

AGENDA

Regular Meeting of the

CITY COUNCIL OF THE CITY OF TROY

MAY 15, 2006

CONVENING AT 7:30 P.M.

**Submitted By
The Acting City Manager**

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

TO: The Honorable Mayor and City Council
Troy, Michigan

FROM: John M. Lamerato, Acting City Manager

SUBJECT: Background Information and Reports

Ladies and Gentlemen:

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

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

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

Goals

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

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John M. Lamerato". The signature is fluid and cursive, with a large, stylized initial "J" and "L".

John M. Lamerato, Acting City Manager



CITY COUNCIL

AGENDA

May 15, 2006 – 7:30 PM
Council Chambers
City Hall - 500 West Big Beaver
Troy, Michigan 48084
(248) 524-3317

CALL TO ORDER: 1

INVOCATION & PLEDGE OF ALLEGIANCE: Reverend Paul Monson – St. Augustine
Evangelical Lutheran Church 1

ROLL CALL: 1

CERTIFICATES OF RECOGNITION: 1

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CARRYOVER ITEMS: 1

B-1 No Carryover Items 1

PUBLIC HEARINGS: 1

C-1 Preliminary Planned Unit Development Approval – PUD-5 Caswell Town Center –
East Side of Rochester Road, South of South Boulevard, R-1D, B-3 and P-1,
Section 2 1

C-2 Adoption of 2006/07 City Budget 3

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CALL TO ORDER:**INVOCATION & PLEDGE OF ALLEGIANCE: Reverend Paul Monson – St. Augustine Evangelical Lutheran Church****ROLL CALL:**

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

CERTIFICATES OF RECOGNITION:

A-1 Presentations: No Presentations

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 Preliminary Planned Unit Development Approval – PUD-5 Caswell Town Center – East Side of Rochester Road, South of South Boulevard, R-1D, B-3 and P-1, Section 2

Suggested Resolution

Resolution #2006-05-

Moved by

Seconded by

WHEREAS, Michigan Home Builders requested preliminary planned unit development approval for Caswell Town Center Planned Unit Development (PUD 5), located on the east side of Rochester Road south of South Boulevard, Section 2, within the R-1D, B-3 and P-1 zoning districts, being 18.62 acres in size; and

WHEREAS, The City's planning consultant Richard Carlisle of Carlisle/Wortman Associates, Inc., prepared a memorandum dated April 27, 2006 that recommends approval of Caswell Town Center Planned Unit Development; and

WHEREAS, City Management recommends preliminary planned unit development approval for Caswell Town Center Planned Unit Development; and

WHEREAS, On March 28, 2006, the Planning Commission recommended approval of a preliminary plan for a planned unit development, pursuant to Article 35.60.01 of the City of Troy Zoning Ordinance.

RESOLVED, The proposed PUD meets the eligibility requirements set forth in Article 35.30.00 and the general development standards set forth in Section 35.40.00; and

BE IT FURTHER RESOLVED, That the preliminary planned unit development application consists of a CD dated May 2, 2006 and the following full size plans:

The following plans were prepared by Hennessey Engineers, Inc.:

CE1	Topographic Survey
CE1A	Boundary Survey
CE1B	Tree Survey
CE1C	Tree Survey
CE1D	Tree Survey
CE2	Preliminary Site Plan
CE2A	Snow Removal Plan
CE2B	Photometric Plan
CE2C	Drainage Calculations
CE3	Preliminary Grading Plan
CE4	Preliminary Utility Plan
CE4A	Preliminary Pond Details
CE5	Soil Boring Plan

The following plans were prepared by Calvin Hall & Associates:

L-1 of 6	Landscape Plan
L-2 of 6	Landscape Plan
L-3 of 6	Landscape Plan
L-4 of 6	Amenity Site Plan and Pedestrian Circulation Walk Plan
L-5 of 6	Entry Walls and Signage Reference Plan
L-6 of 6	Site Section Elevations

The following plan was prepared by Bill Carr Signs:

Double-Face Illuminated Sign (8 ½" x 11")

The following plans were prepared by Alexander V. Bogaerts & Associates, P.C.:

Front Elevation
Left, Right and Rear Elevation
Garage Level Building Plan
First Floor Building Plan
Second Floor Building Plan
Unit Floor Plan
Elevations – Proposed Retail Buildings
Front Elevation - Proposed Retail Building w/ Coffee Shop

Left and Right Side and Rear Elevations - Proposed Retail Building w/ Coffee Shop

BE IT FURTHER RESOLVED, That the ground or pylon sign proposed at the boulevard entrance on the east side of Rochester Road, as illustrated on the 8½” x 11” double-face illuminated sign drawing, prepared by Bill Carr Signs, shall not exceed 15 feet in height, as recommended by the Planning Commission; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **APPROVES** the Caswell Town Center Preliminary Planned Unit Development.

Yes:

No:

C-2 Adoption of 2006/07 City Budget

Suggested Resolution

Resolution #2006-05-

Moved by

Seconded by

WHEREAS, Section 8.3 of the City Charter directs the City Council to adopt a budget for the ensuing year, beginning July 1, 2006.

NOW, THEREFORE, BE IT RESOLVED, That the following listed re-appropriations, operating transfers-in, and operating revenues of the General Operating Fund are anticipated:

Taxes	\$35,473,690
Licenses and Permits	2,059,000
Federal Grants	34,500
State Grants	6,765,000
Contributions - Local	140,000
Charges for Services	6,475,300
Fines and Forfeits	1,012,000
Interest and Rents	1,443,300
Other Revenue	491,900
Operating Transfers - In	4,724,870
Re-appropriation	<u>6,367,250</u>
 Total	 <u>\$64,986,810;</u>

BE IT FURTHER RESOLVED, That the tax rate for the General Operating Fund shall be six and fifty one-hundredths (6.50) mills on the 2006 taxable valuation;

BE IT FURTHER RESOLVED, In order to meet anticipated expenses, amounts from the following listed budgetary centers shall be appropriated from the General Operating Fund:

Building Inspection	\$ 2,169,250
Council/Executive Administration	2,041,140

Engineering	3,096,890
Finance	4,869,370
Fire	4,212,260
Library /Museum	5,002,000
Other General Government	2,807,150
Police	23,174,400
Parks and Recreation	8,744,820
Streets	5,359,530
Operating Transfer Out	<u>3,510,000</u>
Total	<u>\$64,986,810;</u>

BE IT FURTHER RESOLVED, That the following listed re-appropriations and revenues of the Capital Fund are anticipated:

Taxes	\$ 8,189,000
Federal Grants	305,000
State Grants	1,409,000
Charges for Services	150,000
Interest and Rents	607,200
Other Revenue	335,260
Operating Transfer In	5,700,000
Re-appropriation	<u>3,102,000</u>
Total	<u>\$19,797,460;</u>

BE IT FURTHER RESOLVED, That the tax rate for the Capital Fund shall be one and sixty one-hundredths (1.60) mills on the 2006 taxable valuation;

BE IT FURTHER RESOLVED, In order to meet anticipated expenses, amounts from the following listed budgetary centers shall be appropriated from the Capital Fund:

Building Inspection	\$ 10,000
Drains	1,205,780
Finance	100,000
Fire	497,830
Information Technology	700,000
Library	229,650
Museum	265,000
Other General Government	2,170,000
Police	554,700
Parks and Recreation	3,778,500
Streets	9,116,000
Public Works	<u>1,170,000</u>
Total	<u>\$19,797,460;</u>

BE IT FURTHER RESOLVED, That the following listed revenues of the Refuse Fund are anticipated:

Taxes	\$ 4,248,000
Charges for Services	1,500
Interest and Rents	100,000
Re-appropriation	<u>182,330</u>
Total	<u>\$ 4,531,830;</u>

BE IT FURTHER RESOLVED, That the tax rate for the Refuse Fund shall be eighty- three one-hundredths (.83) mills on the 2006 taxable valuation;

BE IT FURTHER RESOLVED, That the Refuse Fund shall be appropriated \$4,531,830;

BE IT FURTHER RESOLVED, That the General Debt Service Fund shall be appropriated \$3,005,190;

BE IT FURTHER RESOLVED, That there shall be a tax levy of fifty one-hundredths (.50) mills on the 2006 taxable valuation for the General Debt Service Fund.

AND BE IT FINALLY RESOLVED, That the following budgets are **APPROVED** as shown in the 2006/07 budget document:

Major Road Fund	\$ 3,725,240
Local Road Fund	\$ 1,580,460
Community Development Block Grant Fund	\$ 253,820
Troy Community Fair Fund	\$ 197,110
Budget Stabilization Fund	\$ 40,000
2000 MTF Debt Fund	\$ 256,640
Proposal A Debt Fund	\$ 800,970
Proposal B Debt Fund	\$ 1,393,950
Proposal C Debt Fund	\$ 746,770
Special Assessment Fund	\$ 4,052,420
Water Supply System	\$14,400,550
Sanitary Sewer Fund	\$11,097,790
Aquatic Center Fund	\$ 616,730
Sylvan Glen Golf Course Fund	\$ 1,161,150
Sanctuary Lake Golf Course Fund	\$ 2,059,880
Building Operations	\$ 1,835,610
Information Technology Fund	\$ 1,527,740
Fleet Maintenance Fund	\$ 4,274,110
Workers' Compensation Fund	\$ 530,000
Compensated Absences Fund	\$ 4,424,320
Unemployment Insurance Fund	\$ 73,000

Yes:

No:

POSTPONED ITEMS:

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

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

E-1a Approval of "E" Items NOT Removed for DiscussionSuggested Resolution

Resolution #2006-05-

Moved by

Seconded by

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

Yes:

No:

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

E-2 Approval of City Council MinutesSuggested Resolution

Resolution #2006-05-

RESOLVED, That the Minutes of the 7:30 PM Regular City Council Meeting of May 8, 2006 be **APPROVED** as submitted.

E-3 Proposed City of Troy Proclamations:Suggested Resolution

Resolution #2006-05-

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

- a) 18th Annual Celebration of Life Picnic at William Beaumont Hospital, National Cancer Survivors Day in the City of Troy – Sunday, June 4, 2006
- b) Mental Health Month – May 2006
- c) Arbor Day 2007 – 2009

WHEREAS, The City of Troy wishes to acknowledge that Troy's urban forest reduces noise, air pollution, energy costs, reflected light, flooding, stabilizes soils, sequesters carbon, provides habitat for wildlife and improves the overall quality of life.

WHEREAS, Trees in our City increase property values, enhance the economic vitality of business areas, and beautify our community.

WHEREAS, Troy desires to be recognized as a Tree City USA by The National Arbor Day Foundation and wishes to continue its tree-planting ways.

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby **PROCLAIMS** May 4, 2007, May 2, 2008, and May 1, 2009 as Arbor Day in the City of Troy, and urges all citizens to support our City's urban forestry program and to plant trees to gladden the hearts and promote the well-being of present and future generations.

E-4 Standard Purchasing Resolutions

- a) **Standard Purchasing Resolution 1: Award to Low Bidder – 3-Year Requirements of Emergency Repair and General Maintenance for Overhead Doors**

Suggested Resolution
Resolution #2006-05-

RESOLVED, That a contract to furnish three (3) year requirements of emergency repair and general maintenance of overhead doors at various City buildings is hereby **AWARDED** to the low bidder, Garrett Door Company of Pontiac, MI, for an estimated cost of \$20,918.00 per year to expire May 31, 2009, at unit prices contained in the bid tabulation opened April 20, 2006; and

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

- b) **Standard Purchasing Resolution 3: Exercise Renewal Option – Aquatic Center Pool Maintenance and Repair Services**

Suggested Resolution
Resolution #2006-05-

WHEREAS, On June 21, 2004, a one (1) year contract with two (2) one-year options to renew to provide pool maintenance and repair services at the Troy Community Center and Family Aquatic Center was awarded to the sole bidder, B & B Pool and Spas of Livonia, MI (Resolution #2004-06-329-E-6); and

WHEREAS, On June 20, 2005, the first one-year option to renew was exercised and approved with B & B Pool and Spas under the same contract prices, terms, and conditions expiring June 30, 2006 (Resolution #2005-06-299-E4d); and

WHEREAS, B & B Pool and Spas has agreed to exercise the second one-year option to renew the contract under the same prices, terms, and conditions as the 2004 contract.

NOW, THEREFORE, BE IT RESOLVED, That the second one-year option to renew the contract is hereby **EXERCISED** with B & B Pool and Spas to provide Aquatic and Community Center pool maintenance and repair services under the same pricing structure, terms and conditions as the 2004 contract expiring June 30, 2007.

E-5 Private Agreement for Franklin Bank – Project No. 06.902.3

Suggested Resolution
Resolution #2006-05-

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Branch Facilitators, is hereby **APPROVED** for the installation of water main on the site and in the adjacent right of way, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

PUBLIC COMMENT: Limited to Items Not on the Agenda

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

REGULAR BUSINESS:

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

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

F-1 Appointments to Boards and Committees: a) Mayoral Appointments: No Appointments Scheduled b) City Council Appointments: Advisory Committee for Persons with Disabilities; Advisory Committee for Senior Citizens; Employee Retirement System Board of Trustees & Retiree Health Care Benefits Plan & Trust; Historic District Commission; Municipal Building Authority; Personnel Board; and Troy Daze Committee

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

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

(a) Mayoral Appointments – No Appointments Scheduled

(b) City Council Appointments

Suggested Resolution

Resolution #2006-05-

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

(Alternate) Unexpired Term Expires 11/01/06

Advisory Committee for Senior Citizens

Appointed by Council (9) – 3 Year Terms

Term Expires 04/30/09

Employee Retirement System Board of Trustees & Retiree Health Care Benefits Plan & Trust

Appointed by Council (8) – 3 Year Term

Term Expires 04/15/09

Historic District Commission

Appointed by Council (7) – 3 Year Terms

One member, an architect if available

Two members, chosen from a list submitted by a duly organized history group or groups

Term Expires 07/01/06 (Student)

Term Expires 05/16/09 (Architect)

Term Expires 05/16/09

Term Expires 05/16/09

Municipal Building Authority

Appointed by Council (5) – 3 Year Terms

Term Expires 01/31/09

Term Expires 01/31/09

Personnel Board

Appointed by Council (5) – 3 Year Terms

Term Expires 04/30/09

Troy Daze Committee

Appointed by (9) – 3 Year Terms

Term Expires 07/01/06 (Student)

Yes:

No:

F-2 Approval of Brownfield Redevelopment Authority 2006-07 Budget

Suggested Resolution

Resolution #2006-05-

Moved by

Seconded by

WHEREAS, The Troy Brownfield Redevelopment Authority has adopted and recommends that City Council approve its 2006/07 Annual Budget.

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the Troy Brownfield Redevelopment Authority Annual Budget for Fiscal Year July 1, 2006 through June 30, 2007.

Yes:

No:

F-3 Approval of Local Development Finance Authority 2006-07 BudgetSuggested Resolution

Resolution #2006-05-

Moved by

Seconded by

WHEREAS, The Troy Local Development Finance Authority has adopted and recommends that City Council approve its 2006/07 Annual Budget.

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the Troy Local Development Finance Authority Annual Budget for Fiscal Year July 1, 2006 through June 30, 2007.

Yes:

No:

F-4 Approval of Downtown Development Authority 2006-07 BudgetSuggested Resolution

Resolution #2006-05-

Moved by

Seconded by

WHEREAS, The Troy Downtown Development Authority has adopted and recommends that City Council approve its 2006/07 Annual Budget.

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the Troy Downtown Development Authority Annual Budget for Fiscal Year July 1, 2006 through June 30, 2007.

Yes:

No:

F-5 Proposed Resolution In Support of the Current Local Cable Franchise Agreement SystemSuggested Resolution

Resolution #2006-05-

Moved by

Seconded by

WHEREAS, Cities and villages have a long and very successful history of supporting the introduction of new cable/video services, a successful deployment made possible in large part by the current system of local cable franchising;

WHEREAS, AT&T and Verizon have been actively advocating across the country that local cable franchise agreements be eliminated;

WHEREAS, AT&T is blaming Michigan communities as the reason they can not enter into the cable/video business, while local communities, and local residents, want more cable competition and would quickly allow AT&T into their community; AT&T has refused to negotiate a franchise with any city, village, or township;

WHEREAS, Local communities' participation in the cable franchising process ensures build-out requirements so that all residents irrespective of age, race, education, or income level, receive the same service;

WHEREAS, Our community believes that all residents should have access to the same cable/video service.

