Requests reappointment</b> )	12/31/05
Thomas Strat ( <b>Requests reappointment</b> )	12/31/05
Mark J. Vleck	12/31/07
David T. Waller	12/31/06
Wayne C. Wright ( <b>PC Rep on BZA-Requests reappointment</b> )	12/31/07

**Ethnic Issues Advisory Board**

Appointed by Council (9) – 3 &amp; 2 Year Terms

Unexpired Term Expires 09/30/08

**CURRENT MEMBERS**

NAME	TERM EXPIRES
Anju Brodbine	09/30/08
Reuben Ellis	09/30/07
Kelly Gu ( <b>Student</b> )	09/30/06
LuLu Guo ( <b>Student</b> )	09/30/06
Michelle Haight	09/30/07
Amini Hashmi ( <b>Not a registered voter; to submit letter of resignation</b> )	09/30/08
Tom Kaszubski	09/30/07
Padma Kuppa	09/30/08
Mark Pritzlaff	09/30/07
Malina (Melanie) Sarma	09/30/07
Oniell Shah	09/30/08

**INTERESTED APPLICANTS**

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Margaret Apte	01/19/05- <b>01/2007</b>	01/24/05
Kathleen Ann Connor	02/25/04- <b>02/2006</b>	03/01/04
Angela Done	08/10/05- <b>08/2007</b>	10/17/05
Yogesh Gusani	08/17/05- <b>08/2007</b>	09/12/05
Kelly Jones	08/17/05- <b>08/2007</b>	09/12/05
Awni Y. Fakhoury	10/14/05- <b>10/2007</b>	10/24/05
Al Petrusis	02/11/03-07/31/03- <b>07/2005</b>	02/17/03
Jayshree (Gita) Shah	04/23/04- <b>04/2006</b>	05/03/04
Remedios A. Solarte	08/15/05- <b>08/2007</b>	09/20/04

**INTERESTED STUDENT APPLICANTS**

NAME	DATE APPLIED	DATE SENT TO COUNCIL
None on file.		

**Historic District Commission**

Appointed by Council (7) – 3 Year Terms

*One member must be an architect**One member-Historical Society recommendations**One member – Historical Comm. recommendation*

Term expires 03/01/08

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

NAME	TERM EXPIRES
Marjorie A. Biglin	03/01/07
Wilson Deane Blythe <b>(Does not request reappointment)</b>	03/01/05
Barbara Chambers <b>(Historical Commission)</b>	03/01/08
Robert Hudson	05/15/06
Paul C. Lin <b>(Architect)</b>	05/15/06
Ann Partlan <b>(Historical Society)</b>	03/01/08
Muriel Rounds	05/15/06
<b>(Student)</b>	07/01/05

**INTERESTED APPLICANTS**

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Al Petrulis	02/11/03-07/31/03-07/2005	02/17/03-08/18/03
Mark Pritzlaff	04/17/03-04/2005	04/28/03
Nancy Wheeler	03/08/04-03/2006	04/12/04

**INTERESTED STUDENT APPLICANTS**

NAME	DATE APPLIED	DATE SENT TO COUNCIL
None on file.		

**Liquor Committee**

Appointed by Council - (7) – 3 Year Terms

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

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

**INTERESTED STUDENT APPLICANTS**

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Kelsey Brunette	11/22/05	11/28/05

**Personnel Board**

Appointed by Council (5) – 3 years

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 Unexpired Term Expires 04/30/06
**CURRENT MEMBERS**

NAME	TERM EXPIRES
Deborah L. Baughman	04/30/08
Albert T. Nelson, Jr.	04/30/06
Stephen Patrick, Jr. <b>(Resigned)</b>	04/30/06
Ronald L. Tschirhart	04/30/08
James E. Vanderbrink	04/30/06

**INTERESTED APPLICANTS**

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Patrick C. Hall	06/16/03- <b>05/2005</b>	07/07/03
Laurie G. Huber	06/18/01-09/21/05- <b>09/2007</b>	07/09/01-10/03/05
Mark Pritzlaff	04/17/03- <b>04/2005</b>	04/28/03
Jayshree Shah	04/23/04- <b>04/2006</b>	05/03/04
Renee Uitto	12/03/04- <b>12/2006</b>	12/06/04

**Troy Daze Advisory Committee**

Appointed by Council (9) – 3 years

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 Term Expires 11/30/08

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 Term Expires 11/30/08

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 Term Expires 11/30/08
**CURRENT MEMBERS**

NAME	TERM EXPIRES
Berj Alexanian <b>(Student)</b>	07/01/06
Robert A. Berk	11/30/06
Jim D. Cyrulewski	11/30/07
Cecile Dilley	11/30/07
Michael S. Gonda	11/30/06
William F. Hall <b>(Requests reappointment)</b>	11/30/05
Kessie Kaltsounis <b>(Requests reappointment)</b>	11/30/05
Marilyn K. Musick	11/30/07
Robert S. Preston <b>(Requests reappointment)</b>	11/30/05
Jeffrey Stewart <b>Parks &amp; Rec Board Rep (Also serves on Advisory Board for Persons with Disabilities)</b>	09/30/06
Cheryl Whitton-Kaszubski	11/30/06

**INTERESTED APPLICANTS**

NAME	DATE APPLIED	DATE SENT TO COUNCIL
James K. Campbell	10/31/05- <b>11/2007</b>	11/14/05
Amin Hashmi	08/22/02-09/07/05- <b>09/2007</b>	09/00/05

Laurie G. Huber	09/22/00-06/18/01- 09/21/05-09/2007	09/22/00-07/09/01-10/03/05
Victor Lenivov	04/08/04-04/2006	04/12/0404/28/03
Mark Pritzlaff	04/17/03-04/2005	04/28/03
Frank Shier	02/18/03-02/2005	03/03/03
Remedios A. Solarte	09/15/04-09/2006	09/20/04

**INTERESTED STUDENT APPLICANTS**

NAME	DATE APPLIED	DATE SENT TO COUNCIL
None on file.		

Yes:  
No:

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**F-2 Proposed Amendments for Chapter 13 – Historic Preservation**

Suggested Resolution  
Resolution #2005-12-  
Moved by  
Seconded by

RESOLVED, That an ordinance amendment to Chapter 13 Sections 2, 3, 4, and 7 is hereby **ADOPTED** as recommended by the City Attorney. A copy of this ordinance shall be **ATTACHED** to the original Minutes of this meeting.

Yes:  
No:

**MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**

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**G-1 Announcement of Public Hearings:**

- a) Commercial Vehicle Appeal – 3539 Delaware – December 19, 2005
- b) Request for Outdoor Seating in Excess of 20 Seats in Conjunction with a Restaurant in O-M Zoning – 911 Wilshire Drive – Kruse and Muer Restaurant – December 19, 2005

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**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** Council Member Cristina Broomfield Requests Discussion Regarding Certificates of Appreciation for City Employees

**COUNCIL COMMENTS:**

- 
- I-1** No Council Comments Advanced

**REPORTS:**

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**J-1 Minutes – Boards and Committees:**

- a) Liquor Advisory Committee/Final – May 9, 2005
  - b) Liquor Advisory Committee/Final – July 11, 2005
  - c) Historic District Study Committee/Final – September 6, 2005
  - d) Liquor Advisory Committee/Final – September 12, 2005
  - e) Ethnic Issues Advisory Board/Final – October 3, 2005
  - f) Historic District Study Committee/Final – October 4, 2005
  - g) Board of Zoning Appeals/Final – October 18, 2005
  - h) Historic District Commission/Final – October 18, 2005
  - i) Troy Daze Advisory-Festival Committee/Final – October 25, 2005
  - j) Building Code Board of Appeals/Draft – November 2, 2005
  - k) Ethnic Issues Advisory Board/Draft – November 7, 2005
  - l) Liquor Advisory Committee/Draft – November 14, 2005
  - m) Board of Zoning Appeals/Draft – November 15, 2005
- 

**J-2 Department Reports:**

- a) Planning Department – Rezoning Application – South Side of Woodslee Street, East of Rochester Road, Section 27 – M-1 to R-2 (Z 709)
  - b) Community Affairs Department – Closed Captioning for Cable Channel
  - c) Planning Department – Zoning Ordinance Text Amendment (ZOTA-201) – Article 28.30.00 Commercial Indoor Recreation in the M-1 Light Industrial Zoning District
  - d) Comprehensive Annual Financial Report for the Year Ended June 30, 2005
- 

**J-3 Letters of Appreciation:**

- a) Letter of Thanks to Chief Craft from Jeffrey Werner, Bloomfield Township Chief of Police, In Appreciation of the Efforts of Sgt. Redmond, Officer Villerot and the Troy Police Department
  - b) Letter of Appreciation to Chief Craft from Michael Bouchard, Oakland County Sheriff, Regarding Participation in the 3<sup>rd</sup> Annual National Family Violence Apprehension Detail
  - c) Letter of Thanks to Sgt. Redmond from W. Burton McCandless, In Appreciation of His Professionalism and Assistance
- 

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

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**J-5 Calendar**

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**STUDY ITEMS:**

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- K-1 Presentation of 2006-2008 Goals and Objectives, and Results of City Manager's Interviews with Individual Council Members**

**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:**

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### **L-1 Closed Session:**

#### Suggested Resolution

Resolution #2005-12-

Moved by

Seconded by

BE IT RESOLVED, That the City of Troy City Council **SHALL MEET** in Closed Session, as permitted by MCLA 15.268 (e), Pending Litigation – Sunset Excavating, Inc. v. MDOT (as Agent for the City of Troy.)

Yes:

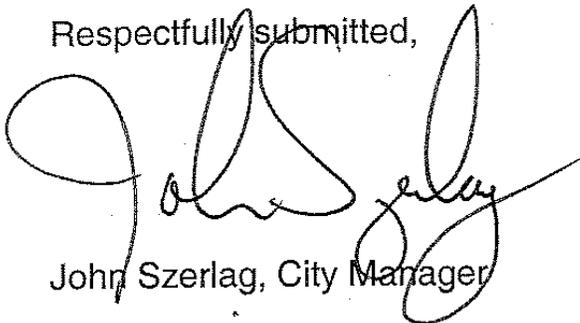
No:

## **ADJOURNMENT**

## **RECESSED**

## **RECONVENED**

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Szerlag". The signature is fluid and cursive, with a large initial "J" and "S".

John Szerlag, City Manager

**SCHEDULED CITY COUNCIL MEETINGS:**

Monday, December 19, 2005 ..... Regular City Council  
Monday, January 9, 2006 ..... Regular City Council  
Monday, January 23, 2006 ..... Regular City Council  
Monday, February 6, 2006 ..... Regular City Council  
Wednesday, February 15, 2006 (Liquor Violation Hearing)..... Regular City Council  
Monday, February 20, 2006 ..... Regular City Council  
Wednesday, February 22, 2006 (Liquor Violation Hearing)..... Regular City Council  
Monday, February 27, 2006 ..... Regular City Council  
Monday, March 6, 2006..... Regular City Council  
Monday, March 20, 2006..... Regular City Council  
Monday, March 27, 2006..... Regular City Council

A Regular Meeting of the Troy City Council was held Monday, November 28, 2005, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:29 PM

Pastor David Lomasney of Zion Christian Church gave the Invocation and the Pledge of Allegiance to the Flag was given.

### **ROLL CALL:**

Mayor Louise E. Schilling  
Robin Beltramini  
Cristina Broomfield  
Wade Fleming  
Martin F. Howrylak (Arrived 7:31 PM)  
David A. Lambert  
Jeanne M. Stine

### **CERTIFICATES OF RECOGNITION:**

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**A-1 Presentations: No Presentations**

### **CARRYOVER ITEMS:**

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**B-1 No Carryover Items**

### **PUBLIC HEARINGS:**

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**C-1 No Public Hearings**

### **POSTPONED ITEMS:**

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**D-1 Zoning Ordinance Text Amendment (ZOTA 201) – Article 28.30.00, Commercial Indoor Recreation in the M-1 Light Industrial Zoning District – Removed at the request of City Management**

### **CONSENT AGENDA:**

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

Resolution #2005-11-525  
Moved by Stine  
Seconded by Broomfield

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented.

Yes: All-7

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**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**

Resolution #2005-11-525-E-2

RESOLVED, That the Minutes of the Regular City Council Meeting of November 21, 2005 be **APPROVED** as submitted.

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

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**E-4 Standard Purchasing Resolutions: None Submitted**

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**PUBLIC COMMENT:** Limited to Items Not on the Agenda

**REGULAR BUSINESS:**

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**F-1 Appointments to Boards and Committees:** a) Mayoral Appointments: No appointments b) City Council Appointments: No appointments

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**MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**

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**G-1 Announcement of Public Hearings: None Submitted**

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**G-2 Green Memorandums: None Submitted**

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

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**H-1 Council Member Cristina Broomfield Requests Further Discussion on the November 21, 2005 Public Hearing Item C-1, Commercial Vehicle Appeal - 34551 Dequindre**

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**Vote on Resolution to Reconsider**

Resolution #2005-11-526  
Moved by Broomfield  
Seconded by Howrylak

RESOLVED, That Resolution #2005-11-518, Moved by Broomfield and Seconded by Lambert, as it appears below be **RECONSIDERED** by City Council:

*WHEREAS, Section 44.02.02 of Chapter 39, Zoning, of the Code of the City of Troy provides that actions to grant appeals to the restrictions on outdoor parking of commercial vehicles in residential districts pursuant to Section*

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40.66.00 of Chapter 39 of the Code of the City of Troy "shall be based upon at least one of the following findings by the City Council:

- A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).
- B. Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.
- C. A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be constructed or modified to accommodate, the subject commercial vehicle.
- D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s)."; and

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

- C. A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be constructed or modified to accommodate, the subject commercial vehicle.
- D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s).

NOW, THEREFORE, BE IT RESOLVED, That the request from Kurt Head, 34551 Dequindre, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Ford dump truck in a residential district is hereby **APPROVED** for six (6) months.

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

### **MOTION FAILED**

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

### **MOTION CARRIED**

**Vote on Resolution as Reconsidered**

Resolution #2005-11-527

Moved by Broomfield

Seconded by Lambert

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

- A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).
- B. Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.
- C. A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be constructed or modified to accommodate, the subject commercial vehicle.
- D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s)."; and

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

- C. A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be constructed or modified to accommodate, the subject commercial vehicle.
- D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s).

NOW, THEREFORE, BE IT RESOLVED, That the request from Kurt Head, 34551 Dequindre, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Ford dump truck in a residential district is hereby **APPROVED** for six (6) months.

Yes: Broomfield, Fleming, Howrylak, Lambert

No: Stine, Schilling, Beltramini

**MOTION CARRIED**

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**H-2 Council Member Cristina Broomfield Requests Discussion of the I-75/Long Lake/Crooks Interchange Improvement Project**

Resolution

Moved by Fleming

Seconded by Howrylak

WHEREAS, the City of Troy opposes any and all plans or designs to construct entrance and exit ramps on or off of I-75 at Long Lake Road, otherwise known as the I-75/Long Lake Road Interchange project, and any and all plans or designs to extend entrance and exit ramps or construct collector-distributor lanes/roads adjacent to I-75 to or from the I-75/Crooks Road Interchange that would impact the Long Lake Road/ I-75 area because of opposition from many residents in the City of Troy, the proposed project's variety of negative impacts to White Chapel Memorial Park Cemetery, the surrounding residential neighborhoods, the environment, and other numerous impacts.

WHEREAS, the City of Troy continues to support modifications and improvements to the I-75/Crooks Road Interchange only as long as any recommendation to extend entrance and exit ramps or construct collector-distributor lanes/roads adjacent to I-75 to or from the I-75/Crooks Road Interchange does not impact the Long Lake Road/I-75 area.

WHEREAS, due to the above expressed concerns, opposition, and impacts, the City of Troy wishes formally to withdraw its prior support and express its opposition to any plan or design to construct entrance and exit ramps to or from I-75 at Long Lake Road and any plan or design to extend entrance and exit ramps and/or construct collector-distributor lanes/roads adjacent to I-75 to or from the I-75/Crooks Road Interchange that would require entrance and exit ramps and/or the construction of a collector-distributor lane/ road on Long Lake Road or would otherwise impact Long Lake Road.

WHEREAS, the City of Troy will not participate in any additional funding or approve of any and all plans or designs to construct or extend any entrance and exit ramps on or off I-75 at Long Lake Road and/or the construction of a collector-distributor lane/ road on Long Lake Road, by any local, state or federal governmental entity.

THEREFORE, BE IT RESOLVED, That the Troy City Council directs City Administration to **TERMINATE** the following contracts approved by prior City Council resolutions at the earliest possible date, after allowing for any minimal allowances that are necessary for the proper closure of the contract. Except as provided below, this directive applies to all these contracts, as well as any and all other contracts or engagements that are in support of the I-75 Crooks/Long Lake Interchange Improvement project, that contemplated or supported proceeding with any and all plans or designs to construct entrance and exit ramps on or off I-75 to or from the I-75/Crooks Road Interchange, and that would impact Long Lake Road,

- (a) Resolution #2004-06-304b (Approval to Retain the Professional Services of Independent Fee Appraiser(s) to Appraise Property for the I-75/ Crooks/Long Lake Interchange Improvements), and
- (b) Resolution #2004-06-334 (Retention of Special Legal Counsel).

BE IT FURTHER RESOLVED, That upon the approval of the Federal Highway Administration and MDOT to proceed with an Environmental Assessment for Crooks Road, or the Project, without the construction or extension of any entrance and exit ramp on or off I-75 to or from the I-75 Crooks Road Interchange, or a collector-distributor road off from Long Lake Road, the following contracts, which were approved by previous City Council resolutions, will be **MODIFIED TO ELIMINATE** the construction or extension of any entrance and exit ramp on or off I-75 to or from the I-75 Crooks Road Interchange, or a collector-distributor road off from Long Lake Road, which were approved by prior City Council resolutions in support of the I-75 Crooks/Long Lake Interchange Improvement project, which include, but are not limited to the following:

- (a) Resolution #2004-06-304a (Approval of Contract Between City of Troy and Michigan Department of Transportation (MDOT) for Right-of-Way Acquisition, I-75/Crooks/Long Lake Interchange Improvement Project, Project No. 99.120.6
- (b) Resolution #2005-05-230 (Directing Staff to Proceed with the Environmental Assessment, and after the Environmental Assessment is complete, begin to acquire property for the project where applicable).

BE IT FURTHER RESOLVED that if the Federal Highway Administration and/or MDOT are not willing to proceed with an Environmental Assessment and/or the Project for Crooks Road, without the construction or extension of any entrance ramp and exit ramp on or off I-75 to or from the I-75 Crooks Road Interchange, or a collector-distributor road off from Long Lake Road, the following contracts, which were approved by previous City Council resolutions, will be **TERMINATED** at the earliest possible date, after allowing for any minimal allowances that are necessary for the proper closure of the contract.

- (a) Resolution #2004-06-304a (Approval of Contract Between City of Troy and Michigan Department of Transportation (MDOT) for Right-of-Way Acquisition, I-75/Crooks/Long Lake Interchange Improvement Project, Project No. 99.120.6
- (b) Resolution #2005-05-230 (Directing Staff to Proceed with the Environmental Assessment, and after the Environmental Assessment is complete, begin to acquire property for the project where applicable).

BE IT FURTHER RESOLVED, That the Troy City Council **DIRECTS** City Staff to abandon any and all plans or designs to construct entrance and exit ramps on or off I-75 at Long Lake Road and any and all plans or designs to extend entrance and exit ramps and/or construct collector-distributor lanes/roads adjacent to I-75 to or from the I-75/Crooks Road/Long Lake Interchange that would impact the Long Lake Road/I-75 area before any further monies are expended on property acquisition or the Environmental Assessment (EA).

BE IT FURTHER RESOLVED, That the Troy City Council **DIRECTS** City Staff to abandon any and all property appraisals and acquisitions for any and all plans or designs to construct entrance and exit ramps on or off I-75 at Long Lake Road and any and all plans or designs to extend entrance and exit ramps and/or construct collector-distributor lanes/roads adjacent to I-75 to or from the I-75/Crooks Road/Long Lake Road Interchange that would impact the Long Lake Road/I-75 area before any further monies are expended on property acquisition or the Environmental Assessment (EA).

BE IT FURTHER RESOLVED, That the Troy City Council **DIRECTS** the City of Troy's representative to the Southeast Michigan Council of Governments (SEMCOG) to vote to remove any and all plans or designs to construct entrance and exit ramps on or off I-75 at Long Lake Road and any and all plans or designs to extend entrance and exit ramps and/or construct collector-distributor lanes/roads adjacent to I-75 to or from the I-75/Crooks Road/Long Lake Road Interchange that would impact the Long Lake Road/I-75 area from any and all current or future Federal, State, Regional, Metro Transportation Improvement Plans.

BE IT FURTHER RESOLVED, That the Troy City Council **DIRECTS** the Mayor and City Manager to send correspondence to the Michigan Department of Transportation, the Governor, the Federal Highway Administration, and the Southeast Michigan Council of Governments, along with a copy of this resolution, to include the following:

- (a) Express the City of Troy's opposition to any and all plans or designs to construct any entrance and exit ramps on or off I-75 at Long Lake Road and any and all plans or designs to extend entrance and exit ramps and/or construct collector-distributor lanes/roads adjacent to I-75 to or from the I-75/Crooks Road/Long Lake Road Interchange that would impact Long Lake Road, and
- (b) Express the City of Troy's unwillingness to participate in funding or approve of any and all plans or designs to construct entrance and exit ramps on or off I-75 at Long Lake Road and any and all plans or designs to extend entrance and exit ramps and/or construct collector-distributor lanes/roads adjacent to I-75 to or from the I-75/Crooks Road/Long Lake Road Interchange that would impact Long Lake Road; and
- (c) Request that the above government officials and agencies abandon any and all plans or designs to construct entrance and exit ramps on or off I-75 at Long Lake Road and any and all plans or designs to extend entrance and exit ramps and/or construct collector-distributor lanes/roads adjacent to I-75 to or from the I-75/Crooks Road/Long Lake Road Interchange that would impact the Long Lake Road; and
- (d) Request that the above government officials and agencies dismiss any alternative design plan during the Environmental Assessment for improvements to the I-75/Crooks Road/Long Lake Road Interchange that would consider constructing entrance and exit ramps on or off I-75 at Long Lake Road and any design that would extend entrance and exit ramps and/or construct collector-distributor lanes/roads adjacent to I-75 to or from the I-75/Crooks Road/Long Lake Road Interchange that would impact the Long Lake Road/I-75 area; and
- (e) Remove any and all plans or designs to construct entrance and exit ramps on or off I-75 at Long Lake Road and any and all plans or designs to extend entrance and exit ramps and/or construct collector-distributor lanes/roads adjacent to I-75 to or from the I-75/Crooks Road/Long Lake Road Interchange that would impact the Long Lake Road from any and all current or future Federal, State, Regional, Metro and County Transportation Improvement Plans.

BE IT FURTHER RESOLVED, That the Troy City Council **RECOMMENDS** to the Troy Planning Commission that the City of Troy's Master Land Use Plan be **AMENDED** to remove any and all plans or designs to construct entrance and exit ramps on or off I-75 at Long Lake Road and any and all plans or designs to extend entrance and exit ramps and/or construct collector-distributor lanes/roads adjacent to I-75 to or from the I-75/Crooks Road/Long Lake Road Interchange that would impact Long Lake Road.

BE IT FURTHER RESOLVED, That the Troy City Council **DIRECTS** City Staff to not participate in funding or approve of any and all plans or designs to construct entrance and exit ramps on or off I-75 at Long Lake Road and any and all plans or designs to extend entrance and exit ramps and/or construct collector-distributor lanes/roads adjacent to I-75 to or from the I-75/Crooks Road/Long Lake Road Interchange that would impact the Long Lake Road by any local, state or federal governmental entity.

### **Vote on Resolution to Amend**

Resolution #2005-11-528

Moved by Stine

Seconded by Beltramini

RESOLVED, That the I-75/Long Lake/Crooks Interchange Improvement Project Resolution be **AMENDED** by **INSERTING** "and/or sites along I-75 within the City of Troy which would assist to implement commercial and industrial redevelopment with a focus on the 15 Mile Road corridor as well as the feasibility for a realignment of the Rochester Road interchange" in the first BE IT FURTHER RESOLVED **AFTER** "Environmental Assessment for Crooks Road".

Yes: None

No: All-7

### **MOTION FAILED**

### **Vote on Resolution to Amend**

Resolution #2005-11-529

Moved by Lambert

Seconded by Broomfield

RESOLVED, That the I-75/Long Lake/Crooks Interchange Improvement Project Resolution be **AMENDED** by **INSERTING** "the fiscal impact of the project" in the first **WHEREAS AFTER** "the environment,".

Yes: All-7

### **Vote on I-75/Long Lake/Crooks Interchange Improvement Project Resolution #1 as Amended**

Resolution #2005-11-530

Moved by Fleming

Seconded by Howrylak

WHEREAS, The City of Troy opposes any and all plans or designs to construct entrance and exit ramps on or off of I-75 at Long Lake Road, otherwise known as the I-75/Long Lake Road Interchange project, and any and all plans or designs to extend entrance and exit ramps or construct collector-distributor lanes/roads adjacent to I-75 to or from the I-75/Crooks Road Interchange that would impact the Long Lake Road/ I-75 area because of opposition from many residents in the City of Troy, the proposed project's variety of negative impacts to White Chapel Memorial Park Cemetery, the surrounding residential neighborhoods, the environment, the fiscal impact of the project and other numerous impacts.

WHEREAS, The City of Troy continues to support modifications and improvements to the I-75/Crooks Road Interchange only as long as any recommendation to extend entrance and exit ramps or construct collector-distributor lanes/roads adjacent to I-75 to or from the I-75/Crooks Road Interchange does not impact the Long Lake Road/I-75 area.

WHEREAS, Due to the above expressed concerns, opposition, and impacts, the City of Troy wishes formally to withdraw its prior support and express its opposition to any plan or design to construct entrance and exit ramps to or from I-75 at Long Lake Road and any plan or design to extend entrance and exit ramps and/or construct collector-distributor lanes/roads adjacent to I-75 to or from the I-75 /Crooks Road Interchange that would require entrance and exit ramps and/or the construction of a collector-distributor lane/road on Long Lake Road or would otherwise impact Long Lake Road.

WHEREAS, The City of Troy will not participate in any additional funding or approve of any and all plans or designs to construct or extend any entrance and exit ramps on or off I-75 at Long Lake Road and/or the construction of a collector-distributor lane/ road on Long Lake Road, by any local, state or federal governmental entity.

THEREFORE, BE IT RESOLVED, That the Troy City Council directs City Administration to **TERMINATE** the following contracts approved by prior City Council resolutions at the earliest possible date, after allowing for any minimal allowances that are necessary for the proper closure of the contract. Except as provided below, this directive applies to all these contracts, as well as any and all other contracts or engagements that are in support of the I-75 Crooks/Long Lake Interchange Improvement project, that contemplated or supported proceeding with any and all plans or designs to construct entrance and exit ramps on or off I-75 to or from the I-75/Crooks Road Interchange, and that would impact Long Lake Road,

(c) Resolution #2004-06-304b (Approval to Retain the Professional Services of Independent Fee Appraiser(s) to Appraise Property for the I-75/ Crooks/Long Lake Interchange Improvements), and

(d) Resolution #2004-06-334 (Retention of Special Legal Counsel); and

BE IT FURTHER RESOLVED, That upon the approval of the Federal Highway Administration and MDOT to proceed with an Environmental Assessment for Crooks Road, or the Project, without the construction or extension of any entrance and exit ramp on or off I-75 to or from the I-75 Crooks Road Interchange, or a collector-distributor road off from Long Lake Road, the following contracts, which were approved by previous City Council resolutions, will be **MODIFIED TO ELIMINATE** the construction or extension of any entrance and exit ramp on or

off I-75 to or from the I-75 Crooks Road Interchange, or a collector-distributor road off from Long Lake Road, which were approved by prior City Council resolutions in support of the I-75 Crooks/Long Lake Interchange Improvement project, which include, but are not limited to the following:

- (c) Resolution #2004-06-304a (Approval of Contract Between City of Troy and Michigan Department of Transportation (MDOT) for Right-of-Way Acquisition, I-75/Crooks/Long Lake Interchange Improvement Project, Project No. 99.120.6
- (d) Resolution #2005-05-230 (Directing Staff to Proceed with the Environmental Assessment, and after the Environmental Assessment is complete, begin to acquire property for the project where applicable); and

BE IT FURTHER RESOLVED, That if the Federal Highway Administration and/or MDOT are not willing to proceed with an Environmental Assessment and/or the Project for Crooks Road, without the construction or extension of any entrance ramp and exit ramp on or off I-75 to or from the I-75 Crooks Road Interchange, or a collector-distributor road off from Long Lake Road, the following contracts, which were approved by previous City Council resolutions, will be **TERMINATED** at the earliest possible date, after allowing for any minimal allowances that are necessary for the proper closure of the contract.

- (e) Resolution #2004-06-304a (Approval of Contract Between City of Troy and Michigan Department of Transportation (MDOT) for Right-of-Way Acquisition, I-75/Crooks/Long Lake Interchange Improvement Project, Project No. 99.120.6
- (f) Resolution #2005-05-230 (Directing Staff to Proceed with the Environmental Assessment, and after the Environmental Assessment is complete, begin to acquire property for the project where applicable); and

BE IT FURTHER RESOLVED, That the Troy City Council **DIRECTS** City Staff to abandon any and all plans or designs to construct entrance and exit ramps on or off I-75 at Long Lake Road and any and all plans or designs to extend entrance and exit ramps and/or construct collector-distributor lanes/roads adjacent to I-75 to or from the I-75/Crooks Road/Long Lake Interchange that would impact the Long Lake Road/I-75 area before any further monies are expended on property acquisition or the Environmental Assessment (EA); and

BE IT FURTHER RESOLVED, That the Troy City Council **DIRECTS** City Staff to abandon any and all property appraisals and acquisitions for any and all plans or designs to construct entrance and exit ramps on or off I-75 at Long Lake Road and any and all plans or designs to extend entrance and exit ramps and/or construct collector-distributor lanes/roads adjacent to I-75 to or from the I-75/Crooks Road/Long Lake Road Interchange that would impact the Long Lake Road/I-75 area before any further monies are expended on property acquisition or the Environmental Assessment (EA); and

BE IT FURTHER RESOLVED, That the Troy City Council **DIRECTS** the City of Troy's representative to the Southeast Michigan Council of Governments (SEMCOG) to vote to remove any and all plans or designs to construct entrance and exit ramps on or off I-75 at Long Lake Road and any and all plans or designs to extend entrance and exit ramps and/or construct collector-distributor lanes/roads adjacent to I-75 to or from the I-75/Crooks Road/Long Lake

Road Interchange that would impact the Long Lake Road/I-75 area from any and all current or future Federal, State, Regional, Metro Transportation Improvement Plans; and

BE IT FURTHER RESOLVED, That the Troy City Council **DIRECTS** the Mayor and City Manager to send correspondence to the Michigan Department of Transportation, the Governor, the Federal Highway Administration, and the Southeast Michigan Council of Governments, along with a copy of this resolution, to include the following:

- (a) Express the City of Troy's opposition to any and all plans or designs to construct any entrance and exit ramps on or off I-75 at Long Lake Road and any and all plans or designs to extend entrance and exit ramps and/or construct collector-distributor lanes/roads adjacent to I-75 to or from the I-75/Crooks Road/Long Lake Road Interchange that would impact Long Lake Road, and
- (b) Express the City of Troy's unwillingness to participate in funding or approve of any and all plans or designs to construct entrance and exit ramps on or off I-75 at Long Lake Road and any and all plans or designs to extend entrance and exit ramps and/or construct collector-distributor lanes/roads adjacent to I-75 to or from the I-75/Crooks Road/Long Lake Road Interchange that would impact Long Lake Road; and
- (g) Request that the above government officials and agencies abandon any and all plans or designs to construct entrance and exit ramps on or off I-75 at Long Lake Road and any and all plans or designs to extend entrance and exit ramps and/or construct collector-distributor lanes/roads adjacent to I-75 to or from the I-75/Crooks Road/Long Lake Road Interchange that would impact the Long Lake Road; and
- (h) Request that the above government officials and agencies dismiss any alternative design plan during the Environmental Assessment for improvements to the I-75/Crooks Road/Long Lake Road Interchange that would consider constructing entrance and exit ramps on or off I-75 at Long Lake Road and any design that would extend entrance and exit ramps and/or construct collector-distributor lanes/roads adjacent to I-75 to or from the I-75/Crooks Road/Long Lake Road Interchange that would impact the Long Lake Road/I-75 area; and
- (e) Remove any and all plans or designs to construct entrance and exit ramps on or off I-75 at Long Lake Road and any and all plans or designs to extend entrance and exit ramps and/or construct collector-distributor lanes/roads adjacent to I-75 to or from the I-75/Crooks Road/Long Lake Road Interchange that would impact the Long Lake Road from any and all current or future Federal, State, Regional, Metro and County Transportation Improvement Plans; and

BE IT FURTHER RESOLVED, That the Troy City Council **RECOMMENDS** to the Troy Planning Commission that the City of Troy's Master Land Use Plan be **AMENDED** to remove any and all plans or designs to construct entrance and exit ramps on or off I-75 at Long Lake Road and any and all plans or designs to extend entrance and exit ramps and/or construct collector-distributor lanes/roads adjacent to I-75 to or from the I-75/Crooks Road/Long Lake Road Interchange that would impact Long Lake Road; and

BE IT FURTHER RESOLVED, That the Troy City Council **DIRECTS** City Staff to not participate in funding or approve of any and all plans or designs to construct entrance and exit ramps on or off I-75 at Long Lake Road and any and all plans or designs to extend entrance and exit ramps and/or construct collector-distributor lanes/roads adjacent to I-75 to or from the I-75/Crooks Road/Long Lake Road Interchange that would impact the Long Lake Road by any local, state or federal governmental entity.

Yes: All-7

### **I-75/Long Lake/Crooks Interchange Improvement Project Resolution #2**

Resolution

Moved by Howrylak

Seconded by Broomfield

WHEREAS, The City of Troy opposes any and all plans or designs to construct entrance and exit ramps on or off I-75 at Long Lake Road and any and all plans or designs to extend entrance and exit ramps and/or construct collector-distributor lanes/roads adjacent to I-75 to or from the I-75/Crooks Road Interchange that would impact the Long Lake Road/I-75 area, right-of-way properties acquired by the City of Troy for said above proposed plans or designs are no longer needed by the City of Troy.

THEREFORE, BE IT RESOLVED, That the Troy City Council **DIRECTS** that the following right-of-way properties **SHALL BE DESIGNATED** as public parks, **RETAINED** by the City of Troy for that exclusive purpose:

- (a) The East 484.00 feet of the North 660.00 of the following described parcel: Part of the North  $\frac{1}{2}$  of Section 16, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. Beginning at the North  $\frac{1}{4}$  Corner of said Section 16; then South, along the North and South  $\frac{1}{4}$  line, also being the Easterly Line of I-75 Highway, to the Center of said Section 16; thence South 87 degrees 15 minutes 00 seconds East, 1461.86 feet, along the East and West  $\frac{1}{4}$  line of said Section 16, thence North 03 degrees 23 minutes 56 seconds East, 330.00 feet; thence South 87 degrees 15 minutes 00 seconds East, 165.00 feet; thence North 03 degrees 23 minutes 56 seconds East, 1740.63 feet; thence North 87 degrees 13 minutes 56 seconds West, 726.35 feet; thence North 03 degrees 06 minutes 25 seconds East 668.00 feet; thence North 87 degrees 13 minutes 56 seconds West 916.98 feet to the point of beginning. Except the North 60.00 feet taken for Long Lake Road. Containing 290,395 Sq. Ft. or 6.67 acres, more or less.
- (b) Town 2 North, Range 11 East, City of Troy, Section 9, Oakland County, Michigan. Part of the West  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of the West 183.00 Feet of a parcel described as beginning at a point distant East 231.05 Feet from the South  $\frac{1}{4}$  Corner; Thence North 379.50 Feet; Thence East 347.20 Feet; Thence South 378.80 Feet; Thence West 346.45 Feet to beginning; Excepting Therefrom the South 60.00 Feet Taken for Road, and  
Town 2 North, Range 11 East, City of Troy, Section 9, Oakland County, Michigan, Part of the West  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of the North 100.00 Feet Except the West

183.00 Feet of a parcel described as beginning at a point distant East 231.05 Feet from the South  $\frac{1}{4}$  Corner; Thence North 379.50 Feet; Thence East 347.20 Feet; Thence South 378.80 Feet; Thence West 346.45 Feet to Beginning, and

Town 2 North, Range 11 East, City of Troy, Section 9, Oakland County, Michigan, Part of the West  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of the South 100.00 Feet of the North 200.00 Feet, Except the West 183.00 Feet of a parcel described as beginning at a point distant East 231.05 Feet from the South  $\frac{1}{4}$  Corner; Thence North 379.50 Feet; Thence East 347.20 Feet; Thence South 378.80 Feet; Thence West 346.45 Feet to beginning, and

Town 2 North, Range 11 East, City of Try, Section 9, Oakland county, Michigan, Part of the West  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  beginning at a point distant East 231.05 Feet from the South  $\frac{1}{4}$  Corner; Thence North 379.50 Feet; Thence East 347.20 Feet; Thence South 378.80 Feet; Thence West 346.45 Feet to beginning; Except the North 200.00 Feet; Also Except the West 183.00 Feet; and Also Except the South 60.00 Feet Taken for Road.

- (c) Part of the Northeast  $\frac{1}{4}$  of Section 16, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, commencing at the North $\frac{1}{4}$  corner of Section 16; thence South 00 degrees 40 minutes 21 seconds East 60.00 feet along the North-South  $\frac{1}{4}$  line and the Easterly right-of-way line of I-75 to the point of beginning; thence North 89 degrees 07 minutes 57 seconds East 432.84 feet along the South right-of-way line of Long Lake Road; thence South 00 degrees 31 minutes 03 seconds East 600.00 feet; thence North 89 degrees 07 minutes 57 seconds East 151.19 feet; thence South 26 degrees 23 minutes 34 seconds West 386.68 feet; thence South 26 degrees 23 minutes 35 seconds West 192.84 feet; thence South 28 degrees 24 minutes 30 seconds West 209.85 feet; thence South 21 degrees 26 minutes 42 seconds West 256.27 feet; thence South 97 degrees 31 minutes 10 seconds West 256.27 feet; thence South 00 degrees 33 minutes 17 seconds West 108.97 feet; thence South 89 degrees 19 minutes 39 seconds West 81.38 feet to a point on the North-South  $\frac{1}{4}$  line and the Easterly right-of-way line of I-75; thence along said line North 00 degrees 40 minutes 21 seconds West 1897.47 feet to the point of beginning.

BE IT FURTHER RESOLVED, That the Troy City Council's designation of the above referenced right-of-way properties as public parks **SHALL BE IMMEDIATELY FORWARDED** to the Troy Parks and Recreation Commission **FOR INCLUSION** in their on-going review of the Troy Parks and Recreation Master Plan; and

BE IT FURTHER RESOLVED, That the Troy Parks and Recreation Board is **ENCOURAGED** by the Troy City Council to **EXPEDITE THEIR REVIEW** of the Troy Parks and Recreation Master Plan, and **MAKE THEIR RECOMMENDATIONS** to the Troy City Council, who has the final approval authority for any amendments to the Troy Parks and Recreation Master Plan.

**Vote on Amendment**

Resolution #2005-11-531  
Moved by Beltramini  
Seconded by Stine

RESOLVED, That the I-75/Long Lake/Crooks Interchange Improvement Project Resolution be **AMENDED** by **STRIKING** "DESIGNATED" and **INSERTING** "CONSIDERED".

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

**MOTION FAILED****Vote on Amendment**

Resolution #2005-11-532  
Moved by Stine  
Seconded by Broomfield

RESOLVED, That the I-75/Long Lake/Crooks Interchange Improvement Project Resolution be **AMENDED** by **INSERTING**, "within 90 days" **AFTER** "RECOMMENDATIONS" in the last BE IT FURTHER RESOLVED.

Yes: All-7

The meeting **RECESSED** at 9:08 PM.

The meeting **RECONVENED** at 9:21 PM.

**Vote on I-75/Long Lake/Crooks Interchange Improvement Project Resolution #2 as Amended**

Resolution #2005-11-533  
Moved by Howrylak  
Seconded by Broomfield

WHEREAS, The City of Troy opposes any and all plans or designs to construct entrance and exit ramps on or off I-75 at Long Lake Road and any and all plans or designs to extend entrance and exit ramps and/or construct collector-distributor lanes/roads adjacent to I-75 to or from the I-75/Crooks Road Interchange that would impact the Long Lake Road/I-75 area, right-of-way properties acquired by the City of Troy for said above proposed plans or designs are no longer needed by the City of Troy.

THEREFORE, BE IT RESOLVED, That the Troy City Council **DIRECTS** that the following right-of-way properties **SHALL BE DESIGNATED** as public parks, **RETAINED** by the City of Troy for that exclusive purpose:

- (a) The East 484.00 feet of the North 660.00 of the following described parcel: Part of the North  $\frac{1}{2}$  of Section 16, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. Beginning at the North  $\frac{1}{4}$  Corner of said Section 16; then South, along the North and South  $\frac{1}{4}$  line, also being the Easterly Line of I-75 Highway, to the Center of said Section 16; thence South 87 degrees 15 minutes 00 seconds East, 1461.86 feet, along the East and West  $\frac{1}{4}$  line of said Section 16, thence North 03 degrees 23 minutes 56 seconds East, 330.00 feet; thence South 87 degrees 15 minutes 00 seconds East, 165.00 feet; thence North 03 degrees 23 minutes 56 seconds East, 1740.63 feet; thence North 87 degrees 13 minutes 56 seconds West, 726.35 feet; thence North 03 degrees 06 minutes 25 seconds East 668.00 feet; thence North 87 degrees 13 minutes 56 seconds West 916.98 feet to the point of beginning. Except the North 60.00 feet taken for Long Lake Road. Containing 290,395 Sq. Ft. or 6.67 acres, more or less.
- (b) Town 2 North, Range 11 East, City of Troy, Section 9, Oakland County, Michigan. Part of the West  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of the West 183.00 Feet of a parcel described as beginning at a point distant East 231.05 Feet from the South  $\frac{1}{4}$  Corner; Thence North 379.50 Feet; Thence East 347.20 Feet; Thence South 378.80 Feet; Thence West 346.45 Feet to beginning; Excepting Therefrom the South 60.00 Feet Taken for Road, and  
Town 2 North, Range 11 East, City of Troy, Section 9, Oakland County, Michigan, Part of the West  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of the North 100.00 Feet Except the West 183.00 Feet of a parcel described as beginning at a point distant East 231.05 Feet from the South  $\frac{1}{4}$  Corner; Thence North 379.50 Feet; Thence East 347.20 Feet; Thence South 378.80 Feet; Thence West 346.45 Feet to Beginning, and  
Town 2 North, Range 11 East, City of Troy, Section 9, Oakland County, Michigan, Part of the West  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of the South 100.00 Feet of the North 200.00 Feet, Except the West 183.00 Feet of a parcel described as beginning at a point distant East 231.05 Feet from the South  $\frac{1}{4}$  Corner; Thence North 379.50 Feet; Thence East 347.20 Feet; Thence South 378.80 Feet; Thence West 346.45 Feet to beginning, and  
Town 2 North, Range 11 East, City of Try, Section 9, Oakland county, Michigan, Part of the West  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  beginning at a point distant East 231.05 Feet from the South  $\frac{1}{4}$  Corner; Thence North 379.50 Feet; Thence East 347.20 Feet; Thence South 378.80 Feet; Thence West 346.45 Feet to beginning; Except the North 200.00 Feet; Also Except the West 183.00 Feet; and Also Except the South 60.00 Feet Taken for Road.
- (c) Part of the Northeast  $\frac{1}{4}$  of Section 16, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, commencing at the North  $\frac{1}{4}$  corner of Section 16; thence South 00 degrees 40 minutes 21 seconds East 60.00 feet along the North-South  $\frac{1}{4}$  line and the Easterly right-of-way line of I-75 to the point of beginning; thence North 89 degrees 07 minutes 57 seconds East 432.84 feet along the South right-of-way line of Long Lake Road; thence South 00 degrees 31 minutes 03 seconds East 600.00 feet; thence North 89 degrees 07 minutes 57 seconds East 151.19 feet; thence South 26 degrees 23 minutes 34 seconds West 386.68 feet; thence South 26 degrees 23 minutes 35 seconds West 192.84 feet; thence South 28 degrees 24 minutes 30 seconds West 209.85 feet; thence South 21

degrees 26 minutes 42 seconds West 256.27 feet; thence South 97 degrees 31 minutes 10 seconds West 256.27 feet; thence South 00 degrees 33 minutes 17 seconds West 108.97 feet; thence South 89 degrees 19 minutes 39 seconds West 81.38 feet to a point on the North-South  $\frac{1}{4}$  line and the Easterly right-of-way line of I-75; thence along said line North 00 degrees 40 minutes 21 seconds West 1897.47 feet to the point of beginning.