NOW, THEREFORE, BE IT RESOLVED, That the City of Troy is **OPEN** for cable/video business, and can guarantee that within days of a formal request we can have a franchise agreement ready for any new cable/video providers consideration;

BE IT FURTHER RESOLVED, That the Troy City Council hereby **AFFIRMS** its support for the current local cable franchise agreement system and urges federal and state policymakers to only support legislation that:

1. Maintains local control of the cable franchise process;
2. Ensures build-out requirements so that providers are not able to "cherry-pick" customers, or stops current cable providers from shutting down service to current cable service areas;
3. Ensures no reduction in direct revenues and that Michigan's Metro Act is preserved.

BE IT FINALLY RESOLVED, That a copy of this resolution **BE FORWARDED** to our state legislators in Lansing, our Congressional representatives in Washington, D.C., Governor Granholm and the Michigan Municipal League.

Yes:

No:

F-6 Amendment to Chapter 20 of the City Code (Water and Sewer Rates)

Suggested Resolution

Resolution #2006-05-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **APPROVES** an amendment to Chapter 20, Water and Sewer Rates, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

- a) Commercial Vehicle Appeal Renewal – 6881 Westaway – June 5, 2006
 - b) Rezoning Application (Z 704) – Proposed Dunkin Donuts, South Side of Vanderpool, West of Rochester Road and East of Ellenboro, Section 22 – R-1E to B-2 – June 5, 2006
-

G-2 Green Memorandums:

- a) Revisions to Troy City Code Chapter 18 (City Water Utility)
-

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

H-1 No Council Referrals Advanced

COUNCIL COMMENTS:

I-1 No Council Comments Advanced

REPORTS:

J-1 Minutes – Boards and Committees:

- a) Brownfield Redevelopment Authority/Final – December 15, 2005
 - b) Advisory Committee for Persons with Disabilities/Draft – April 5, 2006
 - c) Advisory Committee for Persons with Disabilities/Final – April 5, 2006
 - d) Advisory Committee for Senior Citizens/Final – April 6, 2006
 - e) Advisory Committee for Senior Citizens/Draft – May 4, 2006
-

J-2 Department Reports:

- a) Building Department – Permits Issued During the Month of April, 2006
-

J-3 Letters of Appreciation:

- a) Letter of Appreciation from the Souvatzidis Family Regarding the Professionalism and Efforts of Lieutenant Scherlinck
 - b) Letter to Chief Craft from St. Joseph Catholic Chaldean Church Thanking the Troy Police Department for Assistance with Traffic Control During Easter Services
 - c) Letter of Appreciation to Chief Craft from Diana Folleth, Capitol Barricading, Inc., Regarding the Assistance Provided by the Troy Police Department
 - d) Letter to Chief Craft from Marty Torgler, Combine International, Inc., Commending the Performance and Professionalism of Lieutenant Chuck Pappas
 - e) Letter of Thanks to Chief Craft from Chris Gartner Regarding the Efforts and Professionalism of Officer Rushton
-

J-4 Proposed Proclamations/Resolutions from Other Organizations:

- a) Resolution from Rose Township – Retaining Local Control of Cable Franchising
-

J-5 Calendar

J-6 Communication from the Troy Police Department Regarding Troy Police Citizens Forum

J-7 Southeastern Oakland County Resource Recovery Authority (SOCRRA) – Quarterly Report for April, 2006

J-8 Communication from the City Attorney’s Office Regarding Cable Franchise Lawsuit Against the City of Troy

J-9 Communication from the City Attorney’s Office Regarding Carrie Zanoni v. City of Troy, Officer Jones, and Sergeant Stout

J-10 Communication from the Director of Building and Zoning Mark Stimac Regarding Commercial Vehicle Appeal – 3463 Crooks Road

STUDY ITEMS:

K-1 No Study Items Submitted

PUBLIC COMMENT: Address of “K” Items

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

CLOSED SESSION:

L-1 Closed Session: Review of Applications for Employment for the Position of City Manager Permitted by Resolution #2006-04-188

ADJOURNMENT

Respectfully submitted,



John M. Lamerato, Acting City Manager

SCHEDULED CITY COUNCIL MEETINGS:

Monday, May 22, 2006 CANCELLED	Regular City Council
Monday, June 5, 2006.....	Regular City Council
Saturday, June 10, 2006	Special City Council
Monday, June 19, 2006.....	Regular City Council
Monday, July 10, 2006	Regular City Council
Monday, July 24, 2006	Regular City Council
Monday, August 14, 2006	Regular City Council
Monday, August 28, 2006	Regular City Council
Monday, September 11, 2006	Regular City Council
Monday, September 18, 2006	Regular City Council
Monday, September 25, 2006	Regular City Council

Date: May 9, 2006

To: John M. Lamerato, Acting City Manager

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

Subject: Agenda Item – PRELIMINARY PLANNED UNIT DEVELOPMENT APPROVAL - PUD 5 Caswell Town Center – East Side of Rochester Road, South of South Boulevard, R-1D, B-3 and P-1, Section 2

RECOMMENDATION

The Planning Commission held a public hearing on March 28, 2006 and recommended preliminary PUD approval of PUD 5 Caswell Town Center. City Management concurs with the Planning Commission and recommends preliminary PUD approval of PUD 5 Caswell Town Center.

BACKGROUND

The applicant proposes a mixed-use development including three (3) retail buildings totaling 19,100 square feet in area, seventy-four (74) attached condominium units and fourteen (14) detached single-family homes. The project utilizes a number of innovative sustainable design features including bioswales, pervious pavement and natural landscaping.

A report was prepared for this project by the City's Planning Consultant, Richard Carlisle of Carlisle/Wortman Associates, Inc. This report provides a detailed explanation of the project, including how the development meets the criteria for PUD approval. The report recommends approval of PUD 5 Caswell Town Center.

A neighborhood input meeting was held by the petitioner at Petruzello's on July 28, 2005 to solicit input from neighbors. All residents within 300 feet of the subject property were mailed invitations. Approximately 25 residents attended the meeting. The treasurer of the Maple Forest of Troy Homeowners Association provided a letter of support for the project.

Prepared by RBS, MFM

Attachments:

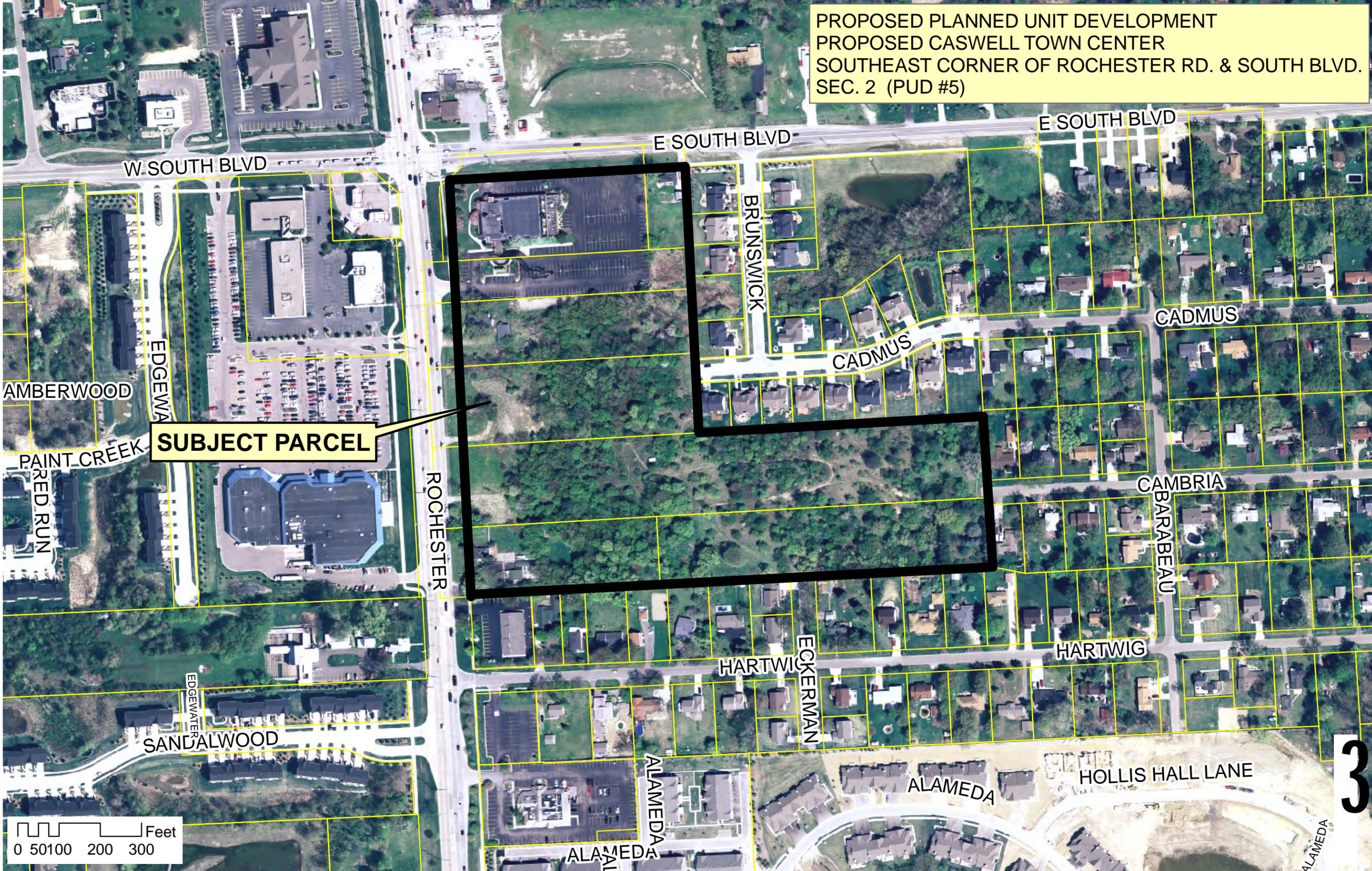
1. Maps.
2. Planned Unit Development/Site Plan Review, prepared by Carlisle/Wortman Associates, Inc., dated April 27, 2006.
3. Letter of Support from Treasurer of Maple Forest of Troy Homeowners Association, dated February 20, 2006.
4. Miscellaneous correspondence from residents.

CITY OF TROY

PLANNED UNIT DEVELOPMENT REQUEST
PROP. CASWELL TOWN CENTER



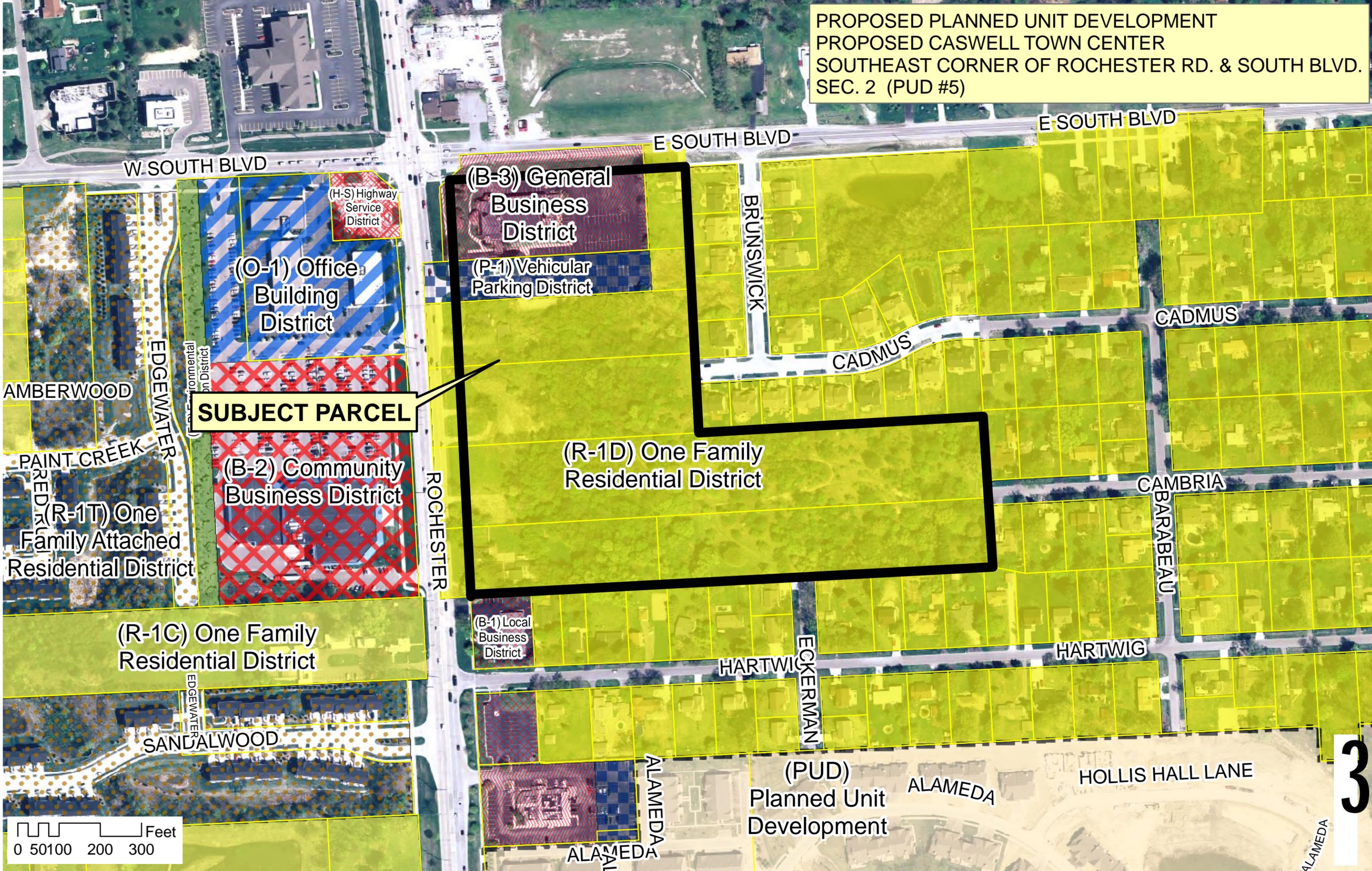
PROPOSED PLANNED UNIT DEVELOPMENT
PROPOSED CASWELL TOWN CENTER
SOUTHEAST CORNER OF ROCHESTER RD. & SOUTH BLVD.
SEC. 2 (PUD #5)



SUBJECT PARCEL

0 50 100 200 300 Feet

PROPOSED PLANNED UNIT DEVELOPMENT
PROPOSED CASWELL TOWN CENTER
SOUTHEAST CORNER OF ROCHESTER RD. & SOUTH BLVD.
SEC. 2 (PUD #5)



SUBJECT PARCEL

(B-3) General Business District
(P-1) Vehicular Parking District

(O-1) Office Building District

(B-2) Community Business District

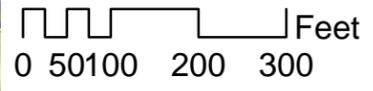
(R-1D) One Family Residential District

(R-1T) One Family Attached Residential District

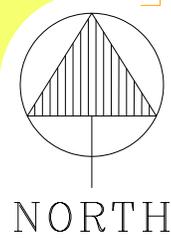
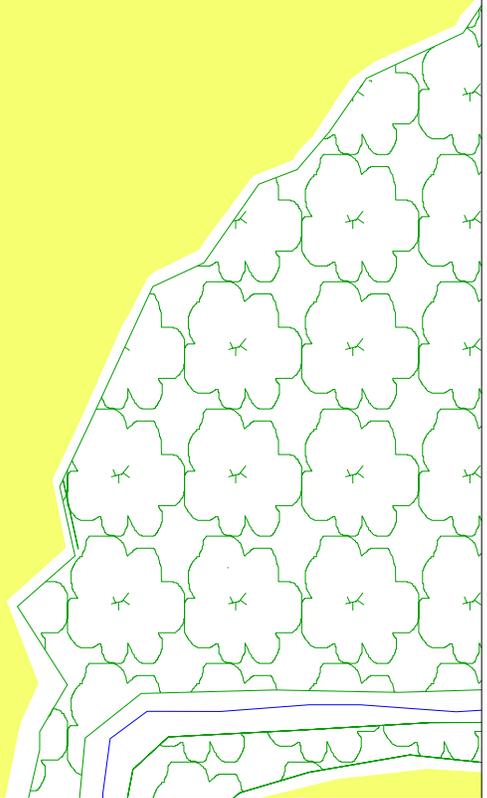
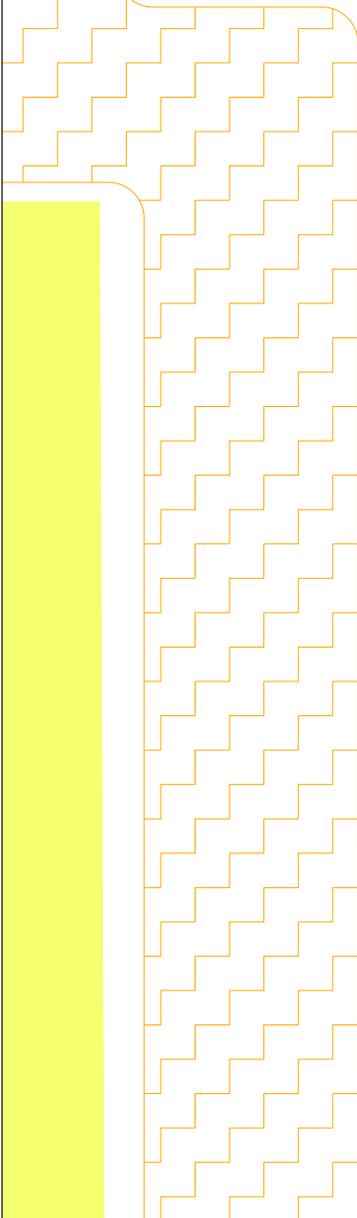
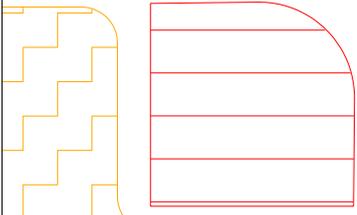
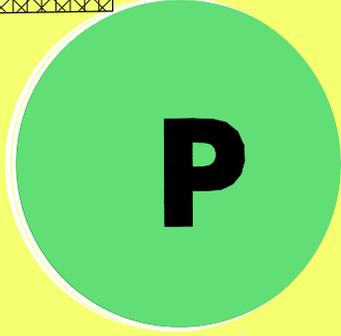
(R-1C) One Family Residential District

(B-1) Local Business District

(PUD) Planned Unit Development



P.U.D. REQUEST
Prop. Caswell Town Center





Community Planners Landscape Architects
605 S. Main, Suite 1 Ann Arbor, MI 48104 734-662-2200 fax 734-662-1935
6401 Citation Dr., Suite E Clarkston, MI 48346 248-625-8480 fax 248-625-8455

Date: April 27, 2006

Planned Unit Development/Site Plan Review For City of Troy, Michigan

GENERAL INFORMATION

Applicant: Michigan Home Builders
13400 Canal Road
Sterling Heights, MI 48313

Project Name: Caswell Town Center

Plan Date: August 3, 2004

Latest Revision: February 1, 2006

Location: Southeast corner of Rochester Road and South Boulevard

Zoning: R-1D, One-Family Residential; B-3, General Business; and P-1, Vehicular Parking.

Action Requested: City Council approval of Preliminary PUD Site Plan.

Required Information: Required information for Preliminary Plan Approval has been provided.

PROJECT AND SITE DESCRIPTION

The applicant proposes a mixed use Planned Unit Development. The project has been assembled from seven (7) parcels and constitutes 18.62 acres. Two (2) wood frame homes and a kennel will be demolished to accommodate this proposal. The project consists of the eight (8) two-story multiple family condominium buildings with a total of seventy-four (74) multi-family units, ranging in size from 1,740 to 1,883 square feet.

- fourteen (14) single-family homes,
- three (3) commercial retail buildings totally 19,100 square foot site, which combines seven (7) parcels.
- An existing banquet facility at the corner of Rochester Road and South Boulevard will remain, with improvements made to landscaping and the parking area.

The Planning Commission held a public hearing and at their meeting held on March 28, 2006, recommended approval of the preliminary PUD plan to the City Council.



Key Features and Benefits

In addition to the project elements described above, the following other features are included:

- Consolidation of seven (7) separate parcels into one unified development plan;
- The improvement of parking for the existing banquet facility;
- Single family development which replicates surrounding land use patterns;
- Density patterns which are consistent with the Master Plan;
- Appropriate transitional land use providing buffering and protection of existing single family neighborhoods;
- Breaking the commercial portion into three buildings. This creates additional open space and eliminates any appearance of strip commercial;
- Well conceived and consolidated access to the site. In particular, the consolidation of the existing driveway to Rochester Road immediately south of the subject site with the proposed driveway within the subject site;
- The provision of acceleration/deceleration lanes along Rochester Road and South Boulevard, otherwise impossible with the development of seven separate parcels;
- Extension of additional landscaping to the south beyond the subject site to create a more orderly treatment from South Boulevard to Hartwig Drive;
- The provision of gateway signage showcasing the City of Troy at the Rochester Road and East South Boulevard intersection; and,
- An innovative stormwater management system which contains stormwater on-site, promotes infiltration, and enhances water quality.

NEIGHBORING ZONING AND LAND USE

North: Located in the City of Rochester Hills, the property across South Boulevard is zoned B-2, General Business, and R-4, One-Family Residential. The current uses include an animal hospital, dental office, landscape storage yard at the corner, and vacant property to the east.

South: Properties to the south of the site are zoned B-1, Local Business, and R-1D, One Family Residential. Current uses include the May Will Kennels in a small house, and a small strip office building along Rochester Road. Single-family homes are situated along Hartwig.

East: The land use directly to the east is zoned R-1D, One Family Residential, and is comprised of single family residential uses.

West: The land use to the west across Rochester Road is zoned B-1, Local Business; O-1, Office Building; B-2, Community Business; and E-P, Environmental Protection. The current uses in this area include a gas station at the corner, office building, a large specialty grocery, and a kennel. Condominiums surround these uses to the west.

Items to be Addressed: None

MASTER PLAN

The subject property is currently planned for Medium Density Residential use along Rochester Road, and Low Density Residential use throughout the remainder of the property. The southeast corner of Rochester Road and South Boulevard (the site of the existing banquet facility) is planned for Non-center Commercial.

The following illustrates the surrounding Master Land Use Plan designations:

- North:** Commercial and Office (Rochester Hills)
- South:** Medium Density Residential along Rochester Road, and Low Density Residential in the interior of the site.
- East:** Low Density Residential.
- West:** Across Rochester Road, this area is Master Planned for Non-Center Commercial and Medium Density Residential.

The residential uses in the PUD are consistent with the Master Plan, in that they include both single-family and multi-family uses. While the location of these uses is slightly different than the Master Plan, the intent of providing housing in this part of the City is met. The proposal also contributes to the environmental quality of the site by treating stormwater from this property and from the west side of Rochester Road through the detention basin before releasing it to the existing stormwater system. Open space areas in the form of two small parks, and the stormwater area also work to meet the intent of the Master Plan.

The proposed uses in this PUD will increase the amount of commercial lands within the City. However, the amount proposed is not very large, and it will provide local services to nearby residences. The commercial component also provides a transition between residential and the busy Rochester Road corridor. Note that the Medium Density Residential designation along the Rochester Road frontage is inconsistent with existing commercial zoning on the west side of the Road. The pedestrian connections proposed will also encourage homeowners beyond the development to visit these retailers. Furthermore, the commercial buildings are not planned as a "strip," thereby improving both appearance and functionality of the commercial space.

Items to be Addressed: None

NATURAL RESOURCES

Topography: The topography is flat to very gently sloping toward the drainageway located in the middle of the site. The Topographic Survey describes the drainageway as a Floodplain per FEMA.

Woodlands: A Tree Survey was provided that indicates where the trees are located on the site, with an associated reference number. The applicant does not show any existing trees on the proposed Landscape Plan, though note 12 of the “general landscape notes” on sheet L-2 states that “at the time of site preparation, landscape architect to review all existing vegetation and tag materials to be saved and relocated.” We suggest the applicant identify those trees to be preserved.

Wetlands: Based on the City’s Natural Features Map, there are no existing wetlands on this site.

Flood Plain: According to the Topographic Survey provided by the applicant, a floodplain traverses the middle of the site, from east to west. (Note that FEMA is currently updating the floodplain maps for southeast Michigan.) The City shows this feature as a “drain” on its Natural Features map (1/8/02). We have recommended that the applicant provide documentation that the appropriate measures have been taken with FEMA to permit the improvements as proposed. The applicant has stated in their February 1, 2006 letter that a Letter of Map Amendment (LOMA) request has been submitted to FEMA.

Please see the “Essential Facilities and Services” section of this review for more comments regarding stormwater quality.

Items to be Addressed: None.

TRAFFIC IMPACT

A review has been provided by the City’s Traffic Engineer and the plans regarding the traffic issues are acceptable.

Items to be Addressed: None.

ESSENTIAL FACILITIES AND SERVICES

Water and Sewer

The site will connect to existing water and sewer mains located within the right-of-way of Rochester Road.

Stormwater Management

A highly innovative stormwater management plan which promotes infiltration is planned. Stormwater will be directed to catch basins and then to swales at the property lines of the development into a detention basin that will outflow to the storm sewer on Eckerman. Stormwater from the west side of Rochester Road that currently flows through a culvert into a nearby wetland will be captured by the stormwater system as well. The plans state that a permanent water level of up to three feet will be present in the retention basin. The shape of the basin is naturalized, which will produce an attractive site amenity.

Given that this pond is receiving stormwater from off site, sediments and other pollutants was an issue. Some of the storm water will be pre-treated through bioswales throughout the site before it reaches the pond. The pond will have a forebay and has been designed to provide capacity for sediment to filter in the pond prior to being released into the stormwater system. Therefore, the proposal system will provided for improved water quality.

The basin is proposed to be planted with native emergent and wetland plant species, providing some filtration of stormwater pollutants. This planting scheme may need to be amended based on how the pond functions and the amount of infiltration that happens into the sandy soil. Additional study may be necessary to make a final determination of proposed plant material. The applicant has acknowledged in his letter that he is willing to revise proposed plant materials based on ongoing conversations with the City of Troy as the project evolves. A conservation easement will be placed over the land with the detention basin.

A perforated storm line is proposed to be located in the bioswale at the rear of the property to promote infiltration and improve water quality. This line will be perforated. A bioswale seed mix is proposed to help treat the stormwater that reaches these facilities. The applicant has added interpretive signage explaining the bio-swale purpose and landscaping.

Other areas within the development are also used for stormwater infiltration. The 8-foot wide pathway connecting the phases of the project are now proposed as pervious paving; however, on sheet CE2B, these walkways are still shown as impervious paving. Through our conversations with the applicant, it is our understanding that this is an error on Sheet CE2B, and that the corrected site plan will show the path as pervious paving.

Items to be Addressed: None.

PUD ELIGIBILITY

The Zoning Ordinance sets forth criteria in *Section 35.30.00 Eligibility*, for consideration of a project as a PUD. The following are our comments:

Section 35.30.00, A. and B.: In our opinion, the proposed development meets the location requirements set forth in Section 35.30.00, A. and B. We believe that the site is appropriate for either category B.2 or B.3 because the unique layout and location of the site can be better served by the flexibility of the PUD ordinance. In addition, the site does have economic obsolescence considerations, based on the site's frontage on the highly traveled Rochester Road. The multiple-family residential would provide a transition and compatible use with Rochester Road.

35.30.00.C. The applicant must demonstrate that a sufficient number of objectives are met which would not be accomplished without the use of the PUD. As the comments indicate, we would consider that the intent of the PUD is met by this plan in the following manner:

- 1: The applicant has demonstrated that the “development quality objectives” in Section 35.30.00.B.2 are met. The proposal provides for several quality objectives, such as building design and materials, environmental protection through stormwater quality, and extensive pedestrian facilities that connect the development and existing residential areas to retail uses on Rochester Road.
- 2: The proposal provides a mixture of land uses that would otherwise not be permitted. It is our opinion that the pedestrian facilities provide for safe passageways for residents using the amenities of the site and adjacent retail area.
- 3: The use will include screening to buffer the site from adjacent properties beyond Ordinance requirements. The plan is also coordinating like uses (single-family) with like uses. The multi-family residential and commercial uses will also buffer the existing residential from Rochester Road activity.
- 4: The project will be developing a group of properties that could be considered obsolete; that is, properties that were previously used for rural-style residential uses.
- 5: As noted, the use will be compatible with the single-family residences and Rochester Road frontage.
- 6: Also as noted, while the use may be arranged differently from the Master Plan, it is consistent with the residential intent of the plan, while providing commercial uses as a buffer from Rochester Road.

We would also indicate that the PUD does not meet the following objective:

1. Based on the information provided by the applicant to date, the proposal will not alleviate current traffic congestion on adjacent roadways.

Items to be Addressed: None.

PLANNED UNIT DEVELOPMENT STANDARDS

The Ordinance sets forth general standards in Section 35.40.00 General Development Standards. The following are our comments:

A. Consistency with Intent of Master Plan:

The intent of the Master Plan for this area is to provide land for multi-family and single-family residential development. The Master Plan does not explicitly allow for commercial development along the Rochester Road frontage, but does call for this land use at the intersection of Rochester Road and South Boulevard. Retail businesses in this specific location do complement the existing land uses across the street, and also provide amenities to the residential neighborhood (proposed and existing) to the east of these businesses. It is our opinion that the proposed project is consistent with the direction of the Master Land Use Plan. Therefore, we do not believe an amendment is necessary. However, as we have indicated before, the Master Plan needs to be generally updated.

B. Consistency and Compatibility with Adjacent Properties:

The proposed mixed land uses are compatible with the following uses:

- To the north:
Retail uses are proposed for next to general business (existing banquet facility); multi-family residential is proposed to be across the street from future office development (Rochester Hills).
- To the south:
Commercial is proposed next to existing office along Rochester Road; multi-family residential and single-family residential next to existing single-family residential.
- To the west:
Commercial is proposed to be across the street from existing commercial and office uses.
- To the east:
Multi-family and single-family residential is proposed to be next to existing single-family residential.

C. Open Space and Landscape Area:

The applicant is required to provide substantially more open space and landscape area than the ten (10%) percent requirement of Section 39.70.04. Open space and landscape features are intended to be primary features of developments seeking PUD approval and are expected to provide substantially more open space area than that required for typical developments.

The proposed site plan indicates that there will be 4.36 acres, or 23.4% open space and landscaped areas throughout the development. Landscaped areas used for storm drainage purposes may be countable for a portion of required landscape area, but may not exceed more

than 5% of the overall site area. Given the site area of 18.62 acres, no more than 0.931 acres may be counted toward the open space requirement. With this in mind, we calculate that 4.201 acres of eligible space is provided; which constitutes 22.56% of the overall subject site. Regardless, the amount is nearly twice the minimum requirement.

D. Stormwater Detention/Retention:

The applicant has proposed an innovative stormwater management system that promotes infiltration and improved water quality. Key features include a wet detention basin design, with natural contours and native wetland and emergent plant species use of porous pavement, bioswales, and catch basins with bottomless sumps.

E. Parking:

Parking is adequate to serve the project and improves parking for the existing banquet center.

F. Implementation Single/Cohesive Development vs. Multi-Stage Development:

The development of the site will be completed as a single coordinated and cohesive development project.

Items to be Addressed: None.

AREA, WIDTH, HEIGHT, SETBACKS

The underlying zoning for the entire site is R-1D, Single-Family Residential. However, the applicant has provided the required setbacks for single-family, multi-family, and commercial zoning districts based on the proposed uses. We would agree with this approach, and applicable Ordinance requirements have been met.

The multi-family district requirements are met, except that the proposed buildings are shown at thirty-four (34) feet tall. Section 35.20.00 states that physical standards such as height may be determined based upon a specific PUD and its unique circumstances. The Planning Commission determined that the combination of setbacks, landscaping, and design mitigate the issue of height.

Items to be Addressed: None.

PARKING, LOADING

For the multi-family residential units, two (2) parking spaces per unit are required. The site plan provides one-hundred forty-eight (148) spaces within the garages. This meets the required number of spaces. An additional eighteen (18) spaces will be provided on the street for visitor parking.

The applicant has provided additional parking spaces throughout the non-residential portion of the proposed development in response to a need for additional parking for the existing banquet center. The applicant has indicated that the entire non-residential portion of the project will be part of an overall reciprocal access agreement, allowing for cross access to all parking areas. The new additional spaces are primarily located between the existing banquet facility and the proposed Commercial Building 1, and between the existing banquet facility and the Rochester Road right-of-way.

There are no loading areas designated on the plans, although there is sufficient area provided behind the buildings for loading.

Items to be Addressed: None.

SITE ACCESS AND CIRCULATION

Overall site access is well planned. It is especially critical to recognize the benefit of this plan when one considers the significant problems that would occur if all seven parcels were developed separately. The development has four access points. Three accesses are off of Rochester Road, (zone of which consolidates an existing access point for the offices to the south. This consolidation is a significant benefit and one boulevard entryway off of South Boulevard.

Circulation of the site provides for a well planned vehicular connection between the multi-family development and the commercial development.

Items to be Addressed: None.

SAFETY PATHS/SIDEWALKS

Well conceived sidewalk/pedestrian walkway concept is proposed. Pedestrian circulation patterns throughout the development will allow residents from the project, and from outside the project, to access Rochester Road and the new commercial businesses.

Items to be Addressed: None.