BE IT FURTHER RESOLVED, That the Troy City Council's designation of the above referenced right-of-way properties as public parks **SHALL BE IMMEDIATELY FORWARDED** to the Troy Parks and Recreation Commission **FOR INCLUSION** in their on-going review of the Troy Parks and Recreation Master Plan; and

BE IT FURTHER RESOLVED, That the Troy Parks and Recreation Board is **ENCOURAGED** by the Troy City Council to **EXPEDITE THEIR REVIEW** of the Troy Parks and Recreation Master Plan, and **MAKE THEIR RECOMMENDATIONS** within 90 days to the Troy City Council, who has the final approval authority for any amendments to the Troy Parks and Recreation Master Plan.

Yes: All-7

## **COUNCIL COMMENTS:**

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### **I-1 Resolution to Refer ZOTA 215A to the Planning Commission**

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

Resolution #2005-11-534  
Moved by Stine  
Seconded by Beltramini

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

Yes: All-7

### **Resolution to Refer ZOTA 215A to the Planning Commission**

Resolution  
Moved by Stine  
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **DIRECTS** City Management to **REFER** ZOTA 215A to the Planning Commission for further consideration and forward their recommendations to the Troy City Council.

**Vote on Amendment**

Resolution #2005-11-535  
Moved by Beltramini  
Seconded by Stine

RESOLVED, That the Resolution to refer ZOTA 215A to the Planning Commission be **AMENDED** by **INSERTING** “no later than the Regular City Council meeting scheduled for Monday, February 6, 2006” **AFTER** “recommendations to the Troy City Council”

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

**MOTION CARRIED**

**Vote on Resolution to Refer ZOTA 215A to the Planning Commission as Amended**

Resolution #2005-11-536  
Moved by Stine  
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **DIRECTS** City Management to **REFER** ZOTA 215A to the Planning Commission for further consideration and forward their recommendations to the Troy City Council no later than the Regular City Council meeting scheduled for Monday, February 6, 2006.

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

**MOTION CARRIED**

**REPORTS:**

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

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**J-2 Department Reports: None Submitted**

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**J-3 Letters of Appreciation: None Submitted**

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

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**J-5 Calendar**

Noted and Filed

**RECESSED: City Council will Recess to the Council Boardroom for Discussion of the Study Item**

The meeting **RECESSED** at 9:27 PM.

The meeting **RECONVENED** at 9:35 PM.

**STUDY ITEMS:**

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**K-1 Presentation of 2005 Organizational Positives and 2006-2008 Goals and Objectives**

**PUBLIC COMMENT: Address of “K” Items**

**CLOSED SESSION:**

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

The meeting **ADJOURNED** at 10:15 PM.

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Louise E. Schilling, Mayor

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Tonni L. Bartholomew, City Clerk

November 15, 2005

TO: John Szerlag, City Manager

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

RE: **Agenda Item:** Standard Purchasing Resolution 4: Regional Educational Media Center Association Of Michigan (REMC)— Contract For LCD Projectors

### **RECOMMENDATION**

The Parks and Recreation Department recommends that the City purchase and install five LCD projectors and one rear projection screen in the Community Center meeting rooms at a cost of approximately \$21,000.00. The LCD equipment and installation will be purchased from Data Image Systems on the REMC Contract.

### **BACKGROUND**

During the renovation of the Community Center in 2002, plans to purchase and install a LCD projector from the ceiling in each meeting room (301-305) with money from the FFE budget were abandoned when quotes came back higher than expected. To serve the need for providing this equipment in each room, a portable LCD projector was purchased and set up in each room as needed. Since this piece of equipment has been in use, however, there has been times when the projector cart has interfered with set up of the room and the projector has been requested simultaneously by multiple groups. In addition, the price for this type of equipment since it was earlier purchased in 2002 has come down considerably in price.

In order to avoid these problems in the future and enhance the functionality of the meeting rooms for groups and businesses renting this space, these proposed LCD projectors would be suspended from the ceiling in each meeting room and provide a much higher quality video presentation. This would in turn improve the profitability of the Community Center by attracting groups who need a more sophisticated audio-visual display for their presentation or had not been satisfied with the piecemeal system that currently exists. Furthermore, the permanent nature of the proposed LCD projector system in each room would reduce the set up time and simplify the room layout process which would result in lower event management staff costs.

In addition to purchasing five new LCD monitors, a rear projector screen would also be purchased for use on the stage in the Banquet Room (304 and 305). This would allow presentations to be made from the stage area in a more professional manner. The existing LCD projector could be used in this capacity and in some of the other non-meeting rooms that are used for less formal presentations.

The LCD projector set up which is being proposed is common among competing facilities that host meetings and special events. Not only are permanently mounted projectors in other city buildings such as City Hall and the Fire/Police Training Center, but they are also installed in facilities such as the Michigan State Management Center and City of Canton Community Center (Summit on the Green). Combined with the wireless internet service that will be available at the Community Center in December, the LCD projectors would make the facility an attractive venue for businesses and special event planners.

Prior to the installation of the LCD projectors, an electrical outlet would be installed in the ceiling of each room in order to provide the necessary power at a total estimated cost of \$3,000.00.

**SUMMARY**

Overall the recommendation to expend \$21,000.00 will enhance service and profitability to ensure that the City continues to attract groups and businesses that utilize the Community Center for meetings by keeping pace with technology and providing professional support services to our customers.

**BUDGET**

Funds are available in the PEG Funds account #401267.7978.010.

Prepared by Kraig Schmottlach, Community Center Facility Manager

RECEIVED

NOV 30 2005

CITY OF TROY  
CITY MANAGER'S OFFICE

November 22, 2005

TO: Mr. John Szerlag, City Manager

FROM: Charles Craft, Chief of Police  
Gary Mayer, Police Captain  
Chris Stout, Police Sergeant

SUBJECT: Agenda Item - Application for Transfer of Class C License for  
Kruse and Muer Troy

Kruse and Muer Troy, LLC requests to transfer ownership of a 2005 Class C licensed business with entertainment permit and official permit (food), located in escrow at 585 W. Big Beaver, Troy, MI 48084, Oakland County, from D.I. Supply, Inc. (a Missouri Corporation); and transfer location to 911 Wilshire, Troy, MI 48084, Oakland County; and add a new dance permit, new outdoor service permit, and new SDM license to be held in conjunction. (Step 2)

At its November 14th meeting, the Liquor Advisory Committee entertained this request. Present to answer questions from the Board was owner William Kruse and attorney John Carlin. Kruse and Muer Troy will have 154 seats, 19 bar seats, and 32 seats on the outdoor patio. The restaurant will be open 6 days a week for lunch and 7 days for dinner. This will be Mr. Kruse's 6<sup>th</sup> Kruse and Muer restaurant. The management will be transferred from existing Kruse and Muer restaurants.

The Committee unanimously approved this request.

The police department has no objection to this request.

Michigan Department of Labor & Economic Growth  
**LIQUOR CONTROL COMMISSION**

7150 Harris Drive  
P.O. Box 30005  
Lansing, Michigan 48909-7505

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

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

Date: September 2, 2005  
REF#: 319519

AMENDED

Chief Law Enforcement Officer

Applicant:

KRUSE & MUER TROY, LLC REQUESTS TO TRANSFER OWNERSHIP OF 2005 CLASS C LICENSED BUSINESS WITH ENTERTAINMENT PERMIT, OFFICIAL PERMIT (FOOD), ~~AND 2 BARS~~, LOCATED IN ESCROW AT 585 W. BIG BEAVER, TROY, MI 48084, OAKLAND COUNTY, FROM D. I. SUPPLY, INC. (A MISSOURI CORPORATION); TRANSFER LOCATION TO 911 WILSHIRE, TROY, MI 48084, OAKLAND COUNTY; AND REQUESTS A NEW SDM LICENSE TO BE HELD IN CONJUNCTION (STEP 2). *AMENDED TO INCLUDE REQUEST NEW DANCE PERMIT AND NEW OUTDOOR SERVICE PERMIT.*

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

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

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

LC-1972 Rev. 9/17  
4880-1658

sfs

**AMENDED**

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

**BUSINESS NAME AND ADDRESS:** (include zip code)  
KRUSE & MUER TROY, LLC, 911 WILSHIRE, TROY, MI 48084, OAKLAND COUNTY

**REQUEST FOR:**  
REQUEST TO TRANSFER OWNERSHIP OF 2005 CLASS C LICENSED BUSINESS (IN ESCROW WITH ENTERTAINMENT PERMIT, OFFICIAL PERMIT (FOOD), AND ~~2-BARS~~, FROM D. I. SUPPLY, INC. (A MISSOURI CORPORATION); TRANSFER LOCATION FROM 585 W. BIG BEAVER, TROY, MI 48084, OAKLAND COUNTY; AND REQUEST A NEW SDM LICENSE TO BE HELD IN CONJUNCTION (STEP 2). AND AMENDED TO INCLUDE REQUESTS FOR NEW OUTDOOR SERVICE PERMIT AND NEW DANCE PERMIT

**Section 1. APPLICANT INFORMATION**

<b>APPLICANT #1:</b> <b>NO FINGERPRINTS REQUIRED</b> KRUSE AND MUER GRAND BLANC, LTD. - MEMBER	<b>APPLICANT #2:</b>
<b>HOME ADDRESS AND AREA CODE/PHONE NUMBER:</b> 1775 WASHINGTON ROAD ROCHESTER HILLS, MI 48306 CELL(248)330-3130/B(248)652-3896	<b>HOME ADDRESS AND AREA CODE/PHONE NUMBER:</b>
<b>DATE OF BIRTH:</b> If the applicant is not a U.S. Citizen: <input type="checkbox"/> Does the applicant have permanent Resident Alien status? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Does the applicant have a Visa? Enter status: Date fingerprinted:	<b>DATE OF BIRTH:</b> If the applicant is not a U.S. Citizen: <input type="checkbox"/> Does the applicant have permanent Resident Alien status? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Does the applicant have a Visa? Enter status: Date fingerprinted:

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

<b>ARREST RECORD:</b> <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)	<b>ARREST RECORD:</b> <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)
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**Section 2. Investigation of Business and Address to be Licensed**

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

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

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

Will the applicant's proposed location meet all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, if this license is granted?  Yes  No

If you are recommending approval subject to certain conditions, list the conditions: (attach a signed and dated report if more space is needed)

**Section 4. Recommendation**

From your investigation:

1. Is this applicant qualified to conduct this business if licensed?  Yes  No
2. Is the proposed location satisfactory for this business?  Yes  No
3. Should the Commission grant this request?  Yes  No
4. If any of the above 3 questions were answered no, state your reasons: (Attach a signed and dated report if more space is needed)

Signature (Sheriff or Chief of Police) \_\_\_\_\_ Date \_\_\_\_\_

TROY POLICE DEPARTMENT



# LOCAL LAW ENFORCEMENT AGENCY REPORT

*AMENDED*

DANCE/ENTERTAINMENT/TOPLESS ACTIVITY PERMIT  
(Authorized by MCL 436.1916)

BRUSE & MUER TROY, LLC

APPLICANT/LICENSEE

PHONE NUMBER

STREET ADDRESS

CITY

TOWNSHIP

COUNTY

ZIP

[REDACTED ADDRESS]

1. The dance floor will not be less than 100 square feet, is clearly marked and well defined when there is dancing by customers. YES NO N/A

2. Describe the type of entertainment applicant/licensee will provide: N/A

3. Will this entertainment include topless activity? YES NO N/A

[REDACTED]			
DANCE PERMIT	YES	NO	N/A
ENTERTAINMENT PERMIT	YES	NO	N/A
TOPLESS ACTIVITY PERMIT	YES	NO	N/A

DATE SUBMITTED

OFFICER-S SIGNATURE

DEPARTMENT NAME

PHONE NUMBER

ADDRESS

CITY

CHIGAN DEPARTMENT OF COMMERCE  
LIQUOR CONTROL COMMISSION

7150 Harris Dr.  
P.O. Box 30005  
Lansing, Michigan 48909

Req ID #319519

**APPLICATION FOR OFFICIAL PERMIT FOR DIFFERENCE IN HOURS OF OPERATION**  
(Authorized by MAC Rule 436.1437)

APPLICANT OR LICENSEE:

Kruse and Muer Troy, LLC

ADDRESS:

911 Wilshire, Troy, MI 48084

TYPE OF LICENSE:

Class C

**The Commission is requested to grant an after hours permit for:** (Check boxes that apply)

- Operating our restaurant for the sale of food
- Operating night league bowling, tournaments or Sunday morning bowling
- Registering golfers
- Registering Skiers
- Registering Tennis Players
- Other: (Not listed above)

MILCO LICENSING  
2015 AUG 18 AM 9:08

During the Hours of:

Weekdays \_\_\_\_\_ A.M. to \_\_\_\_\_ A.M.

Sundays 11:00 \_\_\_\_\_ A.M. to 12:00 \_\_\_\_\_ NOON

It is understood that customers shall not be on the licensed premises for any activity other than the requested activity.

Licensee or Applicant Signatures:

*William C. Kruse Jr., Manager*  
William C. Kruse, Jr., Manager

LOCAL LAW ENFORCEMENT RECOMMENDATION

To: Law Enforcement Agency:

This Application is for official permits allowing the after hours operations indicated above. Will you please enter your recommendations below and return one signed copy to the Commission.

- Recommended: Comments: \_\_\_\_\_
- Recommended except for \_\_\_\_\_ permit
- Not Recommended

Signed: (Include title and date)

STATE OF MICHIGAN  
DEPARTMENT OF LABOR & ECONOMIC GROWTH  
LIQUOR CONTROL COMMISSION

RESOLUTION

At a \_\_\_\_\_ meeting of the \_\_\_\_\_  
(Regular or Special) (Township Board, City or Village Council)

called to order by \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_ P.M.

The following resolution was offered:

Moved by \_\_\_\_\_ and supported by \_\_\_\_\_

**That the request from KRUSE & MUER TROY, LLC TO TRANSFER OWNERSHIP OF 2005 CLASS C LICENSED BUSINESS WITH ENTERTAINMENT PERMIT, LOCATED IN ESCROW AT 585 W. BIG BEAVER, TROY, MI 48084, OAKLAND COUNTY, FROM D. I. SUPPLY, INC. (A MISSOURI CORPORATION); AND TRANSFER LOCATION TO 911 WILSHIRE, TROY, MI 48084, OAKLAND COUNTY (STEP 2). AND NEW DANCE PERMIT, AND NEW OUTDOOR SERVICE**

be considered for \_\_\_\_\_  
(Approval or Disapproval)

APPROVAL

DISAPPROVAL

Yeas: \_\_\_\_\_

Yeas: \_\_\_\_\_

Nays: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Absent: \_\_\_\_\_

It is the consensus of this legislative body that the application be:

\_\_\_\_\_ for issuance  
(Recommended or not Recommended)

State of Michigan \_\_\_\_\_)

County of \_\_\_\_\_)

I hereby certify that the foregoing is a true and complete copy of a resolution offered and

adopted by the \_\_\_\_\_ at a \_\_\_\_\_  
(Township Board, City or Village Council) (Regular or Special)

meeting held on \_\_\_\_\_  
(Date)

SEAL

(Signed) \_\_\_\_\_  
(Township, City or Village Clerk)

\_\_\_\_\_  
(Mailing address of Township, City or Village)

**AGREEMENT REGARDING**  
**LIQUOR LICENSE REQUEST**

This Agreement, made and entered into this \_\_\_\_\_ day of August, 2005, by and between the CITY OF TROY, MICHIGAN, a municipal corporation, with offices located at 500 W. Big Beaver Road, Troy, Michigan 48084, hereinafter known as THE CITY, and KRUSE & MUER TROY, LLC, a Michigan limited liability company, with offices located at 1775 Washington Rd., Rochester Hills, MI 48306, hereinafter known as APPLICANT.

1. The City Council of the City of Troy for and in consideration of the following covenants and conditions, agrees to recommend to the Michigan Liquor Control Commission approval of the transfer of ownership and location request for Class C liquor license and an SDM license, with Sunday Sales permit presently held by O'Grady's Irish Pub, Inc. and the issuance by the Michigan Liquor Control Commission of a new SDM license and an Official Permit (Food) by APPLICANT to be used by APPLICANT in it's restaurant to be located at 911 Wilshire.

2. In consideration of the City of Troy's recommendation for approval of the request for a Class C liquor license, APPLICANT hereby agrees that:

(a) It has read and is aware of the provisions of the City of Troy Ordinances, Chapter No. 67, 68, 92 and Chapter No. 98 (effective 02/01/2001), and agrees that it shall be deemed to have knowledge of any subsequent amendments to said Chapters which may become effective during the term of this Agreement.

(b) It has read and is in receipt of copies of the provisions of the City of Troy City Council Resolution No. 93-1028 regarding Entertainment Permits, and agrees that it shall be deemed to have knowledge of any subsequent amendments to the Resolution which may become effective during the term of this Agreement.

(c) It agrees to observe and comply with all laws, statutes, ordinances, rules, regulations or resolutions of the United States government, State of Michigan, and the City of Troy, or any department or agency of the governmental entities, as well as the rules and regulations of the Michigan Liquor Control Commission as they pertain to the operation of a Class C liquor licensed business in the City of Troy.

(d) It agrees to immediately require all employees who serve/sell alcohol to attend a recognized alcohol awareness program, and forward the names of each certified employee to the Troy Police Department. The alcohol awareness program must either be recognized by the Troy Police Department (i.e. TIPS, TAM, BARCODE), or the program must be reviewed by the Troy Police Department to insure that the program is comparable to the recognized programs.

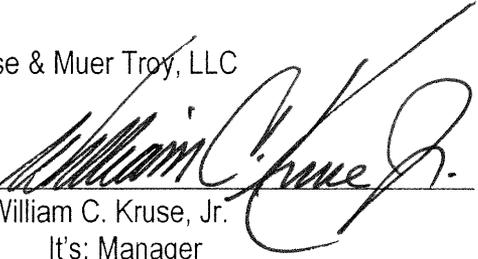
3. APPLICANT agrees that the recommendation for approval agreed upon by the City Council is not a property right and is approved upon the express and continuing condition that no violation as set forth in Paragraph 2 of this Agreement shall occur.

4. APPLICANT agrees that the recommendation for approval agreed upon by the City Council is approved upon the express and continuing condition that the physical characteristics (including, but not limited to, the inside layout, building design and engineering, seating capacity, parking space allocations, fire exits, and other physical attributes); and also the nature and type of business intended to be conducted, remain virtually the same.

5. APPLICANT agrees that upon such violation, after full investigation and an opportunity for said applicant to be heard, upon a finding by the City Council that a violation as set forth in Paragraph 2 of this Agreement has occurred, the City Council shall have just cause for a revocation of said recommendation for approval.

Kruse & Muer Troy, LLC

By:

  
William C. Kruse, Jr.  
It's: Manager

Witnesses:

\_\_\_\_\_  
John B. Carlin, Jr.

\_\_\_\_\_  
Scott D. Edwards

Subscribed and sworn to before me  
this \_\_\_\_ day of August, 2005

\_\_\_\_\_  
John B. Carlin, Jr.  
Notary Public  
Oakland County, Michigan  
My commission expires: 7/28/06

CITY OF TROY

By: \_\_\_\_\_  
Louise E. Schilling, Mayor

By: \_\_\_\_\_  
Tonni L. Bartholomew, City Clerk

Witnesses:

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Subscribed and sworn to before me  
this \_\_\_\_\_ day of August, 2005.

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Notary Public  
Oakland County, Michigan.  
My commission expires:

Blmfield.05556.52258.676973-1

A regular meeting of the Liquor Advisory Committee was held on Monday, November 14, 2005 in the Lower Level Conference Room of Troy City Hall, 500 West Big Beaver Road. Committee member James Peard called the meeting to order at 7:00 p.m.

**ROLL CALL:**

**PRESENT:** Alex Bennett  
W. Stan Godlewski  
Patrick C. Hall  
James R. Peard  
Bohdan L. Ukrainec  
Lieutenant Michael Lyczkowski  
Sergeant Christopher Stout  
Pat Gladysz

**ABSENT:** Max K. Ehlert, Chairman  
Henry W. Allemon

**Resolution to Excuse Committee Members Ehlert and Allemon**

Resolution #LC2005-11-024  
Moved by Bennett  
Seconded by Ukrainec

RESOLVED, that the absence of Committee members Ehlert and Allemon at the Liquor Advisory Committee meeting of November 14, 2005 BE EXCUSED.

Yes: 5  
No: 0  
Absent: Ehlert, Allemon

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**Resolution to Approve Minutes of September 12, 2005 Meeting**

Resolution #LC2005-11-025  
Moved by Ukrainec  
Seconded by Godlewski

RESOLVED, that the Minutes of the September 12, 2005 meeting of the Liquor Advisory Committee be approved.

Yes: 5  
No: 0  
Absent: Ehlert, Allemon

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### Agenda Items

1. **D. I. SUPPLY, INC** (A Missouri Corporation) requests to transfer ownership of 2005 Class C licensed business with entertainment permit and official permit (food) located in escrow at 585 W. Big Beaver, Troy MI 48084, Oakland County, from O' Grady's Irish Pub. [MLCC REQ ID # 319038]  
(Step 1) *Drury Inn*

Present to answer questions from the Committee was John Carlin.

Mr. Carlin explained to the Committee that this request is to transfer the license held in escrow from O'Grady's Irish Pub to D. I. Supply, Inc., which is solely owned by Drury Inn, Inc. Item No. 2 of tonight's agenda will complete the transaction to transfer the license from Drury Inn to Kruse & Muer Troy, LLC.

Resolution #LC2005-11-026  
Moved by Ukrainec  
Seconded by Godlewski

RESOLVED, that D. I. SUPPLY, INC (A Missouri Corporation) be allowed to transfer ownership of 2005 Class C licensed business with entertainment permit and official permit (food) located in escrow at 585 W. Big Beaver, Troy MI 48084, Oakland County, from O' Grady's Irish Pub.

Yes: 5  
No: 0  
Absent: Ehlert, Allemon

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2. **KRUSE & MUER TROY, LLC** requests to transfer ownership of 2005 Class C licensed business with entertainment permit, located in escrow at 585 W. Big Beaver, Troy, MI 48084 Oakland County, from D.I. Supply, Inc. (A Missouri Corporation); and transfer location to 911 Wilshire, Troy MI 48084, Oakland County; request new dance permit. [MLCC REQ ID# 319519]  
(Step 2) *Kruse and Muer Troy*

Present to answer questions from the Committee were John Carlin and William Kruse.

Mr. Kruse explained to the Committee that he plans to open his 6<sup>th</sup> Kruse & Muer Restaurant at the former TGI Friday's location on Wilshire. He plans to make minor modifications to the 9,300 square foot building, including landscaping and signage. There are 154 seats, with an additional 19 seats at the bar and 32 on an outdoor patio. There are 155 exclusive parking spaces for the restaurant, with extensive additional parking available in the evening when the office building spaces are not occupied. The restaurant will be open 6 days per week for lunch and 7 days per week for dinner. The management will be transferred from existing restaurants, and entire staff will be trained in all aspects of the liquor laws.

Mr. Kruse has been in the restaurant business for many years. He began as an employee of C. A. Muer Corporation and opened his first restaurant in 1987. His establishments have an excellent record of compliance with the liquor laws.

Resolution #LC2005-11-027  
Moved by Hall  
Seconded by Ukrainec

RESOLVED, that KRUSE & MUER TROY, LLC be allowed to transfer ownership of 2005 Class C licensed business with entertainment permit, located in escrow at 585 W. Big Beaver, Troy, MI 48084 Oakland County, from D.I. Supply, Inc. (A Missouri Corporation); and transfer location to 911 Wilshire, Troy MI 48084, Oakland County with new dance permit.

Yes: 5  
No: 0  
Absent: Ehlert, Allemon

- 
3. **WHITE STAR ENTERTAINMENT, INC.**, requests to transfer ownership of 2005 Class C-SDM licensed business with dance permit located at 1090 Rochester, Troy, MI 48084, Oakland County, from MKC INC. [MLCC REQ ID # 313355] *Corradi's*

Present to answer questions from the Committee were Aubrey Tobin (general counsel) and Brian Goleniac (president and general manager).

On May 28, 2005, a partnership of three individuals (Aubrey Tobin, Brian Goleniac, and Michael Goleniac) entered into a management agreement with the Corradi family to take over the business. They are purchasing the building and the business and plan extensive repairs and renovations. The name of the establishment will change, but that decision has not yet been made. The building

has a capacity of 150 patrons and parking for 97 vehicles. They hope to have the property rezoned in order to utilize patio seating. They have changed the menu and are open for lunch and dinner. They offer karaoke on Thursday nights and live music on Friday and Saturday nights.

Two members of the Committee (Hall and Ukrainec) stated that they would be opposed to this restaurant evolving into a nightclub-like establishment. Since two of the three partners have been employed by nightclubs in Pontiac, these Committee members are concerned that this transition may occur.

The ownership states that a nightclub is not their intention and a transition of that nature will not occur.

Resolution #LC2005-11-028

Moved by Peard

Seconded by Bennett

RESOLVED, that WHITE STAR ENTERTAINMENT, INC. be allowed to transfer ownership of 2005 Class C-SDM licensed business with dance permit located at 1090 Rochester, Troy, MI 48084, Oakland County, from MKC INC.

Yes: 3 – Bennett, Godlewski, Peard

No: 2 – Hall, Ukrainec

Absent: Ehlert, Allemon

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The five Committee members present continued the discussion regarding Item No. 3 and the possibility of a nightclub in Troy. Hall and Ukrainec further explained their hesitancy to approve the transfer with speculation of large crowds, disturbances, and sales to minors.

A question was raised as to the possibility of giving a “conditional” or “probationary” approval. Sgt. Stout stated that he would discuss this matter with the City Attorney’s office and provide an answer at the next meeting.

The meeting adjourned at 8:30 p.m.

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James R. Peard

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Patricia A. Gladysz, Office Assistant II

WILLIAM C. KRUSE, JR.

<u>Licensee/Address/License(s) Held</u>	<u>Date(s) of Licensure</u>
1. Kruse & Muer Quality Foods, Inc. d/b/a Kruse & Muer Quality Foods 134 N. Adams Rochester Hills, MI 48309 Class C-SDM-SS-Direct Connection (1)- Op(Food)	9/88 to Present
2. MAROC Associates Limited Partnership d/b/a Kruse & Muer on Main 325-327 Main Street Rochester, MI 48307 Class C-SDM-SS-OP(Food)	11/89 to Present
3. C L & K & C, Inc. d/b/a Rochester Chop House 306 Main Street Rochester, MI 48307 Class C-SS-Direct Connection (1)- OP(Food)	9/91 to Present
4. Kruse and Muer Grand Blanc, Ltd. d/b/a Kruse & Muer Grand Blanc G-12793 S. Saginaw Grand Blanc, MI 48439 Class C-SDM-SS	2/96 to Present
5. Kruse & Muer Lake Orion, Inc. 801 S. Lapeer Road Lake Orion, MI 48362 (Orion Township) Class C-SDM-SS-OP(Food)-Add'l. Bar	4/02 to Present

Dated: August 2, 2005

**BIG BEAVER**

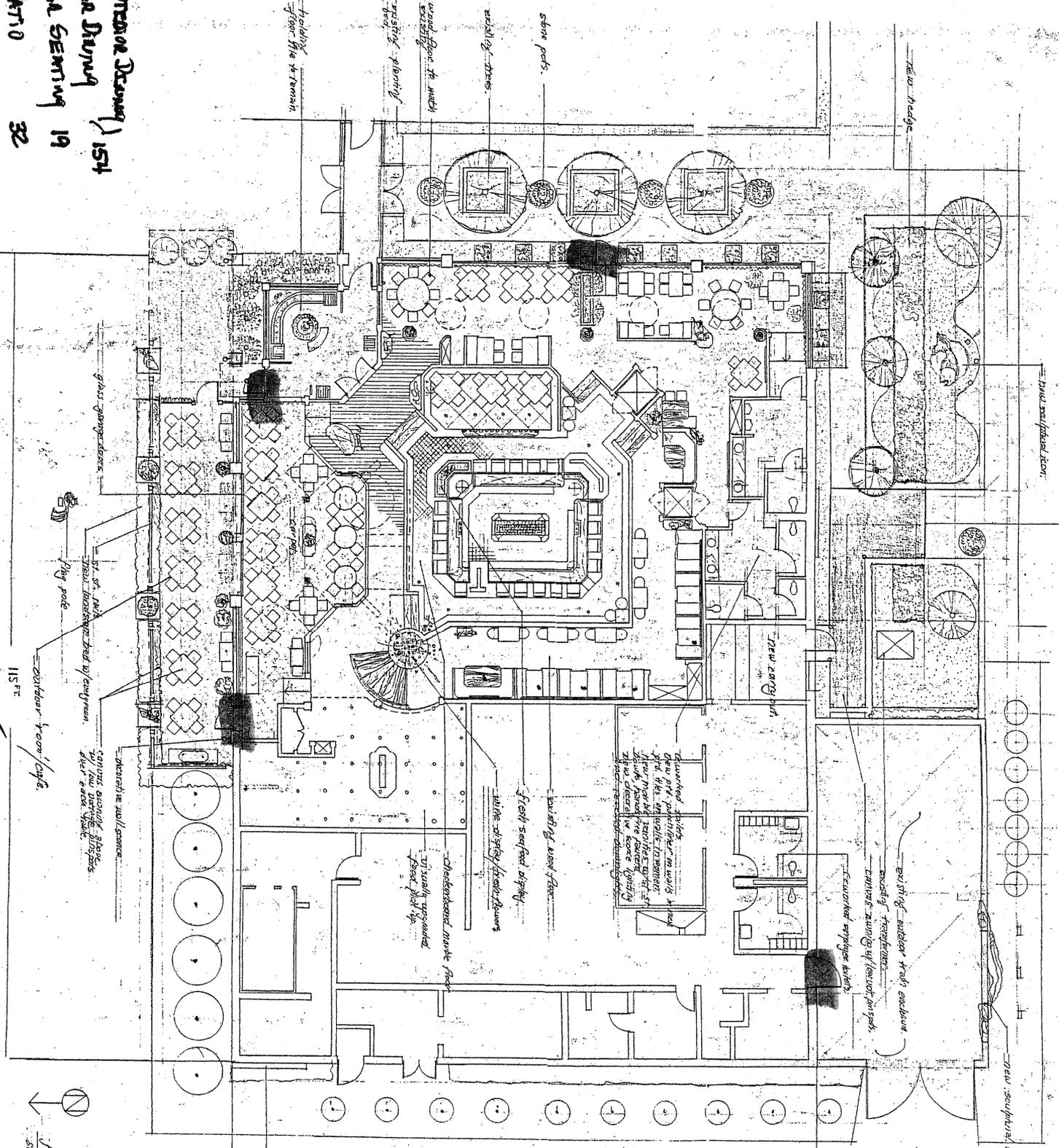
—the sign.

—new suspended floor.

—new: suspended sign.

**OFFICE  
Block**

**Interior Drawing 154**  
**BAR DRAWING 19**  
**BAR SEATING 32**  
**PART 0**



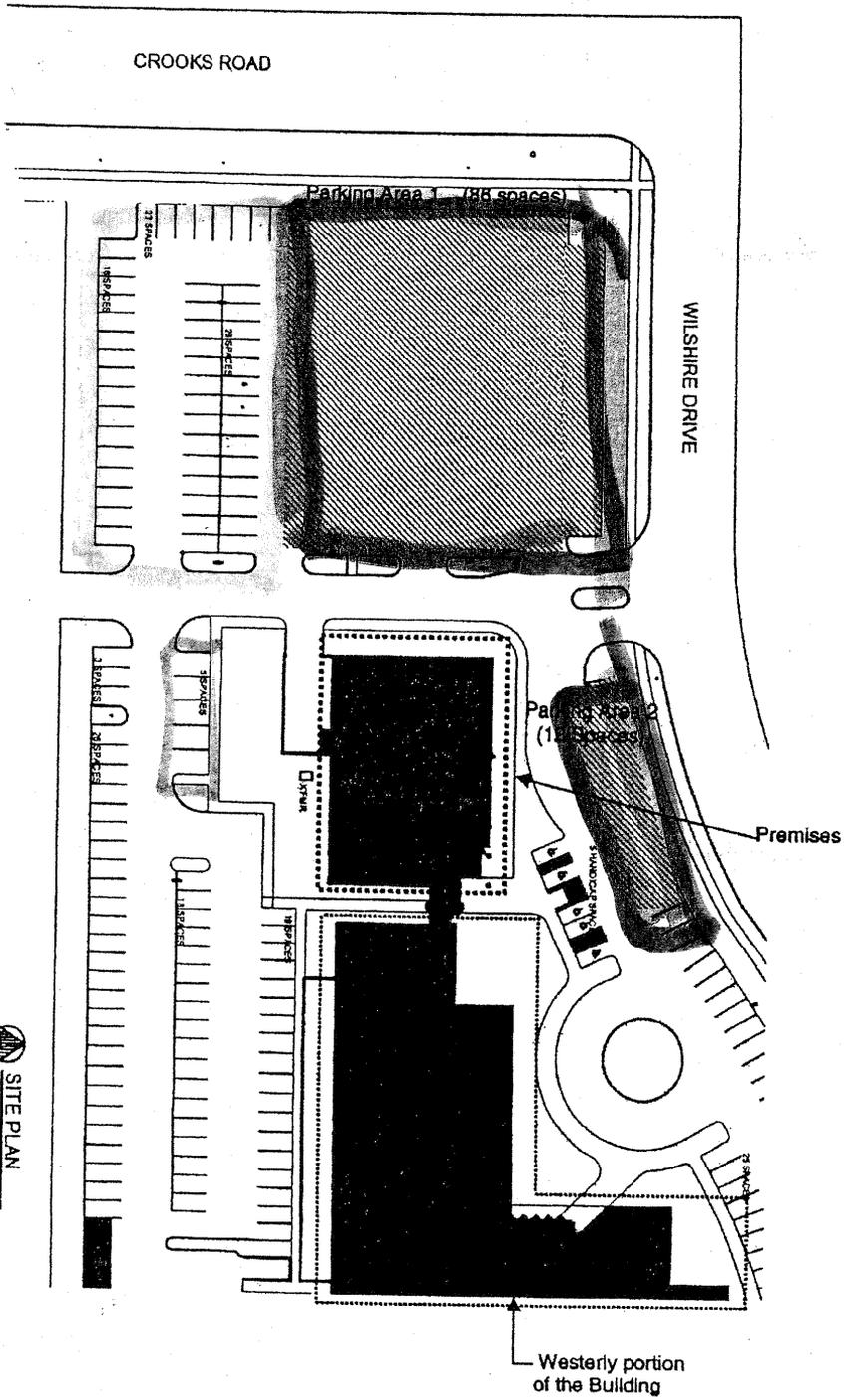
7.58

**000015**

—Floor plan.  
scale: 1/8" = 1'-0"

**WISHBIRD**

EXHIBIT A--SITE PLAN OF BUILDING PROJECT



EXCLUSIVE 98  
 DESIGNATED 52  
 4/0 5

SITE PLAN

Landlord's Initials [Signature] Tenant's Initials we10

# **Kruse & Muer**

On Wilshire

**Dinner Menu**

## APPETIZERS & SOUP

### FIRE ROASTED TOMATO BISQUE

**SPICE GRILLED AHI TUNA**  
Served with Fresh Citrus & Mango  
Relish on a Bed of Asian Slaw

**STUFFED MUSHROOMS**  
Baked with Gulf Shrimp & Lump Crabmeat  
Stuffing, Topped with Lobster Cream

**ROASTED PORTOBELLO MUSHROOM**  
Topped with Boursin Cheese, Sun-Dried Tomatoes &  
Crisp Breadcrumbs on a Bed of Dressed Arugula

**FLASH FRIED CALAMARI**  
Served with Lemon Caper Beurre Blanc

**SIRLOIN MUSHROOM SKILLET**  
Chargrilled Sirloin Tips & Wild Mushrooms with  
Apricot Rum BBQ Sauce & Garlic Toast

### MAINE LOBSTER BISQUE

**CHICKEN SATAY**  
Chargrilled & Served with Coconut  
Lime Peanut Sauce

**TOMMY BAHAMA CRABCAKE**  
Coconut Encrusted with Asian Slaw  
& Tropical Fruit Salsa

**MUSSELS & CLAMS CASINO**  
Prince Edward Island Mussels & Manilla Clams  
Steamed with White Wine, Garlic, Tomatoes & Parsley

**MUSSELS DIABLO**  
With Garlic Butter, Wine, Roasted Peppers & Herbs

**ANTIPASTI PLATTER**  
Prosciutto, Roasted Peppers, Parmagianno, Imported  
Olives, Balsamic, Virgin Olive Oil & Crusty Bread

## SALADS

**WEDGE OF ICEBERG**  
With Buttermilk Ranch, French Roquefort, Creamy  
Garlic or Balsamic-Herb Vinaigrette Dressing

**WILSHIRE SALAD**  
Crisp Iceberg & Fresh Field Greens Tossed with  
Granny Smith Apples, Crumbled Bleu Cheese &  
Toasted Walnuts with Apple-Maple Vinaigrette

**MARTHA'S VINEYARD**  
Red Leaf Lettuce, Sliced Onions, Pinenuts & Bleu  
Cheese with Raspberry Maple Vinaigrette

**GRILLED SALMON & APRICOT SALAD**  
Garden Greens, Dried Fruit, Chevre Cheese, Honey  
Roasted Walnuts & Apricot Ginger Vinaigrette

**CLASSIC CAESAR SALAD**  
With Grilled Chicken  
With Gulf Shrimp

**RASPBERRY CHICKEN SALAD**  
Grilled Chicken Breast, Mixed Greens, Bleu Cheese,  
Dried Cherries, Candied Walnuts & Red Onions  
Tossed with Raspberry-Maple Vinaigrette

**JAMAICAN JERK CHICKEN SALAD**  
Grilled Jerk Marinated Chicken, Crisp Romaine, Grated  
Parmesan & Caesar Dressing with a Touch of Lime

**GULF SHRIMP LOUIS SALAD**  
Chopped Iceberg Lettuce, Sliced Egg, Yellow & Red  
Tomatoes Tossed with Classic Louis Dressing

## SANDWICHES

**8 Oz. ANGUS SIRLOIN BURGER**  
On a Freshly Baked Bun with Swiss or Cheddar Cheese, Lettuce, Tomato & French Fries  
Choose to Add Crisp Bacon, Sautéed Mushrooms or Onions

**BAYOU CHICKEN SANDWICH**  
Marinated in "Spicy Bayou BBQ" sauce &  
topped with melted Pepper Jack cheese

**GREAT LAKES PERCH SANDWICH**  
Flash Fried with Seasoned Flour, Served with Lettuce,  
Tomato, Housemade Tartar Sauce & French Fries

**CALIFORNIA FISH TACOS**  
Mexican Village Flour Tortilla, Flash Fried Grouper, Pico De Gallo, Cabbage, Cheese & Housemade Dressing

# PIZZA WITH PIZZAZZ

Round, Deep Dish Style...A House Specialty

## Topping Selections

Pepperoni, Italian Sausage, Pineapple, Green Pepper, Black Olives, Onions, Tomatoes, Mushrooms, Black Forest Ham

1 2" Small

1 6" Large

## SPECIALTY PIZZAS

### ROCKY'S CREATION

Cajun Gulf shrimp, diced tomatoes, garlic butter, artichoke hearts, fresh herbs & cheese

### CARIBBEAN JERK CHICKEN

Marinated Jerk Chicken, Caribbean BBQ Sauce, Fresh Cilantro, Caramelized Onions & Cheese

### CHICKEN FAJITA PIZZA

Oven Baked with Grilled Marinated Chicken, Roasted Sweet Red Bell Peppers, Purple Onions & Tomatoes Drizzled with Sour Cream & Fresh Cilantro

### MARGHERITA

With Vine Ripe Tomatoes, Chiffonade of Basil, Mozzarella & Muenster Cheese

### FOUR CHEESE

With Mozzarella, Red Rind Muenster, Provolone & Gouda

## PASTA

### CAPRESE PASTA

With Vine Ripened Tomatoes, Fresh Basil & Homebaked Buttered Croutons

### GRILLED CHICKEN FETTUCCHINE

With Fresh Mushrooms, Diced Tomatoes & Sweet Red Bell Pepper Cream

### TORTELLINI & GRILLED CHICKEN

Half Moons of Cheese Filled Pasta & Sliced, Grilled Chicken Tossed in a Tomato Herb Cream

### FARM PASTA POULETTE

Asparagus, Corn off the Cob & Grilled Chicken Tossed in a Light Butter & Chicken Stock

### LINGUINE WITH WHITE or RED CLAM SAUCE

Olive Oil, Garlic, Manilla Clams, White Wine & Herbs (Add Tomatoes to make it Red)

### MICHIGAN FETTUCCHINE

Grilled Chicken, Mushrooms, Green beans, Walnuts & Dried Cherries in a Light Brandy Dijon Cream

### LINGUINE FRUIT DE MER

Tossed with Shrimp, Scallops, Mussels, Spinach, Diced Tomatoes, Olive Oil, Wine & Herbs

### LOBSTER & SHRIMP FARFALLE

Sweet Lobster & Shrimp in a Rich Saffron Cream with Diced Tomatoes & Tomato-Basil Pasta

### SEAFOOD OF THE ANGELS

Maine Lobster, Gulf Shrimp, Crabmeat, Asparagus, Sliced Shiitakes & Angel Hair Pasta in a Champagne Cream

## STEAKS

Served with Chef's Vegetable & Starch

1 2 Oz. DELMONICO

Butcher's Choice for Exceptional Marbeling & Flavor

1 4 Oz. DRY AGED SIRLOIN

8 Oz. CENTER CUT FILET MIGNON

### SIGNATURE STEAK PREPARATIONS

Steaks Served with Natural au Jus or you may choose to try one of our Specialty Preparations  
Drizzled with Rochester Zip Sauce (Made Famous on Woodward Avenue)  
Topped with Maytag Bleu Cheese, Buttered Breadcrumbs & Natural Au Jus  
Maine Lobster, Maryland Crab & Parmesan Encrusted

1 2 Oz. GRILLED RIBEYE

With Fresh Herb Topping, French Fries & Roasted Garlic Mayo

ANCHO COFFEE RUBBED FILET

With Ancho Mushroom Sauce

## POULTRY

PANROASTED CHICKEN

With Garlic, White Wine, Artichoke Hearts, Sliced  
Mushrooms, Diced Tomatoes & Fresh Herbs

MARYLAND CHICKEN

Grilled Breast of Chicken with Maryland Crabmeat  
& Shrimp Stuffing, Topped with Lobster Cream

CHICKEN CALYPSO

With Lime Juice, Fresh Ginger, Cilantro, Coconut Cream & Island Fruit Salsa

CHICKEN SCALLOPINE

Medallions of Chicken Sauteed with Fresh Mushrooms  
Artichokes, White Wine & Lemon with Egg Linguine

PARMESAN ENCRUSTED CHICKEN

Sauteed with Red Pepper Lemon  
Caper Beurre Blanc

## SPECTACULAR SEAFOOD

GULF SHRIMP ALEXZANDRA

Oven Roasted with Panko Breadcrumbs, Sauce Beurre Blanc & Tomato Basil Relish

STUFFED SHRIMP

Broiled with Maryland Crabmeat Stuffing, Topped with Lobster Cream & Served with Rice Pilaf

SEAFOOD PANROAST

Maine Lobster, Gulf Shrimp & Sweet Scallops Simmered with Diced Tomatoes &  
Saffron Cream, Served over Rice Pilaf with Crunchy Garlic Toast

CHOP HOUSE CRABCAKES

Broiled with Maryland Jumbo Lump Crabmeat, Served with Housemade Tomato Tartar

TOMMY BAHAMA CRABCAKES

Coconut Encrusted & Served with Asian Slaw & Tropical Fruit Salsa

PINE LAKE SEAFOOD STEW

Shrimp, Scallops, Mussels, Fresh Cut Fish, Manilla Clams, Diced Tomatoes, Wine, Fennel & Herbs

MUSSELS DIABLO

A Bucket of Prince Edward Island Mussels Steamed  
with Garlic Butter, Peppers, Wine & Herbs

PAN-SEARED SEA SCALLOPS

Encrusted with Sesame Seeds & Served on a Bed  
of Mixed Greens with an Oriental Glaze

## FRESH FISH

See Today's Flyer for Broiled, Chargrilled & Saute Selections

WHITEFISH SIESTA KEY

Served with a Sauce of Gulf Shrimp, Maryland Crab & Bay Scallops in a Sweet Tomato Butter

POTATO ENCRUSTED WHITEFISH

Pan-crisped with Garden Potatoes

MACADAMIA NUT ENCRUSTED WALLEYE

With Island Beurre Blanc & Tropical Fruit Salsa

JIMMY'S PILE OF PERCH

Flash Fried & Served on Buttery Mashed Potatoes with Lemon Beurre Blanc & Marinated Tomato Relish

LOBSTER STUFFED FLOUNDER

Broiled with Lobster, Shrimp & Crabmeat Stuffing, Topped with Saffron Cream Sauce

ARTICHOKE ENCRUSTED SALMON

Oven-Roasted & Served on a Bed of Field Greens with Sun-Dried Tomatoes,  
Toasted Pinenuts & Roasted Tomato Vinaigrette, Served with Rice Pilaf

SPICE GRILLED AHI TUNA

Served with Fresh Citrus & Mango Relish on a Bed of Asian Slaw with Tropical Vinaigrette

MAPLE RIVER CLUB SALMON

With a Sauce of Real Maple Syrup, Apple Cider & Stone Ground Mustard,  
Served with Sauteed Mushrooms, Leeks & Fresh Spinach

Kruse & Muer believes that an exceptional meal requires seasonally prepared, unique vegetables & starches.  
The following list represents some to those that the Chef will choose from daily..

## VEGETABLES

Braised Red Cabbage	Green Bean & Red Onion Salad with Cider Vinaigrette
Roasted Shallots, Grape Tomatoes & Arugula	Fried Green Tomatoes
Grilled Zucchini & Tomato with Feta Cream	Spaghetti Squash with Maple Butter
Maple Glazed Parsnips	Baby Onions with Blood Orange & Balsamic Syrup
Roasted Beets with Mustard Greens & Vinaigrette	Butter Whipped Parsnip Puree

## STARCH

Grits with Southern Ham & Apples	Apple, Potato & Sweet Onion Gratin
Baked Cheese Grits	Bomba Rice, Salsa Verde & Ricotta Solata
Sweet Corn, Potato & Arugula	Yukon Gold, Celery Root, Butter & Cream Mashers
Butternut Squash with Baby Spinach Risotto	Mashed Potatoes with Spinach & Gruyere
Basmati Brown Rice with Broccolini	Potato Gratin with Goat Cheese & Roasted Garlic
Bomba Rice, Corn, Spinach, Chicken Broth & Butter	Yukon Gold & Haricot Vert with Champagne Vinaigrette

## FANTASTIC FINALES

MASCARPONE NEW YORK CHEESECAKE  
With Strawberry Rhubarb Glaze

GRILLED BANANA SPLIT  
With Coffee Ice Cream & Mocha Sauce

FRESH STRAWBERRY GRANITA

MACKINAW ISLAND FUDGE CREAM PUFF  
With Sander's Hot Fudge & Whipped Cream

BLACKBERRY COBBLER  
With Coconut Pecan Topping & Vanilla Rum Ice Cream

ICE CREAM COOKIE SANDWICH

FOUR BERRY PIE  
Warmed with French Vanilla Ice Cream

# Kruse & Muer

On Wilshire

Lunch Menu

# GREAT BEGINNINGS

## FIRE ROASTED TOMATO BISQUE

## MAINE LOBSTER BISQUE

### ANTIPASTI PLATTER

Proscuitto, Roasted Peppers, Parmagianno, Imported Olives, Balsamic, Virgin Olive Oil & Crusty Bread

## SALADS

### WILSHIRE SALAD

Crisp Iceberg & Fresh Field Greens Tossed with Granny Smith Apples, Crumbled Bleu Cheese & Toasted Walnuts with Apple-Maple Vinaigrette

### RASPBERRY CHICKEN SALAD

Grilled Chicken Breast, Mixed Greens, Bleu Cheese, Dried Cherries, Candied Walnuts & Red Onions Tossed with Raspberry-Maple Vinaigrette

### HONEY ALMOND CHICKEN SALAD

Tender Chunks of Chicken Mixed with Toasted Almonds, Diced Apples, Fresh Celery & Honey Herb Mayonnaise

### MARTHA'S VINEYARD

Red Leaf Lettuce, Sliced Onions, Pinenuts & Bleu Cheese with Raspberry Maple Vinaigrette

### CLASSIC CAESAR SALAD\*

With Grilled Chicken  
With Gulf Shrimp

### TUNA NICOISE SALAD

White Albacore Tuna Salad, Green Beans, Potatoes, Egg, Nicoise Olives, Tomato & Greens with Dijon Vinaigrette

### SPICE GRILLED TUNA

Served with Fresh Citrus & Mango Relish on a Bed of Micro Greens with Tropical Vinaigrette

### JAMAICAN JERK CHICKEN SALAD

Jerk Grilled Diced Breast of Chicken, Crisp Romaine, Parmesan & Caesar Dressing with a Touch of Lime

### GRILLED SALMON & APRICOT SALAD

Garden Greens, Dried Fruit, Chevre Cheese, Honey Roasted Walnuts & Apricot Ginger Vinaigrette

### GULF SHRIMP LOUIS SALAD

Chopped Iceberg Lettuce, Sliced Egg, Yellow & Red Tomatoes Tossed with Classic Louis Dressing

### MARINATED GRILLED VEGETABLE SALAD

Roasted Zucchini, Yellow Squash, Tomatoes, Bell Pepper, Red Onions, Portobello Mushrooms, Asparagus, Garden Greens & Gouda with Roasted Red Pepper Balsamic Vinaigrette

## SANDWICHES

Served on Fresh from the Oven Kruse & Muer Bread

### 8 Oz. ANGUS SIRLOIN BURGER

On a Freshly Baked Bun with Swiss or Cheddar Cheese, Lettuce, Tomato & French Fries  
Choose to Add Crisp Bacon, Sautéed Mushrooms or Onions

### HONEY ALMOND CHICKEN SANDWICH

Tender Chunks of Chicken Mixed with Toasted Almonds, Diced Apples, Fresh Celery & Honey Herb Mayonnaise

### BALTIMORE CRABMELT

Maryland Lump Crabmeat, Tomato & Melted Cheddar Cheese

### WILSHIRE CLUB

Peppered Ham, Breast of Turkey, Applewood Smoked Bacon, Swiss Cheese, Lettuce, Tomato & Mayonnaise

### FRESH ALBACORE TUNA SALAD

White Albacore Tuna Salad with Lettuce & Vine Ripened Tomato

### VEGETABLE STACK

Garden Greens, Sweet Red Onion, Tomatoes, Sprouts, Artichoke Hearts, Cucumber & Scallion Cream Cheese

### CALIFORNIA FISH TACO

Mexican Village Flour Tortilla, Flash Fried Grouper, Pico de Gallo, Shredded Cabbage, Cheese & Housemade Dressing

### BAYOU CHICKEN SANDWICH

Marinated in "Spicy Bayou BBQ" sauce & topped with melted Pepper Jack cheese

### GREAT LAKES PERCH SANDWICH

Flash Fried & Served with Crisp Lettuce, Sliced Tomato, Housemade Tomato Tartar Sauce & French Fries

## PIZZA WITH PIZZAZZ

Round, Deep Dish Style...A House Specialty

### ROCKY'S CREATION

Cajun Gulf shrimp, diced tomatoes, garlic butter,  
artichoke hearts, fresh herbs & cheese

### CARIBBEAN JERK CHICKEN

Marinated Jerk Chicken, Caribbean BBQ Sauce,  
Fresh Cilantro, Caramelized Onions & Cheese

### CHICKEN FAJITA PIZZA

Oven Baked with Grilled Marinated Chicken, Roasted Sweet Red Bell Peppers,  
Purple Onions & Tomatoes Drizzled with Sour Cream & Fresh Cilantro

### MARGHERITA

With Vine Ripe Tomatoes, Chiffonade of Basil,  
Mozzarella & Muenster Cheese

### FOUR CHEESE

With Mozzarella, Red Rind Muenster,  
Provolone & Gouda

## PASTA

### CAPRESE PASTA

With Vine Ripened Tomatoes, Fresh Basil  
& Homebaked Buttered Croutons

### GRILLED CHICKEN FETTUCCINE

With Fresh Mushrooms, Diced Tomatoes  
& Sweet Red Bell Pepper Cream

### TORTELLINI & GRILLED CHICKEN

Half Moons of Cheese Filled Pasta & Sliced, Grilled  
Chicken Tossed in a Tomato Herb Cream

### FARM PASTA POULETTE

Asparagus, Corn off the Cob & Grilled Chicken  
Tossed in a Light Butter & Chicken Stock

### MICHIGAN FETTUCCINE

Grilled Chicken, Mushrooms, Green beans, Walnuts &  
Dried Cherries in a Light Brandy Dijon Cream

### LINGUINE FRUIT DE MER

Tossed with Shrimp, Scallops, Mussels, Spinach,  
Diced Tomatoes, Olive Oil, Wine & Herbs

### LOBSTER & SHRIMP FARFALLE

Sweet Lobster & Shrimp in a Rich Saffron Cream  
with Diced Tomatoes & Tomato-Basil Pasta

### SEAFOOD OF THE ANGELS

Maine Lobster, Gulf Shrimp, Crabmeat, Asparagus, Sliced  
Shiitakes & Angel Hair Pasta in a Champagne Cream

## SMALL PLATE PASTA PAIRINGS

Petite Pasta Portion Served with Small Green Salad

### NUMBER 1

Egg Linguine, Garden Grilled Zucchini, Virgin  
Olive Oil, Fresh Garlic & Basil

### NUMBER 2

Ricotta Cheese Ravioli with Chicken Broth,  
Baby Peas, Asparagus & Parmesan

### NUMBER 3

Linguine with Marinated Tomato, Fresh Basil  
& Homebaked Buttered Croutons

### NUMBER 4

Fazzoletto Pasta Sheets with Fresh Spinach,  
Ricotta Cheese & Wild Mushroom Sauce

## LUNCH DAY SPECIALTIES

### FLATBREAD & GARDEN SALAD

Please Check the Specialty Flyer for Today's Selection

### ROASTED PORTOBELLO

With Herbed Goat Cheese & Caesar Salad

### GARDEN VEGETABLE STRUDEL

Roasted Fresh Vegetables Oven Baked in a Crisp Phyllo Wrap & Drizzled with Roasted Red Pepper Sauce

### BISQUE & SALAD

Lobster or Roasted Tomato Bisque & Garden Salad

### THE COMBINATION

1/2 Baltimore Crabmelt Served with Bisque or Salad

## SPECTACULAR SEAFOOD

### GULF SHRIMP ALEXZANDRA

Oven Roasted with Panko Breadcrumbs, Sauce Beurre Blanc & Tomato Basil Relish

### STUFFED SHRIMP

Broiled with Maryland Crabmeat Stuffing, Topped with Lobster Cream & Served with Rice Pilaf

### SEAFOOD PANROAST

Maine Lobster, Gulf Shrimp & Sweet Scallops Simmered with Diced Tomatoes & Saffron Cream, Served over Rice Pilaf with Crunchy Garlic Toast

### CHOP HOUSE CRABCAKES

Broiled with Maryland Jumbo Lump Crabmeat, Served with Housemade Tomato Tartar

### TOMMY BAHAMA CRABCAKES

Coconut Encrusted & Served with Asian Slaw & Tropical Fruit Salsa

## FRESH FISH

See Today's Flyer for Broiled, Chargrilled & Saute Selections

### WHITEFISH SIESTA KEY

Served with a Sauce of Gulf Shrimp, Maryland Crab & Bay Scallops in a Sweet Tomato Butter

### POTATO ENCRUSTED WHITEFISH

Pan-crisped with Garden Potatoes

### MACADAMIA NUT ENCRUSTED WALLEYE

With Island Beurre Blanc & Tropical Fruit Salsa

### JIMMY'S PILE OF PERCH

Flash Fried & Served on Buttery Mashed Potatoes with Lemon Beurre Blanc & Marinated Tomato Relish

### ARTICHOKE ENCRUSTED SALMON

Oven-Roasted & Served on a Bed of Field Greens with Sun-Dried Tomatoes, Toasted Pinenuts & Roasted Tomato Vinaigrette

## GRILLED CHICKEN

### PANROASTED CHICKEN

With Garlic, White Wine, Artichoke Hearts, Sliced Mushrooms, Diced Tomatoes & Fresh Herbs

### MARYLAND CHICKEN

Grilled Breast of Chicken with Maryland Crabmeat & Shrimp Stuffing, Topped with Lobster Cream

### CHICKEN CALYPSO

With Lime Juice, Fresh Ginger, Cilantro, Coconut Cream & Island Fruit Salsa

### CHICKEN SCALLOPINE

Medallions of Chicken Sauteed with Fresh Mushrooms Artichokes, White Wine & Lemon with Egg Linguine

### PARMESAN ENCRUSTED CHICKEN

Sauteed with Red Pepper Lemon Caper Beurre Blanc

November 22, 2005

TO: Mr. John Szerlag, City Manager

FROM: Charles Craft, Chief of Police  
Gary Mayer, Police Captain  
Chris Stout, Police Sergeant

SUBJECT: Agenda Item - Application for Transfer of Class C License for D.I. Supply, Inc.

D.I. Supply, Inc (a Missouri Corporation) requests to transfer ownership of a 2005 Class C licensed business with entertainment permit and official permit (food), located in escrow at 585 W. Big Beaver, Troy, MI 48084, Oakland County, from O' Grady's Irish Pub, Inc. (Step 1)

At its November 14th meeting, the Liquor Advisory Committee entertained this request. Present to answer questions from the Board was attorney John Carlin. D.I. Supply, Inc. is the company that operates the Drury Inn. This is step one of a two-step transfer. This is a paper transfer and D.I. Supply, Inc. will then transfer the license to Kruse and Muer Troy, LLC.

The Committee unanimously approved this request.

The police department has no objection to this request.

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

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

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

Date: September 2, 2005  
REF#: 319038

Chief Law Enforcement Officer

Applicant:

D. I. SUPPLY, INC. (A MISSOURI CORPORATION) REQUESTS TO TRANSFER OWNERSHIP OF 2005 CLASS C LICENSED BUSINESS WITH ENTERTAINMENT PERMIT AND OFFICIAL PERMIT (FOOD), LOCATED IN ESCROW AT 585 W. BIG BEAVER, TROY, MI 48084, OAKLAND COUNTY, FROM O'GRADY'S IRISH PUB, INC.; ~~AND REQUESTS A NEW ADDITIONAL BAR PERMIT (STEP 1).~~

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

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

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

LC-1972 Rev. 9/17  
4880-1658

sfs

**POLICE INSPECTION REPORT ON LIQUOR LICENSE REQUEST**

Req ID #319038

(Authorized by MCL 436.1217)

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

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

BUSINESS NAME AND ADDRESS: (include zip code)

D. I. SUPPLY, INC. (A MISSOURI CORPORATION), 585 W. BIG BEAVER, TROY, MI 48084, OAKLAND COUNTY

REQUEST FOR:

REQUEST TO TRANSFER OWNERSHIP OF 2005 CLASS C LICENSED BUSINESS (IN ESCROW) WITH ENTERTAINMENT PERMIT AND OFFICIAL PERMIT (FOOD), FROM O'GRADY'S IRISH PUB, INC.; AND REQUEST A NEW ADDITIONAL BAR PERMIT (STEP 1).

**Section 1. APPLICANT INFORMATION**

APPLICANT #1: **NO FINGERPRINTS REQUIRED**

DRURY INNS, INC. (A MISSOURI CORPORATION) – STOCKHOLDER

APPLICANT #2:

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

721 EMERSON, SUITE 400

ST. LOUIS, MO 63141

(314)587-3126

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

DATE OF BIRTH:

If the applicant is not a U.S. Citizen:

Does the applicant have permanent Resident Alien status?  
 Yes  No

Does the applicant have a Visa? Enter status:

Date fingerprinted:

DATE OF BIRTH:

If the applicant is not a U.S. Citizen:

Does the applicant have permanent Resident Alien status?  
 Yes  No

Does the applicant have a Visa? Enter status:

Date fingerprinted:

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

ARREST RECORD:  Felony  Misdemeanor

Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)

ARREST RECORD:  Felony  Misdemeanor

Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)

**Section 2. Investigation of Business and Address to be Licensed**

Does applicant intend to have dancing or entertainment?

No  Yes, complete LC-693N, Police Investigation Report: Dance/Entertainment Permit

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

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

Will the applicant's proposed location meet all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, if this license is granted?  Yes  No

If you are recommending approval subject to certain conditions, list the conditions: (attach a signed and dated report if more space is needed)

**Section 4. Recommendation**

From your investigation:

1. Is this applicant qualified to conduct this business if licensed?  Yes  No

2. Is the proposed location satisfactory for this business?  Yes  No

3. Should the Commission grant this request?  Yes  No

4. If any of the above 3 questions were answered no, state your reasons: (Attach a signed and dated report if more space is needed)

Signature (Sheriff or Chief of Police)

Date

TROY POLICE DEPARTMENT



## LOCAL LAW ENFORCEMENT AGENCY REPORT

DANCE/ENTERTAINMENT/TOPLESS ACTIVITY PERMIT  
 (Authorized by MCL 436.1916)

D. I. SUPPLY, INC. (A MISSOURI CORPORATION)

APPLICANT/LICENSEE

PHONE NUMBER

STREET ADDRESS

CITY

TOWNSHIP

COUNTY

ZIP

X

**PERMIT(S) REQUESTED: DANCE ENTERTAINMENT TOPLESS ACTIVITY**

- The dance floor will not be less than 100 square feet, is clearly marked and well defined when there is dancing by customers.    YES                      NO                      N/A
- Describe the type of entertainment applicant/licensee will provide:                      N/A

Will this entertainment include topless activity?    YES                      NO                      N/A

**LAW ENFORCEMENT RECOMMENDATION**

DANCE PERMIT	YES	NO	N/A
ENTERTAINMENT PERMIT	YES	NO	N/A
TOPLESS ACTIVITY PERMIT	YES	NO	N/A

**REMARKS:**

DATE SUBMITTED

OFFICER=S SIGNATURE

DEPARTMENT NAME

PHONE NUMBER

ADDRESS

CITY

MICHIGAN DEPARTMENT OF COMMERCE  
LIQUOR CONTROL COMMISSION

7150 Harris Dr.  
P.O. Box 30005  
Lansing, Michigan 48909

Req ID #319038

APPLICATION FOR OFFICIAL PERMIT FOR DIFFERENCE IN HOURS OF OPERATION

(Authorized by MAC Rule 436.1437)

APPLICANT OR LICENSEE:

D.I. Supply, Inc. (a Missouri Corporation)

ADDRESS: 585 W. Big Beaver, Troy, MI 48084

TYPE OF LICENSE:

Class C

The Commission is requested to grant an after hours permit for: (Check boxes that apply)

- Operating our restaurant for the sale of food
- Operating night league bowling, tournaments or Sunday morning bowling
- Registering golfers
- Registering Skiers
- Registering Tennis Players
- Other: (Not listed above)

MLOO LICENSING  
2015 AUG 15 AM 9:45

During the Hours of:

Weekdays \_\_\_\_\_ A.M. to \_\_\_\_\_ A.M.

Sundays 7:00 A.M. to 10:00 ~~NOON~~ a.m.

It is understood that customers shall not be on the licensed premises for any activity other than the requested activity.

Licensee or Applicant Signatures:

D.I. Supply, Inc.

By: Joseph B. Bereles  
Joseph B. Bereles, Vice President & General Counsel

LOCAL LAW ENFORCEMENT RECOMMENDATION

To: Law Enforcement Agency:

This Application is for official permits allowing the after hours operations indicated above. Will you please enter your recommendations below and return one signed copy to the Commission.

- Recommended: Comments: \_\_\_\_\_
- Recommended except for \_\_\_\_\_ permit
- Not Recommended

Signed: (Include title and date)

STATE OF MICHIGAN  
DEPARTMENT OF LABOR & ECONOMIC GROWTH  
LIQUOR CONTROL COMMISSION

**RESOLUTION**

At a \_\_\_\_\_ meeting of the \_\_\_\_\_  
(Regular or Special) (Township Board, City or Village Council)

called to order by \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_ P.M.

The following resolution was offered:

Moved by \_\_\_\_\_ and supported by \_\_\_\_\_

**That the request from D. I. SUPPLY, INC. (A MISSOURI CORPORATION) TO TRANSFER OWNERSHIP OF 2005 CLASS C LICENSED BUSINESS WITH ENTERTAINMENT PERMIT, LOCATED IN ESCROW AT 585 W. BIG BEAVER, TROY, MI 48084, OAKLAND COUNTY, FROM O'GRADY'S IRISH PUB, INC. (STEP 1).**

be considered for \_\_\_\_\_  
(Approval or Disapproval)

**APPROVAL**

**DISAPPROVAL**

Yeas: \_\_\_\_\_

Yeas: \_\_\_\_\_

Nays: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Absent: \_\_\_\_\_

It is the consensus of this legislative body that the application be:

\_\_\_\_\_ for issuance  
(Recommended or not Recommended)

State of Michigan \_\_\_\_\_)

County of \_\_\_\_\_)

I hereby certify that the foregoing is a true and complete copy of a resolution offered and

adopted by the \_\_\_\_\_ at a \_\_\_\_\_  
(Township Board, City or Village Council) (Regular or Special)

meeting held on \_\_\_\_\_  
(Date)

SEAL

(Signed) \_\_\_\_\_  
(Township, City or Village Clerk)

\_\_\_\_\_  
(Mailing address of Township, City or Village)

A regular meeting of the Liquor Advisory Committee was held on Monday, November 14, 2005 in the Lower Level Conference Room of Troy City Hall, 500 West Big Beaver Road. Committee member James Peard called the meeting to order at 7:00 p.m.

**ROLL CALL:**

**PRESENT:** Alex Bennett  
W. Stan Godlewski  
Patrick C. Hall  
James R. Peard  
Bohdan L. Ukrainec  
Lieutenant Michael Lyczkowski  
Sergeant Christopher Stout  
Pat Gladysz

**ABSENT:** Max K. Ehlert, Chairman  
Henry W. Allemon

**Resolution to Excuse Committee Members Ehlert and Allemon**

Resolution #LC2005-11-024  
Moved by Bennett  
Seconded by Ukrainec

RESOLVED, that the absence of Committee members Ehlert and Allemon at the Liquor Advisory Committee meeting of November 14, 2005 BE EXCUSED.

Yes: 5  
No: 0  
Absent: Ehlert, Allemon

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**Resolution to Approve Minutes of September 12, 2005 Meeting**

Resolution #LC2005-11-025  
Moved by Ukrainec  
Seconded by Godlewski

RESOLVED, that the Minutes of the September 12, 2005 meeting of the Liquor Advisory Committee be approved.

Yes: 5  
No: 0  
Absent: Ehlert, Allemon

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**Agenda Items**

1. **D. I. SUPPLY, INC** (A Missouri Corporation) requests to transfer ownership of 2005 Class C licensed business with entertainment permit and official permit (food) located in escrow at 585 W. Big Beaver, Troy MI 48084, Oakland County, from O’ Grady’s Irish Pub. [MLCC REQ ID # 319038]  
(Step 1) *Drury Inn*

Present to answer questions from the Committee was John Carlin.

Mr. Carlin explained to the Committee that this request is to transfer the license held in escrow from O’Grady’s Irish Pub to D. I. Supply, Inc., which is solely owned by Drury Inn, Inc. Item No. 2 of tonight’s agenda will complete the transaction to transfer the license from Drury Inn to Kruse & Muer Troy, LLC.

Resolution #LC2005-11-026  
Moved by Ukrainec  
Seconded by Godlewski

RESOLVED, that D. I. SUPPLY, INC (A Missouri Corporation) be allowed to transfer ownership of 2005 Class C licensed business with entertainment permit and official permit (food) located in escrow at 585 W. Big Beaver, Troy MI 48084, Oakland County, from O’ Grady’s Irish Pub.

Yes: 5  
No: 0  
Absent: Ehlert, Allemon

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2. **KRUSE & MUER TROY, LLC** requests to transfer ownership of 2005 Class C licensed business with entertainment permit, located in escrow at 585 W. Big Beaver, Troy, MI 48084 Oakland County, from D.I. Supply, Inc. (A Missouri Corporation); and transfer location to 911 Wilshire, Troy MI 48084, Oakland County; request new dance permit. [MLCC REQ ID# 319519]  
(Step 2) *Kruse and Muer Troy*

Present to answer questions from the Committee were John Carlin and William Kruse.

Mr. Kruse explained to the Committee that he plans to open his 6<sup>th</sup> Kruse & Muer Restaurant at the former TGI Friday's location on Wilshire. He plans to make minor modifications to the 9,300 square foot building, including landscaping and signage. There are 154 seats, with an additional 19 seats at the bar and 32 on an outdoor patio. There are 155 exclusive parking spaces for the restaurant, with extensive additional parking available in the evening when the office building spaces are not occupied. The restaurant will be open 6 days per week for lunch and 7 days per week for dinner. The management will be transferred from existing restaurants, and entire staff will be trained in all aspects of the liquor laws.

Mr. Kruse has been in the restaurant business for many years. He began as an employee of C. A. Muer Corporation and opened his first restaurant in 1987. His establishments have an excellent record of compliance with the liquor laws.

Resolution #LC2005-11-027  
Moved by Hall  
Seconded by Ukrainec

RESOLVED, that KRUSE & MUER TROY, LLC be allowed to transfer ownership of 2005 Class C licensed business with entertainment permit, located in escrow at 585 W. Big Beaver, Troy, MI 48084 Oakland County, from D.I. Supply, Inc. (A Missouri Corporation); and transfer location to 911 Wilshire, Troy MI 48084, Oakland County with new dance permit.

Yes: 5  
No: 0  
Absent: Ehlert, Allemon

- 
3. **WHITE STAR ENTERTAINMENT, INC.**, requests to transfer ownership of 2005 Class C-SDM licensed business with dance permit located at 1090 Rochester, Troy, MI 48084, Oakland County, from MKC INC. [MLCC REQ ID # 313355] *Corradi's*

Present to answer questions from the Committee were Aubrey Tobin (general counsel) and Brian Goleniac (president and general manager).

On May 28, 2005, a partnership of three individuals (Aubrey Tobin, Brian Goleniac, and Michael Goleniac) entered into a management agreement with the Corradi family to take over the business. They are purchasing the building and the business and plan extensive repairs and renovations. The name of the establishment will change, but that decision has not yet been made. The building

has a capacity of 150 patrons and parking for 97 vehicles. They hope to have the property rezoned in order to utilize patio seating. They have changed the menu and are open for lunch and dinner. They offer karaoke on Thursday nights and live music on Friday and Saturday nights.

Two members of the Committee (Hall and Ukrainec) stated that they would be opposed to this restaurant evolving into a nightclub-like establishment. Since two of the three partners have been employed by nightclubs in Pontiac, these Committee members are concerned that this transition may occur.

The ownership states that a nightclub is not their intention and a transition of that nature will not occur.

Resolution #LC2005-11-028

Moved by Peard

Seconded by Bennett

RESOLVED, that WHITE STAR ENTERTAINMENT, INC. be allowed to transfer ownership of 2005 Class C-SDM licensed business with dance permit located at 1090 Rochester, Troy, MI 48084, Oakland County, from MKC INC.

Yes: 3 – Bennett, Godlewski, Peard

No: 2 – Hall, Ukrainec

Absent: Ehlert, Allemon

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The five Committee members present continued the discussion regarding Item No. 3 and the possibility of a nightclub in Troy. Hall and Ukrainec further explained their hesitancy to approve the transfer with speculation of large crowds, disturbances, and sales to minors.

A question was raised as to the possibility of giving a “conditional” or “probationary” approval. Sgt. Stout stated that he would discuss this matter with the City Attorney’s office and provide an answer at the next meeting.

The meeting adjourned at 8:30 p.m.

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James R. Peard

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Patricia A. Gladysz, Office Assistant II



**TO:** Mayor and City Council Members  
**FROM:** Lori Grigg Bluhm, City Attorney  
Allan T. Motzny, Assistant City Attorney  
**DATE:** November 30, 2005  
**SUBJECT:** Proposed Amendments to Chapter 13- Historic Preservation

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Through the provisions of Chapter 13 of the City of Troy ordinances, which are expressly authorized by state statute (MCL 399.201 et. seq.), the City of Troy is able to limit construction, alteration, repair, moving, or demolition to historically significant properties that are identified as local historic districts. These districts are set forth in Section 3 of Troy's ordinance. Any owner of a designated local historic district can request a modification or the elimination of their property from the regulations. According to Section 14, any such request would be submitted to the Historic District Study Committee for review and recommendation. The Historic District Study Committee is required to prepare a preliminary report, and to hold a public hearing concerning the request to modify the historic district designation. The report is then forwarded to the Planning Commission for its review. The Troy City Council has the final authority in making any changes to designated local historic districts.

Brian and Mary Ann Wattles have recently made a request to modify the historic district designation of their property at 3864 Livernois Road. The current designation covers the entire parcel of property. However, the parcel has been split into two parcels- Parcel A has the Livernois Road frontage and is where the historic structures are located. Parcel B is the rear portion of the property, which may be sold for possible development. However, development of Parcel B could be precluded if it remains as a local historic district. Therefore, Mr. and Mrs. Wattles have requested a modification to Chapter 13 that would eliminate only Parcel B from the local historic district designation.

As evidenced by the minutes of the public hearing, the Troy Historic District Study Committee recommends the requested modification to remove Parcel B of the property at 3864 Livernois Road. The Planning Commission has also reviewed the matter, and has no objection to the proposed modification, as indicated in the attached minutes.

In addition, City Council may also wish to amend the ordinance to incorporate recent amendments to the state statute that occurred subsequent to Troy's last amendment to Chapter 13, as well as suggestions from the State Historic Preservation Office. Specifically, MCL 399.201(a) and MCL 399.205 now requires certification of a fire alarm system or smoke alarm system (compliant with the State Construction Code Act) prior to any work in a local historic district. Council may also wish to entertain revisions to Chapter 13 that were suggested by the State Historic Preservation Office that were recommended in their review of Troy's application for Certified Local Government (CLG) status. These proposed revisions have been incorporated into the attached draft, and have the support of the Troy Historic District Commission. City Administration recommends that City Council approve the requested modifications to Chapter 13, as set forth in the attached draft.

Please let us know if you have any questions about these proposed amendments.

CITY OF TROY  
AN ORDINANCE TO AMEND  
CHAPTER 13 OF THE CODE  
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 13 of the Code of the City of Troy.

Section 2. Amendment

Sections 2, 3, 4, and 7 of Chapter 13 – Historic Preservation, are amended as follows:

*(Underlining denotes amended language).*

1. PURPOSE

The purpose of this Chapter is to 1) safeguard the heritage of the City of Troy by preserving historic resources in the City which reflect elements of its cultural, social, economic, political and architectural history; (2) stabilize and improve property values; 3) foster civic beauty; 4) strengthen the local economy; 5) promote the use of historic resources for the education, pleasure and welfare of the citizens of the City.

2. DEFINITIONS

For the purpose of this Chapter, the following definitions shall apply:

- A. **ALTERATION:** work that changes the detail of a resource but does not change its basic size or shape.
- B. **CERTIFICATE OF APPROPRIATENESS (COA):** written approval of a permit application to apply for a building permit if required, for work that is determined to be appropriate and that does not adversely affect a resource.
- C. **COMMISSION:** the historic district commission which is responsible for implementing Public Act 169 of 1970 as amended and the city's historic preservation ordinance for the City of Troy.
- D. **COMMITTEE:** a historic district study committee appointed by the city council.
- E. **DEMOLITION:** razing a resource, whether entirely or in part, which may include, but is not limited to demolition by neglect.
- F. **DEMOLITION BY NEGLIGENCE:** neglect in maintaining, repairing, or securing a resource that results in deterioration of an exterior feature of the resource or the loss of structural integrity of the resource.

- G. FIRE ALARM SYSTEM: a system designed to detect and annunciate the presence of fire or by –products of fire. Fire alarm system includes smoke alarms.
- GH. HISTORIC DISTRICT: in accordance with Act 169, Public Acts of 1970, the term "Historic District" shall mean an area or group of areas not necessarily having contiguous boundaries, created by the City for the purposes of this Chapter. This shall include any historical or cultural site or structure (including significant trees or other plant life located thereon) of particular historic or cultural significance to the City of Troy, the State of Michigan, or the U.S.A., where cultural, political, spiritual, economic or social history of the community, state or nation is reflected or exemplified with historic personages or with important events in local, state, or national history, or which embody the distinguishing characteristics of an architectural specimen, inherently valuable for a representation of a period, or style or method of construction, or a notable work of construction, or a notable work of a master designer or architect whose individual genius influenced his age.
- HI. HISTORIC LANDMARK: any structure, site, object, feature, or open space that is significant in the history, architecture, archaeology, engineering, or culture of this city, state, or of the United States. A landmark is a historic district as defined in this section which contains only one (1) resource.
- IJ. HISTORIC RESOURCE: a structure, site, object, feature, or open space that is significant in the history, architecture, archaeology, engineering, or culture of this city, state, or of the United States.
- JK. NOTICE TO PROCEED: authorization to perform work that does not qualify for a COA but may legally be accomplished following criteria set forth in this ordinance.
- KL. OPEN SPACE: undeveloped land, a naturally landscaped area, or a formal or manmade landscaped area that provides a connective link or a buffer between other resources.
- LM. ORDINARY MAINTENANCE: keeping a resource unimpaired and in good condition through ongoing minor intervention to the exterior of a resource. Ordinary maintenance does not change the exterior appearance of the resource except through the elimination of the usual and expected effects of weathering. Ordinary maintenance does not constitute work for purposes of this act.
- MN. PROPOSED HISTORIC DISTRICT: An area or group of areas, not necessarily having contiguous boundaries, that has delineated boundaries and that is under review by a committee or a standing committee for the purpose of making a recommendation as to whether it should be established as a historic district or added to an established historic district.
- NO. REPAIR: to restore a decayed or damaged resource to a good or sound condition by any process. A repair that changes the external appearance of a resource constitutes an alteration for purposes of this act.

**OP.** RESOURCE: a building, structure, site, object, feature or open space located within a historic district, or described as a historic landmark.

**Q.** Smoke Alarm: a single-station or multiple- station alarm responsive to smoke and not connected to a system As used in this ordinance “single-station alarm” means an assembly incorporating a detector, the control equipment, and the alarm sounding device into a single unit, operated from a power supply either in the unit or obtained at the point of installation. “Multiple-station alarm” means two or more single-station alarms that are capable of interconnection such that actuation of one alarm causes all integrated separate audible alarms to operate.

**PR.** WORK: construction, addition, alteration, repair, moving, excavation or demolition.

### 3. REGULATION OF RESOURCES AND ESTABLISHED HISTORIC DISTRICTS

A. There shall be no construction, alteration, repair, moving or demolition of the exterior features of a Historic Resource unless a certificate of appropriateness or a notice to proceed is issued in accordance with this chapter. The following Historic Districts are hereby established.