LANDSCAPING

The landscape plan shows a substantial amount of landscaping, including the proposed amenities of the central park and gazebo, masonry walls, screening at the property lines, the naturalized detention basin, and street trees throughout the site. Review of the plan by the Troy Department of Parks and Recreation has been completed and plans comply with the Landscape Design and Tree Preservation Standards.

Composition: The mix of landscaping is appropriate. The applicant is proposing a wide range of species throughout the site.

Existing

Vegetation:

As mentioned above, the applicant states that they will preserve existing trees. However, the landscape plan does not show which trees will be preserved, and where they are located. This will be addressed when more detailed plans are prepared.

Greenbelt:

The Rochester Road and South Boulevard greenbelt and landscaping has been provided, and has been reduced in width to the exact required depth of ten (10) feet. Elements within the greenbelt include a mix of shade trees, flowering trees, shrubs, entryway walls, and the safety path. The ordinance requires one tree per every thirty (30) linear feet of roadway frontage. Therefore, Rochester Road will require 35 trees (1004/30), and South Boulevard will require nineteen (19) trees (557/30). A substantial amount of landscaping has been added along both frontages to extend the treatment to the extreme northwest corner of the site, in front of the new proposed parking between the banquet facility and the rights-of-way for both Rochester Road and South Boulevard.

In addition, ample plantings and a new gateway sign have been added at the intersection. The proposed greenbelt landscaping exceeds Ordinance requirements.

Residential

Screening:

A vegetated buffer and walls between the commercial portions of the property and the residential portions will provide a substantial screen between these uses. This is also true at the rear and sides of the site where the multi-family abut the existing single-family residential areas.

Site

Landscaping:

Developments requesting PUD approval shall provide substantially more open space area than required for typical developments within the underlying zoning district. As noted in the PUD section, the site plan indicates that about 4.36 acres or 23.4% percent of the site has been provided for site landscaping.

Details:

Details have been provided and are appropriate. Review by the Troy Department Parks and Recreation department has been done.

Refuse

Container:

Trash receptacles are now shown on the landscape plan, and are satisfactorily screened.

Other:

Use of native herbaceous plantings within the detention basin and along the bio-swales will require appropriate seed bed preparation, weed control as the plants are established, and maintenance to ensure that the plantings

thrive and stay attractive. No indication has been provided of how the applicant proposes to accomplish these tasks.

Approval for all work within the Rochester Road and South Boulevard rights-of-way will be required.

Items to be Addressed: None.

LIGHTING

A lighting plan has been provided as part of this submission and found to meet adequate photometric standards.

Items to be Addressed: None.

SIGNS

Entryway signs will be part of the masonry wall at the South Boulevard entrance into the multi-family residential portion of the project, and at the northern entrance point off of Rochester Road. Furthermore, the applicant has added a gateway sign for the City of Troy at the intersection of Rochester Road and South Boulevard.

A ground sign is proposed along the Rochester Road right-of-way. The Commission found the sign area to be adequate, but recommended the height be reduced by two (2) feet.

Items to be Addressed: None.

FLOOR PLANS AND ELEVATIONS

Elevations have been provided for the commercial and multi-family buildings were provided with the previous submittal. The colored renderings in the submission indicate very attractive buildings with traditional design details. Materials will be a combination of brick and siding for the single-family units, and brick, faux stone, and a pre-fabricated crown for the commercial buildings. While the styles are not the same, they compliment one another and are attractive.

The height of the residential buildings is thirty-four (34) feet tall, and exceeds the twenty-five (25) foot height permitted. As indicated above, we believe this request is reasonable.

Items to be Addressed: None.

RECOMMENDATIONS

The plan provides many positive aspects that couldn't be achieved without applying the PUD option. The PUD concept locates appropriate uses across the site as it changes from the Rochester Road corridor to single-family residential homes. The commercial buildings provide space for local businesses and complement the other commercial uses across Rochester Road. The multi-family use provides a comfortable transition between the commercial and single-

family homes, as well as coordinates with the City's Master Plan. The single-family residential lots integrate well with the exiting single-family homes, and achieve the Master Plan's vision for this section of the City.

We support the overall plan and many of the revisions the applicant has made to respond to comments provided throughout the process. We recommend approval by Council.

CARLISLE/WORTMAN ASSOCIATES, INC.



Richard K. Carlisle, PCP

225-02-2402

RKC: lh

cc: Brad Byarski, Michigan Home Builders, FAX (586) 726-6708
Hennessey Engineers, FAX (734) 692-3203
Calvin Hall Associates, FAX (248) 557-5416

Brent Savidant

From: Mark F Miller
Sent: Monday, February 20, 2006 2:54 PM
To: Brent Savidant; Kathy Czarnecki; Paula P Bratto; Ronald Figlan
Subject: FW: CASWELL TOWN CENTER PROJECT/ PUD 5

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

From: dbrown879@comcast.net [mailto:dbrown879@comcast.net]
Sent: Monday, February 20, 2006 2:48 PM
To: bbyarski@mihomebuilders.com
Cc: Mark F Miller
Subject: CASWELL TOWN CENTER PROJECT/ PUD 5

Dear Mr. Byarski,

Thank you for your letter of October 3, 2005 with attached Preliminary Site Plan (sheet CE2) and Landscape plan (sheet LS1). Maple Forest homeowners appreciate your consideration/accomodation of their expressed concern over adequate greenbelt separations throughout the plan to ensure acceptable line of sight visual privacy. Given the nature of mixed use/density in a PUD project the existing homeowners want assurance that the very best plan possible is approved and constructed according to plan. The subject plan received from your company appears to largely satisfy that concern. I reproduced additional copies and distributed them to all the homeowners of Maple Forest of Troy Homeowners Association at the end of October 2005, asking for their review and comments back to me. Based upon their feedback, the Maple Forest homeowners are satisfied with and approve the intent of the subject plan as presented.

Again, thank you for your professional thoroughness in handling detailed follow up of these matters, and I look forward to continuing our constructive communication as the project progresses toward completion. It is my understanding that March 14, 2006 is penciled in as the Troy Planning Commission review date for public comment. I plan on attending. Please feel free to call me anytime.

Regards,

Don Brown
Treasurer, Maple Forest of Troy Homeowners Association
1221 Cadmus Drive
Troy MI 48085
248-879-1415
dbrown879@comcast.net
2/20/2006

Brent Savidant

From: Mark F Miller
Sent: Friday, July 29, 2005 1:36 PM
To: Brent Savidant; Kathy Czarnecki; Paula P Bratto; Ronald Figlan
Subject: FW: Caswell Town Center proposalby Michigan Home Builders

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

From: dbrown879@comcast.net [mailto:dbrown879@comcast.net]
Sent: Friday, July 29, 2005 1:17 PM
To: Mark F Miller
Cc: bbyarski@mihomebuilders.com
Subject: Caswell Town Center proposalby Michigan Home Builders

Dear Mr. Miller:

For information only, the attached notes are being shared with yourself, Michigan Home Builders, and Maple Forest Homeowners Association. In re a proposed PUD development at the southeast corner of Rochester Road and South Boulevard.

Respectfully,
Don Brown
Treasurer, Maple Forest of Troy Homeowners Association
1221 Cadmus Drive Troy MI 48085 248-879-1415

TroT

CASWELL TOWN CENTER MEETING NOTES 7/28/2005

1. Meeting held at Petruzello's Banquet Hall 7/28/2005 by MHB (Michigan home builders) and various adjacent Troy homeowners (about 30 persons in total, with 14 of 21 homes from Maple Forest Sub represented).
2. Meeting consisted of presentation of drawings, slides, overview talk, and questions and answers period, (no handouts).
3. Residents expressed concerns over several topics including: greenbelt separations, vehicular traffic flows/congestions, visual appearance (line of sight) of development from Rochester Rd, i.e. draw attention to the visual attraction of the housing units over the commercial units, need to have City of Troy guarantee the completion of a specifically detailed landscaping plan, abundant trees and shrubs provides more separation privacy (Maple Forest builder left without completing trees and shrubs), an inviting curb appeal type appearance, and a park like look from all viewing angles, street /sidewalk transitions from new wider concrete streets with sidewalks into older narrower asphalt streets with no sidewalks (City of Troy problem), lack of a tree belt along the backyard to backyard property line for lots on Cadmus Drive backing up to backyards of lots on Cambria Drive (Cadmus lot owners problem since Cambria lot owners would be restricted from plantings by condo covenants & deed restrictions), although City of Troy does not require such separations under present rules, the PUD concept embraces adding equitable extras in original design that merit offsetting relief in zoning & regs, indications that base pricing levels for detached site condos on Cambria could be \$350,000 while Maple Forest houses are \$450,000 up (i.e. base pricing would drag down pricing on Maple Forest homes, a prior existing development).
4. Michigan Home Builders representatives said that they heard the residents various concerns, were sensitive to them, and would take them into consideration prior to finalizing their plan that they would submit to the City of Troy. MHB verbally indicated that they would make extra efforts to preserve existing trees along the backyard property line between Cadmus and Cambria.
5. The meeting was hosted and presented well by MHB, and the question and answer and discussion period was engaged in energetically and with almost full participation from the attending residents.
6. The meeting was professionally conducted and amicably concluded after approximately one hour.

Don Brown Treasurer, Maple Forest of Troy Homeowners Association
1221 Cadmus Drive 248-879-1415

RE: Caswell Town Center Planned Unit Development
Request

Planning Commission of Troy:

The "beat goes on"! First, the Woodside development strips every tree and bush from every inch of their development property! Now, Michigan Home Builders wants to finish off the last of the orchard area - home still to many creatures! What are creatures doing living in Automation Alley, you say? They are blocking "progress" and unless every square inch of Troy is either built on or paved, progress will be retarded, profits won't be made, and tax money will be missed! This development is "for the kids", it'll improve our living standards, this isn't the "north country" (you know?) or could it just be another developer taking the easiest route to large profits, i.e. mass building in a stripped area?

My favorite color is green, followed by brown. I like the smell in the Spring when everything buds. I like wind breaks and oxygen.

But I really like the wood-based critters!
I guess that I live in the wrong city!! I oppose this development!

REC'D
MAR - 7 2006

Lee Garwood
1109 Hartwig Dr.
Troy

Paula P Bratto

From: Kris Brust [concepts@htdconnect.com]
Sent: Saturday, April 29, 2006 11:59 AM
To: Paula P Bratto
Subject: Caswell Town Center

Thank you for the information package on the public hearing for the proposed Caswell Town Center. It is unclear as to the location of the 14 single family homes and any connection with our dead end street (Cambria).

We certainly would vigorously oppose any change from low density residential and a connection to our street/sub. We would be much more tolerant of an isolated development that does connect to our street. Any higher density development with retail could impose a great safety risk for our children, should our narrow dead end streets without sidewalks be connected and, thus, a thoroughfare.

If there is any more descriptive information we can obtain on this development, it would be greatly appreciated.

We would not oppose any low density development as zoned when we purchased our home in 1988.

Sincerely,

Kris J and Cynthia M Brust
1275 Cambria
248 608-2627

Paula P Bratto

From: Benedict [benedict@comcast.net]
Sent: Tuesday, May 09, 2006 5:59 PM
To: Paula P Bratto
Subject: Caswell Town Center Planned Unit Development

Importance: High

We are in strong opposition to more "multiple uses" of what should remain single family residential areas. The area you are considering rezoning will cause irreparable damage to the existing Eyster Home Suburban Subdivision. This subdivision cannot handle more traffic be forced onto our already small and inadequate roads. These homes are on quiet smaller streets and cannot handle the burden of the vehicles that would result from 14 more homes, 74 condos and another 19,000 square feet of retail space. And if you consider the traffic that will find a new way to "cut thru" the children and residents will be at an increased risk.

Because of the additional traffic congestion of the variance of another Church in Troy and another another Condo/Townhomes we are already overburdened. There has not been any NEW SIGNAL LIGHTS on this stretch of Rochester Rd nor widening to allow for the increase from the last two variances. We now wait for up to 10 minutes to turn south from Hartwig, barring any "accidents, traffic backups, weather conditions, etc."

We do not see any need for adding to the congestion problem near Rochester Rd/M-59 at this time.

We again stronger suggest you deny this Development at this time.

Sincerely,

Anthony & Lena Benedict
1490 Hartwig Dr
Troy, MI

May 9, 2006

TO: The Honorable Mayor and City Council Members
FROM: John M. Lamerato, Acting City Manager
SUBJECT: Adoption of 2006/07 City Budget

Attached please find a resolution to formally adopt the 2006/07 budget as per the April 24, 2006 and May 1, 2006 budget discussions.

The budget resolution reflects a total millage rate of 9.43, a reduction of .02 mills from the current year. The proposed budget includes adjustments made at the May 1, 2006 special meeting. At the direction of City Council \$102,000 of Capital projects will be funded by the Unreserved Fund Balance of the Capital Projects Fund to make up for the .02 mill reduction.

The final millage rate requirements can be summarized as follows:

General Operating	6.50
Refuse	.83
Capital	1.60
Debt	<u>.50</u>
Total Millage Rate	<u>9.43</u>

Please note that the final budget document will be prepared and submitted to City Council at the first meeting in July.

A Regular Meeting of the Troy City Council was held Monday, May 8, 2006, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:31 P.M.

Pastor Steve Husava of Northfield Hills Baptist Church gave the Invocation and the Pledge of Allegiance to the Flag was given.

ROLL CALL:

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

Vote on Resolution to Excuse Council Member Howrylak

Resolution #2006-05-197
Moved by Lambert
Seconded by Fleming

RESOLVED, That Council Member Howrylak's absence at the Regular and Closed Session City Council meetings of Monday, May 8, 2006 is **EXCUSED** due to being out of the county.

Yes: All-6
No: None
Absent: Howrylak

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

- a) Mayor Schilling presented a Proclamation on behalf of the City of Troy in celebration of the Troy School District's designation as one of the *Best 100 Communities for Music Education*
- b) Mayor Schilling presented Proclamations on behalf of the City of Troy to *Law Day 2006 Essay Winners*: Varun Sarna, Xinwei Gu, and Michael Lin

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:**C-1 Commercial Vehicle Appeal – 1970 Larchwood**

The Mayor opened the Public Hearing for public comment.

The Mayor closed the Public Hearing after receiving comment from the petitioner. There was no public comment.

Resolution #2006-05-198

Moved by Stine

Seconded by Fleming

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 Mr. Michael Fakoury, 1970 Larchwood, 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 and open utility trailer is hereby **APPROVED** for two years.

Yes: All-6

No: None
Absent: Howrylak

C-2 Withdrawal of Commercial Vehicle Appeal – 5361 Livernois

The Mayor opened the Public Hearing for public comment.
The Mayor closed the Public Hearing after receiving no comment from the public.

Resolution #2006-05-199
Moved by Beltramini
Seconded by Broomfield

RESOLVED, That the City Council **ACCEPTS** the withdrawal of the request from Mr. Brian Van Tongeren, as indicated in the letter received from Melissa VanTongeren on May 2, 2006, eliminating the need for a public hearing.

Yes: All-6
No: None
Absent: Howrylak

C-3 Zoning Ordinance Text Amendment (File Number: ZOTA 215-A) – Article 04.20.00 and Articles 40.55.00-40.59.00, Pertaining to Accessory Buildings Definitions and Provisions

The Mayor opened the Public Hearing for public comment.
The Mayor closed the Public Hearing after receiving comment from the public.

Resolution #2006-05-200
Moved by Stine
Seconded by Beltramini

RESOLVED, That Article XL (General Provisions) of the City of Troy Zoning Ordinance, be **AMENDED** to read as written in the Proposed Zoning Ordinance Text Amendment (ZOTA 215A), Version A, as recommended by the Planning Commission **SUBJECT** to the following additional amendments: **LIMIT** garage door height from 8 feet to 10 feet, **REMOVE** limit for number of detached accessory structures permitted, and **CHANGE** “or” to “and” in Section 04.20.01.

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

MOTION CARRIED

The meeting **RECESSED** at 9:05 P.M.

The meeting **RECONVENED** at 9:17 P.M.
Council Member Broomfield departed at 9:17 P.M.

POSTPONED ITEMS:

D-1 Preliminary Site Condominium Review – Preserves of Timbercrest Site Condominium, West of Fernleigh, South Side of Wattles Road, Section 24 – R-1C

Resolution #2006-05-201
Moved by Beltramini
Seconded by Fleming

RESOLVED, That the amended preliminary site condominium plan, revised April 28, 2006, as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium known as Preserves of Timbercrest Site Condominium, located west of Fernleigh, on the south side of Wattles Road, including 6 home sites, within the R-1C Zoning District, being 2.26 acres in size, is hereby **APPROVED**.