**Troy Union Cemetery, 1199 E. Square Lake** (Tax ID: 88-20-02-301-009) T2N, R11E, SEC 2, PART OF SW ¼ OF SW ¼ BEG AT PT DIST S 89-44-00 E 750 FT FROM SW COR SEC 2, TH S 89-44-00 E 573.57 FT, TH N 00-24-30 W 446.10 FT, TH N 88-46-00 W 365.25 FT, TH S 40-53-00 W 133.60 FT, TH S 89-27-30 W 29.8 FT, TH S 14-06-00 W 360.89 FT TO BEG 4.66 A

**6890 Norton** (Tax ID: 88-20-03-226-033) T2N, R11E, SEC 3 PART OF NE ¼ BEG AT PT DIST S 01-15-30 E 809.30 FT & S 88-59-30 W 276.15 FT FROM N 1/8 COR, TH S 88-59-30 W 250 FT, TH N 01-35-15 W 136.63 FT, TH N 88-59-30 E 250 FT, TH S 01-35-15 E 136.63 FT TO BEG 0.78 A

**770 W. Square Lake** (Tax ID: 88-20-04-354-011) T2N, R11E, SEC 4 PART OF SW ¼ BEG AT PT DIST N 00-17-56 E 259.88 FT & S 89-45-00 E 160 FT & S 79-23-48 E 273.17 FT & S 69-02-36 E 300 FT & S 79-29-59 E 232.30 FT & S 89-57-22 E 136.66 FT FROM SW SEC COR, T N 00-12-04 E 226.40 FT, TH N 73-29-54 E 14.90 FT TH ALG CURVE TO RIGHT, RAD 60 FT, CHORD BEARS N 86-20-14 E 26.67 FT, DIST OF 26.89 FT, TH ALG CURVE TO LEFT, RAD 60 FT, CHORD BEARS N 74-27-32 E 50.18 FT, DIST OF 51.77 FT, TH S 40-15-30 E 40.45 FT, TH S 89-57-22 E 9.96 FT, TH S 00-06-01 W 215 FT, TH N 89-59-22 W 125.75 FT, TO BEG 0.67 A5-3-90 FR 008

**330 W. Square Lake** (Tax ID: 88-20-04-451-029) T2N, R11E, SEC 4 E 169.92 FT OF W 856.08 FT OF S 300 FT OF SE ¼, EXC S 60 FT TAKEN FOR RD 0.941A 2-6-93 FR 025

**6091 Livernois** (Tax ID: 88-20-04-478-013) T2N, R11E, SEC 4 TROY ACRES S 70 FT OF LOT 1

**6071 Livernois** (Tax ID: 88-20-04-478-017) T2N, R11E, SEC 3, 4, 9, & 10 SUPERVISORS PLAT NO. 7 LOT 1 EXC E 27 FT TAKEN FOR RD 6-11-96 CORR

**6059 Livernois** (Tax ID: 88-20-04-478-018) T2N, R11E, SEC 3, 4, 9 & 10, SUPERVISOR'S PLAT NO. 7 LOT 2

**90 West Square Lake** (Tax ID: 88-20-04-478-022) T2N, R11E, SEC 4, TROY ACRES NO. 1 SLY 150 FT OF LOT 20 EXC BEG AT SW LOT COR, TH N 89-30-00 E 93 FT, TH N 41 FT, TH S 88-15-21 W 93.04 FT, TH S 38.98 FT TO BEG 6-13-96 CORR

**Former Stone School, 3995 South Boulevard** (Tax ID: 88-20-06-101-001) T2N, R11E, SEC 6 W 165 FT OF N 264 FT OF NW FRC  $\frac{1}{4}$  EXC PART TAKEN FOR HWY DESC AS BEG AT NW SEC COR, TH ELY 91 FT ALG SEC LINE, TH SWLY TO PT IN W SEC LINE DIST OF 91 FT SLY FROM BEG, TH NLY 91 FT ALG SEC LINE TO BEG 0.90 A

**Beach Road Cemetery** (Tax ID: 88-20-07-451-001) T2N, R11E, SEC 7 N 147 FT OF 167 FT OF SW  $\frac{1}{4}$  OF SE  $\frac{1}{4}$  0.57A  
5875 Livernois (Tax ID: 88-20-09-232-005) T2N, R11E, SEC 3, 4, 9, & 10 SUPERVISORS PLAT NO. 7 LOT 13

**46 East Square Lake Road** (Tax ID: 88-20-10-101-002) T2N, R11E, SEC 3, 4, 9 & 10 SUPERVISORS PLAT NO. 7, PART OF LOT 26 BEG AT NW COR, T S 89-43-00 E 1.32 FT ALG N LOT LINE, TH S TO PT ON S LOT LINE 6 FT E OF SW LOT COR, TH S 89-15-00 W 6 FT ALG S LOT LINE, TH NLY 116.30 FT TO BEG, ALSO ALL OF LOT 27

**54 East Square Lake Road** (Tax ID: 88-20-10-101-003) T2N, R11E, SEC 3, 4, 9 & 10 SUPERVISORS PLAT NO. 7 LOT 26 EXC BEG AT NW LOT COR, TH S 89-43-00 E 1.32 FT ALG N LOT LINE, TH S TO PT ON S LOT LINE 6 FT E OF SW LOT COR, TH S 89-15-00 W 6 FT ALG S LOT LINE, TH NLY 116.30 FT ALG W LOT LINE TO BEG

**90 East Square Lake Road and 110 East Square Lake Road** (Tax ID 88-20-10-101-004) T2N, R11E, SEC 3, 4, 9, & 10 SUPERVISORS PLAT NO. 7 LOT 25

**126 East Square Lake Road** (Tax ID: 88-20-10-101-005) T2N, R11E, SEC 3, 4, 9, & 10 SUPERVISOR'S PLAT NO. 7 LOT 24

**138 East Square Lake Road** (Tax ID: 88-20-10-101-006) T2N, R11E, SEC 3, 4, 9, & 10 SUPERVISORS PLAT NO. 7 LOT 23

**160 East Square Lake Road** (Tax ID: 88-20-10-101-043) T2N, R11E, SEC 10 PART OF NW  $\frac{1}{4}$  BEG AT PT DIST N 00-14-00 W 33 FT FROM NE COR OF LOT 23 OF 'SUPERVISOR'S PLAT NO 7', TH S 89-43-00 E 145 FT, TH S 00-14-00 E 300 FT, TH N 89-43-00 W 145 FT, TH N 00-14-00 W 300 FT TO BEG 1 A

**101 East Square Lake Road** (Tax ID: 88-20-03-301-077) T2N, R11E, SEC 3, SUPERVISOR'S PLAT NO. 7 E 30 FT OF LOT 20 EXC S 41 FT TAKEN FOR RD, ALSO LOT 21 EXC S 41 FT TAKEN FOR RD, ALSO N 73.43 FT OF LOT 22

**Sylvan Glen Clubhouse, 5725 Rochester Road** (Tax ID: 88-20-10-200-001) T2N, R11E, SEC 10 NE /4 160 A

**5871 Hilmore** (Tax ID: 88-20-11-103-014) T2N, R11E, SEC 11 PART OF NW ¼ BEG AT PT DIST S 01-33-00 E 833 FT FROM NE COR OF W ½ OF NW ¼, TH S 88-55-00 W 330 FT, TH S 01-33-00 E 200 FT, TH N 88-55-00 E 330 FT, TH N 01-33-00 W 200 FT TO BEG 1.55 A

**2356 East Long Lake** (Tax ID: 88-20-13-127-020) T2N, R11E, SEC 13 PART OF NW ¼ BEG AT PT DIST S 89-53-00 W 492.80 FT FROM N ¼ COR, TH S 00-11-45 E 505.60 FT, TH S 89-53-00 W 510 FT, TH N 00-11-45 W 505.60 FT, TH N 89-53-00 E 510 FT TO BEG 5.92 A

**Hill House, 4320 John R** (Tax ID: 88-20-13-303-014) T2N, R11E, SEC 13 PART OF SW ¼ BEG AT PT DIST N 00-49-43 E 1544.71 FT FROM SW SEC COR, TH S 89-10-17 E 220 FT, TH N 00-49-43 E 200 FT, TH N 89-10-17 W 220 FT, TH S 00-49-43 W 200 FT TO BEG EXC W 50 FT TAKEN FOR RD 0.77 A

**4820 Livernois** (Tax ID: 88-20-15-102-010) T2N, R11E, SEC 15 BELZAIR SUB NO 1 OUTLOT C EXC THAT PART DESC AS BEG AT NE COR OF OUTLOT C, TH S 00-06-40 W 164.45 FT ALG E LINE OF OUTLOT C, TH S 89-46-10 W 24.14 FT, TH N 00-00-16 W 97.30 FT, TH N 89-59-44 E 3.00 FT, TH N 00-00-16 W 36.52 FT, TH S 80-03-40 W 3.04 FT, TH N 00-00-16 W 27.00 FT TO N LINE OF OUTLOT C, TH N 80-03-40 E 24.54 FT TO BEG

**Emerson Church – Unitarian Universalist, 4320 Livernois** (Tax ID: 88-20-15-351-002) T2N, R11E, SEC 15 & 16 MC CORMICK & LAWRENCE LITTLE FARMS SUB LOTS 46 & 47 EXC W 27 FT TAKEN FOR RD, ALSO ALL OF LOT 48, ALSO W 85.58 FT OF LOT 49

**Museum Properties - Caswell House, Poppleton School, Old City Hall, Old Troy Church and Parsonage, 60 W. Wattles** (Tax ID: 88-20-16-478-033) T2N, R11E, SEC 16 LAKEWOOD SUB LOT 89 TO 92 INCL, ALSO LOTS 131 TO 134 INCL EXC S 27 FT TAKEN FOR RD, ALSO N 30.75 FT OF LOT 138, ALSO LOTS 139 TO 142 INCL, EXC E 27 FT TAKEN FOR LIVERNOIS RD

**2955 Quail Run** (Tax ID: 88-20-18-101-035) T2N, R11E, SEC 18 STRAWBERRY HILL LOT 37 EXC BEG AT NE LOT COR, TH S 00-16-39 W 191.86 FT, TH N 89-43-00 W 44.61 FT, TH N 13-22-02 E 196.97 FT TO BEG

**4800 Beach** (Tax ID: 88-20-18-203-011) T2N, R11E, SEC 18 PART OF

NW ¼ OF NE ¼ BEG AT PT DIST S 02-48-55 E 945.50 FT & N 89-05-05 E 43 FT FROM N ¼ COR, TH N 89-05-05 E 152.73 FT, TH ALG CURVE CONCAVE SLY, RAD 250 FT, CHORD BEARS S 85-09-38 E 50.14 FT, DIST OF 50.22 FT, TH S 79-24-20 E 13.04 FT, TH S 02-48-55 E 203.88, TH S 87-11-05 W 215 FT, TH N 02-48-55 W 218.65 FT TO BEG 1.06 A

**Crooks Road Cemetery** (Tax ID: 88-20-20-226-022) T2N, R11E, SEC 20 PART OF NE ¼ BEG AT PT DIST N 00-43-30 E 1101.84 FT FROM E ¼ COR, TH N 88-08-30 W 310.03 FT, TH ALG CURVE TO RIGHT, RAD 100 FT, CHORD BEARS N 43-08-30 W 141.42 FT, DIST OF 157.08 FT, TH N 01-51-30 E 180 FT, TH ALONG CURVE TO LEFT, RAD 180 FT, CHORD BEARS N 43-08-30 W 254.56 FT, DIST OF 282.74 FT, TH N 01-51-30 E 179.31 FT, TH S 87-06-30 E 577.09 FT, TH S 00-43-30 E 629.54 FT TO BEG 6.71 A

**3645 Crooks** (Tax ID: 88-20-20-226-038) T2N, R11E, SEC 20 TROY HIGHLANDS NO. 1 LOT 70

**839 W. Wattles** (Tax ID: 88-20-21-101-024) T2N, R11E, SEC 21 PART OF NW ¼ BEG AT PT DIST S 89-58-00 E 535.00 FT FROM NW SEC COR, TH S 89-58-00 E 287.00 FT, TH S 00-13-00 W 607.22 FT, TH N 89-58-00 W 287.00 FT, TH N 00-13-00 E 607.22 FT TO BEG EXC N 245 FT OF W 150 FT THEREOF, ALSO EXC N 60 FT TAKEN FOR RD 2.97 A

**3864 Livernois** (~~Part of~~ Tax ID: 88-20-22-101-005) ~~T2N, R11E, SEC 22 PART OF NW ¼ OF NW ¼ BEG AT PT DIST N 1771.6 FT FROM W ¼ COR, TH N 330 FT, TH E 660 FT, TH S 330 FT, TH W 660 FT TO BEG 5 A~~  
Part of the NW ¼ of Sec 22, T.2N R11E, City of Troy, Oakland County, Michigan beginning at the point which is N 00°20'25" E 1771.60 ft. along the West line of Sec. 22 from the West ¼ corner of Sec 22, T2N R11E; thence, continuing along the West line of Sec. 22 N 00°20'25" E 330.00 ft.; thence S 89°25'55" E 225.00 ft.; thence S 00°20'25" W 330.00 ft.; thence N 89°25'55" W 225 ft. to the point of beginning. Containing 74,247 square feet – 1.705 acres, and subject to an easement over the North 30 ft. for ingress and egress and public utilities.

**36551 Dequindre** (Tax ID: 88-20-25-230-032) T2N, R11E, SEC 25 PART OF NW ¼ BEG AT PT DIST S 00-00-08 E 1028.22 FT & S 89-23-59 W 60 FT FROM NE SEC COR, TH S 00-00-08 E 300 FT, TH S 89-23-59 W 245 FT, TH N 00-00-08 W 300 FT, TH N 89-23-59 E 245 FT TO BEG 1.69 A

**1934 Livernois** (Tax ID: 88-20-27-351-016) T2N, R11E, SEC 27 ADDISON HEIGHTS SUB N 81 FT OF W 108 FT OF LOT 53

**Perrin Cemetery (Coolidge)** (Tax ID: 88-20-32-152-002) T2N, R11E, SEC 32 PART OF W ½ BEG AT W ¼ COR, TH N 00-03-00 E 165 FT, TH E 140 FT, TH S 00-03-00 W 165 FT, TH S 88-44-30 E 25 FT, TH S 01-06-30 W 67.5 FT, TH N 88-31-00 W 165 FT, TH N 00-03-00 E 66 FT

TO BEG 0.78

- B. Except as provided in subsection C, all of the Historic Districts established as of July 21, 2003 shall be exempt from the requirements and provisions of Section 14 of this Chapter entitled "Establishment, Modification or Elimination of a Historic District". Such exempt Historic Districts shall not be within the purview of any Historic District Study Committee and shall remain under the sole jurisdiction of the Historic District Commission, except to the extent otherwise provided in Section 5 of this Chapter for the Historic Districts included in the Troy Museum and Historic Village.
- C. A person or entity that owns a resource within an Historic District established as of July 21, 2003, may submit a request to the Commission to modify or eliminate such Historic District. In such cases, the Historic District may only be eliminated or modified in accordance with Section 14.

4. HISTORIC DISTRICT COMMISSION

- A. Creation of Commission: In order to execute the purposes of this section, there is hereby created a Commission to be called the Historic District Commission.
- B. Membership of Commission: The Historic District Commission shall consist of seven (7) members whose residence is located in the City of Troy. The majority of the members will have a clearly demonstrated interest in or knowledge of historic preservation. The Commission shall include at least two (2) people ~~one (1) person~~ chosen from a list submitted by a duly organized history group or groups, the Troy Historical Society, one (1) person nominated by the Troy Historical Commission, and, if available, one (1) architect duly registered in the State of Michigan. They shall be appointed by the City Council for terms of office of three (3) years. All members shall hold office until their successors are appointed. Members of the Commission may be reappointed after their terms expire. A vacancy occurring in the membership of the Commission for any cause shall be filled by a person appointed by the City Council for the unexpired term. The members of the Commission shall serve without compensation.

5. DUTIES AND POWERS OF THE COMMISSION

The Commission shall have all powers and duties authorized by Public Act 169 of 1970, as amended, MCL 399.201, et seq. including but not limited to the following:

- A. The Commission shall have authority to conduct an ongoing survey to identify historically and architecturally significant, properties, structures and areas that exemplify the cultural, social, economic, political, or architectural history of the nation, state or city. The Commission may use the Michigan Historical Site Survey form as a guide, and accept the work of interested volunteers. Such Site Surveys should be kept as a part of the permanent records of the Commission, at a place designated by the Commission.
- B. It shall be the duty of this Commission to review all applications for permits required by City ordinance concerning construction, alteration, repair, moving or demolition of the exterior features of a historic resource. Plans for any work in

the historic resources comprising the Troy Museum and Historic Village may be submitted based on a three-year plan based on Department of Interior Preservation briefs but without detailed specifications. For purposes of this Chapter, the historic resources of the Troy Museum and Historic Village shall include, but are not limited to, those Historic Districts established in Section 3 of this Chapter and listed as Old City Hall, Caswell House, Poppleton School, Old Troy Church, and Parsonage. It is the intent of this section that the Commission shall be lenient in its judgment of plans for a new construction or for alteration or demolition of historic resources of little historic value, except where such construction, alteration or demolition would seriously impair the historic value and character of the resource and the surrounding resources and area. A permit shall not be issued and proposed work shall not proceed until the Commission has acted on the application by issuing a certificate of appropriateness or a notice to proceed.

In reviewing the plans, the Commission shall follow the United States Secretary of the Interior's standards for rehabilitating historic buildings as set forth in 36 CFR part 67. Design review standards and guidelines that address special design characteristics of historic districts administered by the Commission may be followed if they are equivalent in guidance to the Secretary of Interior's standards and guidelines and are established or approved by the Michigan Department of History, Arts, and Libraries. The Commission shall also consider the following:

1. The historical or architectural value and significance of the resource and its relationship to the historic value of the surrounding area;
2. The relationship of the exterior architectural features of the resource to the rest of the resource and to the surrounding area;
3. The general compatibility of exterior design, arrangement, texture and materials proposed to be used;
4. Any other factor, including aesthetic, which it deems to be pertinent.

The Commission shall review and act upon exterior features of a historic resource and shall not consider interior arrangement, unless interior work will cause visible change to the exterior of the resource. The Commission shall not disapprove an application due to considerations not set forth above.

- C. In those situations where the Commission finds the proposed work adversely affects the exterior of a resource the Commission considers valuable to the city, state or nation, and the Commission determines that the alteration or loss of that resource will adversely affect the public purpose of the city, state or nation, the Commission shall attempt to establish with the owner of the resource an economically feasible plan for preservation of the resource.
- D. Work within a historic district shall be permitted through the issuance of a notice to proceed by the Commission if any of the following conditions prevail and if the proposed work can be demonstrated by a finding of the Commission to be necessary to substantially improve or correct any of the following conditions:

1. The resource constitutes a hazard to the safety of the public or to the structure's occupants.
  2. The resource is a deterrent to a major improvement program that will be of substantial benefit to the community and the applicant proposing the work has obtained all necessary planning and zoning approvals, financing, and environmental clearances.
  3. Retaining the resource will cause undue financial hardship to the owner when a governmental action, an act of God, or other events beyond the owner's control created the hardship, and all feasible alternatives to eliminate the financial hardship, which may include offering the resource for sale at its fair market value or moving the resource to a vacant site within the historic district, have been attempted and exhausted by the owner.
  4. Retaining the resource is not in the interest of the majority of the community.
- E. The Commission may recommend to the City Council certain incentive programs to encourage preservation of landmark buildings in the City.
- F. The Commission may accept, in the name of the City of Troy, any grant, loan or aid of any character from Federal, State or private sources, to be expended for the purposes contemplated by this chapter, including, but not limited to the making of surveys of historical structures and/or sites, and the acquisition, restoration and possible resale of properties of historical or architectural significance. Such funds shall be administered in accordance with the Charter of the City of Troy, but a separate accounting shall be made of them and a copy of such accounting given to the Commission at least quarterly.
- G. Budget: There may be appropriated in the annual budget of the City of Troy a sum of money which may be expended and accounted for in accordance with the Troy City Charter and the Uniform Budgeting and Accounting Act of the State of Michigan.

6. RULES OF THE COMMISSION

- A. The Commission shall elect from its membership a Chair, Vice- Chair and Secretary at the first meeting each year. The Chair shall preside over the Commission and have the right to vote. The Vice-Chair shall perform the duties of the Chair in his or her absence. The Secretary shall keep an accurate record of the proceedings of the Commission.

(Rev. 11.17.03)

- B. The Commission should meet at least quarterly, and at the call of the Chair, Secretary, or two (2) members of the Commission, if matters are referred to it by the Director of Building and Zoning.

(Rev. 11.17.03)

- C. At least four (4) members of the Commission shall constitute a quorum for the transaction of its business. The Commission shall adopt rules for the transaction of its business which shall provide for the time and place of holding meetings. All meetings of the Commission shall be open to the public, and any person or his or her duly constituted representative shall be entitled to appear and be heard on any matter before the Commission before it reaches its decision.

(Rev. 11.17.03)

- D. The Commission shall keep a record, which shall be open to public view, of its resolutions, proceedings and actions. The concurring affirmative vote of four (4) members shall constitute approval of plans before it for review, or for the adoption of any resolution, motion or other action of the Commission. The Commission shall submit an annual report of its activities to the City Council.

## 7. PROCEDURES FOR REVIEW OF PLANS

- A. Application for a building permit to construct, alter, move or demolish any resource in a Historic District shall be made to the Director of Building and Zoning. Plans shall be submitted showing the resource in question and also showing its relation to adjacent resources.
- B. Upon the filing of such application, the Director of Building and Zoning or his or her representative shall immediately notify the Commission of the receipt of such application and shall transmit it together with accompanying plans and other information to the Commission.
- C. The Commission shall review the plans according to the duties and powers specified herein. In reviewing the plans, the Commission may confer with the applicant for the building permit, and with the Director of Building and Zoning, and with the City Planning Director.
- D. The Commission shall approve or disapprove such plans, and, if approved, shall issue a certificate of appropriateness or a notice to proceed, which is to be signed by the Chair or Vice- Chair, attached to the application for a building permit and immediately transmitted to the Director of Building and Zoning. The Chair shall also stamp all plans submitted to the Commission signifying its approval or disapproval.
- E. If the Commission disapproves of such plans, it shall state its reasons for doing so and shall transmit a record of such action and reasons therefore in writing to the Director of Building and Zoning and to the applicant. The Commission shall advise what it thinks is proper if it disapproves of the plans submitted. The applicant, if he or she so desires, may make modifications to the plans and shall have the right to resubmit the application at any time after so doing. If the requested permit is denied by the Commission, the Director of Building and Zoning shall disapprove the application.
- F. The failure of the Commission to approve, conditionally approve or disapprove of such plans within sixty (60) days from the date of application for the building permit, unless otherwise mutually agreed upon by the applicant and the Commission, shall be deemed to constitute approval and the Director of Building

and Zoning shall proceed to process the application without regard to a certificate of appropriateness or notice to proceed from the Commission.

G. After a building permit is granted, the Director of Building and Zoning or his or her representative shall inspect the construction or alteration in accordance with the procedures established by the Building Department of the City of Troy.

~~H. If the Commission denies a request for a demolition permit, it shall have the privilege of publicizing the imminent destruction of this structure, and may make an effort to find a private or corporate purchaser interested in preserving the property. Failing to find such a purchaser, the Commission may then recommend that the City of Troy purchase the property. Conclusive action must be taken within sixty (60) days of the date of the request.~~

~~H.~~ In cases where approval of demolition is granted for reasons other than public health or safety, the certificate of appropriateness or notice to proceed shall not become effective until sixty (60) days after the date of issuance, in order to provide a period of time within which it may be possible to relieve a hardship or transfer the property to another owner who will retain the resource. At the discretion of the Commission, this waiting period may be waived.

~~J.~~ If the Commission grants a permit for demolition, it may notify the Troy Historical Commission so that that body may consult with the owner about obtaining anything of historical significance from the property.

~~K.~~ If an applicant seeks immediate approval to alter, repair, move or demolish a resource to prevent an imminent hazard to the safety of the public or a structure's occupants, the Chair of the Commission shall call a special meeting as early as possible, in compliance with the Open Meetings Act, to make a decision on the applicant's request.

~~L.~~ Upon a finding by the commission that a historic resource within an historic district, subject to its review and approval, is threatened by demolition by neglect, the commission may do either of the following:

1. The commission may require the owner of the resource to repair all conditions contributing to the demolition by neglect.
2. If the owner does not make repairs within a reasonable time, the commission or agents may enter the property and make such repairs as are necessary to prevent demolition by neglect. The cost of the work shall be charged to the owner and may be levied by the city as a special assessment against the property. The commission or its agents may enter the property for purposes of this section upon obtaining an order from the circuit court.

~~L. The Historic District Commission shall not issue a certificate of appropriateness or notice to proceed unless an applicant certifies in the application that the property where the work will be undertaken has, or will have before the proposed project completion date, a fire alarm system or a smoke alarm complying with the requirements of the state construction code act, MCL 125.1501 et seq., as amended.~~

8. DEMOLITION OR MOVING HISTORIC RESOURCES

The demolition or moving of resources located in Historic Districts shall be discouraged. The Commission shall not approve demolition except when deemed a hazard to public health or safety by a responsible public agency, but may issue a certificate of appropriateness for moving said resource.

The Commission may issue a certificate of appropriateness or notice to proceed for the moving or demolition of any resource. An application for the moving or demolition of a resource shall be approved by the Commission if any of the following conditions prevail, and if in the opinion of the Commission the proposed work will materially improve or correct these conditions:

1. The resource is a deterrent to a major improvement program which will be of substantial benefit to the community;
2. Retention of the resource would cause undue financial hardship to the owner; or
3. Retention of the resource would not be in the interest of the majority of the community.

9. PROPOSED HISTORIC DISTRICT

Upon receipt of substantial evidence showing the presence of historic architectural, archeological, engineering, or cultural significance of a proposed historic district, the City Council may, at its discretion, adopt a resolution requiring that all applications for permits within the proposed historic district be referred to the Historic District Commission for review as provided in this ordinance. The Historic District Commission shall review permit applications with the same powers that would apply if the proposed historic district were an established historic district. The review may continue in the proposed historic district for not more than one year, or until such time as the City Council approves or rejects the establishment of the historic district by ordinance, whichever occurs first.

10. EMERGENCY MORATORIUM

If the City Council determines that pending work will cause irreparable harm to resources located within an established historic district, City Council may, by resolution, declare an emergency moratorium of all such work for a period not to exceed six months. The City Council may extend the emergency moratorium for an additional period not to exceed six months upon finding that the threat of irreparable harm to resources is still present. Any pending permanent application concerning a resource subject to an emergency moratorium may be summarily denied.

11. YARD VARIANCES

Due to peculiar conditions of design and construction in Historic Districts, where structures were often built close to the lot lines, it is in the public interest to retain the District's appearance by making variances to normal yard requirements. Where it is deemed that such variances will not adversely affect neighboring properties, the Commission may recommend to the Board of Zoning Appeals that such variance to standard yard requirements be granted.

12. EXCEPTIONS

Nothing in this chapter shall be construed to prevent ordinary maintenance, repair or sale of any resource within an historic district. Nor shall anything in this chapter be construed to alter, amend or delete provisions of other Troy City ordinances, or the Troy City Charter pertaining to the administration, control, or ownership of property owned by the City of Troy.

13. APPEALS

An applicant aggrieved by a decision of the Commission concerning a permit application may file an appeal with the state historic preservation review board of the Michigan Historical Commission. The appeal shall be filed within sixty (60) days after the decision is furnished to the applicant. A permit applicant aggrieved by the decision of the historic preservation review board may appeal the decision to the circuit court. Any citizen or duly organized historic preservation organization in the city, as well as resource property owners, jointly or severally aggrieved by a decision of the historic district commission concerning a matter other than a permit application, may appeal the decision to the circuit court.

14. ESTABLISHMENT, MODIFICATION OR ELIMINATION OF A HISTORIC DISTRICT

A. Establishment of Historic District Study Committee

Before establishing, modifying or eliminating any Historic District, City Council shall appoint a Historic District Study Committee. The Committee shall contain a majority of persons who have a clearly demonstrated interest in or knowledge of historic preservation, and shall consist of at least one (1) member of the Historic District Commission and shall contain representation from at least one other duly organized local historic preservation organization. The study committee shall be an ad hoc committee established to consider the establishment, modification or elimination of historic districts in specified areas as determined by City Council and then be dissolved.

B. Duties of the Historic District Study Committee

1. The Historic District Study Committee shall do all of the following:
  - a. Conduct a photographic inventory of resources within each proposed historic district, following procedures established or approved by the Michigan Department of History, Arts, and Libraries.
  - b. Conduct basic research of each proposed historic district and the historic resources located within that District;

- c. Determine the total number of historic and non-historic resources within a proposed historic district and the percentage of historic resources of that total. In evaluating the significance of the historic resources, the Committee shall be guided by the selection criteria for evaluation issued by the Secretary of the Interior for inclusion of resources in the National Register of Historic Places, as set forth in 36 CFR part 60.
  - d. Prepare a preliminary Historic District Study Committee report that addresses at a minimum all of the following:
    - i. The charge of the Committee;
    - ii. The composition of the Committee membership;
    - iii. The historic district or districts studied;
    - iv. The boundaries for each proposed historic district in writing and on maps;
    - v. The history of each proposed historic district;
    - vi. The significance of each district as a whole, as well as a sufficient number of individual resources to fully represent the variety of resources found within the district, relative to the evaluation criteria.
  - e. Transmit copies of the preliminary report for review to City Council, the Planning Commission, the Historic District Commission, the Michigan Department of History, Arts and Libraries, the Michigan Historical Commission and the State Historic Preservation Review Board.
  - f. Make copies of the preliminary report available to the public.
2. The City Council may prescribe the time for preparation and transmittal of the preliminary report if the Council deems it in the public interest to do so.
  3. Not less than sixty (60) calendar days after the transmittal of the preliminary report, the Study Committee shall hold a public hearing. Public notice of the time, date, and place of the hearing shall be given in the manner required by the Open Meetings Act, 1976 PA 267, MCL 15.261, et seq. Written notice shall be mailed by first class mail not less than fourteen (14) calendar days before the hearing to the owners of properties within the proposed historic district, as listed on the tax rolls of the City of Troy.
  4. The Committee shall have no other powers, express or implied, beyond those listed in this section, except as may be otherwise expressly authorized by ordinance or resolution of City Council.

C. Actions to be Taken by the Historic District Study Committee and City Council

After the date of the public hearing, the Historic District Study Committee and City Council shall take the following actions:

1. The Committee shall prepare and submit a final report with its recommendation and the recommendation, if any, of the Planning Commission to the City Council. If the recommendation is to establish, modify or eliminate a historic district or districts, the final report shall include a draft of a proposed ordinance or ordinances.
2. After receiving a final report that recommends the establishment, modification or elimination of a historic district or districts, the City Council, at its discretion, may introduce and pass or reject an ordinance or ordinances establishing, modifying or eliminating one or more historic districts. If the City Council passes an ordinance or ordinances establishing, modifying or eliminating one or more historic districts, City Council shall file a copy of that ordinance or ordinances, including a legal description of the property or properties located within the historic district or districts, with the Register of Deeds. City Council shall not pass an ordinance establishing a contiguous historic district less than sixty days after a majority of the property owners within the proposed historic district, as listed on the City tax rolls, have approved the establishment of the historic district pursuant to a written petition.
3. At any time after expiration of the time limits set in or prescribed by City Council pursuant to this section for the Historic District Study Committee to act, the City Council may, in its discretion, proceed to introduce and pass or reject an ordinance as described in the immediately preceding paragraph 2.

D. Elimination of Districts

If considering elimination of a historic district, the Committee shall follow the procedures set forth for issuing a preliminary report, holding a public hearing and issuing a final report, but with the intent of showing one or more of the following:

1. The historic district has lost those physical characteristics that enabled establishment of the district.
2. The historic district was not significant in the way previously defined.
3. The historic district was established pursuant to defective procedures.

E. Availability

All writings prepared, owned, used, in possession of or retained by the Committee in the performance of any official function shall be made available to the public.

15. ENFORCEMENT; VIOLATIONS

- A. After issuance of a certificate of appropriateness or notice to proceed or if a violation of this article is suspected, the city's designated representative may from time to time inspect the exterior of properties covered by this article.
- B. The enforcement of this ordinance shall be the responsibility of this Historic District Commission, in conjunction with the Director of Building and Zoning of the city. A

person, individual, partnership, firm, corporation, organization, institution or agency of government that violates this act is responsible for committing a misdemeanor and subject to penalties as provided by law for misdemeanors. The Director of Building and Zoning or his or her representative is hereby legally authorized to issue a citation for a violation of this chapter.

- C. A person, individual, partnership, firm, corporation, organization, institution, or agency of government that violates this act may be ordered by the court to pay the costs to restore or replicate a resource unlawfully constructed, added to, altered, repaired, moved, excavated, or demolished.

### 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 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 \_\_\_\_\_, 2005.

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Louise Schilling, Mayor

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Tonni Bartholomew. City Clerk



The Troy Historic District Study Committee was established April 2004 pursuant to the Sec. 14.A of Chapter 13 of the City Code as amended February 16, 2004. Owners of historic resources were notified that this committee would review requests for changes in designation of their properties. A request to redefine the boundary of the historic district of the property at 3864 Livernois Road was received. Brian Wattles and Mary Jean Wattles own this property.

The following is the preliminary report by the Troy Historic District Study Committee and their recommendation to de-list a portion of the property.

*Composition of Committee:*

Kevin Lindsey:	Historical Commission and historic property owner
Linda Rivetto:	Graduate Student, EMU, Historic Preservation
Marjorie Biglin:	Historic District Commission
Kinda Hupman:	Troy Historical Society Board of Directors
Charlene Harris:	Historic Homeowner
Paul Lin:	Architect, Historic District Commission
Bob Miller:	Historic Homeowner

*Description of Resource:*

3864 Livernois  
Referred to as the Wattles House

*Legal Description of Parcel A of 3864 Livernois:*

(Tax ID: 88-20-22-101-005)

Part of the NW ¼ of Sec 22, T.2N R11E, City of Troy, Oakland County, Michigan beginning at the point which is N 00°20'25" E 1771.60 ft. along the West line of Sec. 22 from the West ¼ corner of Sec. 22, T2N R11E; thence, continuing along the West line of Sec. 22 N 00°20'25" E 330.00 ft.; thence S 89°25'55" E 225.00 ft.; thence S 00°20'25" W 330.00 ft.; thence N 89°25'55" W 225 ft. to the point of beginning. Containing 74,247 square feet – 1.705 acres, and subject to an easement over the North 30 ft. for ingress and egress and public utilities.

*Legal Description of Parcel B of 3864 Livernois:*

Part of the NW ¼ of Sec 22, T2N R11E, City of Troy, Oakland County, Michigan, being more particularly described as follows: Beginning at a point which is N 00°20'25" E 1771.60 ft. along the West line of Sec 22 and S 89°25'55" E 225.00 ft., from the West corner of Sec. 22, T2N R11E; thence N 00°20'25" 330.00 ft.; thence S 89°25'55" E 435.00 ft.; thence S 00°20'25" W 330.00 ft.; thence N 89°25'55" W 435.00 ft. to the point of beginning. Containing 143,544 square feet – 3.295 acres.

*Boundary Justification:*

The historic district at 3864 Livernois, referred to as the Wattles House received local historic designation on April 11, 1977. Prior to designation, the previous owner, Morris Wattles, had legally divided the property into these two parcels. The current owners, Mr. Brian Wattles and Ms. Mary Jean Wattles request the boundary be revised to only include parcel A as legally surveyed and divided.

*History of District:*

The original foundation of the home was built in 1846, most likely by Clark Beardsley. Harry Wattles, a relative of the current owner, purchased it in 1876. The home was extensively remodeled to its present appearance in 1909. It was know as the Sunnycrest Dairy. Morris Wattles, former Troy Township Supervisor, also owned the property prior to the present owner. The house was listed on the State's Historic Register (site p24419) on 04/11/1977.

*Statement of Significance:*

The historic significance of the house is its association to the Wattles family. Harry B. Wattles was considered an innovator in dairy farming. Morris Wattles was locally significant as a township supervisor, a charter member of the Troy Historical Society, and respected educator. Morris Wattles was also instrumental in founding the Troy Museum & Historic Village.

It was Morris Wattles who divided the property into 2 parcels. While both are currently on the district, due to financial hardship Brian Wattles has requested Parcel B be eliminated from the district so it may be sold and developed. All of the historically significant structures and surroundings are located in Parcel A. There are no significant structures in Parcel B, and it does not contribute to the district. It is the conclusion of the Historic District Study Committee that removing Parcel B from the list would not impede the historical significance or the integrity of the resource.

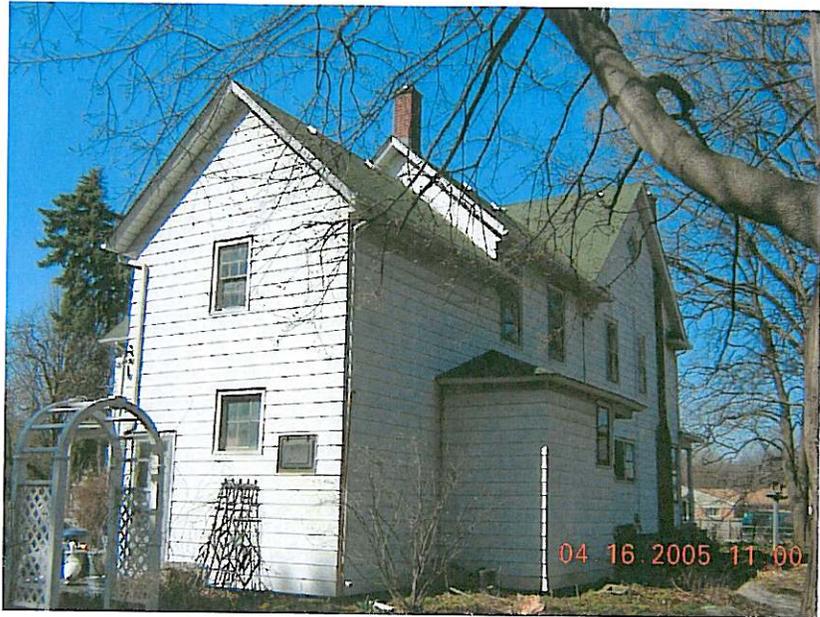
It is therefore the recommendation of the Troy Historic District Study Committee with the consent of the property owner that the boundary be revised so that Parcel B may be eliminated from the Historic District.

*Photo Documentation*









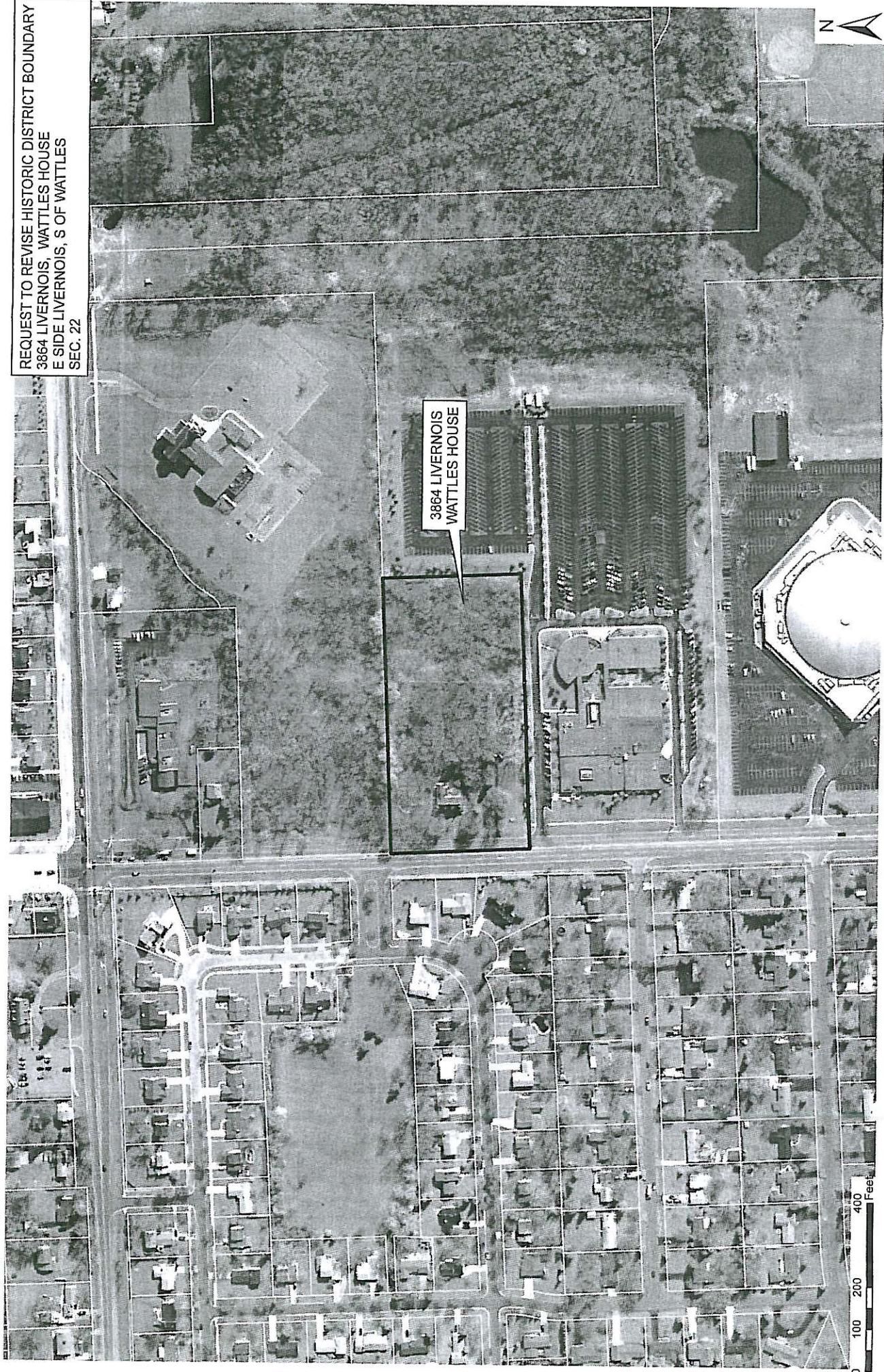


REQUEST TO REVISE HISTORIC DISTRICT BOUNDARY  
3864 LIVERNOIS, WATTLES HOUSE  
E SIDE LIVERNOIS, S OF WATTLES  
SEC. 22

3864 LIVERNOIS  
WATTLES HOUSE



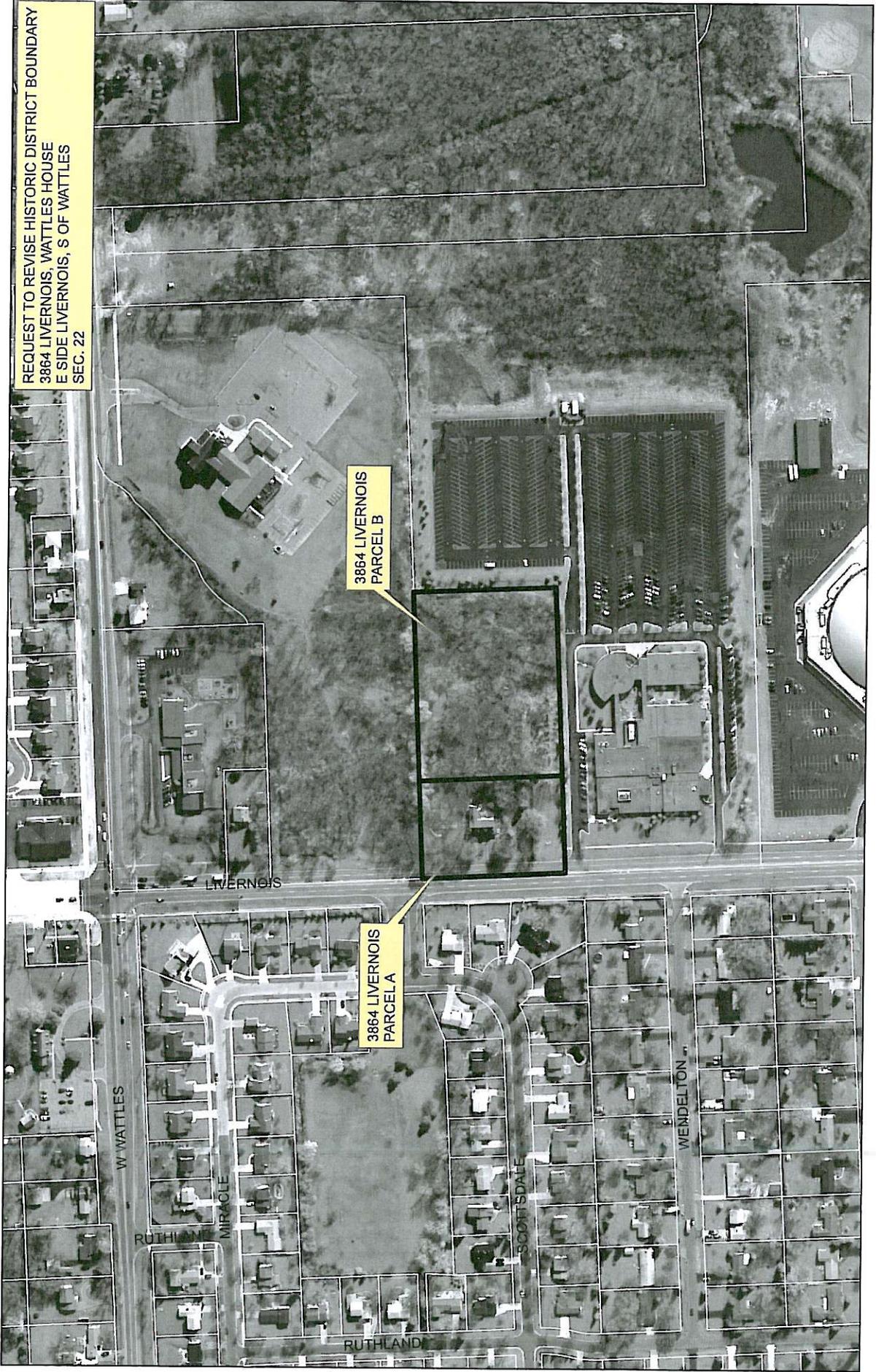
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REQUEST TO REVISE HISTORIC DISTRICT BOUNDARY  
3864 LIVERNOIS, WATTLES HOUSE  
E SIDE LIVERNOIS, S OF WATTLES  
SEC. 22

3864 LIVERNOIS  
PARCEL B

3864 LIVERNOIS  
PARCEL A



2. PUBLIC COMMENTS (Items not on the Agenda)

There was no one present who wished to speak.

3. PLANNING AND ZONING REPORT

Mr. Miller reported on the following items:

- Proposed PUD 5, Caswell Town Center
- Rezoning Application Z 706 – South side of Long Lake Road, west of Calvert Drive, Section 14, from R-1C to CR-1 – Approved by City Council on 9/12/05
- Joint DDA and City Council Meeting – October 17, 2005

Mr. Waller mentioned the Crain's article on Sterling Corporate Center (PUD 3). The article states the development continues to seek tenants while it is on the market for sale.

Mr. Schultz provided construction updates on Morton's Restaurant and National City Bank (formerly Top of Troy) and reported the Maple Road improvements are completed.

It was noted that the Ford & Earl Building, owned by the City's Pension Board, is for sale.

Chair Strat brought to the attention of the members that amendment of the Future Land Use Plan for the project area which includes the Rochester Road corridor, between South Boulevard and Square Lake Road, per City Council's direction, is pending.

Mr. Motzny reported that a lawsuit has been filed against the City on the Binson's rezoning matter.

4. REQUEST TO REVISE HISTORIC DISTRICT BOUNDARIES – 3864 LIVERNOIS – Preliminary Report by Historic District Study Committee concerning the Brian and Mary Jean Wattles Property

Mr. Miller reviewed the information provided by the Historic Resources Study Committee on the request to revise the historic district boundaries for 3864 Livernois.

Mr. Motzny reported that the Commission is not required to make a recommendation and noted the recommendation is advisory only. Mr. Motzny stated that should the Commission wish to make a recommendation, State law does not mandate when that recommendation would have to come forward. He said the Commission could make its recommendation prior to the Public Hearing and Final Report of the Historic District Study Committee.

There was general consensus by the Planning Commission that this item did not need to come back for consideration following preparation of the Final Report.

**Resolution # PC-2005-10-156**

Moved by: Schultz

Seconded by: Khan

**RESOLVED**, That the Planning Commission has no objection to removing the Parcel B of the Wattles property from the Historic District boundaries.

Yes: All present (7)

No: None

Absent: Chamberlain, Vleck

**MOTION CARRIED**

5. **PROPOSED ZONING ORDINANCE TEXT AMENDMENT** – Articles 02.50.01, 02.50.02, 02.50.03 and 02.50.04 Municipal Civil Infractions

Mr. Motzny reviewed the advantages in designating a violation of the Zoning Ordinance as a municipal civil infraction as opposed to a misdemeanor. He said the penalties imposed on a municipal civil infraction might sound less stringent than those posed on a misdemeanor, but a municipal civil infraction would be a good enforcement tool. Mr. Motzny said it is the recommendation of the Legal Department to set a Public Hearing for the proposed zoning ordinance text amendment.

A brief question and answer period followed.

**Resolution # PC-2005-10-157**

Moved by: Wright

Seconded by: Schultz

**RESOLVED**, That the Planning Commission set a Public Hearing at the November 29, 2005 Regular Meeting for proposed ordinance text to amend Chapter 39 of the Code of the City of Troy, Sections 02.50.01, 02.50.02, 02.50.03, and 02.50.04, to be amended as put forward to the Planning Commission on this date.

Yes: All present (7)

No: None

Absent: Chamberlain, Vleck

**MOTION CARRIED**

DATE: November 29, 2005

TO: John Szerlag, City Manager

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

SUBJECT: Agenda Item - Announcement of Public Hearing  
Commercial Vehicle Appeal  
3539 Delaware

On November 16, 2005, Mr. Arun Sekheri inquired at the Building Department whether a certain commercial vehicle would be allowed to be parked outdoors on residential property. He was informed that the vehicle in question, a Ford van with a bucket lift attached, did not comply with the exceptions found in Chapter 39, Section 40.66.00.

In response to our decision, Mr. Head has filed an appeal. The appeal requests that a public hearing date be held in accordance with the ordinance. A public hearing has been scheduled for your meeting of December 19, 2005.

Should you have any questions or require additional information, kindly advise.

#### Attachments

Prepared by: Mark Stimac, Director of Building and Zoning

**COMMERCIAL VEHICLE  
APPEAL APPLICATION**

Request is hereby made for permission to keep a commercial vehicle(s) as described below, on the following residential zoned site:

NAME: ARUN SEKHRI

ADDRESS: 3539 DELAWARE DR.

CITY: TROY MI. ZIP: 48084 PHONE: 248-808-3260

ADDRESS OF SITE: 3539 DELAWARE DR.

NUMBER OF VEHICLES: ONE

VEHICLE IDENTIFICATION NUMBER(S)  
MDOT own or rented Truck. (Photo enclosed)

LICENSE PLATE NUMBER(S) Rental Van which will be replaced by new in 2006.

DESCRIPTION OF VEHICLE(S) ~~(Bucket) Truck (with special equipment)~~  
Cargo-Style Van with bucket

REASON FOR APPEAL (see A - D below) Compelled by Michigan Dept. of Transport.  
(MDOT) to perform my duty of Bridge Inspection and for  
emergency response after office hours.

THE APPLICANT IS AWARE OF THE REQUIRED FINDINGS WHICH ARE STATED IN THE FOLLOWING:

**44.02.01 ACTIONS TO GRANT APPEALS ... SHALL BE BASED UPON AT LEAST ONE OF THE FOLLOWING FINDINGS BY THE CITY COUNCIL:**

- A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).
- B. Efforts by the applicant have determined there are no reasonable or feasible alternative locations for parking of the subject commercial vehicle.
- C. A garage or accessory building on the subject site cannot accommodate, or cannot reasonably be constructed or modified to accommodate the subject commercial vehicle
- D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner that will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s).

**COMMERCIAL VEHICLE APPEAL APPLICATION**

40.02.2. The City Council may grant appeals in relation to the type, character or number of commercial vehicles to be parked outdoors in Residential Districts for an initial period not to exceed two (2) years, and may thereafter extend such actions for a similar period.

Supporting data, attached to the application, shall include: a plot plan, drawn to scale, a description and location of the vehicle(s) and a photo of the vehicle on-site..



(signature of applicant)

STATE OF MICHIGAN  
COUNTY OF Oakland

On this 16<sup>th</sup> day of November, 2005 before me personally appeared the above named person who depose and sayeth that he/she signed this application with full knowledge of its contents and that all matters stated therein are true.

Pamela Evans Oakland  
Notary Public, County, Michigan

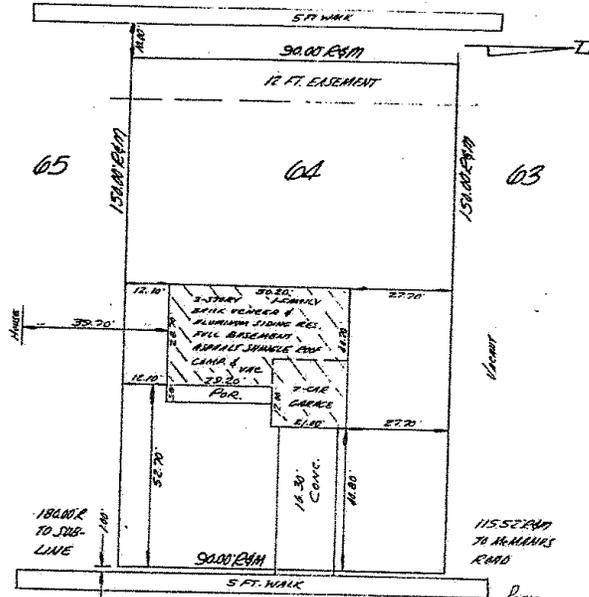
PAMELA EVANS  
NOTARY PUBLIC OAKLAND CO., MI  
MY COMMISSION EXPIRES Mar 23, 2007

My Commission Expires: March 25, 2008

# ROCK FINANCIAL CORP.



CROOKS ROAD 87 FT. WD. E



\*35.39 DELAWARE DR. 60 FT. WD.

Lot 64, Washington Square Estates Subdivision, City of Troy, Oakland County, Michigan. As recorded in Liber 124, Pages 33 and 34, of Plats, Oakland County Records.

Suneel and Rasham Sekrhi

Survey # PH-278482

5/29/90

**WE CERTIFY TO:**

**ROCK FINANCIAL CORPORATION**

that we have surveyed the property herein described; according to the legal description as furnished to us and our liability for the accuracy thereof; that there is located entirely thereon as shown; a building, of which a photo was taken on the date indicated same and of which a print appears herein; that said improvements are within the property lines; and that there are no existing encroachments upon the lands described, except as otherwise noted. NOTICE: This survey is for MORTGAGE PURPOSES ONLY and is not to be used for the erection of fences or any type of construction.

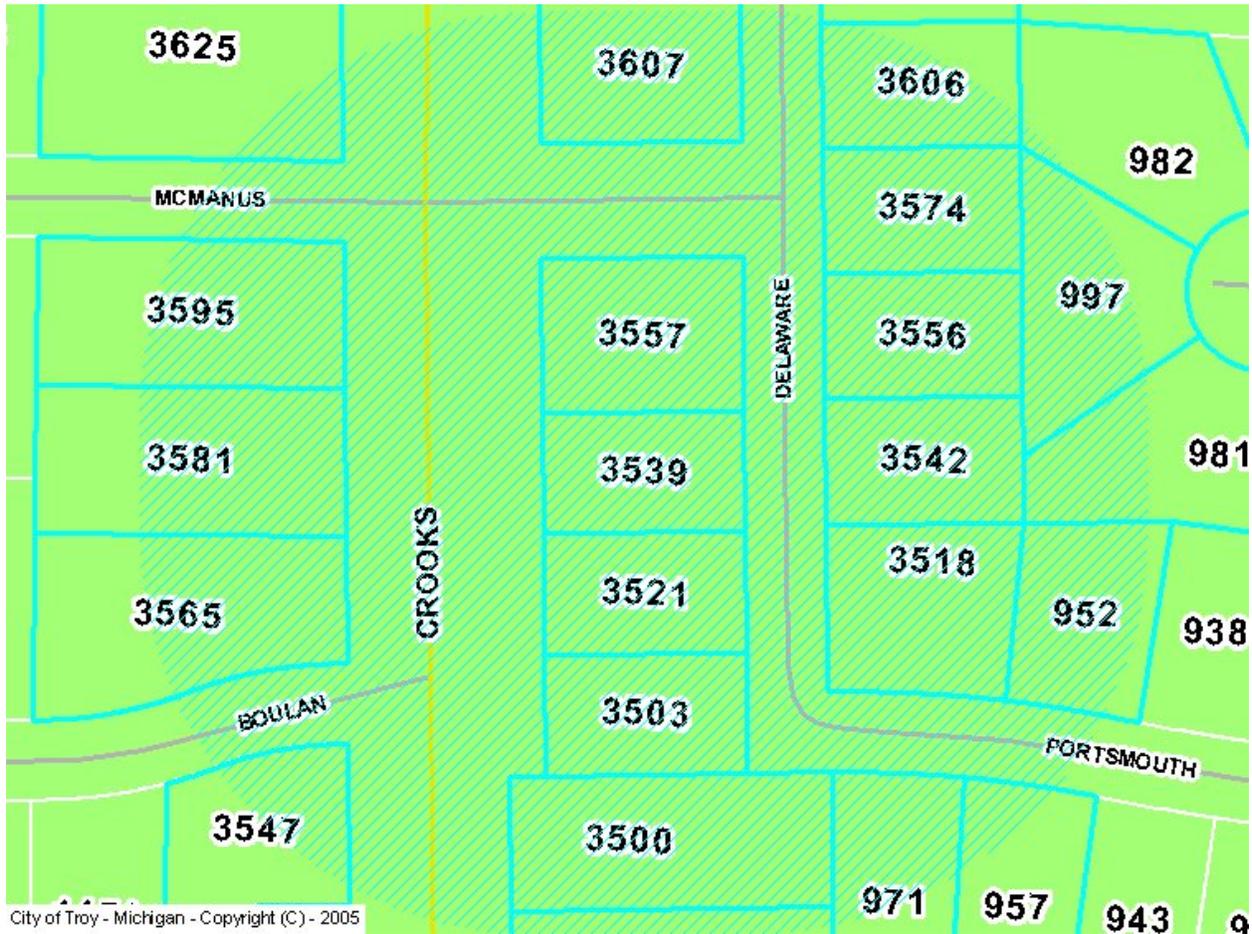
BY: *[Signature]*  
Surveyor

**LOUIS CANTOR CO.**  
17600 Northland Park Ct., Ste. 201  
Southfield, Michigan 48075

**CIVIL ENGINEERING & LAND SURVEYING**  
(313) 599-7831

**RECEIVED**  
NOV 18 2005  
BUILDING DEPT.





City of Troy - Michigan - Copyright (C) - 2005

DATE: November 30, 2005

TO: John Szerlag, City Manager

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

SUBJECT: Agenda Item – Announcement of Public Hearing  
Request for Outdoor Seating in excess of 20 seats  
in Conjunction with a Restaurant in O-M Zoning  
911 Wilshire Drive – Kruse and Muer Restaurant

We have received a request from Thomas May, representing Kruse and Muer Restaurant, to install an outdoor dining area for 32 seats at their restaurant opening at 911 Wilshire Drive. The seating is proposed to be located in an area on the north side of the building that will be enclosed by landscape screening and fencing elements.

This location was the site of the former T.G.I.Friday's restaurant that also had outside seating in this area. That dining area was approved based upon a 1982 Board of Zoning Appeals interpretation that outdoor dining was considered a "normal accessory use" to a restaurant. Since that time the ordinance has been revised to establish specific review and approval procedures for outdoor dining.

Section 25.30.03 of the Zoning Ordinance establishes outdoor seating areas in excess of 20 seats for restaurants to be a Use Subject to Special Use Approval in the O-M (Mid-Rise Office) Zoning District. This Section further states that City Council (in place of the Planning Commission) shall hold a Public Hearing in consideration of the request.

The restaurant is proposed to have a seating capacity for 173 persons inside. With the addition of 32 seats outside their total seating capacity will be 205. Section 40.21.31 requires a minimum of 123 parking spaces for a restaurant with 205 seats. The site has a minimum of 124 parking spaces available for the restaurant use as part of the overall office development.

A Public Hearing has been scheduled for your meeting of December 19, 2005.

We will be happy to provide any additional information that you may require regarding this request.

**OUTDOOR DINING APPLICATION**

**RECEIVED**

NOV 23 2005

**BUILDING DEPT.**

Applications shall be accompanied by fully dimensioned plans indicating the location of the proposed seating area within the subject site, the layout of the proposed outside seating, and information as to any proposed building or site alterations, seating area enclosure elements, etc.

Setbacks for outside seating area involving the construction of "structures" as defined by the Building Code shall be at least equal to those required for conventional buildings within the applicable zoning district.

Outside seating areas shall not occupy required sidewalk areas or required landscape areas.

In their consideration for outside seating, the City Council, when involved, may require modification or rearrangement of inside and outside seating areas in order to assure that adequate parking is available.

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

NAME OF BUSINESS: KRUSE & MILLER ON WILSHIRE

ADDRESS OF BUSINESS: 911 WILSHIRE

NAME OF APPLICANT: WILLIAM C. KRUSE JR.

ADDRESS: 1775 WASHINGTON

ROCHESTER HILLS, MI PHONE: 248 652-3996

NUMBER OF SEATS: Existing Inside 170

Proposed Outside: 32 <EXISTING AREA / SAME>

NUMBER OF AVILABLE PARKING SPACES: 155

WILL INSIDE SEATS BE ASSIGNED FOR OUTDOORS? Yes No

**OUTDOOR DINING APPLICATION**

**OWNER AFFIDAVIT**

I BECKY BELFRY, AS AGENT Rep as owner/representative  
(name)

of the property located at 911 WILSHIRE DRIVE

do approve of KRUSE & MURPHY ON WILSHIRE  
(business)

providing 32 seats for outdoor dining.

Signature: Becky Belfry as agent

Date: 11-23-05

\*\*\*\*\*

DO NOT FILL IN - FOR USE BY BUILDING DEPARTMENT

**OUTDOOR DINING  
CERTIFICATE OF APPROVAL**

NAME OF BUSINESS: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

OWNER/MANAGER: \_\_\_\_\_

NUMBER OF SEATS \_\_\_\_\_



A regular meeting of the Liquor Advisory Committee was held on Monday, May 9, 2005 in Conference Room D of Troy City Hall, 500 West Big Beaver Road. Chairman Max K. Ehlert called the meeting to order at 7:00 p.m.

**ROLL CALL:**

**PRESENT:** Max K. Ehlert, Chairman  
W. Stan Godlewski  
Patrick C. Hall  
Bohdan L. Ukrainec  
Carolyn Glosby, Assistant City Attorney  
Captain Dane Slater  
Pat Gladysz

**ABSENT:** Henry W. Allemon  
Alex Bennett  
James R. Peard

**Resolution to Excuse Committee Members Allemon, Bennett, and Peard**

Resolution #LC2005-05-013  
Moved by Hall  
Seconded by Godlewski

RESOLVED, that the absence of Committee members Allemon, Bennett, and Peard at the Liquor Advisory Committee meeting of May 9, 2005 BE EXCUSED.

Yes: 4  
No: None  
Absent: Allemon, Bennett, and Peard

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**Resolution to Approve Minutes of April 11, 2005 Meeting**

Resolution #LC2005-05-014  
Moved by Ukrainec  
Seconded by Hall

RESOLVED, that the Minutes of the April 11, 2005 meeting of the Liquor Advisory Committee be approved.

Yes: 4  
No: None  
Absent: Allemon, Bennett, and Peard

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**Agenda Items**

1. **MORTON'S OF CHICAGO/TROY, LLC (A DELAWARE LIMITED LIABILITY COMPANY)**, requests to transfer ownership of a 2004 Class C licensed business with official permit (food), located in escrow at 25938 Middlebelt, Farmington Hills, MI 48336, Oakland County, from Stearn & Company, L.L.C.; transfer location (governmental unit), (MCL 436.1531) to 888 W. Big Beaver Rd, Troy, MI 48084, Oakland County, and requests a new SDM license to be held in conjunction. [MLCC REQ ID# 280550]

Present to answer questions from the Committee were Chris Baker, attorney for Morton's of Chicago, and Gray Jackson, regional manager.

Plans have been submitted to the City to renovate and expand the existing first floor space at 888 West Big Beaver Road for Morton's Restaurant. This is an upscale steakhouse and will seat 236 patrons. They will be open daily from 5:30 p.m. to 11:00 p.m. for dinner only. They anticipate a December 2005 opening. There are 65 Morton's locations in the United States. Their managers and employees receive TIPS training as well as an in-house employee alcohol awareness instruction course. In addition, their managers attend an eight-week training session. They maintain a zero tolerance liquor compliance policy and have only received three violations nationwide in the past three years.

Resolution #LC2005-05-015  
Moved by Hall  
Seconded by Ukrainec

RESOLVED, that MORTON'S OF CHICAGO/TROY, LLC (A DELAWARE LIMITED LIABILITY COMPANY), be allowed to transfer ownership of a 2004 Class C licensed business with official permit (food), located in escrow at 25938 Middlebelt, Farmington Hills, MI 48336, Oakland County, from Stearn & Company, L.L.C.; transfer location (governmental unit), (MCL 436.1531) to 888 W. Big Beaver Rd, Troy, MI 48084, Oakland County, and requests a new SDM license to be held in conjunction.

Yes: 4  
No: None  
Absent: Allemon, Bennett, and Peard

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The meeting adjourned at 7:25 p.m.

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Max K. Ehlert, Chairman

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Patricia A. Gladysz, Office Assistant II

A regular meeting of the Liquor Advisory Committee was held on Monday, July 11, 2005 in the Lower Level Conference Room of Troy City Hall, 500 West Big Beaver Road. Committee member Henry W. Allemon called the meeting to order at 7:00 p.m.

**ROLL CALL:**

**PRESENT:** Henry W. Allemon  
Alex Bennett  
Patrick C. Hall  
James R. Peard  
Bohdan L. Ukrainec  
Sergeant Thomas Gordon  
Pat Gladysz

**ABSENT:** Max K. Ehlert, Chairman  
W. Stan Godlewski

**Resolution to Excuse Committee Members Ehlert and Godlewski**

Resolution #LC2005-07-016  
Moved by Peard  
Seconded by Ukrainec

RESOLVED, that the absence of Committee members Ehlert and Godlewski at the Liquor Advisory Committee meeting of July 11, 2005 BE EXCUSED.

Yes: 5  
No: None  
Absent: Ehlert, Godlewski

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**Resolution to Approve Minutes of May 9, 2005 Meeting**

Resolution #LC2005-07-017  
Moved by Ukrainec  
Seconded by Hall

RESOLVED, that the Minutes of the May 9, 2005 meeting of the Liquor Advisory Committee be approved.

Yes: 5  
No: None  
Absent: Ehlert, Godlewski

**Agenda Items**

1. **TGI FRIDAY’S INC. (A NEW YORK CORPORATION)**, requests to transfer location of a 2005 Class C licensed business (in escrow), with official permit (food), and outdoor service (1 area), from 911 Wilshire, Troy, MI 48084, Oakland County, to 591 W. Big Beaver, Troy, MI 48084, Oakland County. [MLCC REQ ID# 309614] *Moving to former location of O’Grady’s*

Present to answer questions from the Committee was John Carlin, attorney for TGI Friday’s, Inc.

The building currently at 591 West Big Beaver Road, formerly O’Grady’s, will be demolished and a new structure built for TGI Friday’s. The building will closely resemble other Friday’s locations with the typical façade and interior design. There will be approximately 220 seats. The original completion date was late 2005, but Mr. Carlin anticipates an extension to that date.

Resolution #LC2005-07-018

Moved by Ukrainec

Seconded by Hall

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

Yes: 5  
No: None  
Absent: Ehlert, Godlewski

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The meeting adjourned at 7:15 p.m.

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Henry W. Allemon

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Patricia A. Gladysz, Office Assistant II

**TROY HISTORIC DISTRICT STUDY COMMITTEE – FINAL****SEPTEMBER 6, 2005**

This Meeting of the Troy Historic Study Committee was held Tuesday, September 6, 2005 at the Troy Museum & Historic Village. The meeting was called to order at 7:36 P.M.

**ROLL CALL**                      **PRESENT:** Kevin Lindsey  
Charlene Harris-Freeman  
Kinda Hupman  
Linda Rivetto  
Paul Lin

**ABSENT:** Bob Miller  
Marjorie Biglin

**STAFF:** Loraine Campbell

**Resolution #HDC-2005-009-001**  
**Moved by Rivetto**  
**Seconded by Hupman**

**RESOLVED, That the absences of Miller and Biglin be excused**

Yes:                      5— Lindsey, Harris-Freeman, Lin, Hupman, and Rivetto  
No:                        0

**MOTION CARRIED**

**Resolution #HDC-2005-09-002**  
**Moved by Lin**  
**Seconded by Rivetto**

**RESOLVED, That the minutes of August 2, 2005 be approved**

Yes:                      5— Lindsey, Harris-Freeman, Lin, Hupman, and Rivetto  
No:                        0

**MOTION CARRIED**

**OLD BUSINESS****Status of photographic survey:**

Linda Rivetto is completing the last photo surveys. Loraine will ask Bill Boardman to provided copies of the donated photos of 36551 E. Dequindre for the HDC files.

**2356 E. Long Lake de-listing**

Status unchanged.

**3864 Livernois**

The committee reviewed comments received by the State Historic Preservation Office. No action was taken.

**46 E. Square Lake**

No report.

**5875 Livernois**

No report..

The Troy Historic Study Committee Meeting was adjourned at 8:15 p.m. The next meeting will be held Tuesday, October 4, 2005 at 7:30 p.m. at the Troy Museum & Historic Village.

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Kevin Lindsey  
Chairman

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Loraine Campbell  
Recording Secretary

A regular meeting of the Liquor Advisory Committee was held on Monday, September 12, 2005 in the Lower Level Conference Room of Troy City Hall, 500 West Big Beaver Road. Chairman Max K. Ehlert called the meeting to order at 7:00 p.m.

**ROLL CALL:**

**PRESENT:** Max K. Ehlert, Chairman  
Alex Bennett  
W. Stan Godlewski  
Patrick C. Hall  
James R. Peard  
Bohdan L. Ukrainec  
Sergeant Thomas Gordon  
Pat Gladysz

**ABSENT:** Henry W. Allemon

**Resolution to Excuse Committee Member Allemon**

Resolution #LC2005-09-019  
Moved by Ukrainec  
Seconded by Godlewski

RESOLVED, that the absence of Committee member Allemon at the Liquor Advisory Committee meeting of September 12, 2005 BE EXCUSED.

Yes: 6  
No: None  
Absent: Allemon

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**Resolution to Approve Minutes of July 11, 2005 Meeting**

Resolution #LC2005-09-020  
Moved by Bennett  
Seconded by Hall

RESOLVED, that the Minutes of the July 11, 2005 meeting of the Liquor Advisory Committee be approved.

Yes: 6  
No: None  
Absent: Allemon

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**Agenda Items**

1. **RAHI ENTERPRISE, INC.** requests to transfer ownership of 2005 Class C licensed business with official permit (food), located in escrow at 4382 Baldwin, Store M-625, Auburn Hills, MI 48326, Oakland County, from Auburn Hills Entertainment, Inc. (A Delaware Corporation); transfer location (governmental unit)(MCL 436.1531(1)) to 3875-3877 Rochester, Troy, MI 48083, Oakland County; and requests a new SDM to be held in conjunction and new dance-entertainment. [MLCC REQ ID# 309994] *Daawat Indian Cuisine*

Present to answer questions from the Committee was Hasmukh Patel.

Mr. Patel is the owner of Daawat Indian Cuisine which opened in February 2005. This 90-seat restaurant is open for a lunch buffet and dinner. Mr. Patel and the full-time manager will attend the TIPS class in October, and will make arrangements to send all employees to a training class also. There is no bar in the restaurant and all spirits will be served at the tables and/or booths. He has withdrawn the “dance and entertainment” portion of his request.

Resolution #LC2005-09-021  
Moved by Ukraine  
Seconded by Godlewski

RESOLVED, that RAHI ENTERPRISE, INC. be allowed to transfer ownership of 2005 Class C licensed business with official permit (food), located in escrow at 4382 Baldwin, Store M-625, Auburn Hills, MI 48326, Oakland County, from Auburn Hills Entertainment, Inc. (A Delaware Corporation); transfer location (governmental unit)(MCL 436.1531(1)) to 3875-3877 Rochester, Troy, MI 48083, Oakland County; and requests a new SDM to be held in conjunction and new dance-entertainment.

Yes: 6  
No: None  
Absent: Allemon

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- 2. **MJMN, INC.**, requests to transfer all stock interest in 2005 SDD & SDM licensed corporation located at 36949 Dequindre, Troy MI 48084, Oakland County wherein sole stockholder Masoud Matti transfers 100 shares of stock to new stockholder, Kawkab Matti. [MLCC REQ ID# 311118]  
*Atlas Market and Bakery*

Present to answer questions from the Committee was Kawkab Matti.

This request is a total transfer of ownership from father (Masoud Matti) to son (Kawkab Matti). The market has been open for eight months and only three family members sell the liquor. Mr. Matti states that he fully understands the liquor laws. He is currently waiting for one additional inspection approval from the Building Department for a new oven.

Resolution #LC2005-09-022

Moved by Ukrainec

Seconded by Peard

RESOLVED, that MJMN, INC., be allowed to transfer all stock interest in 2005 SDD & SDM licensed corporation located at 36949 Dequindre, Troy MI 48084, Oakland County wherein sole stockholder Masoud Matti transfers 100 shares of stock to new stockholder, Kawkab Matti.

Yes: 6  
No: None  
Absent: Allemon

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- 3. **AG SPORTS, INC.**, requests to transfer ownership of 2005 Class C licensed business with Dance-Entertainment Permit, Outdoor Service (1 area) and 3 Bars, located at 2511 Livernois, Troy MI 48084, Oakland County, from Premier Sports, L.L.C.; request new Official Permit (Food). [MLCC REQ ID# 314395] *Spectadium*

Present to answer questions from the Committee were attorney Kelly Allen and Baljamber Atwal.

Mr. Atwal, his wife, and two silent partners have purchased Spectadium and expect to sign the lease this week. He plans to keep the manager of five years, assistant managers, and most of the wait staff who have all been trained. The sports bar theme will not change. He is making selected interior improvements and is waiting for a few inspections.

Resolution #LC2005-09-023

Moved by Ukrainec

Seconded by Peard

RESOLVED, that AG SPORTS, INC., be allowed to transfer ownership of 2005 Class C licensed business with Dance-Entertainment Permit, Outdoor Service (1 area) and 3 Bars, located at 2511 Livernois, Troy MI 48084, Oakland County, from Premier Sports, L.L.C.; request new Official Permit (Food).

Yes: 6  
No: None  
Absent: Allemon

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Ms. Allen also stated that she will appear before the Committee in a few months to represent Capital Grille with a request for a SDM license to sell beer and wine for off-premise consumption.

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Sergeant Gordon informed the Committee that he will be returning to Road Patrol duties. Sergeant Chris Stout will assume his responsibilities with regard to liquor licenses.

The meeting adjourned at 7:30 p.m.

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Max K. Ehlert, Chairman

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Patricia A. Gladysz, Office Assistant II

Call to Order

The regular meeting was called to order at 7 pm in Conference Room C at Troy City Hall

Roll Call

Present: Kelly Gu Tom Kaszubski  
Lulu Guo Mark Pritzlaff  
Michelle Haight Binny Samuel  
Padma Kuppa Malini Sarma  
Cindy Stewart, Staff Liaison

Absent: Amin Hashmi Oneill Shah

Motion to excuse absent members by A. Brodbine, Second by M. Haight.  
Approved unanimously

Approval of Minutes

Minutes from September 6, 2005 – Motion by A. Brodbine, second by P. Kuppa.  
Approved unanimously.

Correspondence/Articles – nothing this month

New Business

- a. Senior Citizens Project – approached by Senior Coordinator for a program to teach seniors about different cultures – how to get along.

Idea to start in January – bring in speakers from variety of different countries.

Ex. Use Mayada: Chaldean  
Padma/Anju/Dr. Shiva Sastry – India  
Flora/Charles – Chinese

Cindy will get more specifics from Carla and email to board.

- b. EIAB Goals – board wants to revisit mission and goals at the November meeting. Bring ideas and be prepared to discuss.

November meeting revisit goals/mission and be prepared to discuss new ideas.

Old Business

- a. Sights & Sounds World Bazaar – We only have 10 vendors. Consensus is to cancel this one and see if large room available in March to combine Sights and Sounds World Bazaar with Sights and Sounds of the World. Michele, Anju, Padma and Cindy will call vendors and see if they would be agreeable or we can mail them back their checks.

- b. NCCJ and LINC Update

The school district is on board with the proposal from NCCJ and LINC (Leadership in the New Century). Tim McAvoy and Dr. Barb Fowler have spoken to all school principals and they are now recruiting students along with Troy Community Coalition – Teens Taking Action. Next step is for NCCJ to put a formal proposal in writing for EIAB to review and forward to local businessman who will fund a diversity project dealing with youth.

Tim planned on speaking with Deb and asking her to send EIAB the proposal.

Board recommends that the EIAB student reps. and members of Troy Youth Council be involved.

- c. Resource Guide –

Email to new members. Also get to school counselors for all 7 school districts.

Possible mini grant to help print this as a booklet on annual basis. Get price on printing.

- d. Troy Daze – Recap

If EIA Board cannot step forward to take over the set up and manning of booth, it should not happen. Exposure is not good – hours long for small board to cover. Consensus is to concentrate on one large special event per year.

- e. Law Brochure, Museum Brochure – give company info to Anju to follow up for prices.

Misc: Binny Samuel said he is not a US Citizen nor registered Troy voter. The rule for Board & Committee membership is both US Citizen and registered Troy voter. He said he understands. Board will seek a replacement from City Council.

Motion to Adjourn

Motion by Brodbine, second by Pritzlaff to adjourn the Ethnic Issues Advisory Board meeting at 8:10 pm. Approved unanimously.

**TROY HISTORIC DISTRICT STUDY COMMITTEE MINUTES–FINAL OCTOBER 4, 2005**

A Regular Meeting of the Troy Historic District Study Committee was not held Tuesday, October 4, 2005 at the Troy Museum because they lacked a quorum.

The next regular meeting will be held, Tuesday, November 15, 2005 at 7:30 p.m. at the Troy Museum.

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Kevin Lindsey  
Chairman

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Loraine Campbell  
Recording Secretary

The Chairman, Christopher Fejes, called the special meeting of the Board of Zoning Appeals to order at 6:02 P.M. on Tuesday, October 18, 2005 in Council Chambers of the Troy City Hall.

PRESENT: Kenneth Courtney  
Christopher Fejes  
Marcia Gies  
Michael Hutson  
Matthew Kovacs  
Mark Maxwell

ALSO PRESENT: Mark Stimac, Director of Building & Zoning  
Lori Grigg-Bluhm, City Attorney  
Susan Lancaster, Assistant City Attorney

Mr. Wright did not attend this presentation as he previously attended a similar presentation when it was given to the Planning Commission members.

Ms. Bluhm gave a presentation to the members of the Board regarding rules and procedures for the Board of Zoning Appeals.

Motion by Gies  
Supported by Courtney

Moved, to adjourn the special meeting of the Board of Zoning Appeals.

Yeas: 6 – Courtney, Fejes, Gies, Hutson, Kovacs, Maxwell  
Absent: 1 – Wright

MOTION TO ADJOURN MEETING CARRIED

The special meeting of the Board of Zoning Appeals adjourned at 7:24 P.M.

The Chairman, Christopher Fejes, called the meeting of the Board of Zoning Appeals to order at 7:30 P.M. on Tuesday, October 18, 2005 in Council Chambers of the Troy City Hall.

PRESENT: Kenneth Courtney  
Christopher Fejes  
Marcia Gies  
Michael Hutson  
Matthew Kovacs  
Mark Maxwell  
Wayne Wright

ALSO PRESENT: Mark Stimac, Director of Building & Zoning

Susan Lancaster, Assistant City Attorney  
Pamela Pasternak, Recording Secretary

**ITEM #1 – APPROVAL OF MINUTES, MEETING OF SEPTEMBER 20, 2005**

Motion by Courtney  
Supported by Wright

MOVED, to approve the minutes of the meeting of September 20, 2005 as written.

Yeas: All – 7

MOTION TO APPROVE MINUTES CARRIED

**ITEM #2 – APPROVAL OF ITEMS #3 THROUGH #10**

Motion by Courtney  
Supported by Hutson

MOVED, to approve a three (3)-year renewal of Items #3 through #10 as suggested in the Agenda Explanation.

Yeas: All – 7

**ITEM #3 – RENEWAL REQUESTED. FIFTH THIRD BANK, 2220 W. BIG BEAVER,**  
for relief of the 6’ high screening wall between office and residentially zoned property.

Mr. Stimac explained that the petitioner is requesting renewal of relief of the Ordinance requirement for a 6’ high screen wall along the north property line where this site abuts residentially zoned property. The Zoning Ordinance requires a 6’ high screening wall between office and residential sites. This item last appeared before this Board at the meeting of October 15, 2002 and was granted a three (3) year renewal at that time. This request runs concurrent with the variance request at 2282 W. Big Beaver. Conditions remain the same and we have no objections or complaints on file.

MOVED, to grant Fifth Third Bank, 2220 W. Big Beaver, a three (3) year renewal of relief for the 6’ high screening wall required between office and residential zoned property.

- The adjacent property is used as a retention pond.
- Conditions remain the same.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect on surrounding property.

**ITEM #4 – RENEWAL REQUESTED. FIFTH THIRD BANK, 2282 W. BIG BEAVER,** for relief of the 6' high masonry screening wall required along the north property line where this site abuts residential zoned property.

Mr. Stimac explained that the petitioner is requesting relief of the 6' high masonry-screening wall required along the north side of their site where it abuts residentially zoned property. This Board originally granted the relief in 1983 and last renewed it in 2002, in part, due to the fact that the property to the north is a retention pond for the Standard Federal Bank building. Conditions at the site remain the same and we have no objections or complaints on file.

MOVED, to grant Fifth Third Bank, 2282 W. Big Beaver, a three (3) year renewal of relief of the 6' high masonry-screening wall required along the north side of their site where it abuts residentially zoned property.

- The adjacent property is used as a retention pond.
- Conditions remain the same.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect on surrounding property.

**ITEM #5 – RENEWAL REQUESTED. TROY MASONIC TEMPLE ASSOCIATION, 1032 HARTLAND,** for relief of the required 4'-6" high masonry screening wall adjacent to off-street parking.

Mr. Stimac explained that the petitioner is requesting relief of the 4'-6" high masonry-screening wall adjacent to their parking lot. This Board originally granted this variance in 1970. This item last appeared before this Board in October 2002 and was granted a three (3) year renewal of this request. Conditions at the site remain the same and we have no objections or complaints on file.

MOVED, to grant Troy Masonic Temple Association, 1032 Hartland, a three (3) year renewal of relief of the 4'-6" high masonry screening wall adjacent to off-street parking.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect on surrounding property.

**ITEM #6 – RENEWAL REQUESTED. WATTLES PROPERTIES, LLC, BROOKFIELD ACADEMY, 3950 LIVERNOIS,** for relief of the 4'-6" high masonry screening wall required along the east side of off-street parking.

Mr. Stimac explained that the petitioner is requesting renewal of relief granted by this Board of the 4'-6" high masonry screening wall required along the east side of off-street parking. This relief was originally granted in 1982 and expanded in 1988, in part, due to the fact that a chain link fence with redwood slats had been installed. This item last appeared before this Board at the meeting of October 2002 and was granted a three-year renewal with the stipulation that the fence would be repaired and kept in good

**ITEM #6 – con't.**

repair. Conditions at the site remain the same and we have no objections or complaints on file.

**ITEM #6 – con't.**

MOVED, to grant Wattles Properties, LLC, Brookfield Academy, 3950 Livernois, a three (3) year renewal of relief of the 4'-6" high masonry screening wall adjacent to off-street parking.

- Fence to remain in good repair.
- Conditions remain the same.
- There are no complaints or objections on file.

**ITEM #7 – RENEWAL REQUESTED. ST. AUGUSTINE EVANGELICAL CHURCH, 5475 LIVERNOIS**, for relief of the 4'-6" high masonry wall required along the south and west sides of off-street parking.

Mr. Stimac explained that the petitioner is requesting renewal of relief granted by the Board for the 4'-6" high masonry wall required along the south and west sides of the property, adjacent to the off-street parking. This relief was originally granted in 1993 based on the fact that the variance would not be contrary to public interest and conforming would be unnecessarily burdensome. This item last appeared before this Board at the meeting of October 2004 and was granted a one-year renewal to allow the neighbors to determine if the special use for the day care center would create any type of problems. Conditions remain the same and we have no objections or complaints on file.

MOVED, to grant St. Augustine Evangelical Church, 5475 Livernois, a three (3) year renewal of relief of the 4'-6" high masonry wall required along the south and west sides of the property, adjacent to the off-street parking.

- Variance is not contrary to public interest.
- There are no complaints or objections on file.

**ITEM #8 – RENEWAL REQUESTED. MARC DYKES, HOME PROPERTIES, CANTERBURY SQUARE APARTMENTS II, N. SIDE OF LOVINGTON, E. OF JOHN R.**, for relief of the 4'-6" high masonry screening wall required along the north and east sides of off-street parking where these areas abut residentially zoned land.

Mr. Stimac explained that the petitioner is requesting renewal of relief granted by this Board for relief of the 4'-6" high masonry screening wall required along the north and east sides of off-street parking areas where these areas abut residentially zoned land. This relief has been granted since 1974 primarily due to the fact that the adjacent residential land is undeveloped. The property to the north is now developed for a multi-story senior citizen housing project and the City for use as a future park development

**ITEM #8 – con't.**

has acquired the property to the east. This item last appeared before this Board at the meeting of October 2002 and was granted a three-year renewal. Conditions remain the same and we have no objections or complaints on file.

MOVED, to grant Marc Dykes, Home Properties, Canterbury Square Apartments II, N. side of Lovington, E. of John R., a three (3) year renewal of relief of the 4'-6" high masonry screening wall required along the north and east sides of off-street parking areas where these areas abut residentially zoned land.

- Adjacent property is not developed with single-family residences.
- Variance will not have an adverse effect to surrounding property.
- Variance is not contrary to public interest.
- Conditions remain the same.

**ITEM #9 – RENEWAL REQUESTED. LIFE CHRISTIAN CHURCH INTERNATIONAL, 3193 ROCHESTER ROAD,** for relief of the 4'-6" high masonry screening wall required along the north and west sides of off-street parking.

Mr. Stimac explained that the petitioner is requesting renewal of relief granted by this Board for relief of the 4'-6" high masonry screening-wall required along the north and west side of off-street parking. This Board originally granted this relief in 1980. This item last appeared before this Board in October 2002 and was granted a three (3) year renewal. Since that time the church property has been sold from Troy Baptist Church to the current owner. Other than that, conditions remain the same and we have no complaints or objections on file.

MOVED, to grant Life Christian Church International, 3193 Rochester Road, a three (3) year renewal of relief of the 4'-6" high masonry screening-wall required along the north and west side of off-street parking.

- Conditions remain the same.
- There are no complaints or objections on file.

**ITEM #10 – RENEWAL REQUESTED. BLUE HERON INVESTMENTS, LLC, 2032 E. SQUARE LAKE,** for relief of the 6' high screen wall required along the east side of the property, where commercial zoned property abuts residential zoned property.

Mr. Stimac explained that the petitioner is requesting relief granted by this Board to delete the 6' high screen wall along the east side of the property, where Commercially zoned property abuts Residential zoned property. This item last appeared before this Board at the meeting of October 2002 and was granted a three (3) year renewal.

**ITEM #10 – con't.**

MOVED, to grant Blue Heron Investments, LLC, 2032 E. Square Lake Road, a three (3) year renewal of relief of the 6' high screen wall along the east side of the property where it abuts residentially zoned land.

- Existing vegetation provides adequate screening.
- Conditions remain the same.
- There are no complaints or objections on file.

**ITEM #11 – VARIANCE REQUESTED. DAVID DONNELLON, THE CHOICE GROUP, 4254 BEACH ROAD,** for relief of the Ordinance to split an existing parcel of land from its Beach Road frontage.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to split an existing parcel from its Beach Road frontage. The site plan submitted indicates a split of this property from its Beach Road frontage and creating access to the property from the western end of the stub street Prestwick. This would result in the only street frontage for this property being the 55 feet at the end of Prestwick Drive. Section 30.10.02 requires that properties in the R-1B Zoning District have a minimum of 100' of frontage on a public street.

This item first appeared before this Board at the meeting of August 16, 2005 and was postponed until this meeting at the request of the petitioner to allow him the opportunity to discuss other options with the neighbors that may be acceptable to everyone.

The Building Department received a letter from Mr. Donnellon of the Choice Group and Mr. Kyle Jones, representative of the Greentrees Homeowners Association asking that this request be postponed until the meeting of November 15, 2005.

Motion by Wright  
Supported by Maxwell

MOVED, to postpone the request of Mr. Donnellon, 4254 Beach Road, until the next scheduled meeting of November 15, 2005 for relief of the Ordinance to split an existing parcel of land from its Beach Road frontage.

- Per the request of the petitioner as well as the representative of the Homeowners Association.

Yeas: All – 7

**MOTION TO POSTPONE REQUEST UNTIL THE MEETING OF NOVEMBER 15, 2005  
CARRIED**

**ITEM #12 – VARIANCE REQUESTED. ARNOLD BECKER, 2840-2880 ROCHESTER ROAD**, for relief of the Ordinance to expand the existing parking lot at 2840-2880 Rochester Road with a 10' setback from the north property line and without a screen wall. Section 29.50.07 requires a 25' front setback and also requires a 4'-6" high screen wall to be installed at this setback line.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to expand the existing parking lot at this commercial property. The property immediately to the east is zoned R-1E. Section 29.50.07 of the Troy Zoning Ordinance requires a 25' front setback for Vehicular Parking (P-1) zoned parcels when they have contiguous frontage with residential districts. It further requires a 4'-6" high screen wall installed at this setback line. The site plan submitted indicates a setback of only 10' from the north property line and no screen wall.