Yes: Lambert, Stine, Schilling, Beltramini, Fleming
No: None
Absent: Broomfield, Howrylak

CONSENT AGENDA:

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

Resolution #2006-05-202
Moved by Beltramini
Seconded by Lambert

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Items E-2 and E-10, which shall be considered after Consent Agenda (E) items, as printed.

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

E-3 City of Troy Proclamations:

Resolution #2006-05-202-E-3

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

- a) Proclamation Celebrating the Troy School District – Named One of the Best 100 Communities for Music Education
- b) Proclamation In Recognition of Maybelle Bombard on the Occasion of Her 100th Birthday
- c) National Association of Letter Carriers Food Drive Day – May 13, 2006

E-4 Standard Purchasing Resolutions**a) Standard Purchasing Resolution 1: Award to Low Bidder – Grass Seed and Hydro-Seeding Mulch/Fertilizer**

Resolution #2006-05-202-E-4a

RESOLVED, That a contract to purchase grass seed and hydro-seeding mulch/fertilizer is hereby **AWARDED** to the low total bidder, Tri-Turf of Farmington Hills, Michigan, for an estimated total cost of \$12,099.00, at unit prices contained in the bid tabulation opened April 18, 2006, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

b) Standard Purchasing Resolution 3: Exercise Renewal Option – MITN Purchasing Cooperative Pager Rental Contract

Resolution #2006-05-202-E-4b

WHEREAS, On November 3, 2003, a three (3) year contract with an option to renew for up to three (3) additional years to provide pager rental was awarded to the low bidder, Verizon Wireless Messaging Services of Lewisville, Texas for an estimated annual cost of \$29,103.00 (Resolution #2003-11-559);

WHEREAS, Verizon Wireless has agreed to exercise the three-year option to renew the contract under the same pricing structure, terms, and conditions for participating members of the MITN (Michigan Intergovernmental Trade Network) Cooperative;

NOW, THEREFORE, BE IT RESOLVED, That the option to renew the contract is hereby **EXERCISED** with Verizon Wireless Messaging Services to provide pager rental services under the same pricing structure, terms and conditions for three years expiring December 1, 2009.

c) Standard Purchasing Resolution 10: Travel Authorization and Approval to Expend Funds for Troy City Council Members' Travel Expenses – National League of Cities (NLC) FAIR/Public Finance Panel Spring Steering Committee Meeting

Resolution #2006-05-202-E-4c

RESOLVED, That those Council members interested are **AUTHORIZED** to attend the National League of Cities (NLC) FAIR/Public Finance Panel Spring Steering Committee Meeting on June 15 - 17, 2006 in Cambridge, Massachusetts in accordance with accounting procedures of the City of Troy.

d) Standard Purchasing Resolution 4: State of Michigan, MiDeal Purchasing Agreement – SMARTMSG, Emergency Notification System

Resolution #2006-05-202-E-4d

RESOLVED, That contracts to purchase SMARTMSG, an emergency notification system, which includes hardware and software from Codespear, AT&T, Hewlett Packard, and EDS are hereby **APPROVED** through State of Michigan MiDeal contracts for an estimated total project cost of

\$37,620.00; and an estimated recurring cost of \$3,531.96 per year to AT&T for the T1 line and \$1,000 for SMARTMSG maintenance, at prices contained in Appendix 1, Detailed Cost Estimates, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

e) **Standard Purchasing Resolution 1: Award to Low Bidders - Aggregates**

Resolution #2006-05-202-E-4e

RESOLVED, That one (1) year contracts for aggregates with an option to renew for one additional year are hereby **AWARDED** to the low bidders, B&W Landscape Supply of Clinton Twp., MI, Richmond Transport of Lenox, MI, Troy Aggregate Carriers of Sterling Heights, MI, Tri City Aggregates of Holly, MI, and Edw. C. Levy Company of Detroit, MI, at unit prices contained in the bid tabulation opened April 19, 2006, with contracts expiring April 30, 2007.

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

f) **Standard Purchasing Resolution 1: Award to Low Bidder – Irrigation Installation**

Resolution #2006-05-202-E-4f

RESOLVED, That a contract to furnish and install irrigation at the Troy Community Center (Proposal A) and Jaycee Park (Proposal B) is hereby **AWARDED** to the low bidder, Stay Green Sprinklers, of Southfield, MI, for an estimated total cost of \$75,965.00, **CONTINGENT** upon contractor submission of properly executed bid documents, including insurance certificates, bonds, and all specified requirements.

BE IT FURTHER RESOLVED, That if additional work is needed that could not be foreseen, such additional work is **AUTHORIZED** in an amount not to exceed 10% of the total project cost or \$7,596.50.

g) **Standard Purchasing Resolution 2: Bid Award – Lowest Bidder Meeting Specifications – 35,000 Cab and Chassis with Platform**

Resolution #2006-05-202-E-4g

RESOLVED, That a contract to purchase one (1) cab and chassis with platform Model Acterra by Sterling Truck is hereby **AWARDED** to the lowest bidder meeting specifications, Wolverine Truck Sales, Inc., of Dearborn, MI for an estimated total cost of \$56,619.00.

h) **Standard Purchasing Resolution 9: Approval to Expend Funds for Membership Dues and Renewals Over \$10,000.00 – Renewal of Membership in the Traffic Improvement Association (TIA) of Oakland County**

Resolution #2006-05-202-E-4h

RESOLVED, That approval is **GRANTED** to pay the renewal of City of Troy's membership in the Traffic Improvement Association for the year 2006, in the amount of \$25,500.00. Funds are available in the 2005-2006 Traffic Engineering budget, Account No. 446.7958.

E-5 Assessment of Delinquent Accounts

Resolution #2006-05-202-E-5

WHEREAS, Section 1.167 of Chapter 5 and Section 6 of Chapter 20 of the Ordinance Code of the City of Troy require that delinquent payments and invoices, as of April 1st of each year, shall be reported and the City Council shall certify same to the City Assessor who shall assess the same on the next annual City Tax Roll, to be collected as provided for collection of City Taxes; and

WHEREAS, Section 10.8 of the Troy City Charter provides for the collection of delinquent invoices through property tax collection procedures; and

WHEREAS, A list of individual properties is on file in the Office of the Treasurer and comprises a summation of totals as follows:

General Fund Invoices	
Including Penalties	\$13,539.12
Special Assessments	
Including Penalties & Interest	7,057.76
Water & Sewer Accounts	
Including Penalties	594,201.79
	594,201.79
TOTAL	\$614,798.67

NOW, THEREFORE, BE IT RESOLVED, That the City Assessor is hereby **AUTHORIZED TO ASSESS** these delinquent accounts on the annual City Tax Roll.

E-6 Resolution Authorizing Request for Reimbursement: Oakland County West Nile Virus Fund

Resolution #2006-05-202-E-6

RESOLVED, That the City Council for the City of Troy, Oakland County, Michigan, hereby **AUTHORIZES** the City of Troy Parks and Recreation Department, to seek reimbursement in the amount of \$30,057.91 from the Oakland County West Nile Virus Fund for expenditures incurred while instituting proactive public health measures to reduce the population of infected mosquitoes in the environment.

E-7 Transfer of Specially Designated Distributors (SDD) and Specially Designated Merchant (SDM) License for Troy Paradise Party Store

(a) License Transfer

Resolution #2006-05-202-E-7a

RESOLVED, That the request from Troy Paradise, Inc., to transfer all stock interest in 2005 Specially Designated Distributors (SDD) and Specially Designated Merchant (SDM) licensed

corporation located at 5945 John R, Troy MI 48085, Oakland County by dropping Sadik J. Sadik through transfer of 100 shares of stock to new stockholder, Louay Joulakh; be **CONSIDERED** for **APPROVAL**.

It is the consensus of this legislative body that the application **BE RECOMMENDED** for issuance.

(b) Agreement

Resolution #2006-05-202-E-7b

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 Troy Paradise, Inc., to transfer all stock interest in 2005 Specially Designated Distributors (SDD) and Specially Designated Merchant (SDM) licensed corporation located at 5945 John R, Troy MI 48085, Oakland County by dropping Sadik J. Sadik through transfer of 100 shares of stock to new stockholder, Louay Joulakh; and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-8 Private Agreement for Walnut Forest Site Condominiums – Project No. 05.906.3

Resolution #2006-05-202-E-8

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

E-9 Approval of Purchase Agreement, Kensington Community Church, 1825 East Square Lake Road – Sidwell #88-20-02-427-029, Project No. 02.204.5- Parcel 27 – Square Lake/John R CMAQ Project

Resolution #2006-05-202-E-9

RESOLVED, That the Agreement to Purchase between Kensington Community Church and the City of Troy, having Sidwell #88-20-02-427-029, for the acquisition of right-of-way at 1825 East Square Lake Road is hereby **APPROVED**; and

BE IT FURTHER RESOLVED, That authorization is hereby **GRANTED** to purchase the property in the Agreement referenced above in the amount of \$77,500.00, plus closing costs.

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

E-2 Approval of City Council Minutes

Resolution #2006-05-203

Moved by Lambert

Seconded by Beltramini

RESOLVED, That the Minutes of the 7:30 PM Regular City Council Meeting of April 17, 2006 and the Minutes of the 7:30 PM Regular City Council Meeting of April 24, 2006 be **APPROVED** as submitted; and the Minutes of the 7:30 PM Special Meeting of May 1, 2006 be **APPROVED** as **CORRECTED** to reflect that City Council directed City Management to prepare recommendations as to where reductions would occur to allow for an .02 mill reduction; and the Minutes of the 10:04 PM Special Meeting of May 1, 2006 be **APPROVED** as submitted.

Yes: All-5

No: None

Absent: Broomfield, Howrylak

E-10 Approval of Placement of Temporary Sales Trailer Monarch Condominiums

Resolution #2006-05-204

Moved by Stine

Seconded by Lambert

RESOLVED, That the request from Christopher Priddy of Joseph Freed and Associates for the placement of temporary office trailers on the site of the Monarch Condominium Development, is hereby **APPROVED** for a twelve month period in accordance with Chapter 47, House Trailers and Trailer Courts, Section 6.41(3), of the Code of the City of Troy.

Yes: All-5

No: None

Absent: Broomfield, Howrylak

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

F-3 Downtown Development Authority Bylaw Changes

Resolution #2006-05-205

Moved by Stine

Seconded by Lambert

WHEREAS, The Troy Downtown Development Authority approved and recommended to City Council amendments to Article IV, Section 4 of the DDA Bylaws to strike "shall" and insert "may" in Line 1 "in the absence of" in Line 2 and in Line 3 strike "acting" and insert "Executive" to provide flexibility in the appointment of the Executive Director.

BE IT RESOLVED, That City Council **APPROVES** the following amendments to Article IV, Section 4 of the DDA Bylaws to strike "shall" and insert "may" in Line 1, "in the absence of" in Line 2 and in Line 3 strike "acting" and insert "Executive" of the DDA Bylaws.

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

F-4 Adoption of City Ordinance, Chapter 28 – Tree Ordinance and the Landscape Design & Tree Preservation Standards

Resolution
Moved by Beltramini
Seconded by Schilling

RESOLVED, That Chapter 28 – Tree and Plant Ordinance, a copy of which shall be **INCLUDED** in the original Minutes of this meeting, is hereby **ADOPTED**.

Vote on Resolution to Postpone

Resolution #2006-05-206
Moved by Lambert
Seconded by Fleming

RESOLVED, That Troy City Council hereby **POSTPONES** the *Adoption of City Ordinance, Chapter 28 – Tree Ordinance and the Landscape Design & Tree Preservation Standards* until the Regular City Council Meeting scheduled for Monday, June 19, 2006 and **DIRECT** City Management to solicit input from outside parties on this proposed ordinance.

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

MOTION FAILED

Vote on Resolution to Postpone

Resolution #2006-05-207
Moved by Beltramini
Seconded by Stine

RESOLVED, That Troy City Council hereby **POSTPONES** the *Adoption of City Ordinance, Chapter 28 – Tree Ordinance and the Landscape Design & Tree Preservation Standards* until the Regular City Council Meeting scheduled for Monday, June 5, 2006.

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

F-9 Emerald Food Service Contract

Resolution #2006-05-208
 Moved by Lambert
 Seconded by Beltramini

RESOLVED, That the Troy City Council hereby **CONFIRMS** the one-year contract with Emerald Food Service I, L.L.C. to provide a Café and Pro Shop operation in the Community Center, and food and beverage service at Sanctuary Lake Golf Course expiring April 30, 2007.

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

F-1 Appointments to Boards and Committees: a) Mayoral Appointments: No Appointments Scheduled b) City Council Appointments: Ethnic Issues Advisory Board

(a) Mayoral Appointments – No Appointments Scheduled

(b) City Council Appointments

Resolution #2006-05-209
 Moved by Lambert
 Seconded by Beltramini

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

Ethnic Issues Advisory Board

Appointed by Council (9) 2 & 3 Year Terms

Helen Yang

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

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

F-2 Bid Waiver – Workers' Compensation Insurance Renewal for Fiscal Year 2006/2007

Resolution #2006-05-210
 Moved by Beltramini
 Seconded by Lambert

WHEREAS, The Michigan Municipal League has provided Workers' Compensation Insurance for the City of Troy and the premium charged has been equitable based on the City's experience; and

WHEREAS, It is desirable to continue the program through the Michigan Municipal League due to the positive experience of participating in the MML program;

NOW, THEREFORE, BE IT RESOLVED, That formal bidding procedures are hereby **WAIVED** and the net estimated premium cost of \$365,449.00 is hereby **APPROVED** for Workers' Compensation Insurance through the MML for the 2006-2007 fiscal year with a resulting final estimated cost to the City of \$246,041.00 after applying a dividend distribution check in the amount of \$119,408.00.

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

F-5 Rescind Bid Award/Re-Award Contract – Mosquito Control

Resolution #2006-05-211
Moved by Lambert
Seconded by Fleming

WHEREAS, On March 6, 2006, a one-year contract for mosquito control in the residential curb storm drains was awarded to the low bidder, Invaders Pest Control of Lincoln Park, MI, (Resolution # 2006-03-126-E-4d);

WHEREAS, Invaders Pest Control has defaulted on the contract due to their inability to obtain the required insurance;

NOW, THEREFORE, BE IT RESOLVED, That the contract to treat 6,000 residential curb catch basins for mosquitoes be **RESCINDED** without prejudice from Invaders Pest Control, and **RE- AWARDED** to the next low bidder meeting specifications, Tri-County Pest Control of St. Clair Shores, MI, for an estimated total cost of \$24,000.00, at unit prices contained in the bid tabulation opened February 10, 2006, with the contract expiring December 31, 2006.

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

F-6 Bid Waiver – Square Lake Water Main Replacement, Rochester Road to 700' West

Resolution #2006-05-212
Moved by Fleming
Seconded by Stine

WHEREAS, Troelsen Excavating Co., 1395 Rochester Road, Troy, MI, is currently under contract with the City of Troy for Contract 05-6 and has considerable experience in water main replacement work; and

WHEREAS, Troelsen's quote for water main replacement of the existing water main on the north side of Square Lake Road, from Rochester Road to approximately 700 feet to the west was the lowest quote submitted and is considered to be competitive and reasonable for our area;

NOW, THEREFORE, BE IT RESOLVED, That a contract modification for water main replacement work is **APPROVED** and shall be **ADDED** to Contract 05-6 at a cost of \$145,413.00;

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon submission of proper bonds and insurance and all specified requirements, and if additional work is required such additional work is **AUTHORIZED** in an amount not to exceed 10% of the total project cost.

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

F-7 Final Preliminary Plat Approval – Beachview Estates Subdivision, West Side of Beach, South of Long Lake – Section 18

Resolution #2006-05-213
Moved by Stine
Seconded by Fleming

RESOLVED, That final approval of the Preliminary Plat for Beachview Estates Subdivision located on the west side of Beach Road, south of Long Lake Road, within Section 18, including 8 lots within the R-1A Zoning District, is hereby **GRANTED**.

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are hereby **AUTHORIZED TO EXECUTE** the Subdivision Agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

F-8 Schedule a Special Meeting for the Purpose of Deliberation and Action on the Selection of a City Manager

Resolution #2006-05-214
Moved by Beltramini
Seconded by Fleming

RESOLVED, That a Special Meeting is **SCHEDULED** for Saturday, June 10, 2006 at 8:00 a.m. in the Council Boardroom of Troy City Hall, 500 W. Big Beaver, Troy, Michigan for the purpose of City Council deliberation and action on the selection of a City Manager.