Mr. Maxwell asked if there was a screen wall now. Mr. Stimac explained that the property where the expansion is planned previously had houses on it that were demolished and was re-zoned from R-1E to P-1 (Vehicular Parking).

Mr. Courtney asked if the building to the east was a home and Mr. Stimac stated that it was an occupied single-family residence.

Eileen Youngerman, General Manager for Arnold Becker was present and stated that they are only requesting a variance for the screening wall on the north property line. They believe that landscaping would be more aesthetically pleasing than a screen wall. They would lose a whole row of parking on the north side if the 25' setback is required and the area on the south side of the property is nothing but utilities and easements and they cannot have them moved.

Mr. Fejes asked what kind of business was going in this area and Ms. Youngerman said that they are presently working with a client that has a wood working business and another that is a window business. This parking would make the area more accessible. Mr. Fejes then asked if the parking available would meet the parking requirements and Mr. Stimac said that there is a different parking standard between a furniture store and a retail shoe store for example. A furniture store would require less parking than a shoe store. Ms. Youngerman said that the client that they are working with right now would be for the sales of wood working equipment and a few classes. Ms. Youngerman said that offices were in this building before it was Corey Dinette.

Mr. Stimac asked how large this building was and Ms. Youngerman stated that it was approximately 11,020 square feet. Mr. Stimac said that a building this size would require 51 parking spaces on the current site. Ms. Youngerman said that they are also considering parking on the south side of the property. They did not develop the southeast corner of the parcel but left it as a green space.

Mr. Hutson asked what would happen if the variance was not granted and Ms. Youngerman stated that they would lose eight (8) parking spaces. With the design that

**ITEM #12 – con't.**

they have worked with they would only have only one entrance off Henrietta if the 25' setback was required. Mr. Hutson asked if they would still be able to use the building for the proposed use and Ms. Youngerman said that she thought the parking would be below what is required.

Mr. Courtney asked how wide the lots were and Ms. Youngerman said that they are 50' wide. Ms. Youngerman said that they would lose an entire row of parking on the north face on Henrietta.

Mr. Hutson said that one objection from the property that is further east of the frame building has been received, and this property owner wants a screen wall. Mr. Hutson went on to say that if he were living next to this property he also would want some type of screening, although not necessarily a masonry wall. Ms. Youngerman said that there will be a 4'-6" high wall between the parking and the east property line. Ms. Youngerman said that she has worked with Nancy Haynes, the neighbor immediately to the east, and are more than willing to put up this screening wall.

Ms. Youngerman introduced her architect, Dustin Elliott of Orchard Hills McClintock (OHM) and said if the Board had any questions, he would be more than willing to answer them.

Mr. Hutson said that he did not feel the requirement of 25' of green space is appropriate under these circumstances. Ms. Youngerman said that they more than meet the green space requirement for both lots.

Mr. Kovacs asked for an explanation of the drawing of the parking area on the east side and how wide the cut out area was. Mr. Elliott said that they are at least 7' in depth to allow a car to back out of a stall and pull out without going over a curb. The Ordinance requirements have been met along the east property line, the variance request is for the north property line.

Mr. Stimac clarified that the two lots that are proposed to be developed are within the P-1 (Vehicular Parking) Zoning classification. P-1 Zoning has a somewhat unique requirement in that if you have P-1 zoning which is contiguous with residential, the Ordinance says that the setback for that parking has to be the same setback as the houses. You can't have a parking lot that sticks out in front of the houses. It further says that at that front setback line you need to have a screen wall between the parking lot and the street. The parking lot would need to begin 25' from the north property line and is further required to have a 4-6" screening wall along this 25' setback. Petitioners wish to reduce the 25' setback to 10' and are also asking for the elimination of the screening wall.

Mr. Kovacs asked what the setback was to the east property line and Mr. Stimac stated that there is no setback mandated by Ordinance.

**ITEM #12 – con't.**

Mr. Courtney said that if they put the wall in the only thing they would be screening is another wall. Ms. Youngerman said that they are also planning to plant trees along this area.

Mr. Stimac explained that if the building is 11,020 square feet and the Zoning Ordinance requires one parking space per 200 square feet at general retail space. That would require 55 parking spaces for the building to the north. The building to the south contains automobile related repair facilities and per the petitioner contains five bays on each side. Mr. Stimac went on to say that the Zoning Ordinance requires two parking spaces per bay that would require 20 for this building, and 55 for the building to the north for a total of 75. Mr. Stimac said that with the new plan, he counted 98 parking spaces on the site as shown.

Mr. Hutson asked if it will then meet the requirements for a general retail store and Mr. Stimac said that it would exceed the requirements for general retail. Mr. Hutson asked if there were other uses that could go in this area that would require more parking and Mr. Stimac said that restaurants and medical offices could require more parking. Mr. Hutson asked if they insisted on a 25' setback and the petitioner lost eight (8) parking spaces, what the effect on retail would be. Mr. Stimac said that based on his count they would still have 90 parking spaces, and the Ordinance would require 75 parking spaces.

Mr. Fejes asked what Board the petitioner would have to appear before if one of the other uses came into this area and more parking was required. Mr. Stimac said that the petitioner would have to request a parking variance from City Council.

Mr. Kovacs asked if a sidewalk would need to be expanded in the 10' area. Ms. Youngerman said that one of the reasons they did not show a sidewalk in this area was because the master plan indicates that this area will all be commercial some day. Mr. Kovacs then asked if they had ever considered putting a slight berm in this area. Ms. Youngerman said that they have redesigned these plans at least six times and they are not planning to put in a berm at all.

Mr. Fejes asked if the petitioner is in compliance with the landscaping requirement. Mr. Stimac said that he believes the Planning Department did confirm that they do meet the landscape requirements.

The Chairman opened the Public Hearing.

Nancy Haynes, 1046 Henrietta was present and stated that she is the first house next to this property. Ms Haynes does not object to this request, however, would like to see a 25' setback and greenbelt area.

**ITEM #12 – con't.**

Mr. Courtney clarified the location of Ms. Haynes property and Ms. Haynes said that her home is right next door to the proposed parking lot. Mr. Courtney said that he did not see how this request would effect her property. Ms. Haynes said that in her opinion when she is backing out of her driveway her view would be obstructed without the 25' setback. Mr. Stimac explained that the screen wall along the east property line would start at a 25' setback as required by the ordinance. If the petitioner were to receive their variance the screen wall would start at a 10' setback line.

Mr. Hutson asked if Ms. Haynes wanted the screen wall along her property line and she said that she did. Mr. Hutson also said that in the petition it was indicated that the Master Plan calls for this area to be all developed as Commercial property and Mr. Stimac said that was true. Ms. Haynes said that she and her neighbors hope that it does go Commercial.

Mark Kozlow, 1058 Henrietta was present and said that when the Zoning was changed in this area the residents were told that the businesses would comply with the Ordinance. City Council approved it even though the residents did not want the Zoning changed and now everything is changing. Mr. Kozlow stated that the Ordinance was designed to benefit the residents, and the future use is supposed to be for businesses. Mr. Kozlow said that they have been waiting for that to happen for a long time and nothing seems to be happening. They are taking the property away piece meal. Mr. Kozlow also said that he would be more than willing to sell his home. Mr. Kozlow said that he would like to see the Ordinance followed. Mr. Courtney asked if Mr. Kozlow wanted a wall to go east and west all along Henrietta. Mr. Kozlow said that he would like the 25' setback and would like to see the Ordinance followed.

Mr. Fejes said that they are trying to understand Mr. Kozlow's objection and asked if he wanted to see a wall. Mr. Kozlow said that he doesn't care about the wall, but would like to see the 25' setback met.

No one else wished to be heard and the Public Hearing was closed.

There is one (1) written objection on file. There are no written approvals on file. There are also two (2) verbal objections.

Mr. Kovacs said that 75 parking spaces are required by the Ordinance, there are presently 90 parking spaces proposed to be available and asked what the justification was for this request. Mr. Elliott said that the perceived parking on this property appears to be deficient and the hardship would be getting over that perception.

Mr. Wright said that in his opinion this would be more of a financial hardship rather than a hardship that runs with the land. Mr. Wright did not see any justification to grant a variance for these eight (8) parking spaces. The Ordinance requires 75 parking spaces and presently there are proposed to be ninety (90) spaces available. Perception is not

**ITEM #12 – con't.**

a hardship that runs with the land. Ms. Youngerman said that she understands that but they were looking at the way it pertains to one building and the adjacent parking.

Mr. Courtney said that the perception would be changed by anyone going down Henrietta.

Motion by Courtney  
Supported by Hutson

MOVED, to grant Arnold Becker, 2480-2880 Rochester, relief of the Ordinance for a required 4'-6" high screen wall on the north side of the parking area where the parking lot abuts a public street.

- Wall would serve no purpose.
- Wall would be contrary to public interest.

Mr. Fejes asked if another motion would be made regarding the setback and Mr. Courtney said that the only motion he was making was on the lack of the required 4'-6" screen wall.

Mr. Stimac said that a separate motion could be made on the setback request. Mr. Stimac also asked if Mr. Courtney's intent was to deny the request for the setback variance. Mr. Courtney said that he was hoping someone else on the Board would make a motion regarding the setback variance.

Mr. Maxwell said that the parking spaces are not needed today but may be needed in the future. Mr. Maxwell asked if it was possible for the petitioner to withdraw their request for the 25' setback. Mr. Kovacs asked if this request was not withdrawn and conditions change, if they could come back to the Board. Ms. Lancaster said that it could come back if the circumstances were substantially different. Mr. Kovacs asked what would happen if the tenant changes in the building itself and requires additional parking. Ms. Lancaster said if the request was denied based on the variance running with the land, the petitioner would not be able to come back.

Ms. Lancaster also asked if a parking variance that was denied based on a hardship that runs with the land, had ever been able to come back. Mr. Stimac said that he was not aware of any second requests for a parking variance based on a change of tenant. If the adjacent property to the east is rezoned from the R-1E classification to a non-residential classification a variance for the setback would not be required. The fact that the property to the east is zoned residential mandates the 25' setback.

Mr. Courtney asked for a vote on his motion for the screen wall.

The Chairman called for a vote.

**ITEM #12 – con't.**

Yeas: All – 7

**MOTION TO GRANT THE REQUEST ELIMINATING THE 4'-6" HIGH SCREEN WALL ON THE NORTH SIDE OF THE PARKING LOT CARRIED**

Motion by Courtney to deny the request for a 10' setback. Mr. Fejes stated that Mr. Maxwell wanted to see if the petitioner would withdraw this request. Mr. Maxwell said if the petitioner withdrew this part of their request they could come back to the Board sometime in the future. Mr. Courtney said that he thought they could deny this request because presently it is not needed but if the usage changed in the future he thought the petitioner would be able to come back to the Board.

Ms. Lancaster asked if Mr. Courtney meant a change in tenant regarding usage. Ms. Lancaster said that they could not do that because a variance runs with the land, and they could not re-visit the same request if a new tenant comes in. The variance has to be granted on the present use of this land. Mr. Courtney said that resolutions have been passed in the past with conditions.

Mr. Stimac said that in looking at what the Board is going to do, and if Mr. Courtney's motion to deny is based on the fact that the proposed parking spaces are over and above what is required by the Ordinance, then if conditions were to change on the site in terms of the tenancy of the building, and the additional parking spaces were required by the Ordinance, that would constitute a substantial change and he feels it could come back for another variance request.

Ms. Lancaster said that Mr. Stimac is looking at this as a reconsideration because circumstances have changed and not a variance that runs with the land, they could come back to the Board.

Mr. Hutson said that the neighbors are objecting to this setback variance request. If the petitioner is denied the request for the 10' setback they would not be able to come back to this Board and suggested that petitioner withdraw their request for the setback. Mr. Fejes said that he concurs with Mr. Hutson.

Ms. Youngerman said that currently they do not have a signed agreement with anyone and it would be impossible at this point to determine whether these parking spaces would be required or not. Rather than withdraw the request, Ms. Youngerman stated that she would rather ask for a postponement so that she could confer with Mr. Becker because it would involve a change in all the architecture that they have reviewed with the City. They are trying to be a good neighbor and have redrawn their plans at least six times. They may want to reconfigure their whole design.

Mr. Fejes said that he agrees with Mr. Wright in that there is no hardship that runs with the land.

**ITEM #12 – con't.**

Mr. Courtney said that if the item was postponed until next month the petitioner would not necessarily have any additional information regarding the need for this setback, and perhaps it would be better to withdraw the request until they have a tenant. Mr. Courtney said that if the request was denied they would not be able to come back to this Board. Ms. Youngerman said that she felt that the “powers that be” needed to get together and determine what their course of action would be.

Mr. Fejes asked how much time the petitioner was allowed if her request was withdrawn. Ms. Lancaster said that if the request was withdrawn they could come back anytime with a new request.

Mr. Kovacs asked the petitioner if she has worked with the City Planning Department and if this was the best design they could come up with. Ms. Youngerman stated that they have worked extensively with both the Planning Department and Building Department. Mr. Kovacs said that he wondered why the Planning Commission felt that these spaces were necessary.

Mr. Stimac said that the Planning Commission has not voted on the site plan approval. In looking at this plan and at the dimensions available for the parking lot, this layout became the most efficient way to lay out parking and the most appropriate based on where the access roads are and where the current parking is. Mr. Stimac also said that they could do exactly what is proposed on the site plan and take out the top row of parking and he does not think they would have to redesign the entire parking lot.

Mr. Wright said that the petitioner indicated that one of their perspective tenants would be a wood-working shop and he did not believe that even 75 parking spaces would be required. Mr. Wright then asked what the parking requirement would be if a restaurant was going into this area. Mr. Stimac said that he would need to know the seating capacity for the restaurant before he could give him an exact amount. If for example, there were 78 parking spaces available for the northern building that would be enough for a 130 seat restaurant.

Motion by Courtney  
Supported by Wright

MOVED, to postpone the request of Arnold Becker, 2840-2880 Rochester, for relief of the 25' front setback required along the north property line where they wish to expand their parking lot, until the meeting of November 15, 2005.

- To allow Ms. Youngerman the opportunity to meet with Mr. Becker and determine what he would like to do regarding this request.

Yeas: All – 7

**ITEM #12 – con't.**

MOTION TO POSTPONE REQUEST UNTIL THE MEETING OF NOVEMBER 15, 2005  
CARRIED

Mr. Kovacs said that the petitioner for the next item, Mr. Dearment, had represented him in a real estate transaction and he has had some discussion with Mr. Dearment regarding the procedure process for this Board. Mr. Kovacs said that he would consider him a friend but feels that he could make an unbiased decision on this request. Mr. Kovacs said it would be up to the Board to determine if he could act on this request.

Motion by Courtney  
Supported by Wright

MOVED, to excuse Mr. Kovacs from hearing Item #13, the request of Richard Dearment, Crystal Springs Subdivision due to a possible conflict of interest.

Yeas: 1 – Wright  
Nays: 5 – Courtney, Fejes, Gies, Hutson, Maxwell

MOTION TO EXCUSE MR. KOVACS FAILS

**ITEM #13 – VARIANCE REQUESTED. RICHARD DEARMENT, LOT #69, CRYSTAL SPRINGS SUBDIVISION**, for relief of the Ordinance to construct a single family residence on a parcel that is 63.76' wide, where Section 30.10.04 of the Zoning Ordinance requires a minimum of 85' lot width in the R-1C Zoning District.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a single-family residence. The petitioner resides at 740 Trinway on Lot #68 and also owns adjacent Lot #69. These lots are each 63.76' wide and Section 30.10.04 of the Zoning Ordinance requires that the minimum lot width in the R-1C Zoning District is 85'. Section 40.50.02 of the Troy Zoning Ordinance requires that when two or more lots with continuous frontage under a single ownership do not comply with the requirements for lot width or area, they are considered to be an undivided parcel. The petitioner is requesting approval to have these considered separate parcels and is permitted to build a second home on the vacant parcel.

Mr. Wright asked what the side yard requirements were in R-1C and Mr. Stimac stated that they are 10' on each side. Mr. Wright then confirmed that the maximum width a new home could be was 43'.

Mr. Dearment, 740 Trinway, was present and stated that he would like to construct a new home. This lot is very buildable and is about 21,000 square feet and he would be able to put his dream home here.

**ITEM #13 – con't.**

Ms. Gies asked if he also owns the lot right next to it. Mr. Dearment said that he does own 740 Trinway and wants to stay in Troy and this would be the best possible solution. Mr. Dearment further stated that he had submitted drawings of the home he would like to build, which would be about 1,500 to 1,800 square feet.

Mr. Courtney asked if the current home could be changed to do what Mr. Dearment wants. Mr. Dearment said that he did not believe the foundation would support any new building on it.

The Chairman opened the Public Hearing.

Rex Brown, owner of 717 & 949 Trinway was present. Mr. Brown stated that this property was on the market about two months ago. Mr. Brown said that older homes on this street are being knocked down and new homes are going in that are quite large. Mr. Brown also said that he did not think the existing home could be remodeled. Trinway is extremely popular right now and the new homes going in on the street have been in the \$400,000.00 to \$600,000.00 range. Mr. Brown said that he is quite surprised that you would want to build a dream home next to a small bungalow. Right now there are traffic problems on this street and Mr. Brown said that he would like to see the 85' lot width held up.

Mr. Kovacs asked what the widths of the properties were that Mr. Brown owns. Mr. Brown said that one of his properties has an 86' width and the other is 90.6' wide. Mr. Kovacs said that most of the lots around Mr. Dearment's property are small lots. Mr. Brown said that most of those are double wide lots with one home on them. Mr. Brown said that both of his neighbors have lots that are wider than the 85' width and perhaps the lots on the south side of the street the lots are smaller. Mr. Brown said that he could not see building a dream home next to a bungalow. Mr. Kovacs asked what his definition was of a dream home and Mr. Brown said that he was just repeating what Mr. Dearment had said. Mr. Brown also said that he thinks if this variance is granted, it would open the door for other property owners to split their property and put up homes on smaller lots.

Ms. Gies asked for an explanation of the lot sizes. Mr. Stimac said that based on the provisions of the Ordinance if a person only owns one lot that is considered to be a buildable lot. This petitioner owns two lots side by side and even though they were platted as two substandard lots, they are under common ownership and are considered to be undivided. Mr. Stimac indicated through a color coded site map that a majority of these lots although platted in the 1920's and 1930's as individual substandard lots, they have been combined to make one buildable parcel. On Sylvanwood there are a total of 53 home sites, 39 that meet the minimum lot width and area requirement and 14 parcels that do not meet the requirements. On Trinway there are a total of 51 home sites and

**ITEM #13 – con't.**

37 of these sites meet the minimum lot width requirement, while again there are 14 that do not.

Mr. Courtney asked how long Mr. Dearment has owned this property and Mr. Dearment said that he has been there since 1998. Mr. Courtney asked if it was a single site when he purchased it and Mr. Dearment said that it was. Mr. Dearment said that his plan is to build a home just for himself. Mr. Courtney said this variance would create two lots that are undersized.

No one else wished to be heard and the Public Hearing was closed.

There are no written objections or approvals on file. There is one verbal objection on file.

Mr. Dearment said that he had spoken to the neighbors on either side of him as well as the neighbor across the street and they all indicated approval.

Mr. Hutson said that in his opinion the trend is for larger lots rather than to build a home on a smaller lot. Mr. Hutson did not see a hardship. Both Ms. Gies and Mr. Wright agreed with Mr. Hutson.

Motion by Courtney  
Supported by Wright

MOVED, to deny the request of Richard Dearment, Lot #69, Crystal Springs Subdivision, relief of the ordinance to construct a single family residence on a parcel that is 63.76' wide, where Section 30.10.04 of the Zoning Ordinance requires a minimum of 85' lot width in the R-1C Zoning District.

- Petitioner did not demonstrate a hardship that runs with the land.
- Variance would have an adverse effect to surrounding property.
- Variance would be contrary to public interest.

Yeas: 6 – Courtney, Fejes, Gies, Hutson, Maxwell, Wright  
Nays: 1 – Kovacs

MOTION TO DENY VARIANCE REQUEST CARRIED

**ITEM #14 – VARIANCE REQUESTED. JAMES POWERS OF RESIDENTIAL RENOVATIONS, 1641 WITHERBEE**, for relief of the Ordinance to construct an attached garage. This home is a legal non-conforming structure. It has an existing 5' side yard setback where 10' is required by Section 30.10.04.

**ITEM #14 – con't.**

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct an attached garage. This home is a legal non-conforming structure. It has an existing 5' side yard setback where 10' is required by Section 30.10.04. The site plan submitted indicates removing an existing carport and constructing an attached garage that would continue this existing 5' side yard setback.

James Powers, representing Ms. Howitt was present and stated that the homeowner would like to put up an attached garage and remove the existing carport. The attached garage would have the same setback as the carport. There are a number of garages that have been constructed in this area with the same setback.

Mr. Fejes confirmed that the side yard setback would not be increased. Mr. Powers said that he was proposing to tear down the carport and build an attached garage.

Mr. Hutson asked if there was any way to put a garage in the back and Mr. Powers said that he wasn't sure and would have to check into what the Ordinance requirements would be for a detached garage. Mr. Hutson said that there are quite a number of carports in this area.

Mr. Wright said that this Board had approved the same type of request within the last few months in this area. Mr. Stimac confirmed that 1071 Norwich had been approved for a very similar request.

Ms. Gies asked if the reason so many carports were in this area was because the setback requirement was different for carports versus garages. Mr. Stimac said that he thought carports were very prevalent in this sub and he thought it may have been because they were very popular at the time this sub was built and not that they had different setback requirements.

Mr. Courtney said that he thought the attached carports were a big selling point.

Mr. Wright said that this is one of the older subdivisions in Troy and the setback requirements have been changed since that subdivision was developed.

The Chairman opened the Public Hearing.

Russ Long, 1071 Norwich was present and stated that he approved of this request as he feels that it will improve the neighborhood.

No one else wished to be heard and the Public Hearing was closed.

There are three (3) written approvals on file. There are no written objections on file.

**ITEM #14 – con't.**

Motion by Kovacs  
Supported by Gies

MOVED, to grant James Powers of Residential Renovations, 1641 Witherbee, relief of the Ordinance to construct an attached garage with a 5' side yard setback where 10' is required by Section 30.10.04.

- Variance is not contrary to public interest.
- Variance would not have an adverse effect to surrounding property.
- Variance will not permit the establishment of a prohibited use as the principal use within a zoning district.
- Variance relates only to the property described in the application.
- Literal enforcement of the Ordinance does preclude full enjoyment of the permitted use and makes conforming unnecessarily burdensome.
- A lesser variance does not give substantial relief.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

**ITEM #15 – VARIANCE REQUESTED. RUSSELL LONG, 1071 NORWICH**, for relief of the Ordinance to demolish an existing carport and construct a new attached garage with a 5' side yard setback and a 24' front yard setback. Section 30.10.04 of the Ordinance requires a minimum 10' side yard setback and a 30' front setback in the R-1C Zoning District.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to demolish an existing carport and construct a new attached garage. Section 30.10.04 requires a 10' minimum side yard setback and a 30' minimum front yard setback for homes in the R-1C Zoning District. At the meeting of August 16, 2005 this Board approved a variance to construct an attached garage on this property with a 5' side yard setback and a 26' front setback. The revised plans would continue to use the 5' side yard setback and now indicate a 24' front yard setback. Section 30.10.04 requires a 30' front setback in the R-1C Zoning District.

Mr. Wright confirmed that the side yard setback was approved 2 months ago, and now the Board has to look at the 2' additional front yard setback.

Russell Long was present and stated that based on Mr. Kovacs recommendation he is now applying for an additional 2' , which would allow them to open the car door without banging into the car next to him.

Mr. Wright said that based on the turning radius of the driveway he believes the extra 2' would help backing cars out of the garage.

**ITEM #15 – con't.**

The Chairman opened the Public Hearing.

Mary Ellen Howitt, 1641 Witherbee was present and stated that she is in support of this request as it would improve the neighborhood.

No one else wished to be heard and the Public Hearing was closed.

There is one written approval on file. There are no written objections on file.

Motion by Kovacs  
Supported by Gies

MOVED, to grant Russell Long, 1071 Norwich, relief of the Ordinance to demolish an existing carport and construct a new attached garage with a 5' side yard setback and a 24' front yard setback. Section 30.10.04 of the Ordinance requires a minimum 10' side yard setback and a 30' front setback in the R-1C Zoning District.

- Variance is not contrary to public interest.
- Variance would not have an adverse effect to surrounding property.
- Variance will not permit the establishment of a prohibited use as the principal use within a zoning district.
- Variance relates only to the property described in the application.
- Literal enforcement of the Ordinance does preclude full enjoyment of the permitted use and makes conforming unnecessarily burdensome.
- A lesser variance does not give substantial relief.

Yeas: All – 7

**MOTION TO GRANT VARIANCE CARRIED**

Mr. Kovacs explained that regarding Item #13, in his opinion that because the lot is 314' deep and 21,000 square feet in area, he felt that a house could be built on this parcel. He also felt that to deny the variance was to deny the petitioner his subject property rights and further that literal enforcement of the Ordinance was unnecessarily burdensome and that was the reason for his no vote.

The Board of Zoning Appeals meeting adjourned at 9:07 P.M.

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Christopher Fejes, Chairman

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Pamela Pasternak, Recording Secretary

**TROY HISTORIC DISTRICT COMMISSION MINUTES – FINAL      OCTOBER 18, 2005**

A special meeting of the Troy Historic District Commission was held Tuesday, October 18, 2005 at City Hall. Ann Partlan called the meeting to order at 7:30 P.M.

<b>ROLL CALL</b>	<b>PRESENT</b>	Ann Partlan Barbara Chambers Muriel Rounds Marjorie Biglin Robert Hudson Loraine Campbell, Museum Manager
	<b>ABSENT</b>	Paul Lin

**Resolution #HDC-2005-10-001****Moved by Chambers****Seconded by Biglin****RESOLVED, That the absence of Paul Lin be excused.**

Yes:            5— Partlan, Chambers, Rounds, Biglin and Hudson

No:            0

**MOTION CARRIED****Resolution #HDC-2005-10-002****Moved by Biglin****Seconded by Chambers****RESOLVED, That the minutes of the June 21, 2005 meeting be approved.**

Yes:            5— Partlan, Chambers, Rounds, Biglin and Hudson

No:            0

**MOTION CARRIED****OLD BUSINESS****A. Plaque Program**

Barb Chambers has prices for a more economical house plaque that she will present at the next meeting.

**B. Certified Local Government Application**

The commission reviewed the changes made to the draft application based on suggestions by the State Historic Preservation Office.

**C. Amendments to Chapter 13**

The commission reviewed proposed amendments to Chapter 13, the Historic Preservation ordinance, as proposed by Alan Motzny in response to suggestions by the State Historic Preservation Office.

The commission also reviewed the preliminary report prompted by the request by Brian Wattles to modify the boundaries of the historic district at 3864 Livernois was reviewed. The state agencies and the Planning Commission have approved the preliminary report. Loraine will schedule a public hearing on November 15, 2005, to occur at the beginning of the next scheduled Historic District Commission meeting. The final report and request to amend the ordinance will then be ready to send to City Council.

**D. Parade Magazine Contest**

Paul Lin completed and submitted a nomination for the former offices of Minuro Yamasaki.

**Resolution #HDC-2005-10-003**

**Moved by Rounds**

**Seconded by Chambers**

**RESOLVED, That the revised application for Certified Local Government and all the proposed amendments to Chapter 13 be prepared following the November 15, 2005 public hearing and sent to City Council for approval in January 2006.**

Yes: 5— Partlan, Chambers, Rounds, Biglin and Hudson

No: 0

**MOTION CARRIED**

**NEW BUSINESS**

**A. Home Owners Packet**

Ann Partlan proposed that packets be developed for each historic homeowner that include:

1. Manual for Historic and Architectural Resources in Michigan
2. A copy of the completed Michigan Above Ground Field Survey for their property
3. Resource guides for restoration and rehabilitation projects
4. Guidelines for state tax credits for approved restoration projects

The commission agreed to make this project a priority in 2006.

**B. Representatives to Park Committee**

Barb Chambers and Muriel Rounds volunteered to serve on the committee to discuss the potential use of the site of the old Fire Station #2.

The Troy Historic District Committee Meeting was adjourned at 9:00 p.m. The next regular meeting will be held Tuesday, November 15, 2005 at 7:30 p.m. at City Hall Conference Room C.

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Anne Partlan  
Chairperson

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Loraine Campbell  
Recording Secretary

**TROY DAZE ADVISORY COMMITTEE****CALL TO ORDER**

A regular meeting of the Troy Daze Advisory Committee was held **Tuesday, October 25, 2005** at the Troy Community Center. Meeting was called to order at 7:31 pm.

**MEMBERS PRESENT**

Present:

Jim Cyrulewski  
 Bob Berk  
 Kessie Kaltsounis  
 Cheryl Whitton-Kaszubski  
 Cele Dilley  
 Bill Hall  
 Mike Gonda  
 Bob Preston  
 Jeff Stewart  
 Marilyn Musick

City Staff Present:

Tonya Perry, Bob Matlick, Bob Kowalski, Jeff Biegler

Absent:

Berj Alexanian

**EXCUSE ABSENT MEMBERS**

Resolution #TD-2005-10-34  
 Moved by Cheryl Whitton-Kaszubski  
 Seconded by Bill Hall

RESOLVED that absent members are excused  
 Yeas: All  
 Nays: None  
 MOTION CARRIED

**C.    APPROVAL OF MINUTES**

Resolution #TD-2005-10-35

Moved by Bill Hall

Seconded by Cele Dilley

RESOLVED that the minutes from the August 23, 2005 Troy Daze Advisory Committee meeting are approved with the following corrections: Marilyn Musick was present at the meeting, and under NEW BUSINESS – 1. Correct spelling of last name of Janet Ferstle.

Yeas:    All

Nays:    None

MOTION CARRIED

Resolution #TD2005-10-36

Moved by Cheryl Whitton-Kaszubski

Seconded by Kessie Kaltsounis

TROY DAZE ADVISORY COMMITTEE MINUTES FINAL    OCTOBER 25, 2005

RESOLVED that the minutes from the September 7, 2005 Troy Daze Advisory Committee meeting are approved as submitted.

Yeas:    All

Nays:    None

MOTION CARRIED

OLD BUSINESS

MFEA Conference - Confirmed attendees so far are Jim and Lois Cyrulewski, and Cele Dilley.

NEW BUSINESS

Names of those interested in serving as Troy Daze Advisory Committee Officers were discussed. Those interested are:    Chairman – Cele Dilley, Vice-Chairman – Bill Hall, Treasurer – Cheryl Whitton-Kaszubski, Festival Chairman – Jim Cyrulewski.

ADJOURN MEETING

Resolution #TD-2005-10-37

Moved by Cele Dilley

Seconded by Bill Hall

RESOLVED that the Troy Daze Advisory Committee be adjourned at 7:38 pm.

Yeas:    All

Nays:    None

MOTION CARRIED

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Bob Berk, Chairman

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Jeff Biegler, Recording Secretary

**TROY DAZE FESTIVAL COMMITTEE**

A regular meeting of the Troy Daze Festival Committee was held Tuesday, October 25, 2005 at the Troy Community Center. Meeting was called to order at 7:39 pm.

**ROLL CALL**

Present:

Mike Gonda	Tom Duszynski
Bob Preston	Jim Hatten
Bob Bishop	Karen Hatten
Cecile Dilley	Jeff Super
Bill Hall	Tom Kaszubski
Kessie Kaltsounis	Tom Tighe
Bob Berk	Marilyn Musick
Jim Cyrulewski	Jeff Stewart
Cheryl Whitton	Sandy Macknis
Doris Schuchter	JoAnn Preston
Tarcisio Massaini	

City Staff Present:

Jeff Biegler	Bob Kowalski
Bob Matlick	Tonya Perry

**APPROVAL OF MINUTES**

RESOLVED that the minutes from the August 23, 2005 Troy Daze Festival Committee are approved with the following correction: Remove word "Advisory" from title of the document and change committee title in the first sentence to Troy Daze Festival Committee.

Moved by Kessie Kaltsounis

Seconded by Cele Dilley

Yeas: All

Nays: None

MOTION CARRIED

RESOLVED that the minutes from the September 7, 2005 Troy Daze Festival Committee are approved as submitted.

Moved by Cheryl Whitton-Kaszubski

Seconded by Bill Hall

Yeas: All

Nays: None

MOTION CARRIED

## **TREASURER'S REPORT**

Through the end of September:

Revenues:    \$114,664.41

Expenses:    \$ 91,394.45

## **CORRESPONDENCE**

- October Meeting Notice
- Letter to Mayor and City Council
- Letters to City Manager
- Letter to Troy School Board
- Letters to Henry Ford Medical Center
- Letters to Leadership Troy
- Response to MFEA

## **EVENTS CHAIRPERSON**

Event Wrap-up Summaries:

Kessie Kaltsounis: passed out a breakdown of which sponsors used ride booklets, bracelets, and food coupons.

Cheryl Whitton-Kaszubski: Need to look at what to do about parking fees. The fee we had this year created a situation of needing a large amount of change. Also need to determine what our policy is on contest ties, regarding prize money.

Tom Kaszubski: Aloha Tropics wants to propose bringing in a large dance group. A rep will come to a future TD meeting to discuss.

Bill Hall: Went through at least 4,000 balloons at the information tent.

Jeff Stewart: Starting the Special Adults event earlier at 5 pm as suggested probably will not work, as it will be difficult to get them to the park that early.

Sandy Macknis: We had 255 student volunteers this year and gave out 255 t-shirts. She would like to volunteer to be in charge of student volunteers next year. Also suggests student volunteers get t-shirts with a special color, different from other volunteers, or park maintenance personnel. Finally, we should change the drop off area from the Boulan Park entrance to the end of McManus.

Cele Dilley: We had a total of 111 booths. Pistons didn't show up on Sunday. Add to suggestion list – Sunday morning, hand out flyers to vendors on the schedule for Sunday night shutdown.

Marilyn Musick: Additional signage is needed in the children's area to clarify the purpose of the area. "Magic Cauldron" may not tell people that this area is the children's area.

Bob Preston – Reminded the group that if the State decides to move the start of school to after Labor Day next year, we will be scrambling to get student volunteers for Troy Daze.

Doris Schuchter – Passed around photos of the nationalization ceremony. Also suggested that the lights in the Ethnicity tent remain on longer on Sunday night next year. This year they went off at 7:20 pm.

Tom Duszynski – Requested the brown art flats be painted white for next year.

Bob Matlick – The area used for the water battle worked great. The Fire Department did not have a booth this year and do not plan on having a booth next year.

Tom Tighe – Regarding a suggestion having Miss Troy at the 50/50 drawing next year, if there is a possible conflict with Miss Troy having to leave the festival early to go back to school, the Mr. Troy winner could possibly attend the 50/50 drawing.

Bob Bishop – Keep the level of cooperation enjoyed this year with the City workers.

Mike Gonda – Shared a thank you card with the group from a resident. Suggested turning the photo contest tent 90 degrees. Also locate dressing room behind waffle tent. Have developed a bungee-cord system for securing the sidewall curtains of the tents, making the process much easier. Finally, would like 3 or 4 volunteers working the vendor parking lot on Thursday and Friday to assist with keeping the vendors parking properly.

Kessie Kaltsounis – The Headquarters Trailer needs a big banner on the side identifying it as the headquarters trailer. Mike Gonda to add that to the banner list for next year.

Jim Cyrulewski – Thanks to event chairpersons for getting reports in. Will put together an organizational list for next meeting and will be looking for additional chairpersons where needed.

JoAnn Preston – Announced she is resigning as chairperson of Ethnicity event. A new chairperson will be needed.

## **NEW BUSINESS**

Joe Smetanka would like to revive the craft show. He will present a proposal for a commercial venture to run a craft show. Crafters would pay him a fee to display. He would then give a cut to the Troy Daze Festival. A question arose to whether this would have to be bid. Jeff to check with Purchasing.

By-laws Committee to further review the Advisory Committee and Festival Committee manual.

Corporate Sponsor sub-committee will meet at Cheryl's office at 6:00 pm on November 2, 2005.

**OLD BUSINESS**

None

Motion to adjourn by Bill Hall, seconded by Cele Dilley.

**Meeting is adjourned at 9:06 pm.**

The Vice-Chairman, William Nelson, called the meeting of the Building Code Board of Appeals to order at 8:37 A.M. on Wednesday, November 2, 2005.

PRESENT: William Nelson  
Tim Richnak  
Frank Zuazo  
Rick Kessler

ALSO PRESENT: Mark Stimac, Director of Building & Zoning  
Marlene Struckman, Housing & Zoning Inspector Supervisor  
Pamela Pasternak, Recording Secretary

ABSENT: Ted Dziurman

MOVED, to excuse Mr. Dziurman from this meeting for personal reasons.

Yeas: All – 4

MOTION TO EXCUSE MR. DZIURMAN CARRIED

**ITEM #1 – APPROVAL OF MINUTES – MEETING OF OCTOBER 5, 2005**

Motion by Richnak  
Supported by Kessler

MOVED, to approve the minutes of the meeting of October 5, 2005 as written.

Yeas: All – 4

MOTION TO APPROVE MINUTES CARRIED

**ITEM #2 – VARIANCE REQUESTED. JACOB SNABES, AVER SIGN COMPANY, 1475 W. BIG BEAVER,** for relief of the Sign Ordinance to erect a 26 square foot tenant wall sign on the face of a building, on an area not occupied by the tenant.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to erect a 26 square foot tenant wall sign on the face of 1475 W. Big Beaver on an area not occupied by the tenant. Section 9.02.03 D of Chapter 78 states that each tenant may have one wall sign on the ground floor not to exceed 20 square feet in area and must be located on the face of the area occupied by the tenant.

This item first appeared before this Board at the meeting of October 5, 2005 and was postponed to allow the other tenants in the building to be notified of this request; and to allow the owner of the building to be present regarding this request.

**ITEM #2 – con't.**

Mr. Stimac went on to say that Building Department staff had received several phone calls from Aver Sign Company indicating that they wished to withdraw this request. Staff asked that Aver Sign Company send a letter asking for withdrawal but as of this date no written communication has been received. The petitioner was not present.

Motion by Richnak  
Supported by Kessler

MOVED, to deny the request of Jacob Snabes, Aver Sign Company, 1475 W. Big Beaver, for relief of the Sign Ordinance to erect a 26 square foot tenant wall sign on the face of a building, on an area not occupied by the tenant.

- Petitioner was not present.
- Petitioner failed to provide information requested by the Board.

Yeas: All – 4

MOTION TO DENY REQUEST CARRIED

**ITEM #3 – VARIANCE REQUESTED. BOB HART, 832 BARCLAY**, for relief of Chapter 83 to maintain a 5' high wrought iron style fence.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to maintain a 5' high wrought iron style fence installed 26' from the property line along Barclay Drive. This property is a double front corner lot. It has 30' front yard setback requirements along both Barclay Ct. and Barclay Drive. However, since the home has a common rear yard to rear yard relationship to the home behind it, Chapter 83 limits the height of fences to 48" in the front setback along Barclay Drive. The applicant received a permit to install a 5' high fence 30' from the front property line, however, he installed the fence 26' feet from the property line.

Mr. Hart was present and said originally the fence was to be installed by a company that worked for his pool installer. Mr. Hart had difficulty dealing with the fence company and found that he would be able to save a considerable amount of money on labor, which would enable him to install a nicer fence than what was originally planned. A permit was applied for but the fence was not installed until Mr. Hart received the denial letter from the City.

Mr. Nelson opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are five (5) written approvals on file. There are no written objections on file.

**ITEM #3 – con't.**

Mr. Hart said that he purchased this home in 1988 and has constantly upgraded the property. He believes that he has an obligation to make his property as attractive as possible because he is on the corner. Mr. Hart has received awards from the City of Troy due to the appearance of his property.

Mr. Kessler asked if he planned to keep the landscaped berm and Mr. Hart said that he would like to keep it and also add additional plantings.

Mr. Richnak asked how much space there was between the fence and the pool and Mr. Hart said he thought it was about 8'. If the fence has to be brought in closer, there will be very little room between the pool and the fence line. Mr. Hart then asked what the difference was between the setbacks for a 4' or 5' fence.

Mr. Stimac said that the issue before the Board is that the petitioner could put up a 4' high fence and it could remain at the 26' setback line, or he could leave the 5' high fence and move it back to 30'.

Mr. Hart said that because his home sits on the corner there is a great deal of visibility and he would rather have the 5' high fence to increase safety. Mr. Hart said that he thought that teenagers could probably jump a 4' high fence, but feels that the 5' height would make it more difficult.

Motion by Richnak  
Supported by Kessler

MOVED, to grant Bob Hart, 832 Barclay, relief of Chapter 83 to maintain a 5' high wrought iron fence 26' from the property line along Barclay Drive.

- Petitioner has provided landscaping to screen the fence.
- Neighbors have expressed approval of this fence.
- 5' height will provide greater security.

Yeas: All – 4

MOTION TO GRANT VARIANCE CARRIED

**ITEM #4 – VARIANCE REQUESTED. MONDRIAN PROPERTIES, WESTON DOWNS CONDOMINIUM, SOUTHEAST CORNER OF WATTLES AND FINCH**, for relief of Chapter 85 to erect a second 99 square foot ground sign.

Mr. Stimac explained that the petitioner is requesting relief of the Sign Ordinance to erect a second 99 square foot ground sign. Section 85.02.05, C, 2 of Chapter 85 limits signs in Multiple Family Housing or Cluster Housing Developments to one sign that will

**ITEM #4 – con't.**

not exceed 100 square feet in area and one additional sign not to exceed 36 square feet in area. A permit has already been issued for a 99 square foot ground sign. The proposed sign exceeds the 36 square foot limit on the second ground sign per Chapter 85.

The petitioner was not present. Mr. Stimac indicated that the Parcel ID number provided on the petitioner's application was incorrect and therefore the wrong people were notified of this hearing. This error was discovered this morning when a neighbor called indicating that he lived adjacent to this property and was not notified. Mr. Stimac asked that the Board postpone action on this item until the meeting of December 7, 2005 to allow the Building Department to properly notify the property owners in the surrounding area.

Motion by Richnak  
Supported by Kessler

MOVED, to postpone the request of Mondrian Properties, Weston Downs Condominium, southeast corner of Wattles and Finch, for relief of Chapter 85 to erect a second 99 square foot ground sign until the meeting of December 7, 2005.

- To allow the Building Department the opportunity to re-publish the Public Hearing notices.

Yeas: All – 4

MOTION TO POSTPONE THIS REQUEST UNTIL DECEMBER 7, 2005 CARRIED

**ITEM #5 – VARIANCE REQUESTED. ROBERT CHAPA, SIGN-A-RAMA, 888 W. BIG BEAVER,** for relief of the Sign Ordinance to install a second 36 square foot ground sign.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 85 of the Sign Ordinance to erect a second 36 square foot ground sign at 888 W. Big Beaver. Section 85.02.05, 3 (b & c) of the Sign Ordinance allows one ground sign for each building in accordance with Table 85.02.05 and one additional ground sign for each building, not to exceed 36 square feet in area. Currently there is one 86 square foot ground sign and one additional 36 square foot ground sign on this site. This proposed sign exceeds the number of signs allowed.

Mr. James Jonas, owner of this property, Bob Chapa from Sign-A-Rama, and Mr. Aaron Van De Mark, business owner were present. Mr. Jonas stated that it is very difficult to have a retail space inside an office building without the proper exposure. They wish to put this sign along Big Beaver to allow greater visibility for traffic heading west. This ground sign would be placed approximately 30" off of the ground and they would put in

**ITEM #5 – con't.**

the shrubbery as planned. This sign would provide a space for both “The Melting Pot” and “Morton’s Steakhouse”.

Mr. Kessler stated that he has driven through this area both in daylight and in the evening and he agrees that this site requires more signage. Mr. Kessler also stated that this area has a lot of amenities and believes that the extra signage would be an asset.

Mr. Nelson asked if this sign would have any impact on additional signage for this building and Mr. Stimac said that it would not unless the Board chose to make that a condition.

Mr. Richnak asked if the illumination from this sign would project further out than the sign box. Mr. Chapa said that this is a typical internally illuminated box sign.

Mr. Nelson opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written objections or approvals on file.

Motion by Kessler  
Supported by Richnak

MOVED, to grant Robert Chapa, Sign-A-Rama, 888 W. Big Beaver, relief of the Sign Ordinance to install a second 36 square foot ground sign where Section 85.02.05 3(b & c) of the Sign Ordinance allows one ground sign for each building, and one additional ground sign for each building, not to exceed 36 square feet in area.

- Variance is not contrary to public interest.
- Variance will aid in identification of this site.
- Variance will not have an adverse effect to surrounding property.

Yeas: All – 4

MOTION TO GRANT VARIANCE CARRIED

**ITEM #6 – VARIANCE REQUESTED. STEVEN VANDETTE, CITY ENGINEER, REPRESENTING MR. & MRS. SCHOENROCK, 3018 Waterfall**, for relief of Chapter 83 to install a 6’ high privacy fence in a front yard along the south property line.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to install a 6’ high privacy fence along the south property line at 3018 Waterfall. This property is at the northeast corner of the intersection of Waterfall and Big Beaver and is considered to

**ITEM #6 – con't.**

be a double front corner lot. Chapter 83 of the City Code limits fences located in front yards to a height of no more than 30". The Building Code Board of Appeals granted a variance in 1974, which allowed a 4' high fence along the south property line.

Mr. Vandette was present and stated that this fence would be installed as part of the Big Beaver widening project. An additional lane is being added adjacent to this residence and has caused the curb of Big Beaver to be moved closer. Space will be provided between the sidewalk and the fence and the City is planning to add additional plants and landscaping to help screen this fence. The neighbor to the east of this property submitted a letter of approval for a 8' high privacy fence for this location. The petitioner would like the 8' high privacy fence, but would be happy if the Board were to allow for a 6' high fence.

Mrs. Schoenrock was present and stated that they have lived in this home since 1974 and when Big Beaver was widened in 1988, they were promised by the City that trees and a berm were going to be installed along their property line. This never happened. Mrs. Schoenrock went on to say that they are unable to use their back yard in the summer due to the noise and exhaust from traffic along Big Beaver. People throw garbage and litter in their yard and as people are walking along the sidewalk they peer into the kitchen window. Realtors have told the Schoenrocks that they have lost between \$10,000.00 and \$12,000.00 value in their property due to their proximity to Big Beaver. Mrs. Schoenrock asked that the Board grant this variance to help them.

Mr. Nelson opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are two (2) written approvals on file. There are no objections on file.

Motion by Kessler  
Supported by Zuazo

MOVED, to grant Steven Vandette, City Engineer, representing Mr. & Mrs. Schoenrock, 3018 Waterfall, relief of Chapter 83 to install a 6' high privacy fence along the south property line.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Absent a variance, literal enforcement of the Ordinance would be unnecessarily burdensome.

Yeas: All – 4

MOTION TO GRANT VARIANCE CARRIED

The Building Code Board of Appeals meeting adjourned at 9:10 A.M.

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William Nelson, Vice-Chairman

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Pamela Pasternak, Recording Secretary

**Call to Order**

The regular meeting was called to order at 7:10 pm in Conference Room C at Troy City Hall

**Roll Call**

Present: Kelly Gu Tom Kaszubski  
Lulu Guo Reuben Ellis  
Michelle Haight Padma Kuppa  
Anju Brodbine  
Malini Sarma (7:50 pm)  
Oniell Shah (8:15p)  
Cindy Stewart, Staff Liaison

Absent: Amin Hashmi Mark Pritzlaff

Motion to excuse absent members by A. Brodbine, Second by M. Haight.  
Approved unanimously

**Approval of Minutes**

Minutes from September 6, 2005 – Motion by A. Brodbine, second by M. Haight.  
Approved unanimously.

**New Members**

Welcome to Reuben Ellis, new member

**Correspondence/Articles**

Padme Kuppa's article on Native American Indians was in Nov. Metro Parent.

**Old Business**

a. NCCJ – Local businessman offering to support proposal from NCCJ. He will be back in country mid Nov. and give us an answer by end Nov. 2005.

Schools very excited to be partners. Padma expressed interest in being in the negotiations – cost seems higher than D. Williamson's presentation. Does district have any staff development training on diversity? Tim will check. Could be offered but not taken. Hamilton Elementary has done a lot of programs on diversity (calendar).

NCCJ had videos on diversity for students – would be willing to loan them. Possible for schools to view these at an assembly?

b. EIAB – Mission/Goals

Current Mission Statement – The City of Troy Ethnic Issues Advisory Board promotes an environment enriched by harmonious relationships and open communication within our diverse community through education and multicultural exchange.

Discussion: Do we need more active verb than “promotes”

Implement – too strong

Further enhance – know we’re reaching for a goal, but can do more.

**Revised Mission Statement:**

“The City of Troy Ethnic Issues Advisory Board further enriches harmonious relationships and open communication in our diverse community through education and multicultural exchange.”

Motion by P Kuppa second by M. Haight to change mission statement.

Approved unanimously.

Discussion on reasons people from all cultures choose to come to Troy.

Excellent education, Clean City, Safe City. We need to try and break down the misconceptions. People tend to settle in groups. Ex. Italians - Sterling Heights & Warren, Polish – Hamtramack and Middle Eastern – Dearborn.

How do we get more people at Sights and Sounds events?

Sad that people just don’t care about learning about other cultures.

In today’s economy you have to market to adolescent girls (10 – 14) according to former executive for marketing at Walt Disney. They determine where the family goes.

**New Business**

a. New Member appointment process. Board proposes the following:

**DRAFT – November 7<sup>th</sup> 2005**

**Process for Recommendation of New Ethnic Issues Advisory Board Members to City Council**

The City of Troy Ethnic Issue Advisory (E.I.A.) Board members are appointed and sit at the pleasure of the Troy City Council. From time to time, openings are created on the committee and the current advisory board members would

like to continue to propose well-qualified candidates to the council. This process is created to formalize the review of possible candidates, outline candidate criteria, and to provide information to individuals who would like to be reviewed as possible candidates.

**Process:**

**Upon confirmation of an opening on the E.I.A. Board:**

- The Advisory Board chairman will announce the opening at the next Advisory Board meeting.
- The Advisory Board chairman will contact the City and request the application forms of individuals who have indicated an interest in becoming members of the E.I.A. Board.
- The Board as a whole will review the available application forms from the City and other applications forms that may be given to them and create a “short list” of possible candidates to be interviewed for recommendation.
- Upon Advisory Board selection, the Advisory Board chairman will send a letter to the Troy City Council proposing the selected candidate.

**Criteria:**

- Attendance at all regularly scheduled E.I.A. Board meetings. Must attend a minimum of 9 meetings a year.
- Attendance is required at all major events sponsored by the Board.
- Applicants must have a background or interest in promoting diversity in our community.
- Applicants must be a Citizen of the United States and a registered voter.
- Applicants must live in the City of Troy.
- A maximum of two representatives of a specific ethnic group may be on the Advisory Board at any one time.
- The Board will consist of 9 (nine) members representing different ethnic groups, a maximum of 2 (two) student representatives, and a liaison from the City of Troy.
- Commitment will be effective for either 2 (two) or 3 (three) years depending on year of appointment.

Motion by M. Sarma to approve the proposed process for recommendation of how EIA Board Members are recommended for appointment to City Council.  
Seconded by O. Shah.

Approved unanimously

ETHNIC ISSUES ADVISORY BOARD – DRAFT MINUTES NOVEMBER 7, 2005

b. Sights and Sounds of the World – March 11, 2006

Need countries for March 11<sup>th</sup> event. Countries not represented at previous Sights & Sounds events: Mexico, France, Korea, Spain, S. America, Cuba, Africa, Japan, Ethiopia. Send letters out soon to groups.

c. Senior Citizens Project

It was agreed that we will present workshops on various cultures and religions to the Senior Citizens at the Community Center on four consecutive Thursdays in April (6, 13, 20, 27) at 12:30 pm in room 303 (room holds max of 75 people). Tentative Schedule: Indian – Padma & Anju; Chinese - ? Middle Eastern – Mayada, Jewish – Michael Silverstein, Rabbi Arni Starr

d. Troy Daze EthniCity

Chairperson Joann Preston resigned. Troy Daze is looking for 1-2 people from EIA Board to step forward. Board members will consider this.

e. Goals – To be covered at January meeting.

Motion to Adjourn

Motion by Brodbine, second by Shah to adjourn the Ethnic Issues Advisory Board meeting at 9:10 pm. Approved unanimously.

A regular meeting of the Liquor Advisory Committee was held on Monday, November 14, 2005 in the Lower Level Conference Room of Troy City Hall, 500 West Big Beaver Road. Committee member James Peard called the meeting to order at 7:00 p.m.

**ROLL CALL:**

**PRESENT:** Alex Bennett  
W. Stan Godlewski  
Patrick C. Hall  
James R. Peard  
Bohdan L. Ukraineec  
Lieutenant Michael Lyczkowski  
Sergeant Christopher Stout  
Pat Gladysz

**ABSENT:** Max K. Ehlert, Chairman  
Henry W. Allemon

**Resolution to Excuse Committee Members Ehlert and Allemon**

Resolution #LC2005-11-024  
Moved by Bennett  
Seconded by Ukraineec

RESOLVED, that the absence of Committee members Ehlert and Allemon at the Liquor Advisory Committee meeting of November 14, 2005 BE EXCUSED.

Yes: 5  
No: 0  
Absent: Ehlert, Allemon

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**Resolution to Approve Minutes of September 12, 2005 Meeting**

Resolution #LC2005-11-025  
Moved by Ukraineec  
Seconded by Godlewski

RESOLVED, that the Minutes of the September 12, 2005 meeting of the Liquor Advisory Committee be approved.

Yes: 5  
No: 0  
Absent: Ehlert, Allemon

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**Agenda Items**

1. **D. I. SUPPLY, INC** (A Missouri Corporation) requests to transfer ownership of 2005 Class C licensed business with entertainment permit and official permit (food) located in escrow at 585 W. Big Beaver, Troy MI 48084, Oakland County, from O’ Grady’s Irish Pub. [MLCC REQ ID # 319038]  
(Step 1) *Drury Inn*

Present to answer questions from the Committee was John Carlin.

Mr. Carlin explained to the Committee that this request is to transfer the license held in escrow from O’Grady’s Irish Pub to D. I. Supply, Inc., which is solely owned by Drury Inn, Inc. Item No. 2 of tonight’s agenda will complete the transaction to transfer the license from Drury Inn to Kruse & Muer Troy, LLC.

Resolution #LC2005-11-026  
Moved by Ukrainec  
Seconded by Godlewski

RESOLVED, that D. I. SUPPLY, INC (A Missouri Corporation) be allowed to transfer ownership of 2005 Class C licensed business with entertainment permit and official permit (food) located in escrow at 585 W. Big Beaver, Troy MI 48084, Oakland County, from O’ Grady’s Irish Pub.

Yes: 5  
No: 0  
Absent: Ehlert, Allemon

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2. **KRUSE & MUER TROY, LLC** requests to transfer ownership of 2005 Class C licensed business with entertainment permit, located in escrow at 585 W. Big Beaver, Troy, MI 48084 Oakland County, from D.I. Supply, Inc. (A Missouri Corporation); and transfer location to 911 Wilshire, Troy MI 48084, Oakland County; request new dance permit. [MLCC REQ ID# 319519]  
(Step 2) *Kruse and Muer Troy*

Present to answer questions from the Committee were John Carlin and William Kruse.

Mr. Kruse explained to the Committee that he plans to open his 6<sup>th</sup> Kruse & Muer Restaurant at the former TGI Friday’s location on Wilshire. He plans to make minor modifications to the 9,300 square foot building, including landscaping and signage. There are 154 seats, with an additional 19 seats at the bar and 32 on an outdoor patio. There are 155 exclusive parking spaces for the restaurant, with extensive additional parking available in the evening when the office building spaces are not occupied. The restaurant will be open 6 days per week for lunch and 7 days per week for dinner. The management will be transferred from existing restaurants, and entire staff will be trained in all aspects of the liquor laws.

Mr. Kruse has been in the restaurant business for many years. He began as an employee of C. A. Muer Corporation and opened his first restaurant in 1987. His establishments have an excellent record of compliance with the liquor laws.

Resolution #LC2005-11-027

Moved by Hall

Seconded by Ukrainec

RESOLVED, that KRUSE & MUER TROY, LLC be allowed to transfer ownership of 2005 Class C licensed business with entertainment permit, located in escrow at 585 W. Big Beaver, Troy, MI 48084 Oakland County, from D.I. Supply, Inc. (A Missouri Corporation); and transfer location to 911 Wilshire, Troy MI 48084, Oakland County with new dance permit.

Yes: 5  
No: 0  
Absent: Ehlert, Allemon

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3. **WHITE STAR ENTERTAINMENT, INC.**, requests to transfer ownership of 2005 Class C-SDM licensed business with dance permit located at 1090 Rochester, Troy, MI 48084, Oakland County, from MKC INC. [MLCC REQ ID # 313355] *Corradi’s*

Present to answer questions from the Committee were Aubrey Tobin (general counsel) and Brian Goleniac (president and general manager).

On May 28, 2005, a partnership of three individuals (Aubrey Tobin, Brian Goleniac, and Michael Goleniac) entered into a management agreement with the Corradi family to take over the business. They are purchasing the building and the business and plan extensive repairs and renovations. The name of the establishment will change, but that decision has not yet been made. The building

has a capacity of 150 patrons and parking for 97 vehicles. They hope to have the property rezoned in order to utilize patio seating. They have changed the menu and are open for lunch and dinner. They offer karaoke on Thursday nights and live music on Friday and Saturday nights.

Two members of the Committee (Hall and Ukrainec) stated that they would be opposed to this restaurant evolving into a nightclub-like establishment. Since two of the three partners have been employed by nightclubs in Pontiac, these Committee members are concerned that this transition may occur.

The ownership states that a nightclub is not their intention and a transition of that nature will not occur.

Resolution #LC2005-11-028

Moved by Peard

Seconded by Bennett

RESOLVED, that WHITE STAR ENTERTAINMENT, INC. be allowed to transfer ownership of 2005 Class C-SDM licensed business with dance permit located at 1090 Rochester, Troy, MI 48084, Oakland County, from MKC INC.

Yes: 3 – Bennett, Godlewski, Peard

No: 2 – Hall, Ukrainec

Absent: Ehlert, Allemon

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The five Committee members present continued the discussion regarding Item No. 3 and the possibility of a nightclub in Troy. Hall and Ukrainec further explained their hesitancy to approve the transfer with speculation of large crowds, disturbances, and sales to minors.

A question was raised as to the possibility of giving a “conditional” or “probationary” approval. Sgt. Stout stated that he would discuss this matter with the City Attorney’s office and provide an answer at the next meeting.

The meeting adjourned at 8:30 p.m.

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James R. Peard

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Patricia A. Gladysz, Office Assistant II

The Chairman, Christopher Fejes, called the meeting of the Board of Zoning Appeals to order at 7:30 P.M., on Tuesday, November 15, 2005 in Council Chambers of the Troy City Hall.

PRESENT: Kenneth Courtney  
Christopher Fejes  
Marcia Gies  
Michael Hutson  
Matthew Kovacs  
Mark Maxwell  
Wayne Wright

ALSO PRESENT: Mark Stimac, Director of Building & Zoning  
Susan Lancaster, Assistant City Attorney  
Pamela Pasternak, Recording Secretary

**ITEM #1 – APPROVAL OF MINUTES – MEETING OF OCTOBER 18, 2005**

Mr. Wright asked that an addendum be added to the minutes indicating the reason he did not attend the presentation by Lori Grigg-Bluhm was because he had previously attended this presentation when it was before the Planning Commission.

Motion by Courtney  
Supported by Wright

MOVED, to approve the minutes of the meeting of October 18, 2005 with addendum added.

Yeas: All – 7

MOTION TO APPROVE MINUTES WITH CHANGES CARRIED

**ITEM #2 – APPROVAL OF ITEMS #3 THROUGH #5**

**RESOLVED**, that Items #3 through #5 are hereby approved in accordance with the suggested resolutions printed in the Agenda Explanation.

Motion by Courtney  
Supported by Gies

Yeas: All – 7

MOTION TO APPROVE ITEMS #3 THROUGH #5 CARRIED

**ITEM #3 – RENEWAL REQUESTED. BLOOMFIELD MANAGEMENT, 1100-1174 E. BIG BEAVER,** for relief of the Ordinance to permit parking in the front yard of this industrial site.

Petitioner is requesting renewal of a variance granted by this Board to locate parking within the front yard setback of an M-1 Zoned site. This variance was originally granted in 1973 because of the large open drain that runs through the back of the site, preventing the installation of parking in the usual rear yard location. This has been granted a renewable variance based upon the premise that if the drain were to be enclosed that the parking could be relocated to a conforming location. This item last appeared before this Board in 2002 and was granted a three (3) year renewal. Conditions remain the same and we have no objections or complaints on file.

MOVED, to grant Bloomfield Management Company, 1100-1170 E. Big Beaver, a three-year (3) renewal of relief to permit parking in the front yard setback of an industrial site.

- The large drain on the site creates a practical difficulty in that it does not permit parking in the usual rear yard location.
- Conditions remain the same.
- We have no objections or complaints on file.

**ITEM #4 – RENEWAL REQUESTED. SCHENCK PEGASUS CORP., 2890 JOHN R.,** for relief of the 6' high masonry-screening wall required along the east and portion of the north property line.

Petitioners are requesting relief granted by this Board of the 6' high masonry screen wall required along the east property line and a portion of the north property line where their site abuts residential zoning. This relief has been granted on a yearly basis since 1969 primarily due to the fact that the residential land at the east end of their site is undeveloped and owned by the petitioner as well as the fact that the land to the north, although residentially zoned, is controlled by consent judgment and is in fact developed as an office development. This item last appeared before this Board at the meeting of November 2002 and was granted a three (3) year renewal at that time. Conditions remain the same and we have no complaints or objections on file.

MOVED, to grant Schenck-Pegasus, 2890 John R., a three (3) year renewal of relief of the 6' high masonry-screening wall required along the east and a portion of the north property line.

- Conditions remain the same.
- There are no complaints or objections on file.

**ITEM #5 – RENEWAL REQUESTED. COLEMAN'S WRECKER SERVICE, 1871 BIRCHWOOD,** for relief of the Ordinance to maintain a 7' high obscuring fence in lieu of the required 6' high masonry screen wall along Birchwood.

**ITEM #5 – con't.**

Petitioner is requesting renewal of relief granted by this Board to screen an outdoor storage area with a 7' high obscuring fence in lieu of the normally required 6' high masonry screen wall. This Board has granted this variance on a yearly basis since 1986. This item last appeared before this Board in November 2002 and was granted a three (3) year renewal at that time. Conditions remain the same and we have no complaints or objections on file.

MOVED, to grant Coleman's Wrecking Service, 1871 Birchwood, a three (3) year renewal for relief to maintain a 7' high obscuring fence in lieu of the 6' high masonry screen wall along Birchwood.

- Conditions remain the same.
- There are no complaints or objections on file

**ITEM #6 – VARIANCE REQUESTED. DAVID DONNELLON, OF THE CHOICE GROUP, 4254 BEACH ROAD,** for relief of the Ordinance to split an existing parcel of land from its Beach Road frontage resulting in 55' of frontage where 100' is required by Section 30.10.02.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to split an existing parcel from its Beach Road frontage. The site plan submitted indicates a split of this property and creating access to the property from the western end of the stub street Prestwick. This would result in the only street frontage for this property being the 55 feet at the end of Prestwick Drive. Section 30.10.02 requires that properties in the R-1B Zoning District have a minimum of 100' of frontage on a public street.

This item first appeared before this Board at the meeting of August 16, 2005 and again at the meeting of October 18, 2005 and was postponed until this meeting at the request of Mr. Donnellon of the Choice Group and Mr. Kyle Jones, representative of the Greentrees Homeowners Association.

Mr. Stimac also explained that after further research he found a zoning map originally created in 1956 and this street was shown as a private road to access the parcels of land that were considered to be land locked in the center of the section. In 1993 the City was asked and executed a Quit Claim to that 50-foot parcel to the property owner and therefore the City does not have an interest in this property.

Mr. Courtney asked if extending this road would make these parcels buildable. Mr. Stimac explained that the lot area may be adequate, but because of the size and configuration of the lot it would not be buildable. The front lot would technically have more area because the home could be fronted on Beach Road and would have only a 10' setback to the north and a 40' setback to the south, which would give you a 50' wide buildable area.

**ITEM #6 – con't.**

Mr. Donnellon was present and said that this piece of property has a number of problems and the Board of Zoning Appeals has the authority to vote on dimensional issues. Mr. Donnellon also said that because this was a continuation he felt that the Public Hearing was closed. They have met with the neighbors and they have a representative present who would like to speak this evening. Mr. Donnellon said that he was sure that the Board would like to hear from the neighbors.

The Chairman opened the Public Hearing.

Larry Walatkiewicz, 4285 Wentworth was present and asked if Mr. Donnellon was going to present his case, or if after Mr. Walatkiewicz gave his comments the matter would be returned to the Board and the petitioner would not give any more comments.

Mr. Fejes said that the Board could ask the petitioner any pertinent questions and Mr. Walatkiewicz asked if the petitioner could present his case once again. Mr. Fejes called on Mr. Donnellon to present his case.

Mr. Donnellon said that it was his understanding that the Public Hearing was closed and the public would not be able to speak on this item. Their case was presented in August and he would like to be able to make comments after hearing comments from persons in the audience. Mr. Fejes said that if the Board has questions for either the petitioner or persons commenting on this item, they would ask these questions. Mr. Donnellon said that he wants the right to make any comments he feels are necessary after the public makes their comments.

Ms. Lancaster said that the Board has the right to re-open the Public Hearing and could ask Mr. Donnellon to present his case again. The running of the meeting is up to the Chair and Mr. Donnellon indicated that he wants to hear what the public has to say.

Mr. Maxwell said that he would like Mr. Donnellon to present his case to the Board.

Mr. Donnellon passed out a handout to the Board members and said that he would like to address some of the concerns of the residents. Presently there are fifty-four (54) homes in this adjacent subdivision and this variance would increase the number of homes by one – to 55. Snow removal and trash pick up would continue and would not impact the area. The residents want the developer to adhere to the front lot line width as stated in the Ordinance and Mr. Donnellon's contention is that there are many front lot lines on dead-end streets and cul-de-sacs that are less than the zoning requirements, but the width of the lot at the house setback line is the determining factor of all such lots. A developers' business is to add value to the surrounding property and in this case only one (1) additional home will be built. The parcel in question would be 60,000 square feet and the Zoning District allows homes to be built on 15,000 square foot parcels.

**ITEM #6 – con't.**

Mr. Donnellon said this is not a self-created hardship, but a hardship that is related to the lack of frontage, which is 55' on Prestwick. These lots would be larger than any other lots in this area. The petitioner indicated that after they had met with the neighbors there were a couple of people that would support this request.

Mr. Donnellon also said that the reason he is in front of this Board is to ask for a dimensional variance, relating to frontage, and this is the proper Board to present his case. This request is for two (2) lots on a piece of property that exceeds four (4) times the minimal lot area in the R-1B Zoning District and is not excessive regarding profitability. Frontage, area, width and depth of the subject parcel cause a hardship when there are clearly two access points to the property.

The variance request is for the width of the lot at the road. The minimum width is 100' and the proposed property will have 55' along the front lot line. If the variance is granted it will result in a lot that will be 150' x 205' or 30,750 square feet in area, where 100' x 150' or 15,000 square feet of area is required in R-1B Zoning.

Mr. Donnellon also said that the most reasonable use of this property with two fronts is two lots, and absent a variance reasonable use of the property cannot be implemented. They will preserve as many natural features as possible and literal enforcement of the Ordinance will be unnecessarily burdensome.

Mr. Courtney asked about the property to the north and if it was available. Mr. Donnellon said that there were houses on the property to the north and asked Mr. Stimac to display the aerial map of this area. There are two homes on two lots and there is a 20-foot easement or axe handle split to get to 4342 Beach Road. 4298 Beach does not abut the petitioner's property. Mr. Courtney then asked if the road could be brought in on the north end of the property and Mr. Donnellon said that he felt that the only thing you could do was to buy both houses in this area, tear them down and re-build so that it would make more sense. Mr. Donnellon also indicated that if this were to happen they would probably extend Prestwick to Beach Road and this is one of the concerns that was expressed by the neighboring residents.

Mr. Fejes reopened the Public Hearing.

Mr. Walatkiewicz thanked the Choice Group and Mr. Donnellon for setting up the meeting for the residents and stated that they basically agreed to disagree. The neighbors are in opposition to this request. Mr. Walatkiewicz stated that the lots in this area are considerably smaller than these lots and are very consistent in design and size. In his opinion granting this variance would have an adverse effect to the surrounding area. 4254 Beach is a 5 bedroom, 4 bath home and he does not believe there are any similar homes in this area. Mr. Walatkiewicz said that the everyone in this community will be disrupted in their established patterns of daily life. The dead end street is used in many ways, not only for snow plowing, but also as a collection point for

**ITEM #6 – con't.**

school buses and although perhaps not the best idea, the children use this area to play street hockey or baseball. Mr. Walatkiewicz asked if there was going to be a walkway provided that would allow access to Beach and the park on Beach Road and also if a sidewalk would be put in that runs north and south, if this street is extended.

Mr. Stimac said that the Quit Claim deed granted in 1993 was for the south 50' of this overall property. Looking back at the old zoning maps this parcel was shown as a private road. Mr. Stimac also said that if this parcel were developed it would be according to the City standards and a sidewalk would be put in that would run north and south.

Mr. Walatkiewicz said that the residents know that there is not any traffic on this stub street and therefore use it quite a bit and they would like some protection provided to the residents in this area. Mr. Walatkiewicz also stated that after meeting with the Choice Group, the residents were left with a number of questions regarding whether the proposed development would be a single-family residence or a spec home. The Choice Group did not give any time frame of when this property would be developed.

Mr. Courtney asked if Mr. Walatkiewicz was representing the neighbors. Mr. Walatkiewicz stated that he was speaking on behalf of himself and his family and they were opposed to this variance request. Mr. Walatkiewicz also stated that there were other people in the audience present from the Greentrees Subdivision that were planning to speak on this request.

Mr. Maxwell asked Mr. Walatkiewicz if he thought this lot split would lead to Prestwick being opened up all the way to Beach. Mr. Walatkiewicz said he thought the likelihood of that happening was much greater with the variance. There are a number of unknown factors that the residents are faced with and he would rather see this request denied. Mr. Maxwell said that as it stands now there is direct access from Prestwick to Beach through this lot, and the lot split would take that access away. Mr. Maxwell also said that he did not want to see more traffic in this area either. Mr. Walatkiewicz said that he would rather see this stub remain a stub and never be opened up. Mr. Maxwell said that in his opinion, granting this variance would make the likelihood of direct access being granted through this one lot no longer there.

Mr. Courtney said that if a house was built there and the road went through, it would make the house non-conforming. Mr. Walatkiewicz said that he agrees, however, they are unsure of what the developer's intentions truly are.

Mr. Wright said that he agrees with Mr. Maxwell and said there was some discussion about the Choice Group acquiring the lots to the north, and in his opinion it would make the most sense for them to take Prestwick and open it up all the way to Beach. Mr. Wright believes that the best chance to make sure Prestwick is not opened up is to grant this petitioner's request for a variance. Mr. Walatkiewicz said that the residents

**ITEM #6 – con't.**

do not have any idea of what is going to happen in the future and would like to see this area remain the way it is today.

Leroy Barnes, 2296 Prestwick was present and stated that it appears to him that this parcel was split on June 21, 1999, which made a lot with the 50' egress and 4254 Beach was 150' x 185', which made it legal and conforming. Mr. Barnes said that the upper lot is 100' x 185' and in his opinion these two lots are legal and conforming, which make the variance unnecessary. Mr. Barnes also said that according to what he read these lots were in conformance with the Ordinance. Mr. Barnes also said that pages 243-246 of the Zoning Ordinance addresses re-building a structure to the extent of 60%. As far as the street is concerned, it appears to Mr. Barnes that if you look at where the street stops at Beach Road it is privately owned. The south 10' would be owned by the new development going in and the north 50' belongs to 4254 Beach Road.

Mr. Wright said that two lots under one ownership, are considered as one lot and undividable under the City Ordinance. Mr. Barnes said that according to the Assessing Department the lots are 100' x 185' and the other lot is 150' x 185'. Mr. Stimac said that that the northern lot is currently 100' wide x 185' deep, however, the parcel in question only has 50' of frontage on Beach Road. This parcel by itself is considered to be a non-conforming lot and needs the parcel to the north to comply with the Ordinance. If the petitioner were to sell this northern piece of property to someone else a building permit would not be issued to put a house on this parcel. These are two separately described properties, however, since one of those properties does not comply with the Ordinance and they are both owned by the same person, they are considered to be undivided parcels.

A discussion began regarding the legal description of 4254 Beach Road and Mr. Stimac explained this description with the aid of the aerial maps of this parcel. The frontage on Beach Road is 50' for this property. Ms. Lancaster said that if Mr. Barnes wished he could come in and see her tomorrow and they would go to the Assessing Department and go over the legal description of this lot.

Mr. Courtney asked if Mr. Barnes was in favor of this request. Mr. Barnes said that he is not in favor of this variance request. Mr. Courtney then asked if he would be in favor of the petitioner tearing down the existing house and re-building a new house. Mr. Barnes said that he would be in favor if it conforms to zoning.

Mr. Kyle Jones, 4280 Wentworth, was present and stated that he was appointed as the representative for the residents of the Greentrees Subdivision. Mr. Hayden, the president of the association was out of town and was unable to attend this meeting. Mr. Jones also thanked the petitioner for postponing this request until they could be present. The Greentrees Homeowners Association is against this request. Mr. Jones is also representing a group of residents on Prestwick and Wentworth and said that they are against granting this variance request.

**ITEM #6 – con't.**

The issue of the cut through from Prestwick to Beach has been brought up several times and in his opinion, presupposes that this variance will be granted. Without the variance there will not be a cut through. Every variance that is granted is a violation of the Zoning Ordinance and this lot is conforming and therefore there is no reason to grant a variance. Residents already have access to their house, and the barricade has been in place since the Greentrees Subdivision has been developed. There is no control over the plans that the petitioner has. This petitioner is a very shrewd and smart businessman, and his plans could change and there is no way to enforce what he is proposing. Mr. Jones does not believe there is any hardship that runs with the land and the only hardship would be financial gain. This situation was created after this property was purchased. Promises and assurances given to the residents and the Board are not enforceable. The development to the south has resulted in the trees being removed and the homes not selling. The residents in this area do not want to see that happen with this parcel.

Mr. Jones also said that they would rather see the barricade left where it is and the variance not granted. The larger homes are not in character with the houses in the Greentrees Subdivision. The existing house has a Beach Road address and in his opinion it belongs on Beach Road. He understands that the Board may want to accommodate this builder, however he believes that this would create a precedent. Mr. Jones also suggested that the petitioner could ask for a variance for the northern lot on Beach that would not affect any of the residents. Mr. Jones said that there are a number of other options available to this petitioner and thinks they should be considered by the Board and the variance denied. There is no basis under the Ordinance to grant this variance.

Mr. Jones also said that it is wrong for the City to set a precedent by calling the axial end of a stub street frontage for a home's property, especially when the home already has frontage to another street. The petitioner could leave the property as is and create access to the second lot off of Beach Road. The petitioner chooses not to do that so he can have a wider lot along Beach. Mr. Jones believes he can ask for a variance along Beach Road rather than along Prestwick or he could gain access from the development to the south. He could leave the current east/west road as is. These options are not preferable to the petitioner, but he would still be able to add value to this property without a variance. Mr. Jones believes this hardship was created by the petitioner and does not run with the land. Mr. Jones went through a number of the reasons variances are granted and pointed out reasons why he thought this variance would have an adverse effect to surrounding property. Mr. Jones asked that this Board deny the request of this petitioner.

Mr. Kovacs asked Mr. Jones if he thought this property could sustain two houses and Mr. Jones said that the other part of the lot could be developed if a variance was granted on Beach Road or he could get his access some other way. Mr. Kovacs asked if he thought the developer could put two houses on this property and Mr. Jones said

**ITEM #6 – con't.**

that would be up to the developer and two houses could be put on the property as long as all the requirements of the Ordinance were met. Mr. Kovacs said that they have to look at the reasonable use of the property. Mr. Jones said that if the reasonable use of the property is to have two houses, then have two houses, but if there is a choice between asking for a variance along Prestwick that will bother a larger number of residents or asking for a variance along Beach Road that will not bother anyone, Mr. Jones feel the variance should be obtained along Beach Road. The reasons the developer is giving for this variance are all valid and are the best possible outcome for the developer and that does not have to be the case.

Mr. Maxwell said that he did not agree with the statement made that approval of the cut through meant the Board was predisposing granting the variance and was not true at all. Mr. Maxwell then asked if the lot split would make the cut through more or less likely. Mr. Maxwell then stated that he would like to see the neighborhood left as it is and this Board does not make decisions ahead of time. Mr. Jones said that he was not suggesting that they did, but the logic of those arguments meant that the barricade was coming down. Mr. Maxwell then said that there are ramifications either way and the Board has to consider all of these ramifications.

Mr. Courtney asked Mr. Jones if he would rather have the developer ask for a variance on the northern piece of property. Mr. Jones said he thought that would be an option for this Board to consider. If this variance is to allow the building of a second home, the choice is to have a variance off of Prestwick that would bother a lot of neighbors and the other is to have a variance off of Beach Road that will not bother anyone.

Mr. Kovacs said that a stub street is built to extend and not to necessarily remain a dead end. If there were two homes on that property, it would be very difficult for a developer to come in and extend that road. Mr. Jones said that what the Choice Group is asking for is not necessarily a bad thing, but they have other options, one of which is to ask for a variance along Beach Road or build a home on a smaller lot. There is a way for the Choice Group to build here and not affect the residents.

No one else wished to be heard and the Public Hearing was closed.

There is one (1) written objection on file. There is one (1) written approval on file.

Mr. Maxwell told Mr. Donnellon that he felt he was asking for a large variance, 45'. Mr. Courtney asked if they were willing to put in a cul-de-sac. Mr. Donnellon said that two issues come into play, the dimensions of the property at the road and the width of the property at the house line. Configuration of the property causes the variance to be 45'. This parcel was part of a larger acreage and the developer of Prestwick bought off a portion of the property. Mr. Donnellon said that the property owner did not create his own hardship, but it was through the buying and selling of the property that created this hardship. This request is not excessive and it would be two square parcels of property

**ITEM #6 – con't.**

rather than a flag shaped piece of property. This variance would enhance a 60,000 square foot piece of land. This is an irregular shaped lot and this in itself creates a hardship. The variance would result in 55' of frontage along Prestwick.

Mr. Courtney asked if the developer purchased this property in this configuration. Mr. Donnellon said he did not, original configuration was 50' x 405' and 100' by 405'. They thought they were getting two pieces out of it. Mr. Courtney asked when Choice Group bought this property and Mr. Donnellon said that it was in the early 90's. Mr. Courtney said that the Zoning Ordinance is still the same as it was then. Mr. Donnellon said that regardless of what it was then, the variance request is still the same today. Mr. Courtney asked about putting a cul-de-sac in and Mr. Donnellon said that he did not think that would be a good idea for just one lot. Mr. Donnellon said that because of all the divisions in the property they are left with what is left. Mr. Courtney said that he could buy the property to the north and re-develop at any time. Mr. Donnellon said that was not true as there were many natural features in the way.

Mr. Shouhayib, the President of the Choice Group, was present and said that he wished to speak. Mr. Shouhayib said that they have two lots and has been developing homes in Troy for twenty (20) years and has never gone over the heads of any of his neighbors. They were proposing to have two estate size lots but the residents don't want it. He thought this was a better solution for the residents and would increase the value of the surrounding homes but there is a tremendous amount of people that do not want this solution. Mr. Shouhayib said that he would be willing to go with what the Assessing Department had given them.

Mr. Stimac said that the original lot description as the Choice Group bought it was that there was a 50' parcel that went the full length of the property, and a 100' parcel that went the full length of the property. They have one conforming lot and one non-conforming lot and the Ordinance states they can have only one house on the lot. Mr. Stimac believes that Mr. Shouhayib now wishes to get a variance to build a house on the northern property line. This would require a different variance and would require a different Public Hearing notice to be published. The Board could not act on a different request tonight.

Mr. Courtney asked what the repercussions would be if this request was denied. Mr. Shouhayib said that he would happy to accept a variance on the other lot tonight and Mr. Fejes stated that the Board could not act on that request tonight, as a new Public Hearing would have to be published.

Mr. Shouhayib asked that this request be withdrawn.

Motion by Courtney  
Supported by Gies

**ITEM #6 – con't.**

MOVED, to accept withdrawal of the request of David Donnellon of the Choice Group, 4254 Beach Road, for relief of the Ordinance to split an existing parcel of land from its Beach Road frontage resulting in 55' of frontage where 100' is required by Section 30.10.02.

- At the request of the petitioner.

Yeas: All – 7

MOTION TO ACCEPT WITHDRAWAL CARRIED

The meeting **RECESSED** at 9:15 P.M.

The meeting **RECONVENED** at 9:25 P.M.

**ITEM #7 – VARIANCE REQUESTED. ARNOLD BECKER, 2840-2880 ROCHESTER,** for relief of the Ordinance to expand the existing parking lot at 2840-2880 Rochester with a 10' setback from the north property line where 25' is required by Section 29.50.07 of the Ordinance.

Petitioner is requesting relief of the Ordinance to expand the existing parking lot at this commercial property. The property immediately to the east is zoned R-1E. Section 29.50.07 of the Troy Zoning Ordinance requires a 25' front setback for Vehicular Parking (P-1) zoned parcels when they have contiguous frontage with residential districts. The site plan submitted by the petitioner indicates a 10' front setback.

This item first appeared before this Board at the meeting of October 18, 2005 and was postponed to allow the petitioner to determine if he wished to withdraw this request for relief of the setback requirement.

The Building Department has received a written request from the petitioner asking that this request be withdrawn.

Motion by Courtney  
Supported by Wright

MOVED, to accept the withdrawal of the request of Arnold Becker, 2840-2880 Rochester, for relief of the Ordinance to expand the existing parking lot with a 10' setback from the north property line where 25' is required by Section 29.50.07 of the Ordinance.

- At the request of the petitioner

Yeas: All – 7

**ITEM #7 – con't.**

MOTION TO ACCEPT WITHDRAWAL CARRIED

**ITEM #8 – INTERPRETATION REQUESTED. JLJ INVESTMENTS, LLC, 4048-4060 ROCHESTER ROAD**, for an interpretation, per Section 43.75.00 of the Zoning Ordinance, that a facility that provides for the sales, rental, and service of musical instruments along with music lessons is a permitted use in the B-1 (Local Business) Zoning District.

Petitioner is requesting an interpretation, per Section 43.75.00 of the Zoning Ordinance, that a facility that provides for the sales, rental, and service of musical instruments along with musical lessons is a permitted use in the B-1 (Local Business) Zoning District. The petitioners propose to open a Marshall Music store in the shopping center located at the northeast corner of Rochester Road and Wattles Road. The property in question is located within the B-1 Zoning Classification. Their proposed use has been determined to not be in compliance with the allowable uses in the B-1 District contained in Section 20.20.00 of the Troy Zoning Ordinance.

The Building Department is in receipt of a written request by the petitioner asking that this item be postponed until the meeting of December 20, 2005.

Motion by Gies  
Supported by Wright

MOVED, to postpone the interpretation request of JLJ Investments, LLC, 4048-4050 Rochester Road, per Section 43.75.00 of the Zoning Ordinance, that a facility that provides for the sales, rental, and service of musical instruments along with music lessons is a permitted use in the B-1 (Local Business) Zoning District until the meeting of December 20, 2005.

- At the request of the petitioner.

Yeas: All – 7

MOTION TO POSTPONE REQUEST UNTIL DECEMBER 20, 2005 CARRIED

**ITEM #9 – VARIANCE REQUESTED. BONNIE SCOTELLA, 845 NORWICH**, for relief of the Ordinance to construct an attached garage that will result in a 5'-9" side yard setback and a 23'9" front yard setback where Section 30.10.04 requires a 10' minimum side yard setback and a 30' minimum front yard setback.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct an attached garage. This house is a legal non-conforming structure. It has an existing 5.2' side yard setback and a 29.9' front yard setback to an existing carport. Section 30.10.04 requires a 10' minimum side yard setback and a 30' minimum front yard setback in R-1C Zoning Districts. The site plan submitted indicates replacing the carport with an attached garage that will result in a 5'-9" side yard setback and a 23'-9"

**ITEM #9 – con't.**

front yard setback. Section 40.50.04 prohibits expansions of non-conforming structures in a way that increases the non-conformity.

Ms. Bonnie Scotella was present and stated that she did not think a carport was made for the Michigan winters and would like to be able to park her car inside a garage. This house was built back in the 1950's and she believes that carports were very popular at that time. Ms. Scotella said that this would be a two-car garage.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one (1) written approval on file. There are no written objections on file.

Motion by Courtney  
Supported by Gies

MOVED, to grant Bonnie Scotella, 845 Norwich, relief of the Ordinance to construct an attached garage that will result in a 5'-9" side yard setback and a 23'-9" front yard setback where Section 30.10.04 requires a 10' minimum side yard setback and a 30' minimum front yard setback.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Variance applies only to the property in question.
- Variance will be an improvement to this area.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

**ITEM #10 – VARIANCE REQUESTED. FRANK ZIMMER, OF THE HONEY BAKED HAM COMPANY, 1081 E. LONG LAKE ROAD**, for approval under Section 43.80.00 of the Zoning Ordinance to place two temporary storage containers outside for a period from December 10, 2005 through December 31, 2005.