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

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

- a) Preliminary Planned Unit Development Approval – PUD-5 Caswell Town Center – East Side of Rochester Road, South of South Boulevard, R-1D, B-3 and P-1, Section 2 – May 15, 2006

Noted and Filed

G-2 Green Memorandums:

- a) Amending the Personal Property Tax Abatement for Manufacturing and Headquarter Companies

Noted and Filed

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

H-1 No Council Referrals Advanced

COUNCIL COMMENTS:

I-1 No Council Comments Advanced

REPORTS:

J-1 Minutes – Boards and Committees:

- a) Liquor Advisory Committee/Final – December 12, 2005
- b) Troy Youth Council/Final – January 25, 2006
- c) Historic District Study Committee/Final – February 7, 2006
- d) Downtown Development Authority/Draft – February 15, 2006
- e) Downtown Development Authority/Final – February 15, 2006
- f) Advisory Committee for Senior Citizens/Final – March 2, 2006
- g) Employees' Retirement System Board of Trustees/Final – March 8, 2006
- h) Planning Commission/Final (*Corrected*) – March 14, 2006
- i) Downtown Development Authority/Draft – March 15, 2006
- j) Downtown Development Authority/Final – March 15, 2006
- k) Traffic Committee/Final – March 15, 2006
- l) Library Advisory Board/Final – March 16, 2006
- m) Board of Zoning Appeals/Draft – March 21, 2006
- n) Board of Zoning Appeals/Final – March 21, 2006
- o) Historic District Commission/Final – March 21, 2006
- p) Planning Commission Special/Study/Draft – March 28, 2006
- q) Planning Commission Special/Study/Final – March 28, 2006
- r) Troy Youth Council/Draft – March 29, 2006
- s) Ethnic Issues Advisory Board/Draft – April 4, 2006
- t) Planning Commission Special/Study/Draft – April 4, 2006
- u) Planning Commission Special/Study/Final – April 4, 2006
- v) Building Code Board of Appeals/Draft – April 5, 2006

- w) Advisory Committee for Senior Citizens/Draft – April 6, 2006
- x) Liquor Advisory Committee/Draft – April 10, 2006
- y) Planning Commission/Draft – April 11, 2006
- z) Planning Commission/Final – April 11, 2006
- aa) Board of Zoning Appeals/Draft – April 18, 2006
- bb) Planning Commission Special/Study/Draft – April 25, 2006
- cc) Planning Commission Special/Study/Final – April 25, 2006

Noted and Filed

J-2 Department Reports:

- a) Report from Council Member Robin Beltramini on NLC's Congressional Cities Conference, March 11-15, 2006 Washington D.C.
- b) Assessing Department – Comparison of Local Millage Rates

Noted and Filed

J-3 Letters of Appreciation:

- a) Letter of Thanks to Chief Craft from Anthony Kleibecker, Muskegon Police Department, In Appreciation of the Assistance Provided During the Funeral of Officer Kevin Stier
- b) Letter of Appreciation to Sgt. Schaufler from Kirk Lytwyn Regarding the Efforts of Officer Tim Daniels
- c) Letter of Thanks to Officer Breidenich from Dick Minnick for Speaking at the Homeowner's Association Annual Meeting
- d) Letter of Appreciation to Captain Murphy from Angela Allen Regarding the Assistance During the 5th Annual Players Wives Fashion Extravaganza
- e) Letter of Thanks to Officer Reynolds from Joseph Marchetti and Bruce Wade, Oakland Police Academy, for Participating in the Basic Detective/Investigator Program
- f) Letter of Thanks to Tonni Bartholomew and Staff from Maureen Feighan, Detroit News, Regarding Election Training
- g) Letter of Thanks to Barb Holmes from Marilyn Mostek In Appreciation of the Efforts of the Clerk's Office During the Passport Fair

Noted and Filed

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

J-5 Calendar

Noted and Filed

J-6 Communication from the State of Michigan Public Service Commission Regarding Notice of Hearing for the Customers of the Detroit Edison Company – Case No. U-14838

Noted and Filed

J-7 Communication from the National Arbor Day Foundation Regarding Troy Being Named as a 2005 Tree City USA

Noted and Filed

J-8 Communication from the Planning Department Regarding Zoning Ordinance Text Amendment (ZOTA 214), Article IV and X, Group Child Care Homes in the R-1A through R-1E Districts – Child Care Provider Meeting
Noted and Filed

J-9 Communication from the State of Michigan Public Service Commission Regarding Notice of Hearing for the Electric Customers of the Detroit Edison Company – Case No. U-14275-R and Case No. U-14817
Noted and Filed

J-10 Communication from the Parks and Recreation Director Carol Anderson Regarding Employee Rates at Golf Courses and Aquatic Center
Noted and Filed

J-11 Communication from Birmingham-Bloomfield Symphony Orchestra
Noted and Filed

J-12 Communication from Oakland County Executive L. Brooks Patterson Regarding American Systems Technology and McGraw Wentworth being among the “50 Companies to Watch in 2006”
Noted and Filed

J-13 Communication from Community Affairs Regarding Closed Captioning for Cable Channel
Noted and Filed

STUDY ITEMS:

K-1 No Study Items Submitted

PUBLIC COMMENT: Address of “K” Items

CLOSED SESSION:

L-1 Closed Session:

Resolution #2006-05-215
Moved by Stine
Seconded by Lambert

BE IT RESOLVED, That the City of Troy City Council **SHALL MEET** in Closed Session, as permitted by State Statute MCL 15.268 (e): Gerback v. City of Troy – Settlement Proposal and Gerback v Troy – Settlement Proposal.

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

The meeting **RECESSED** at 11:47 P.M.

The meeting **RECONVENED** on Tuesday, May 9, 2006 at 12:09 A.M.

The meeting **ADJOURNED** on Tuesday, May 9, 2006 at 12:10 A.M.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, City Clerk

**PROCLAMATION
18th ANNUAL CELEBRATION OF LIFE PICNIC
WILLIAM BEAUMONT HOSPITAL**

WHEREAS, Today, approximately 10 million Americans are cancer survivors, thanks to advances in early cancer detection, treatment, and research; and

WHEREAS, Over 48,250 new cancer cases are expected to be diagnosed in Michigan; and

WHEREAS, **National Cancer Survivors Day** is a day to draw national attention to, and raise public awareness of, the challenges faced by cancer survivors. Providing hope helps cancer patients fight harder and motivates them to seek medical treatment; and

WHEREAS, Cancer survivors and their families will celebrate the **18th Annual Celebration of Life Picnic** on Sunday, June 4, 2006 at William Beaumont Hospital in Troy; and

WHEREAS, William Beaumont Hospital plans this annual event to honor cancer survivors, their care givers and families as a show of strength and determination; and

WHEREAS, William Beaumont Hospital will join over 700 communities throughout America in celebrating life; and

WHEREAS, The great state of Michigan has an active, productive cancer survivor population, demonstrating that a cancer diagnosis is no longer an automatic death sentence;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy joins with William Beaumont Hospital to honor all cancer survivors for their strength and determination.

BE IT FURTHER RESOLVED, That the City Council of the City of Troy hereby proclaims **Sunday, June 4, 2006** as **National Cancer Survivors Day in the City of Troy**.

Presented this 4th day of June 2006.

**PROCLAMATION
MENTAL HEALTH MONTH
MAY 2006**

WHEREAS, Mental health is important at every stage of life, and in our community; and

WHEREAS, Over 450 million people worldwide suffer from mental illness, causing astounding economic and social costs; and

WHEREAS, Over forty million American adults and over thirteen million American children suffer from some form of identifiable mental disorder annually, many resulting in premature death; and

WHEREAS, It has been documented in the past three years that 545,000 of the 2.5 million children in Michigan have a mental disorder; and

WHEREAS, Oakland County is working with the Michigan Mental Health Commission to transform Michigan's mental health system into a national model; and

WHEREAS, Mental illnesses affect and are affected by unremitting conditions such as cancer, heart and cardiovascular diseases, and HIV/AIDS. Untreated, they bring about unhealthy behavior, non-compliance with prescribed medical regimens, diminished immune functioning, and poor prognosis; and

WHEREAS, The President's New Freedom Commission proclaimed that mental disorders and mental health problems affect people of all backgrounds and all stages of life, and no one is immune; and

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby proclaims May 2006 as Mental Health Month in the City of Troy.

BE IT FURTHER RESOLVED, That the City Council of the City of Troy calls upon our agencies, schools, institutions and citizens to impart to our community increasing awareness and consideration of mental illness and the need for appropriate and accessible services for all people with mental illnesses.

Signed this 15th day of May 2006.

May 8, 2006

To: John M. Lamerato, Acting City Manager

From: Brian Murphy, Assistant City Manager/Services
Carol Anderson, Parks and Recreation Director

Subject: Agenda Item - Arbor Day 2007 – 2009 Proclamation

In order for the City of Troy to be re-certified as Tree City USA by the National Arbor Day Foundation, a proclamation will need to accompany our application.

Therefore, it is requested that a City proclamation be issued declaring that the observance of Arbor Day in the City of Troy, will be:

May 4, 2007
May 2, 2008
May 1, 2009

May 5, 2006

To: John M. Lamerato, Acting City Manager

From: Brian P. Murphy, Assistant City Manager
Jeanette Bennett, Purchasing Director
Timothy L. Richnak, Public Works Director
Carol K. Anderson, Parks and Recreation Director
Steven A. Pallotta, Director of Building Operations
William S. Nelson, Fire Chief

Subject: **Agenda Item** - Standard Purchasing Resolution 1: Award To Low Bidder – 3-Year Requirements of Emergency Repair and General Maintenance for Overhead Doors

RECOMMENDATION

On April 20, 2006, bid proposals were opened to provide emergency repair and general maintenance of overhead doors at various City locations for three (3) years. City management recommends the contract be awarded to the low bidder, Garrett Door Company of Pontiac, MI, for an estimated cost of \$20,918.00 per year, at unit prices contained in the bid tabulation.

The award is contingent upon contractor submission of properly executed bid documents, including insurance certificates and all specified requirements.

BACKGROUND

- The contract will provide for annual and semi-annual maintenance at buildings used by the Fire Department, Public Works Department, Parks and Recreation, Golf Course, and City Hall. It will include both the doors and the openers.
- The contract will also cover the emergency repair of those doors on an as needed basis.
- All of Garrett's references state they are very happy with the company's service.
- The City is awarding this contract on a low total basis due to potential conflicts with vendors if the award was made to one vendor for maintenance and another for repairs.

BUDGET

Funds are available in the various departments' operations accounts.

49 Vendors Notified via the MITN System

3 Bid Responses Received

- 2 No Bids: (1) Company cannot guarantee two-hour response time in an emergency.
(1) Company does not feel it is prudent or safe to send only one service man on some of the required work as specified.

Prepared by: Richard Sinclair, Assistant Fire Chief

Opening Date -- 4/20/06
 Date Prepared -- 4/24/06

CITY OF TROY
 BID TABULATION
 OVERHEAD DOORS - Maintenance/Repair

ITB-COT 06-15

VENDOR NAME:	*	Garrett Door Company	Michigan Independent Door Company	Detroit Door & Hardware
PROPOSAL -- Furnish All Necessary Materials, Labor, and Equipment to provide Emergency Repair and General Maintenance of Overhead Doors at Various Locations in the City of Troy for Three (3) Years.				
ESTIMATED GRAND TOTAL:	per Year	\$ 20,918	\$ 28,600	\$ 30,185
PROPOSAL C2:	REGULAR & EMERGENCY REPAIRS			
	EMERGENCY REPAIRS			
	Regular Time	\$ 55.00	\$ 84.00	\$ 98.40
	Overtime	\$ 82.50	\$ 126.00	\$ 147.60
	Holiday Time	\$ 110.00	\$ 126.00	\$ 196.80
	Crew Size	1	1	1
PROPOSAL C3:	TRAVEL TIME			
	PER REPAIR CALL COMPLETE	\$ 27.50	\$ 42.00	\$ 92.00
SITE INSPECTION -- Y/N	Yes	Yes	Yes	
Date	4/11 & 4/13	4/18/06	4/4/06	
	No - Golf Course			
INSURANCE -- Can Meet	XX	XX	XX	
Cannot Meet				
TERMS	Net 30 Days	Net 30 Days	Net 30	
DELIVERY DATE --	AS SPECIFIED			
WARRANTY	AS SPECIFIED			
EXCEPTIONS	Blank	Blank	Blank	

ATTEST:
 Charlene McComb
 Rick Sinclair
 Linda Bockstanz

* DENOTES LOW TOTAL BIDDER

NO BIDS:
 Anderson Door Co
 Detroit Rolling Door & Gate Inc

 Jeanette Bennett
 Purchasing Director

May 5, 2006

TO: John M. Lamerato, Acting City Manager

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

SUBJECT: **Agenda Item:** Standard Purchasing Resolution 3: Exercise Renewal Option– Aquatic Center Pool Maintenance And Repair Services

RECOMMENDATION

On Monday, June 21, 2004, City Council approved a one (1) year contract for pool maintenance and repair services at the Troy Aquatic Center and Community Center, with two (2) one-year options to renew to the sole bidder, B & B Pool and Spas of Livonia, MI (Res#2004-06-329-E-6). B & B Pool and Spas agreed to exercise the first one-year option to renew under the same price structure, terms and conditions as the 2004 contract (Res#2005-06-299-E-4d).

City management recommends exercising the second one-year renewal option for pool maintenance and repair with B & B Pool and Spas to expire June 30, 2007. All prices terms and conditions will remain the same as the original contract.

SUMMARY

B & B Pool & Spas hourly rates are as follows:

Regular Time – Hour per Man	\$125.00 (first hour)
	\$ 75.00 per hour thereafter
Typical Crew Size	Two-man
Parts List Provided	Dated 1/1/03

B & B Pool and Spas have not had to make any needed repairs this past year at the indoor or outdoor pools. In the past when it had been required, they have completed repairs in a timely manner with excellent quality.

MARKET SURVEY

The Purchasing department did not conduct a market survey because the original solicitation had only one bidder, the sole bidder is holding prices at 2004 levels, and few companies in the area provide the needed services.

BUDGET

Funds to provide these services will be available in the respective Troy Family Aquatic Center Accounts #787.7802.070 and #787.7802.150 and Troy Community Center Accounts #755.7802.070 and #755.7802.150.

May 8, 2006

TO: John M. Lamerato, Acting City Manager

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

SUBJECT: Agenda Item - Private Agreement for Franklin Bank
Project No. 06.902.3

The Engineering Department has reviewed and approved plans for this project, which includes water main.

The Owner has provided a letter of credit for escrow and cash fees in the amount of the estimated cost of public improvements, as required.

Approval is recommended.

Prepared by: Gary Streight, P.E.
Civil Engineer

cc: Tonni Bartholomew, City Clerk (Original Agreement)
James Nash, Financial Services Director

G:\Projects\Projects – 06.902.3\Private Agreement Cover Letter.doc

Enclosed Private Agreement

**CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)**

PROJECT NO.	06.902.3	PROJECT LOCATION:	734 W. Long Lake
RESOLUTION NO.		DATE OF COUNCIL APPROVAL:	

KNOW ALL MEN BY THESE PRESENT; That the City of Troy, a Michigan Municipal Corporation of the County of Oakland, State of Michigan, hereinafter referred to as "City" and **Branch Facilitators** whose address is **5700 Crooks Rd., Troy, MI 48098** and whose telephone number is **(248)879-2264** hereinafter referred to as "Owners".

WITNESSETH, FIRST: That the City agrees to allow the installation of **water main** in accordance with plans prepared by **Atwell Hicks** whose address is **50182 Schoenherr, Shelby Twp., MI 48315** and whose telephone number is **(586)786-9800**, and approved BY THE City of Troy Engineering Department.

SECOND: That the Owners agree to contribute the approximate contract price of **\$6,826.00**. This amount will be transmitted to the City Clerk for installation of said improvements in the form of (check one):

- Cash
- Certificate of Deposit
- Irrevocable Bank Letter of Credit
- Check
- Performance Bond & 10% Cash

Said funds shall be placed on deposit with the City upon the execution of this contract and shall be disbursed to the owner by the City after final inspection and approval by the City of Troy Engineering Department. In addition, the owners agree to contribute the following cash fees:

* Plan Review and Construction Inspection Fee (Public Improvements)	\$	552.90
Engineering Review Fee (Private Improvements) (PA1)	\$	2,471.92
Water Main Testing Fee (PA2)	\$	650.00
Street Cleaning/Road Maintenance (Refundable)	\$	5,000.00
TOTAL:	\$	\$8,674.82

* 8.1% (.081) of approximate contract price

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS

(PRIVATE AGREEMENT)

PROJECT NO. 06.902.3

PROJECT LOCATION:

734 W. Long Lake

RESOLUTION NO.

DATE OF COUNCIL APPROVAL:

THIRD: Owners agree to arrange for a pre-construction meeting with the City Engineer and the contractor prior to start of work. All municipal improvements must be completely staked in the field under the direct supervision of a registered civil engineer or registered land surveyor, according to the approved plans.

FOURTH: Owners hereby acknowledge the benefit to their property conferred by the construction of the aforementioned and agree and consent to pay the total sum of \$ 15,530.82 for the construction of said public utilities in lieu of the establishments of any special district by the City. Further, owners acknowledge that the benefit to their property conferred by the improvement is equal to, or in excess of, the aforementioned amount.

FIFTH: Owners agree that if, for any reason, including, but not limited to, field changes or specification changes as required by the City, the total cost of completion of such improvement shall exceed the sum deposited with the City in accordance with Paragraph SECOND hereof, that Owners will immediately remit such additional amount to the City upon request and the City will disburse such additional amounts in accordance with Paragraph SECOND hereof.

SIXTH: Owners agree to indemnify and save harmless the City, their agents and employees, from and against all loss or expense (including costs and attorneys' fees) by reason of liability imposed by law upon the City, its agents and employees for damages because of bodily injury, including death, at any time resulting therefrom sustained by any person or persons or on account of damage to property, including work, provided such injury to persons or damage to property is due or claimed to be due to negligence of the Owner, his contractor, or subcontractors, employees or agents, Owner further agrees to obtain and convey to the City all necessary easements for such public utilities as required by the City Engineer.

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)

PROJECT NO. 06.902.3

PROJECT LOCATION:

734 W. Long Lake

RESOLUTION NO.

DATE OF COUNCIL APPROVAL:

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed in duplicate on this 14th day of APRIL, 2006.

OWNERS: FRANKLIN BANK
by Branch Facilitators, LLC, its representative

CITY OF TROY

By: 

By: _____

Robert V. Schrader, Principal

Please Print or Type

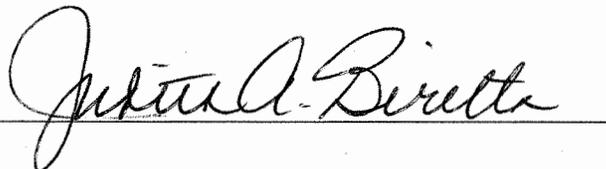
Louise E. Schilling, Mayor

Please Print or Type

Tonni Bartholomew, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 14th day of APRIL, A.D. 2006, before me personally appeared Robert V. Schrader, Principal of Branch Facilitators, LLC known by me to be the same person(s) who executed this instrument and who acknowledged this to be his/her/their free act and deed.



NOTARY PUBLIC, Oakland County, Michigan

JUDITH A. BIRETTO
Notary Public, Oakland County, MI
My Commission Expires Jul. 28, 2006

My commission expires: _____

April 20, 2006

TO: John M. Lamerato, Acting City Manager

FROM: Doug Smith, Real Estate and Development Director 

SUBJECT: AGENDA ITEM – Approval of Brownfield Redevelopment Authority 2006-07 Budget

To date the Brownfield Redevelopment Authority has approved four development plans, Midtown Square, Saleen Specialty Vehicles (SSV), Masco and TCF Bank. The Brownfield Redevelopment Authority approved the attached proposed budget at their April 18, 2006 meeting and recommends City Council approval.

CITY OF TROY
 BROWNFIELD REDEVELOPMENT AUTHORITY
 2006-07
 BUDGET

FINAL

REVENUE

Property Tax	\$797,000
Interest	10,000
	\$807,000

EXPENDITURES

Operating Supplies	\$1,500
Administrative Services	10,000
Consultant Services	10,000
Education & Training	4,000
Tax Appeals	600
Local Site Remediation Revolving Fund	780,900
	\$807,000

**CAPTURED TAXABLE VALUE
 2006-07**

	Taxable Value
2006 - Total Value	57,304,708
2000 - Initial Value	5,421,830
Captured Taxable Value	51,882,878

	Oakland County	Oakland Comm. College	City of Troy	Total
Millage Rates	4.6461	1.58	9.45	15.6805
Captured Yield				813,549

Note: Millage rates estimated - budget @ 98%

May 10, 2006

TO: John M.Lamerato, Acting City Manager

FROM: Doug Smith, Real Estate and Development Director 

SUBJECT: AGENDA ITEM – Approval of Local Development Finance Authority 2006-07 Budget

The Local Development Finance Authority approved the proposed 2006-07 budget at their May 8, 2006 meeting and recommends City Council approval.

CITY OF TROY
 LOCAL DEVELOPMENT FINANCE AUTHORITY
 2006-07
 BUDGET

FINAL

REVENUE

Property Tax	\$232,000
Interest Income	2,000
	\$234,000

EXPENDITURES

Automation Alley Technology Center - Operations	125,000
Automation Alley Technology Center - Building	73,500
Administrative Services	10,000
Marketing Costs	25,500

\$234,000

**CAPTURED TAXABLE VALUE
 2006-07**

	<u>Taxable Value</u>
2006 - Total Value	23,405,930
2003 - Initial Value	14,447,380
Captured Taxable Value	8,958,550

	Oakland County	Oakland Comm. College	City of Troy	Transportation	Intermediate	Operating	Total
Millage Rates	4.6461	1.5844	8.9500	0.5950	1.6845	9.0000	26.4600
Captured Yield							237,043

Note: Millage rates estimated - budget @ 98%

April 20, 2006

TO: John M.Lamerato, Acting City Manager

FROM: Doug Smith, Real Estate and Development Director 

SUBJECT: AGENDA ITEM – Approval of Downtown Development
Authority 2006-07 Budget

The Downtown Development Authority approved the proposed 2006-07 budget at their April 19, 2006 meeting and recommends City Council approval.



Downtown Development Authority

Proposed Annual Budget
Fiscal Year July 1, 2006 - June 30, 2007



Members

Michael W. Culpepper
Stuart Frankel
David R. Hay
Michele Hodges
William Kennis
Alan M. Kiriluk
Daniel MacLeish
Carol A. Price
Ernest C. Reschke

Louise E. Schilling
Douglas J. Schroeder
Harvey Weiss
G. Thomas York

Executive Director
Douglas J. Smith

Secretary/Treasurer
John M. Lamerato



Introduction

In order to prevent further deterioration and to encourage economic development of the Downtown District, the City of Troy established the Downtown Development Authority of the City of Troy (the DDA) pursuant to Act 197 of 1975 (Act 197) and an Ordinance adopted by the City Council of the City of Troy on July 12, 1993, and amended on September 28, 1998 and February 7, 2000.

The DDA has identified specific sources of funding to finance the implementation of a plan for physical improvements to the Downtown District identified in this plan as the Development Area.

The purpose of the Tax Increment Financing and Development Plan is to provide for the construction and financing of the necessary streets, sidewalks, street lighting, landscaping, parking garage and other facilities; Kmart and Civic Center projects; widening of Rochester Road and Big Beaver to improve traffic flow; provide and expand existing public facilities on the civic center site to serve the needs of the DDA businesses and the citizens of the City of Troy and to carry out the objectives of the DDA so as to prevent the further deterioration of the Development Area while preserving and promoting economic growth for the benefit of all taxing units located within and benefited by the Development Area.



2006-2007 Budget

Revenue

Property Taxes	\$ 3,682,000
Investment Income	350,000
Total Revenue	\$ 4,032,000

Expenditures

Administrative Expenses	\$ 55,000
Operating Expenses	215,410
Debt Service - Big Beaver Phase 2 & 3	1,192,000
Debt Service - MTF Bonds (Roch. Rd.)	257,000
Debt Service - Refund 1995 Dev. Bonds Series A	785,000
Debt Service - Community Center	1,046,000
Street Island Maint.	381,590
Economic Development-MEGA Match	100,000
Total Expenditures	\$ 4,032,000

**Captured Taxable Value
2006-07**

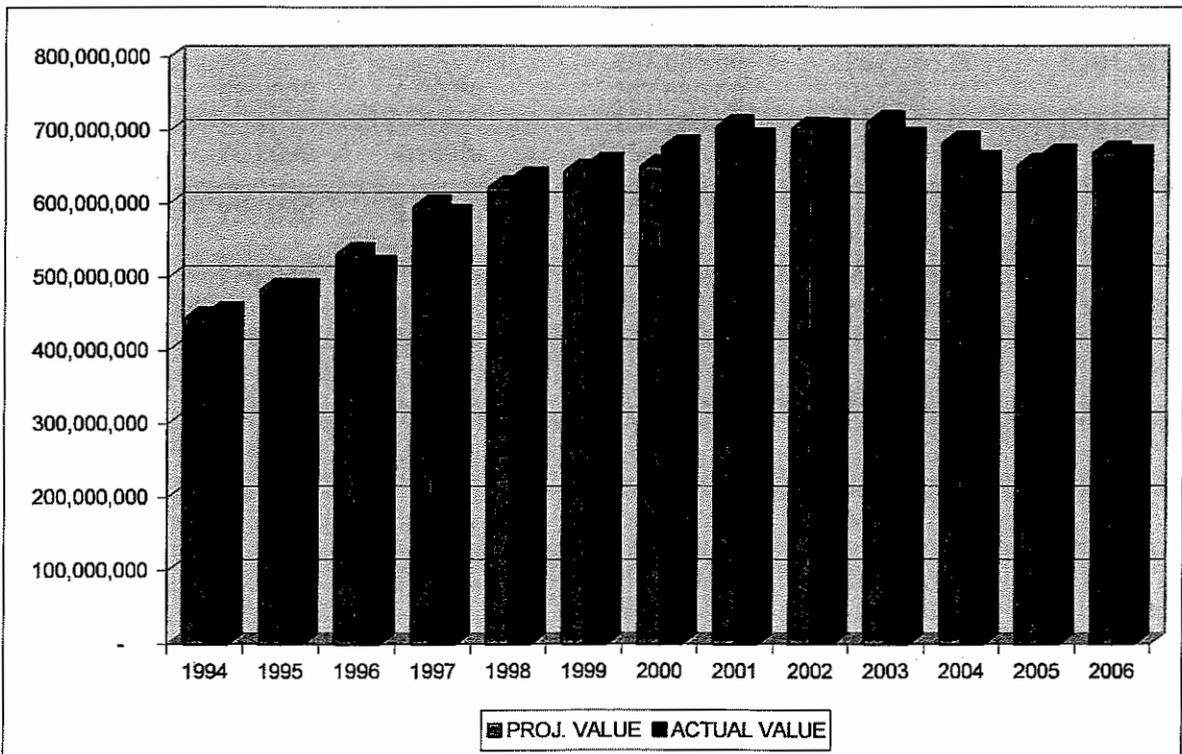
	<u>Real Taxable</u>	<u>Personal Taxable</u>	<u>Total Taxable</u>
1993 - Initial Value	342,342,400	86,936,130	429,278,530
2006 - Taxable Value	<u>538,571,100</u>	<u>125,550,460</u>	<u>664,121,560</u>
Captured Taxable Value	<u>196,228,700</u>	<u>38,614,330</u>	<u>234,843,030</u>

	<u>Oakland County</u>	<u>Oakland Comm. College</u>	<u>City of Troy</u>	<u>Total</u>
Millage Rates	\$ 4.65	\$ 1.58	\$ 9.45	\$ 15.68
Captured Yield				\$ 3,682,000

**Projected and Actual Captured Valuation
April 4, 2006**

Total DDA Base

Fiscal Year	Initial Valuation	Projected Valuation	Projected Captured	Actual Valuation	Actual Captured
1994	429,278,530	443,579,055	14,300,525	450,682,090	21,403,560
1995	429,278,530	482,321,290	53,042,760	482,321,290	53,042,760
1996	429,278,530	531,054,797	101,776,267	513,251,790	83,973,260
1997	429,278,530	595,752,807	166,474,277	582,784,390	153,505,860
1998	429,278,530	622,051,685	192,773,155	634,117,140	204,838,610
1999	429,278,530	644,521,355	215,242,825	653,782,621	224,504,091
2000	429,278,530	650,903,679	221,625,149	677,550,840	248,272,310
2001	429,278,530	705,343,067	276,064,537	687,261,110	257,982,580
2002	429,278,530	702,063,909	272,785,379	700,292,970	271,014,440
2003	429,278,530	710,501,087	281,222,557	687,610,440	258,331,910
2004	429,278,530	682,725,921	253,447,391	656,443,260	227,164,730
2005	429,278,530	652,413,515	223,134,985	664,930,800	235,652,270
2006	429,278,530	668,894,972	239,616,442	664,121,560	234,843,030



This chart displays the projected and actual taxable value of the entire Downtown Development District.

DOWNTOWN DEVELOPMENT AUTHORITY

County of Oakland, State of Michigan



Bond Debt Service Development Bonds, Series 2001

Big Beaver Phase 2 & 3
Final Pricing

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
07/19/2001					
11/01/2001	\$ 605,000	4.000%	\$ 193,848.17	\$ 798,848.17	\$ 1,128,833.17
05/01/2002			329,985.00	329,985.00	
11/01/2002	545,000	4.000%	329,985.00	874,985.00	
05/01/2003			319,085.00	319,085.00	1,194,070.00
11/01/2003	565,000	4.000%	319,085.00	884,085.00	
05/01/2004			307,785.00	307,785.00	1,191,870.00
11/01/2004	590,000	4.000%	307,785.00	897,785.00	
05/01/2005			295,985.00	295,985.00	1,193,770.00
11/01/2005	615,000	4.000%	295,985.00	910,985.00	
05/01/2006			283,685.00	283,685.00	1,194,670.00
11/01/2006	640,000	5.000%	283,685.00	923,685.00	
05/01/2007			267,685.00	267,685.00	1,191,370.00
11/01/2007	670,000	4.000%	267,685.00	937,685.00	
05/01/2008			254,285.00	254,285.00	1,191,970.00
11/01/2008	700,000	4.100%	254,285.00	954,285.00	
05/01/2009			239,935.00	239,935.00	1,194,220.00
11/01/2009	730,000	5.000%	239,935.00	969,935.00	
05/01/2010			221,685.00	221,685.00	1,191,620.00
11/01/2010	770,000	5.000%	221,685.00	991,685.00	
05/01/2011			202,435.00	202,435.00	1,194,120.00
11/01/2011	805,000	4.400%	202,435.00	1,007,435.00	
05/01/2012			184,725.00	184,725.00	1,192,160.00
11/01/2012	850,000	5.500%	184,725.00	1,034,725.00	
05/01/2013			161,350.00	161,350.00	1,196,075.00
11/01/2013	895,000	5.500%	161,350.00	1,056,350.00	
05/01/2014			136,737.50	136,737.50	1,193,087.50
11/01/2014	945,000	5.500%	136,737.50	1,081,737.50	
05/01/2015			110,750.00	110,750.00	1,192,487.50
11/01/2015	1,000,000	5.500%	110,750.00	1,110,750.00	
05/01/2016			83,250.00	83,250.00	1,194,000.00
11/01/2016	1,055,000	5.000%	83,250.00	1,138,250.00	
05/01/2017			56,875.00	56,875.00	1,195,125.00
11/01/2017	1,110,000	5.000%	56,875.00	1,166,875.00	
05/01/2018			29,125.00	29,125.00	1,196,000.00
11/01/2018	1,165,000	5.000%	29,125.00	1,194,125.00	1,194,125.00
	\$ 14,255,000		\$ 7,164,573.17	\$ 21,419,573.17	\$ 21,419,573.17

DOWNTOWN DEVELOPMENT AUTHORITY

County of Oakland, State of Michigan



Bond Debt Service Refunding Bonds, Series 2001 Refunding of Callable 1995 DDA Bonds, Series A (Tax-Exempt)

Refunding Portion
Final Pricing

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
07/19/2001					
11/01/2001	\$ 465,000	4.000%	\$ 132,448.42	\$ 597,448.42	\$ 821,880.92
05/01/2002			224,432.50	224,432.50	
11/01/2002	380,000	4.000%	224,432.50	604,432.50	
05/01/2003			216,832.50	216,832.50	821,265.00
11/01/2003	395,000	4.000%	216,832.50	611,832.50	
05/01/2004			208,932.50	208,932.50	820,765.00
11/01/2004	415,000	4.000%	208,932.50	623,932.50	
05/01/2005			200,632.50	200,632.50	824,565.00
11/01/2005	430,000	4.000%	200,632.50	630,632.50	
05/01/2006			192,032.50	192,032.50	822,665.00
11/01/2006	410,000	5.000%	192,032.50	602,032.50	
05/01/2007			181,782.50	181,782.50	783,815.00
11/01/2007	430,000	4.000%	181,782.50	611,782.50	
05/01/2008			173,182.50	173,182.50	784,965.00
11/01/2008	450,000	4.100%	173,182.50	623,182.50	
05/01/2009			163,957.50	163,957.50	787,140.00
11/01/2009	470,000	5.000%	163,957.50	633,957.50	
05/01/2010			152,207.50	152,207.50	786,165.00
11/01/2010	495,000	5.000%	152,207.50	647,207.50	
05/01/2011			139,832.50	139,832.50	787,040.00
11/01/2011	560,000	4.400%	139,832.50	699,832.50	
05/01/2012			127,512.50	127,512.50	827,345.00
11/01/2012	590,000	5.500%	127,512.50	717,512.50	
05/01/2013			111,287.50	111,287.50	828,800.00
11/01/2013	620,000	5.500%	111,287.50	731,287.50	
05/01/2014			94,237.50	94,237.50	825,525.00
11/01/2014	655,000	5.500%	94,237.50	749,237.50	
05/01/2015			76,225.00	76,225.00	825,462.50
11/01/2015	690,000	5.500%	76,225.00	766,225.00	
05/01/2016			57,250.00	57,250.00	823,475.00
11/01/2016	725,000	5.000%	57,250.00	782,250.00	
05/01/2017			39,125.00	39,125.00	821,375.00
11/01/2017	765,000	5.000%	39,125.00	804,125.00	
05/01/2018			20,000.00	20,000.00	824,125.00
11/01/2018	800,000	5.000%	20,000.00	820,000.00	820,000.00
	<u>\$ 9,745,000</u>		<u>\$ 4,891,373.42</u>	<u>\$ 14,636,373.42</u>	<u>\$ 14,636,373.42</u>