Mr. Stimac explained that the petitioner is requesting approval under the Zoning Ordinance to place two temporary storage containers outside at 1081 E. Long Lake from December 10<sup>th</sup> through December 31, 2005. Section 43.80.00 of the Zoning Ordinance requires approval from the Board of Zoning Appeals to permit temporary buildings for permitted uses for a time frame not to exceed two years. This item last appeared before this Board at the November 16, 2004 and the petitioner was granted approval at that time.

**ITEM #10 – con't.**

Mr. Kovacs asked if this request could be granted for a period of two years and Mr. Stimac said that because the Public Hearing notices only advertised the time frame indicated on the petitioner's application, the Board would not be able to grant this request for two years. Next year, if the petitioner wishes he may request this variance for two years in his application. Mr. Hutson said that in the past he wanted this request heard on a yearly basis, however, with the number of approvals that are received, he would not have a problem granting this request for a period of two years.

Mr. John Broderick was present and said that he had nothing further to add.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are four (4) written approvals on file. There are no written objections on file.

Motion by Courtney  
Supported by Gies

MOVED, to grant Frank Zimmer, of the Honey Baked Ham Company, 1081 E. Long Lake, relief of the Ordinance for approval under Section 43.80.00 of the Zoning Ordinance to place two temporary storage containers outside for a period from December 10, 2005 through December 31, 2005.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- There are no objections on file.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

**ITEM #11 – VARIANCE REQUESTED. MR. & MRS. DANIEL KAISER, 692**

**BARCLAY**, for relief of the Ordinance to construct a family room addition that will result in a 34.2' rear yard setback where Section 30.10.04 requires a 40' minimum rear yard setback.

Mr. Stimac explained that the petitioners are requesting relief of the Ordinance to construct a rear family room addition on their home. The site plan submitted indicates a family room addition with a proposed 34.2' rear yard setback. Section 30.10.04 of the Ordinance requires a 40' minimum rear setback in R-1C Zoning Districts.

Ms. Kaiser was present and said that they wished to add a first floor bedroom for her elderly mother and she cannot go up and down stairs. It makes the most sense to put

**ITEM #11 – con't.**

this addition in this area as they would not have to tear down any walls. They are on a straight section of Barclay and not on the curved section of the street. This lot is only 120' long and is one of the shallowest lots in this area.

Mr. Fejes asked how many bedrooms were in this home now and the petitioner stated that there are three, one of which is being used as an office.

Mr. Courtney asked where the addition would be. Ms. Kaiser said that the existing living room is in the front of the house and they would like this addition at the rear of the home.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are four (4) written approvals on file, one of which is from the property owner. Ms. Kaiser brought in an additional three (3) written approvals. There are no objections on file.

Motion by Kovacs  
Supported by Wright

MOVED, to grant Mr. & Mrs. Daniel Kaiser, 692 Barclay, relief of the Ordinance to construct a family room addition that will result in a 34.2' rear yard setback where Section 30.10.04 requires a 40' minimum rear yard setback.

- Variance is not contrary to public interest.
- Variance will not cause substantial adverse effect to properties in the immediate vicinity.
- A significant natural feature of an existing mature tree will be affected if this variance is not granted.
- Absent a variance conformance would be unnecessarily burdensome.
- Variance does not permit the establishment of a prohibited use within a zoning district.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

**ITEM #12 – VARIANCE REQUESTED. MR. TONY ELDER, ELDER LAND DEVELOPMENT, 1767 MAPLELAWN (PROPOSED ADDRESS),** for relief of the Ordinance to construct a new auto dealership that will result in 9,851 square feet of landscaping where 14,032 square feet of landscaping is required per Section 39.70.04.

**ITEM #12 – con't.**

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a new auto dealership at 1767 Maplelawn. The site for this project is 140,321 square feet. Section 39.70.04 requires a minimum of 14,032 square feet of landscaped area be provided for a site this size. The site plan submitted indicates that only 9,851 square feet of landscape will be provided.

Mr. Tony Dellicolli, of Cityscape Architects was present and stated that they wished to construct this new building in line with the buildings next door in order not to encroach any further into the setback line. The site plan submitted indicates that they will pull the building back an additional 10' off of the minimum required front setback line. They want to have the building at the street in order to provide more exposure and identification. In order to meet the Ordinance the building would have to moved back 105' from the street. They could achieve additional landscaping if they eliminated one of the proposed driveways, however, the auto haulers back into the existing drive that is 30' wide. They have reduced the drive to 25' in order to add more greenspace. The auto haulers come in off of Maplelawn, back into the access drive, unload and leave the site. With only one drive, the public would not have access to the site if the auto hauler is present.

This is a very long and narrow site, and in order to meet the landscaping requirement, the building has to moved farther back from the street, which would limit visibility. This building is proposed to be 60' back from the street frontage. The building will also buffer the look of the storage parking at the rear of this site. Mr. Dellicolli said that he thought the Detroit News building next door was approximately 55' from the street frontage. There is no front yard display of cars planned for this dealership. The merchandise will only be displayed inside the building. The building was sited this way in order for people to look inside the building. If the building were turned there would be more greenspace available, however it would not be the same as the prototype of this building.

Mr. Courtney asked if Mr. Elder owned any additional property in this area. Mr. Dellicolli said that Mr. Elder owns the Jaguar and Saab facility that abuts this parcel. Mr. Courtney said that if the back of this lot was transferred to the other property he did not think the greenspace requirement would be as high.

Mr. Stimac said that technically the site combined together complies with the greenspace requirement and if each site were to be split off, each site would comply individually with the greenspace requirement. However, if the south end of the site were added to the piece of property to the west, it would not comply with the greenspace requirement. No matter which way the site was divided one site would require a variance.

Mr. Hutson asked about the use of the lot and Mr. Dellicolli said that the south end of the property is used mainly for the storage of Jaguar and Saab. The only inventory for

**ITEM #12 – con't.**

this dealership will be whatever is in the showroom. Mr. Hutson then asked if deliveries could be restricted through the Jaguar dealership and thereby they would be able to eliminate one drive on this site. Mr. Dellicolli said that he was not sure that they would be able to maneuver their vehicles through that driveway. Mr. Hutson pointed out that the elimination of one drive would greatly improve the greenspace on the site.

Mr. Courtney asked how many square feet would be picked up if the drive was eliminated. Mr. Dellicolli said that the building would still have to be moved back 25' to 30'. If the driveway were removed, it would probably add an additional 2500 square feet. Mr. Courtney said that would be closer to what is required.

Mr. Wright expressed concern that the auto haulers were backing into the space to unload the vehicles. Mr. Dellicolli said that they had done that in the past, however, they were jumping the curb and destroying existing landscaping. They have learned in the last several years that it would be easier for them to back in. Mr. Wright said that there are times during the day when Maplelawn is very busy and the Planning Commission would be very concerned about these trucks backing into the site.

Mr. Courtney asked who complained about the trucks pulling into the site. Mr. Dellicolli said that the owners were not happy with them pulling in and damaging the property and would rather see them back in. Mr. Courtney thought they could solve that problem by putting in a better driveway.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Motion by Maxwell  
Supported by Gies

MOVED, to grant Mr. Tony Elder, Elder Land Development, 1767 Maplelawn (proposed address) relief of the Ordinance to construct a new auto dealership that will result in 9,851 square feet of landscaping where 14,032 square feet of landscaping is required per Section 39.70.04.

- Variance request is reasonable.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Narrowness and depth of the lot creates a hardship.

Mr. Courtney stated that he feels that they could eliminate one of the driveways and therefore reduce the size of the variance request.

**ITEM #12 – con't.**

Mr. Kovacs said that in his opinion any business, especially a car dealership, needs two driveways.

Mr. Fejes called for a vote on the motion to approve this request.

Yeas: 5 – Gies, Hutson, Kovacs, Maxwell, Wright  
Nays: 2 – Fejes, Courtney

**MOTION TO GRANT VARIANCE CARRIED**

**ITEM #13 – VARIANCE REQUESTED. MR. & MRS. MAJCHEREK, 4996 BUTLER,** for relief of the Ordinance to maintain an attached storage addition constructed without obtaining the required Building Permit and resulting in a 34.9' rear yard setback where Section 30.10.04 requires a 40' minimum rear yard setback in the R-1C Zoning District.

Mr. Stimac explained that the petitioners are requesting relief of the Ordinance to maintain an attached storage addition that was constructed without first obtaining the required Building Permit. The site plan submitted with the subsequent permit application indicates the addition has been constructed with a 34.9' rear yard setback. Section 30.10.04 requires a 40' minimum rear yard setback in the R-1C Zoning District.

Mr. Kovacs asked if this storage addition could remain in this location if it was a detached structure. Mr. Stimac explained that it would have to be located 10' from the rear of the existing building, 6' from the east and south property line and 30' from the north property line. Mr. Kovacs said that presently it is 31' from the north property line. Mr. Stimac said that if it was detached from the main building and located 10' farther to the east it would be conforming.

Mr. Majcherek was present and stated that when he put this addition up he did not realize he needed a building permit. He uses this building mainly for the storage of lawn equipment in order to be able to park both cars in his garage.

Mr. Kovacs asked if there was a drive through from the garage to this building. Mr. Majcherek stated there was not, there was a door on the back of the garage that goes into the shed. This building is used only for storage.

Mr. Fejes asked why the petitioner built the structure without a permit. Mr. Majcherek said that he didn't know you needed a permit and he put it in as a temporary structure. Mr. Majcherek said that this structure has been in this location for approximately three (3) years. Mr. Fejes asked how large the garage was and Mr. Majcherek said that it was strictly a two (2)- car garage.

Mr. Courtney asked if a Building Permit would still be required if the variance was approved and Mr. Stimac confirmed that Mr. Majcherek would still require a Building Permit.

**ITEM #13 – con't.**

Mr. Kovacs asked if a ratwall would be required and Mr. Majcherek said that as long as the floor of the shed was elevated at least 6" it would not require a ratwall.

Ms. Gies asked how long the shed was in this location and Mr. Majcherek said it was at least two years.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are three (3) written objections on file. There are two (2) written approvals on file.

Mr. Kovacs said that they could make the petitioner move the building back 10' but did not see what the benefit would be.

Ms. Gies said that the building had been there approximately three years. Mr. Courtney said that he thinks this location is the best place for this structure.

Motion by Courtney  
Supported by Gies

MOVED, to approve the request of Mr. and Mrs. Majcherek, 4996 Butler, for relief of the Ordinance to maintain an attached storage addition constructed without obtaining the required Building Permit and resulting in a 34.9' rear yard setback where Section 30.10.04 requires a 40' minimum rear yard setback in the R-1C Zoning District.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Literal enforcement of the Ordinance would be unnecessarily burdensome.
- Shed has been in this location approximately three (3) years.
- Moving the shed could create an eyesore.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

The Board of Zoning Appeals meeting adjourned at 10:10 P.M.

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Christopher Fejes, Chairman

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Pamela Pasternak, Recording Secretary

November 30, 2005

TO: John Szerlag, City Manager

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

SUBJECT: AGENDA ITEM – INFORMATIONAL ITEM – Rezoning Application  
– South side of Woodslee Street, East of Rochester Road, Section  
27 – M-1 to R-2 (Z 709)

At the August 1, 2005 meeting, City Council directed the Planning Commission to “consider amending the Future Land Use Plan in the Rochester Road Corridor between Square Lake Road and South Boulevard before the first City Council Meeting scheduled for March 2006”. The Planning Commission is in the process of amending the Future Land Use Plan as per City Council’s request.

During the amendment process, the Planning Commission made a finding that the Rochester Road Corridor between Long Lake Road and Square Lake Road was similar in character to the study area, between Square Lake Road and South Boulevard. At the November 1, 2005 Special/Study meeting, the Planning Commission made the following resolution:

**Resolution # PC-2005-11-174**

Moved by: Chamberlain  
Seconded by: Waller

**RESOLVED**, That the study area of the Future Land Use Plan amendment for Rochester Road between Square Lake Road and South Boulevard be expanded to include the section of Rochester Road between Long Lake Road and Square Lake Road, therefore making it a two-mile strip rather than a one-mile strip for a mixed-use district, including appropriate depth, space and location standards.

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

**MOTION CARRIED**

City Management supports the Planning Commission resolution. Note that expanding the Rochester Road study area will increase the scope of work for the project, thereby lengthening the timeline for project completion. The March 2006 deadline would have been possible to meet only if there was a completed

document ready for adoption at the time of City Council resolution in August 2005. The plan amendment process is ongoing. It is difficult to accurately forecast when the Planning Commission will have a draft Future Land Use Plan amendment for City Council review. It is projected that a draft would be ready for City Council review by June 2006.

Prepared by RBS/MFM

Attachments:

1. Minutes from the August 1, 2005 City Council meeting.
2. Minutes from the August 23, 2005 Planning Commission Special/Study Meeting.
3. Minutes from the November 1, 2005 Planning Commission Special/Study Meeting.

G:\Future Land Use Plan\Memo to City Council 12 05 05.doc

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

Resolution

Moved by Stine

Seconded by Beltramini

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

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

**Vote on Resolution to Amend**

Resolution #2005-08-372

Moved by Beltramini

Seconded by Eisenbacher

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

Yes: Broomfield, Eisenbacher, Lambert, Stine, Beltramini

No: Howrylak

Absent: Schilling

**MOTION CARRIED**

**Vote on Resolution Postpone**

Resolution #2005-08-373

Moved by Eisenbacher

Seconded by Howrylak

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

Yes: All-6

No: None

Absent: Schilling

7. PROPOSED FUTURE LAND USE PLAN AMENDMENT – Rochester Road between South Blvd. and Square Lake Road

Mr. Savidant provided a brief review of the “Binson’s Rezoning” that was postponed by City Council to the first Regular City Council meeting scheduled in March 2006, and City Council’s direction to the Planning Commission that consideration be given to amending the Future Land Use Plan in the Rochester Road Corridor between Square Lake and South Boulevard.

Mr. Savidant reviewed the process for amending the Future Land Use Plan and outlined an approximate time line for the process.

[Mr. Miller arrived at 9:10 p.m.]

Mr. Miller led the in-depth discussion in identifying problems and opportunities related to the section of Rochester Road between South Boulevard and Square Lake Road.

Problems

- Depth of properties
- Variety of zoning districts and land uses (not a set pattern)
- Too many curb cuts
- Traffic volume (difficult to market residential)
- Mixed PUD use
- Signalization (lack of) along Rochester Road
- Small number of parcels affected by development pressure
- Protection of residential uses
- Right-of-way build-out incomplete

Opportunities

- New development on east side of Rochester Road
- Current trends
- Traffic volume (access to expressways)
- Residential use above retail use
- Mixed PUD use
- Overlay
- Input from new homeowners/developers
- Public input session

### 3. ROCHESTER ROAD FUTURE LAND USE PLAN AMENDMENT

Mr. Miller revisited the list of Problems and Opportunities that was created by the Planning Commission at the August 23, 2005 Special/Study Meeting. A list of Findings and Trends and Goals were also briefly discussed. There was general concurrence that the Planning Department should begin to develop an amendment to the Future Land Use Plan that included a mixed-use overlay district. It was determined that an appropriate depth for the mixed-use district would be similar to the depth of the commercial property on the northwest corner of Square Lake and Rochester Roads.

Mr. Chamberlain suggested that since the section of Rochester Road between Long Lake and Square Lake mirrors the section between Square Lake Road and South Boulevard, it should be included in the Future Land Use Plan amendment. General discussion followed.

The Planning Commission asked the Planning Department to prepare a memo to City Council informing them of the desire of the Planning Commission to expand the study area. Furthermore, the memo should explain that the proposed March deadline to complete the amendment would be difficult to meet whether or not the study area was expanded.

#### **Resolution # PC-2005-11-174**

Moved by: Chamberlain  
Seconded by: Waller

**RESOLVED**, That the study area of the Future Land Use Plan amendment for Rochester Road between Square Lake Road and South Boulevard be expanded to include the section of Rochester Road between Long Lake Road and Square Lake Road, therefore making it a two-mile strip rather than a one-mile strip for a mixed-use district, including appropriate depth, space and location standards.

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

**MOTION CARRIED**

November 30, 2005

TO: John Szerlag, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration  
Cindy Stewart, Community Affairs Director

SUBJECT: AGENDA ITEM: Closed Captioning for Cable Channel

Councilman Lambert brought up the topic of offering closed captioning for our cable channel, WTRY. We researched this last year after receiving a resident inquiry related to closed captioning services. Research through the National Association of Telecommunications Officers and Advisors – Michigan Chapter shows that only two cities in Michigan (Clinton Township and Grand Rapids) provide Closed Captioning for their government access channels. They both have three-year contracts for closed captioning services and said that their companies provide about a 95% accuracy rate in the captioning.

There are some California and Arizona cities, as well as some State Senate hearings that offer limited closed captioning services and the State of Michigan offers closed captioning only for the annual Governor's State of the State address.

Companies we found that offer closed captioning are Communication Works for the Deaf in Farmington Hills, Closed Captioning Services in Grand Rapids and Rapidtext, Inc. in Newport Beach, California. We would need to purchase a Link Electronics Encoder/Decoder (\$3,000 – 6,000 depending on the company) for our cable office and have a telephone interface and two dedicated phone lines – one to receive the audio and one to send back to us to include on the tape. A translator would listen to our meetings via a phone line, type the conversations and route it back to our television screen. It would be live with a one – two second delay. We would also be able to tape the captioning for meeting playbacks.

The cost for the Realtime Captioning ranges from \$125 - 135 per hour. If we provided closed captioning for all City Council Meetings (minimum 31 meetings x approx. 5 hours per meeting), cost would be approximately \$19,375 - 20,925 per year. This would not include any Study Sessions or other meetings.

**Current Services for the Hearing Impaired:** We have installed a hearing assistance device in the Council Chambers. To date no one has asked to use this equipment. We provide audio and videotapes, which are available at the Library. We also have an interpreter resource, *Deaf Can!* which provides sign language interpreters for meetings at \$34 per hour (minimum two hours) plus mileage for the interpreter. We offer this service of a sign language translator at meetings when requested in advance by a resident. We had a request for this service only twice in the past six years.

CS

December 1, 2005

TO: John Szerlag, City Manager

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

SUBJECT: AGENDA ITEM – ZONING ORDINANCE TEXT AMENDMENT (ZOTA–201) – Article 28.30.00 Commercial Indoor Recreation in the M-1 Light Industrial Zoning District.

On November 14, 2005, City Council conducted a public hearing on ZOTA 201 at which time there was discussion whether the Planning Commission should or should not review definitions of performance theaters and performance studios that will be prepared by City Management. A resolution was adopted by City Council to postpone ZOTA 201 to the November 28, 2005 City Council meeting, so City Management could develop and present proper definitions of performance theaters and performance studios to the Planning Commission.

The Planning Commission did not have a meeting until November 29, 2005. Therefore, ZOTA 201 initially placed on the November 28, 2005 City Council agenda was removed so the Planning Commission would have an opportunity to review the definitions.

ZOTA 201 and the definitions were presented to the Planning Commission at their November 29, 2005 Regular meeting. The Planning Commission tabled the item to their December 6, 2005 Special/Study meeting. ZOTA 201 will be placed on a City Council agenda after review by the Planning Commission.

**REHMANN ROBSON***Certified Public Accountants*

A member of THE REHMANN GROUP

An Independent Member of Baker Tilly International

September 27, 2005

To the Honorable Mayor and City Council  
City of Troy, Michigan

In planning and performing our audit of the financial statements of the *City of Troy, Michigan*, for the year ended June 30, 2005, we considered the City's internal control structure to determine our auditing procedures for the purpose of expressing an opinion on the financial statements and not to provide assurance on the internal control structure.

However, during our audit, we became aware of matters that are opportunities for strengthening internal controls and/or operating efficiency. The memorandum that accompanies this letter summarizes our comments and suggestions concerning those matters. This letter does not affect our report dated September 27, 2005, on the financial statements of the *City of Troy, Michigan*.

The accompanying comments and recommendations are intended solely for the information and use of the Mayor and City Council, Management, and others within the organization and should not be used by anyone other than these specified parties.

We will review the status of these comments during our next audit engagement. We have already discussed many of these comments and suggestions with various City personnel, and we will be pleased to discuss them in further detail at your convenience, to perform any additional study of these matters, or to assist the City in implementing the recommendations.

We would like to thank the staff and management of the *City of Troy, Michigan* for their assistance and cooperation in completing the audit.

## Memorandum

### INTERNAL CONTROLS

#### 1) PAYROLL

During our audit we noted that payroll checks are printed on Wednesdays and kept in a locked cubicle overhead bin instead of in a fireproof vault overnight.

This practice exposes the City to undue risks, including the risk of loss to fire as well as to theft (the overhead bins are easily accessible by applying minimal force).

#### Recommendation

We recommend that the City establish a policy of maintaining payroll checks in a fireproof vault overnight and at all times prior to their distribution and that access to the vault be limited to selected individuals.

#### 2) TREASURY DEPOSIT

During our procedures, we noted instances in which cash receipts from Sylvan Glenn and the Aquatic Center were not remitted to Treasury in a timely manner.

We believe that this condition increases the City's risk of misappropriation or loss.

#### Recommendation

We would recommend that the City consider establishing a policy dictating the importance of remitting the cash receipts at the end of every business day to the Treasurer's office.

### UPCOMING PRONOUNCEMENTS

#### 3) POSTEMPLOYMENT HEALTH CARE

In April 2004 the Governmental Accounting Standards Board issued Statement No. 43 *Financial Reporting of Postemployment Benefits Other Than Pension Plans*.

The standard will requires the City to obtain an actuarial valuation of its postemployment benefits other than pension plans, establish a separate trust for these benefits and begin funding this long-term obligation based on the actuarially determined required contribution.

#### Status

The City has had a policy for pre-funding its postemployment benefits over the past several years and as of the last actuarial valuation, indicates that the City is approximately 90% funded.

City of Troy, Michigan  
September 27, 2005  
Page 3 of 3

In addition, it is our understanding that the City has established a separate trust beginning in July 2005 in which all future contributions will be remitted.

A hard copy of the Comprehensive Annual Financial Report for the Year Ended June 30, 2005 is included in your agenda packet.

# Bloomfield Township POLICE DEPARTMENT

J-03a

4200 Telegraph • P.O. Box 489 • Bloomfield Hills, MI 48303-0489 • (248) 433-7750

Jeffrey D. Werner, Chief

November 16, 2005

Chief Charles Craft  
Troy Police Department  
500 W. Big Beaver Rd.  
Troy, MI 48084

Dear Chief Craft:

Just over a year ago, our department was shaken to the core by the death of Officer Gary Davis, the first Bloomfield Township officer killed in the line of duty. While we dealt with this significant loss, your department was charged with the responsibility of investigating the crash.

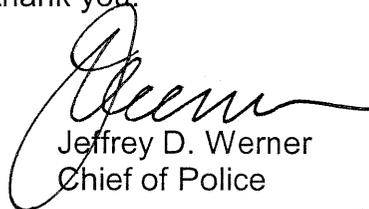
It is beyond my ability to express how much we appreciate what members of your department did in this case. From the beginning and in every way, your staff demonstrated the highest degree of professionalism and expertise in this monumental task. Particularly Sgt. Redmond and Officer Villerot, they, along with their staff, did a tremendous job in the crash investigation, case preparation, and courtroom coordination and presentation. At the same time, they went to great lengths to keep us constantly informed and treated every one of us with the utmost respect.

They did a great job and, for that, we are grateful. You should be extremely proud of their efforts.

On behalf of our entire department, thank you.

Cc: City Mgr.  
Capt. Morarty  
BB  
Officers Files  
JDW/klm

Cc: Sgt. Redmond  
Officer Villerot

  
Jeffrey D. Werner  
Chief of Police



COUNTY OF OAKLAND  
**OFFICE OF THE SHERIFF**

J-03b

MICHAEL J. BOUCHARD



**RECEIVED**  
Chief of Police  
11/17/05 CE

November 14, 2005

Chief Charles Craft  
Troy Police Department  
500 West Big Beaver Road  
Troy, MI 48084

Dear Chief Craft:

I would like to extend my appreciation for your agency's participation in the 3<sup>rd</sup> Annual National Family Violence Apprehension Detail on October 12, 2005. Thanks to the commitment of 82 officers and deputies from 24 Oakland County Agencies, the event was an overwhelming success.

I am pleased to report that, together, we were able to arrest 22 of the 86 targets we attempted to locate. Our success rate of 25.58% was well above the national average of 19.54%. In addition, several of our targets turned themselves in at court as a direct result of the pressure we applied during the sweep.

This annual detail is part of an ongoing collaborative effort to hold family abuse and neglect offenders accountable for their actions. We all realize the urgency of this social crisis, and our efforts sent a strong message. Whether it is sweep day or any other day of the year, if you are a family violence offender, you will be pursued and we will bring you to justice.

Again, thank you, and I am looking forward to working with you in the future.

Sincerely,

A handwritten signature in black ink that reads "Michael".

Michael J. Bouchard  
Oakland County Sheriff

cc: City Mgr  
Division Commander  
File  
BB

From: Robert J Redmond  
 Sent: Thursday, November 24, 2005 12:35 PM  
 To: 'W. Burton McCandless'  
 Cc: Charles T Craft  
 Subject: RE: Thank You

Your Welcome.....get a copy of today's Oakland Press paper....you made the front page.

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

From: W. Burton McCandless [mailto:████████████████████]  
 Sent: Thursday, November 24, 2005 11:16 AM  
 To: Robert J Redmond  
 Subject: Thank You

Sergeant Redmond:

I want to thank you for the professional and courteous manner in which you handled my vehicle accident yesterday. I have never in my life been involved in such a dangerous situation. My partner and I were driving to a lunch appointment when the next thing we knew we were literally turned upside down. The weather conditions on I-75 changed just that quick.

Your patience in waiting two hours plus for a tow truck and eagerly responding to our silly conversational inquiries was greatly appreciated. Not only that, but you provided my partner and I a ride back to our office. You definitely are synonymous with the universal police motto of "protect and serve". As a result of my experience I will speak most highly of the professionalism of the Troy Police Department.

Please understand that I hope our paths do not cross again; at least under similar circumstances. No matter what, I will always regard you as an officer and a gentleman.

W. Burton McCandless  
The Upside Down Jeep Liberty

CC: City Mgr.  
 Capt. Murphy  
 dept. Files  
 BB

**RECEIVED**  
 Chief of Police  
 11/27/05 CTC

# December 2005

December 2005							January 2006						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
4	5	6	7	8	9	10	1	2	3	4	5	6	7
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Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
			December 1 10:00am Senior Advisory Board meeting (Comm Ctr conf rm)		2 3
					4
5 7:30pm City Council-Regular (Council Chambers)	6 7:00pm Tree Lighting Ceremony - City Hall 7:30pm Planning Commission-Study (Council Boardroom)	7 8:30am BUILDING CODE BOARD OF APPEALS (Conference Room L) 7:00pm ADVISORY COMMITTEE FOR PERSONS WITH		8	9 10
					11
12	13 12:00pm Updated: Assessing Board of Review (Conference Room D) 7:30pm Planning Commission-Regular (Council Chambers)	14		15	16 17
					18
19 7:30pm City Council-Regular (Council Chambers)	20 7:30pm BZA (Chambers) 7:30pm Historic District Commission (Conference Room C)	21 7:30am DDA Meeting (Conference Room Lower Level)		22 City Hall Closed	23 24
					25
26 City Hall Closed	27	28		29 City Hall Closed	30 31

# January 2006

January 2006						
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February 2006						
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Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
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City Hall Closed		8:30am BUILDING CODE BOARD OF APPEALS (Conference Room LL)			8
9	10	11	12	13	14
7:30pm City Council Meeting (Council Chambers)					15
16	17	18	19	20	21
	7:30pm BZA (Chambers) 7:30pm Historic District Commission (Conference Room C)	7:30am DDA Meeting (Conference Room Lower Level)			22
23	24	25	26	27	28
7:30pm City Council Meeting (Council Chambers)					29
30	31				

# February 2006

February 2006						
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March 2006						
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Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
		February 1			4
		8:30am BUILDING CODE BOARD OF APPEALS (Conference Room LL)			5
	6	7	8	9	11
7:30pm City Council Meeting (Council Chambers)					12
	13	14	15	16	18
		7:30am DDA Meeting (Conference Room Lower Level)			19
		7:30pm City Council Liquor Hearing			
	20	21	22	23	25
7:30pm City Council Meeting (Council Chambers)	7:30pm BZA (Chambers) 7:30pm Historic District Commission (Conference Room C)	7:30pm City Council Liquor Hearing			26
	27	28			
7:30pm City Council Meeting (Council Chambers)					

December 1, 2005

TO: The Honorable Mayor and City Council Members  
FROM: John Szerlag, City Manager  
SUBJECT: Results of Interviews with Individual Council Members

Attached are the aggregate responses to our individual sessions. I wish to thank you for your time and effort you all put into our meetings, and I look forward to having them discussed at our December 5, 2005 Council meeting.

As always, please feel free to contact me should you have any questions.

## COUNCIL INTERVIEW QUESTIONS

### 1) What do you want the City of Troy to excel at 5, 10 and 20 years from now?

#### Five Years

- Balanced tax rate
- High level of service
- Quality schools
- High property values
- High quality of life

#### Ten Years

- Troy to become IT capitol of Oakland County as well as invention capitol
- DDA and SMART Zone projects heretofore reach fruition and enhance/sustain economic development

#### 20 Years

- Troy's the Oakland County destination point to live, work, and play
- Outstanding infrastructure improvements and advances made toward a functional mass transit system

#### Five Years

- Big Beaver redevelopment with additional PUDs
- Maple and Stephenson redeveloped/rezoning
- Balanced budget/lower or maintain millage rate
- Master Land Use plan updated

#### Ten Years

- Troy IT leader in Oakland County
- DDA coming to a close with projects completed
- SMART Zone further developed with successful projects underway
- Continued redevelopment on Big Beaver (Kmart HQ), Maple and Stephenson

#### Twenty Years

- Troy viewed as a destination where families want to live, employees want to work, and people want to come and visit (ongoing efforts)

Along with these specific goals, always maintain a tax base that reflects the ability to operate our city efficiently without burdening the residents and business owners.

Continue holding the standard as one of the safest cities to live in. Maintain our volunteer fire department and entire community spirit of volunteerism. Improve ongoing infrastructure needs as development and redevelopment occurs.

Move forward as opportunity presents itself for privatization of certain services as well as provide our services to outlying communities (like Clawson).

We should be a "World Class City" (best city in Michigan to live, work and play) with the lowest tax rates for both business and residents in Oakland County. We need to follow through with our new Futures study and implementation.

To have a safe, livable and desirable community; one in which people aspire to live and work. Continue to have one of the lowest tax rates in the area. In addition, more involvement is needed along Maple Road for economic development reasons and we need to find ways to keep property values high throughout the entire community.

Improving alternate methods of transportation such as bike trails and sidewalks. Encourage public/private partnerships in this regard.

Producing highest level of service at most efficient cost. Management to operationally define efficiency. Privatization with public/private partnerships.

Maintain functional correlation with level of service offered to match changing demographics.

Ultimately, Troy is Oakland County's destination point to live, work, and play. There will be outstanding infrastructure improvements and advancements made toward a coordinated regional mass transit system.

In addition, we should be an enhanced employment center for high-tech jobs on the cutting edge of technology. This will provide for a good tax base, and high level of service for our residents.

We are currently a stellar community and should strive to maintain it in that fashion. Should also be known for adherence to master land use plan and need to be careful on issuing density bonuses. Also should be mindful to maintain quality preservation of open space, and economic vitality. We should strive for excellent infrastructure and be a safe city with a high standard of quality of life services. We should also have a strong property maintenance code, which keeps property values up, and strengthen ordinances to support this. This is essential to prevent blight.

**2) How do you feel about continuing the transfer of debt service millage to operating millage, without increasing the overall rate of 9.45 mils?**

OK to continue the transfer of debt services millage to operating millage, but we need to be mindful of future bonding capacity.

I would like to discuss this with John Szerlag to better understand the pros/cons of this action, but generally feel we should not reduce our debt service millage if this would jeopardize our bond rating or ability to repay debt. It's OK to transfer debt service millage.

Continuing transfer of debt service is OK as we should not have an increase in the overall tax rate. We also need to develop business cases to see if it's feasible and cost effective to bond for infrastructure projects. We also have to ensure that we do not ignore capital projects.

OK.

It's OK.

OK to continue transfer.

**3) City Management believes that we should ideally maintain a fund balance of 17% but not drop below 10%. What is your opinion on this?**

12% is preferable.

I think we have all felt that we need to maintain at least 10%, preferably more.

Again, I look forward to discussing the pros/cons of this action with John Szerlag, but generally feel we need to strive to maintain our historical level of fund balance average from the past 10 years, but not if doing so would require raising taxes. Should strive to maintain 15%.

10% of fund balance is OK, but should be put in budget stabilization fund. (Wants to meet with John L and myself to further discuss budget issues)

OK for 10%.

Should strive for 15 – 17% of fund balance.

Should not drop below 12%.

4) **Is it more important to:**

- a. **Maintain the same level of service, even if it means a tax increase within our authorized limit, or**
- b. **Reduce the level of service in order to maintain the overall rate of 9.45 mils?**
- c. **Does your response differ for essential and non-essential services? If yes, define.**

- b. Look to reducing the level of service in quality of life or non-essential services, i.e., shorter Library and Museum hours. Additionally, some high-cost special events such as Troy Daze should be looked at for possible cuts. So too, areas where we have an extremely high level of service could be reduced while still providing a good level of service, i.e., going from 24 hours to 48 hours to having our streets cleared of snow. We also need to examine discounts for our programs based on need as opposed to entitlements relating to age and/or disability.

Additionally, take a look at core competencies. In other words, what is it that we do well, and what are we expected to do. We should also keep examining user fees for non-essential services, which essential are defined as leisure activities and marketing functions.

- a. **Maintain same level of service, even if it means a tax increase**

or

- b. **Reduce level of service even if it means a tax increase**

**Leisure activities are non-essential services; consider fee increases.**

- b. We should not ever consider raising taxes or negatively impacting essential services as either of these would have a direct impact on our quality of life. We must work for continuous improvement and become more efficient in all areas of city management. Suggest challenging every department director to present at least 5% cost reduction in his or her 2006 budget versus 2005, without considering an inflation factor. Can we obtain more grants for some departments? We need to think outside the box. Example: Only repair roads between 8:30 PM and 6:30 AM on weekdays, Monday through Thursday, and a different crew on Friday – Sunday between 8:30 PM and 9:30 AM, all at straight-time pay.

For non-essential/quality of life services, fees should be increased or perhaps a decrease in level of service. It may be okay to increase taxes for essential services. In any event, business case should be included justifying any increase in fees. We should also look at staffing levels and plan for future efficiencies. The Manager should examine the entire structure of the table of organization to assure the most efficient mode of operation. We should also look at regional services.

Leisure/marketing endeavors are non-essential services and we should look to increasing fees in those areas before raising taxes.

- b. It's more important to reduce the level of service in order to maintain the overall rate of 9.45 mils. But we also must prioritize services and be innovative.

Additionally, we should strive for cooperation with the school district to share services; and look at other partnership possibilities. We should also address advertising as a cost-cutting technique and look at fee-based entitlements.

We need to determine what makes Troy desirable; perhaps it's quality of life issues and fees should be continually examined for these quality of life services.

A tax increase should be considered only if the level of service would otherwise be negatively impacted. This of course assumes that we operate in the most efficient and effective fashion.

Non-essential services equate to the leisure functions, and we should look to fee increases before raising taxes.

OK to raise taxes to keep level of service high.

**5) In a general sense, please prioritize capital expenditures in terms of:**

- a. **Infrastructure**
- b. **IT improvements**
- c. **Park development**

- a. Infrastructure
- b. IT improvements
- c. Park development

Note that IT improvements are ahead of park development because of efficiencies it can provide.

- a. Infrastructure
- b. IT
- c. Parks

- a. Infrastructure – With new facilities, including some park environment component
- b. IT improvements – Only where we can demonstrate a return on investment and track results to hold ourselves accountable
- c. Park development – But take advantage of civic organization offers to develop and maintain specific areas for public use – encourage existing landowners to donate property for parks and recreation in their estate plan in return for naming recognition, etc.

- a. Infrastructure
- c. Parks
- b. IT

- a. Infrastructure
- c. Park development
- b. IT improvements

- a. Infrastructure
- b. Park development
- c. IT improvements

- a. Infrastructure
- c. Park development
- b. IT improvements

**6) What's the one thing we do as an organization that you're most proud of?**

Public safety (Police/Fire). We provide great leadership in the County and State and also a high degree of ancillary services like home inspections when residents are on vacation. We practice high customer service and invest in training.

Volunteer fire department, public safety, professionalism with upper management.

Police and Fire Departments (emergency response).

Service delivery, in particular the Fire Department.

Culture of professionalism with special emphasis on responsiveness, customer service and parks and recreation services.

All employees dedicated to doing a good job.

Service delivery of all departments.

**7) What's one thing that you'd like to see us do better?**

Be the IT leader in Oakland County. Achieve more financial independence from the State of Michigan. A portion of the hotel tax should stay in Oakland County/City. Troy should also look into having our State reps push for home rule cities keeping part of the sales tax. DDA wireless access?

Better use of web for good communication with citizens. Perhaps development of a speakers bureau would be in order to communicate the rationale for policy issues. Part of being the IT leader includes issuance of building permits on line.

Additionally, being part of Oakland County's pilot program for Wireless Oakland is taking us on the path to being the IT leader.

- Update, then follow, the Master Land Use plan
- More flexibility with incoming business ventures (Building Dept.)
- Work with the Planning Commission as a team
- Reduce fees that are linked to property improvements, thus encouraging property owners to move ahead with these improvements (Example: Permits for fences/decks/demolition)
- Focus more on industrial areas in Troy with rezoning recommendations that would encourage use
- Work harder on creating an environment where businesses want to come
- Improve training/professional development for staff throughout the organization, especially new employees
- Plan more joint meetings with various boards that serve Council (DDA, Planning Commission)
- Update present ordinances, and not make so cumbersome

We need to strive toward improving our mid- to long-range planning and master plan and better communicate this to our residents and business community. Plan our work and work our plan.

Long-range planning, in terms of a 5-year plan. The concept of blending in the Big Beaver corridor study, Maple Road corridor study, Futures process, revised land use plan, and capital improvements plan is a good one.

More focused on long-term planning; determining a preferred future for the City and staying with it; responsibility of the Manager and veteran Council Members to assist new Council Members will buy-in for future vision.

Streamline rules and procedures regarding time allowed for speaking at microphone and limit number of items a person can address.

This will make the business portion of our agenda more efficient, and give more respect to residents/individuals who took the opportunity to be placed on the agenda. In addition, staff should look to continuing to streamline the building permit process to enable businesses to engage in their development/redevelopment activities more quickly.

Better communication city-wide, and shorter response times for resident inquiries.

**8) What's one thing we're not doing that you'd like to see us be known for?**

\*Combined questions 8) and 9).

- Look at the possibility of creating a regional marketing plan aimed at both business and residents
- Explore successful approaches with public/private partnerships
- Develop a plan to pull away from dependence on state funding (revenue sharing)

We need to make Troy a more business-friendly environment and determine why so many businesses are leaving Troy and going to Auburn Hills, etc. This may require changing our zoning policy to allow for different uses of industrial areas. We should make City Hall a more receptive, friendly service environment for both business and residents. We need to create an environment with less restrictions and red tape for businesses and residents.

Regional approach to service delivery.

Innovative approaches to public/private partnerships with emphasis in the areas of land use and transportation.

Innovative in delivery of information over the Internet; on-line registration for all programming.

Development of an ongoing City business marketing plan in order to balance our tax base to 50% residential and 50% commercial/industrial.

Enhanced quality of life services.

**9) What else would you like to discuss that pertains to the City of Troy as an organization, City Council, or the Council/Manager partnership?**

Use of the democratic governance model to augment citizen background information that will be given to Council to facilitate policy issues.

Incorporate the futuring process. In addition, we should categorize our boards and committees within the task force structure of the futuring process so we can always be examining preferred outcomes and working toward that endeavor.

I would like to see the revenue that is generated by fees for decks, sheds, tearing buildings; with the goal of seeing if the fees can be cut in half, thus encouraging property improvements/resale value. The City will capture taxes through improved property.

We are building so many condos; what is the ratio to single-family structures?

Where are we with our plan to put together an ethics policy for Council?

I would really like us to make sure we follow the final recommendations of studies that we authorize (Big Beaver corridor study, Futures process).

We need to improve overall relations between the City Council, City Management, and Planning Commission, etc. and streamline our decision-making. City Council needs to stop trying to re-engineer plans at the Council meetings and rely on the City Management team recommendations. John Szerlag and I need to spend more time discussing this to help me better understand the issues before I can make more definitive recommendations.

Perform more business case analyses on any increases in costs relative to service delivery. Also, have staff have more of an advocate for decisions made by Council. In addition, take a look at the table of organization to see if some departments should be combined.

Joint meetings with school board and chamber. Manager and assistant managers to attend NLC conference and MML conferences.

Continued professional development of Manager.

Proper relationship of Mayor/Council to Manager.

Address major policy issues in 2005 relative to ethics; and the relationship of open space preservation/development/redevelopment.

In addition to last year's answer, look to incorporate work force or affordable housing in future developments. Perhaps this could be incorporated along our major corridors, i.e., Maple Road in particular.

More long-term planning by Council as we are the policy makers of the City. In addition, as we make use of our futuring process results, Council needs to think in terms of policy and long-term planning.

Strengthen Council-Manager partnership.

**10) Should Troy invest in alternative modes of transit? Would you be willing to allocate funding?**

Troy should invest in alternative modes of transit and we should be willing to allocate funding.

Troy should invest in alternative modes of transit and be willing to allocate funding. However, a business case justifying the expenditure must first be performed.

Transit alternatives should be based on a business case analysis beginning first with determining if Troy should opt out of SMART.

We should look to invest in alternative modes of transit, but first examine our existing modes to see if they could be more efficient, i.e., smart routes.

We should also look to other forms of public transit, as well as construction of sidewalks and bike trails.

Further, we should look at some services like MediGo to see if they could be performed more efficiently in-house, and of course take an entire look at the whole public transit issue.

We should first look to a business case before investing in any regional alternative modes of transit.

Should invest in alternative modes of transit and allocate funding, but first develop a business case to justify the cost.

**11) Please review ICMA survey results. How important is it that the City maintains its above-the-norm ratings?**

Very important that the City strive to maintain its above-the-norm ratings relative to the ICMA survey results.

## Combined Responses

This is a critical role for City Council and we are all ambassadors for the City, but the real work is carried out by City Management staff, civic organizations, private enterprise, and residents. We need to strive through our futuring process to listen to the business leaders and resident surveys and respond accordingly. We need to create a downtown: walking/shopping/entertainment area to draw not only our residents, but also those from surrounding areas. A minor league ball park may be a good idea, but we need to find the right location, which is not the Civic Center property.

It's very important that the City maintain it's above-the-norm rating.

It's always better to be above average as long as the benefit justifies the cost.

It's important, but not essential to be above-the-norm relative to ICMA ratings. However, we need to address areas where we are at or below the norm.

Yes, above-the-norm rating is what makes Troy a place to aspire to live and work.