DOWNTOWN DEVELOPMENT AUTHORITY

County of Oakland, State of Michigan



\$5,600,000

Michigan Transportation Fund Bonds (Rochester Road)

Schedule of Principal and Interest Requirements
On a Fiscal Year Basis

Fiscal Year Beginning July 1	Interest Due November 1	Interest Rate	Principal Due May1, Next	Interest Due May 1, Next	Total
2000	\$ 205,343.70	- %	\$ 1,100,000	\$ 136,893.75	\$ 1,442,237.45
2001	110,768.75	4.750%	1,200,000	110,768.75	1,421,537.50
2002	82,268.75	4.750%	1,300,000	82,268.75	1,464,537.50
2003	51,718.75	4.700%	125,000	51,718.75	228,437.50
2004	48,718.75	4.800%	150,000	48,718.75	247,437.50
2005	45,043.75	4.900%	175,000	45,043.75	265,087.50
2006	40,668.75	5.000%	175,000	40,668.75	256,337.50
2007	36,293.75	5.000%	175,000	36,293.75	247,587.50
2008	31,918.75	5.000%	175,000	31,918.75	238,837.50
2009	27,456.25	5.100%	175,000	27,456.25	229,912.50
2010	22,950.00	5.150%	175,000	22,950.00	220,900.00
2011	18,356.25	5.250%	200,000	18,356.25	236,712.50
2012	13,006.25	5.350%	225,000	13,006.25	251,012.50
2013	6,875.00	5.450%	250,000	6,875.00	263,750.00
	\$ 741,387.45		\$ 5,600,000	\$ 672,937.50	\$ 7,014,324.95

Registrar/Transfer Agent – Old Kent Bank, Grand Rapids, Michigan

*Dated date, February 1, 2000, first interest payment due
November 1, 2000 – 9 months.

DOWNTOWN DEVELOPMENT AUTHORITY

County of Oakland, State of Michigan



\$9,700,000

Community Center Facilities Bonds, Series 2002

Schedule of Principal and Interest Requirements On a Fiscal Year Basis

Fiscal Year Beginning July 1	Principal Due November 1	Interest Rate	Interest Due November 1	Interest Due May 1, Next	Total Principal & Interest Requirements
2002	\$ -	- %	\$ -	\$ 236,433.33	\$ 236,433.33
2003	400,000.00	5.000%	177,325.00	167,325.00	744,650.00
2004	425,000.00	3.000%	167,325.00	160,950.00	753,275.00
2005	425,000.00	2.050%	160,950.00	156,593.75	742,543.75
2006	500,000.00	2.400%	156,593.75	150,593.75	807,187.50
2007	500,000.00	2.700%	150,593.75	143,843.75	794,437.50
2008	550,000.00	3.000%	143,843.75	135,593.75	829,437.50
2009	575,000.00	3.250%	135,593.75	126,250.00	836,843.75
2010	600,000.00	3.500%	126,250.00	115,750.00	842,000.00
2011	600,000.00	3.600%	115,750.00	104,950.00	820,700.00
2012	625,000.00	3.700%	104,950.00	93,387.50	823,337.50
2013	650,000.00	3.800%	93,387.50	81,037.50	824,425.00
2014	700,000.00	4.000%	81,037.50	67,037.50	848,075.00
2015	725,000.00	4.100%	67,037.50	52,175.00	844,212.50
2016	775,000.00	4.200%	52,175.00	35,900.00	863,075.00
2017	800,000.00	4.300%	35,900.00	18,700.00	854,600.00
2018	850,000.00	4.400%	18,700.00	0.00	868,700.00
	<u>\$ 9,700,000.00</u>		<u>\$ 1,787,412.50</u>	<u>\$ 1,846,520.83</u>	<u>\$ 13,333,933.33</u>

Registrar/Transfer Agent – Fifth Third Bank, Michigan, Grand Rapids, Michigan

DOWNTOWN DEVELOPMENT AUTHORITY

County of Oakland, State of Michigan



\$4,025,000

Community Center Facilities Junior Lien Bonds, Series 2003

Schedule of Principal and Interest Requirements
On a Fiscal Year Basis

Fiscal Year Beginning July 1	Principal Due November 1	Interest Rate	Interest Due November 1	Interest Due May 1, Next	Total Principal & Interest Requirements
2003	\$ -	0.000%	\$ *59,984.38	\$ 71,981.25	\$ 131,965.63
2004	75,000.00	2.500%	71,981.25	71,043.75	218,025.00
2005	100,000.00	2.500%	71,043.75	69,793.75	240,837.50
2006	100,000.00	2.500%	69,793.75	68,543.75	238,337.50
2007	125,000.00	2.500%	68,543.75	66,981.25	260,525.00
2008	150,000.00	2.500%	66,981.25	65,106.25	282,087.50
2009	200,000.00	3.000%	65,106.25	62,106.25	327,212.50
2010	200,000.00	3.000%	62,106.25	59,106.25	321,212.50
2011	250,000.00	3.150%	59,106.25	55,168.75	364,275.00
2012	300,000.00	3.300%	55,168.75	50,218.75	405,387.50
2013	325,000.00	3.450%	50,218.75	44,612.50	419,831.25
2014	350,000.00	3.600%	44,612.50	38,312.50	432,925.00
2015	400,000.00	3.750%	38,312.50	30,812.50	469,125.00
2016	450,000.00	4.250%	30,812.50	21,250.00	502,062.50
2017	500,000.00	4.250%	21,250.00	10,625.00	531,875.00
2018	500,000.00	4.250%	10,625.00	0.00	510,625.00
	<u>\$ 4,025,000.00</u>		<u>\$ 845,646.88</u>	<u>\$ 785,662.50</u>	<u>\$ 5,656,309.38</u>

Registrar/Transfer Agent – Fifth Third Bank, Michigan, Grand Rapids, Michigan

*Dated date, June 1, 2003, first interest payment due November 1, 2003 – 5 months.

DOWNTOWN DEVELOPMENT AUTHORITY

County of Oakland, State of Michigan



Table 1
Downtown Development Authority Bonds

Schedule of Projected Taxable Values
(Actual through 2006)

Year	Total Real	Total Personal	Total Real & Personal	Initial Assessed Value	Captured Taxable Value
1993	342,342,400	86,936,130	429,278,530	429,278,530	-
1994	338,797,800	111,884,290	450,682,090	429,278,530	21,403,560
1995	334,906,240	147,415,050	482,321,290	429,278,530	53,042,760
1996	366,197,830	147,053,960	513,251,790	429,278,530	83,973,260
1997	391,782,920	191,001,470	582,784,390	429,278,530	153,505,860
1998	430,125,100	203,992,040	634,117,140	429,278,530	204,838,610
1999	432,998,790	220,783,831	653,782,621	429,278,530	224,504,091
2000	469,734,570	207,816,270	677,550,840	429,278,530	248,272,310
2001	493,426,640	193,834,470	687,261,110	429,278,530	257,982,580
2002	520,281,770	180,011,200	700,292,970	429,278,530	271,014,440
2003	524,793,130	162,817,310	687,610,440	429,278,530	258,331,910
2004	522,118,430	134,324,830	656,443,260	429,278,530	227,164,730
2005	531,379,920	133,550,880	664,930,800	429,278,530	235,652,270
2006	538,571,100	125,550,460	664,121,560	429,278,530	234,843,030
2007	550,649,667	121,783,946	672,433,613	429,278,530	243,155,083
2008	575,409,412	118,130,428	693,539,840	429,278,530	264,261,130
2009	604,540,553	114,586,515	719,127,068	429,278,530	289,848,538
2010	613,608,661	111,148,920	724,757,581	429,278,530	295,479,051
2011	622,812,791	107,814,452	730,627,243	429,278,530	301,348,713
2012	632,154,983	104,580,018	736,735,001	429,278,530	307,456,471
2013	641,637,308	101,442,618	743,079,926	429,278,530	313,801,396
2014	651,261,867	98,399,339	749,661,207	429,278,530	320,382,677
2015	661,030,795	95,447,359	756,478,155	429,278,530	327,199,625
2016	670,946,257	92,583,938	763,530,196	429,278,530	334,251,666
2017	681,010,451	89,806,420	770,816,871	429,278,530	341,538,341
2018	691,225,608	87,112,228	778,337,836	429,278,530	349,059,306

2006 and beyond has a 1.5% increase in Real, and a 3% decrease in Personal Property
Assumes phasing in of the Monarch Project in 2007.

DOWNTOWN DEVELOPMENT AUTHORITY

County of Oakland, State of Michigan



Table 2
Downtown Development Authority Bonds
***(Actual through 2006)**

Schedule of Impact on Taxing Jurisdictions

Year	Projected SEV (TV after 1994) in District	Initial Assessed Value	Captured SEV (TV after 1994) in District	Oakland Community College 1.5800	County Of Oakland 4.6500	City of Troy (9.48 <2002) 9.4500	Total Annual Capture
1993	*429,278,530	*429,278,530	*-	\$ -	\$ -	\$ -	\$ -
1994	*450,682,090	*429,278,530	*21,403,560	34,246	99,527	202,906	336,678
1995	*482,321,290	*429,278,530	*53,042,760	84,868	246,649	502,845	834,362
1996	*513,251,790	*429,278,530	*83,973,260	134,357	390,476	796,067	1,320,899
1997	*582,784,390	*429,278,530	*153,505,860	245,609	713,802	1,455,236	2,414,647
1998	*634,117,140	*429,278,530	*204,838,610	327,742	952,500	1,941,870	3,222,112
1999	*653,782,621	*429,278,530	*224,504,091	359,207	1,043,944	2,128,299	3,531,450
2000	*677,550,840	*429,278,530	*248,272,310	397,236	1,154,466	2,353,621	3,905,342
2001	*687,261,110	*429,278,530	*257,982,580	412,772	1,199,619	2,445,675	4,058,066
2002	*700,292,970	*429,278,530	*271,014,440	433,623	1,260,217	2,561,086	4,254,927
2003	*687,610,440	*429,278,530	*258,331,910	413,331	1,201,243	2,441,237	4,055,811
2004	*656,443,260	*429,278,530	*227,167,730	363,464	1,056,316	2,146,707	3,566,487
2005	*664,930,800	*429,278,530	*235,652,270	372,331	1,095,783	2,226,914	3,695,028
2006	*664,121,560	*429,278,530	*234,843,030	371,052	1,092,020	2,219,267	3,682,339
2007	672,433,613	*429,278,530	243,155,083	384,185	1,130,671	2,297,816	3,812,672
2008	693,539,840	*429,278,530	264,261,310	417,533	1,228,815	2,497,269	4,143,617
2009	719,127,068	*429,278,530	289,848,538	457,961	1,347,796	2,739,069	4,544,825
2010	724,757,581	*429,278,530	295,479,051	466,857	1,373,978	2,792,277	4,633,112
2011	730,627,243	*429,278,530	301,348,713	476,131	1,401,272	2,847,745	4,725,148
2012	736,735,001	*429,278,530	307,456,471	485,781	1,429,673	2,905,464	4,820,917
2013	743,079,926	*429,278,530	313,801,396	495,806	1,459,176	2,965,423	4,920,406
2014	749,661,207	*429,278,530	320,382,677	506,205	1,489,779	3,027,616	5,023,600
2015	756,478,155	*429,278,530	327,199,625	516,975	1,521,478	3,092,036	5,130,490
2016	763,530,196	*429,278,530	334,251,666	528,118	1,554,270	3,158,678	5,241,066
2017	770,816,871	*429,278,530	341,538,341	539,631	1,588,153	3,227,537	5,355,321
2018	778,337,836	*429,278,530	349,059,306	551,514	1,623,126	3,298,610	5,473,250
				\$ 9,776,533	\$ 28,654,749	\$ 58,271,270	\$ 96,702,552

2006 and beyond has a 1.5% increase in a real and a 3% decrease in Personal Property. Assumes phasing in of the Monarch Project in 2007.

DOWNTOWN DEVELOPMENT AUTHORITY

County of Oakland, State of Michigan

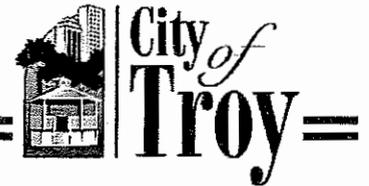


Annual Debt Requirements

Year Ending June 30	Refunding Bonds 2001	Big Beaver Phase 2&3	MTF Bonds Roch. Rd.	Comm. Center 2002	Comm. Center Jr. Lien 2003	Amount of Annual Interest	Total
2007	\$ 410,000	\$ 640,000	\$ 175,000	\$ 500,000	\$ 100,000	\$ 1,452,050	\$ 3,277,050
2008	430,000	670,000	175,000	500,000	125,000	1,379,487	3,279,487
2009	450,000	700,000	175,000	550,000	150,000	1,306,724	3,331,724
2010	470,000	730,000	175,000	575,000	200,000	1,221,754	3,371,754
2011	495,000	770,000	175,000	600,000	200,000	1,125,274	3,365,274
2012	560,000	805,000	200,000	600,000	250,000	1,026,192	3,441,192
2013	590,000	850,000	225,000	625,000	300,000	914,614	3,504,614
2014	620,000	895,000	250,000	650,000	325,000	786,621	3,526,621
2015	655,000	945,000	-	700,000	350,000	648,953	3,298,953
2016	690,000	1,000,000	-	725,000	400,000	515,814	3,330,814
2017	725,000	1,055,000	-	775,000	450,000	376,638	3,381,638
2018	765,000	1,110,000	-	800,000	500,000	231,600	3,406,600
2019	800,000	1,165,000	-	850,000	500,000	78,450	3,393,450
	\$ 7,660,000	\$ 11,335,000	\$ 1,550,000	\$ 8,450,000	\$ 3,850,000	\$ 11,064,171	\$ 43,909,171

DOWNTOWN DEVELOPMENT AUTHORITY

County of Oakland, State of Michigan



Five -Year Budget Projection April 3, 2006

	2007 - 08	2008 - 09	2009 - 10	2010 - 11	2011 - 12
Revenue					
Property Taxes	\$ 3,812,700	\$ 4,143,600	\$ 4,544,800	\$ 4,633,100	\$ 4,725,100
Investment Income	300,000	300,000	300,000	300,000	300,000
Total	\$ 4,122,700	\$ 4,443,600	\$ 4,844,800	\$ 4,933,100	\$ 5,025,100
Expenditures					
Operating Expenses	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000
Street Island Maintenance	405,000	417,000	430,000	442,000	455,000
Debt Service					
Big Beaver Phase 2 & 3	1,193,000	1,195,000	1,192,000	1,195,000	1,193,000
MTF Rochester Road	248,000	240,000	231,000	222,000	237,000
Refund Series 'A'	785,000	788,000	787,000	788,000	828,000
Community Center	1,055,000	1,112,000	1,165,000	1,164,000	1,186,000
Total - Debt Service	3,281,000	3,335,000	3,375,000	3,369,000	3,444,000
Available for Projects	326,700	591,600	939,800	1,022,100	1,026,100
Total - Expenditures	\$ 4,112,700	\$ 4,443,600	\$ 4,844,800	\$ 4,933,100	\$ 5,025,100
Captured TV	243,155,083	264,261,310	289,848,538	295,479,051	301,348,713
Captured Tax Rate	\$ 15.68	\$ 15.68	\$ 15.68	\$ 15.68	\$ 15.68
Estimated Fund Balance	\$ 8,552,000	\$ 8,552,000	\$ 8,552,000	\$ 8,552,000	\$ 8,552,000
Debt Service in Relation To Property Taxes	86.1	80.5	74.3	72.7	72.9

TO: The Honorable Mayor and City Council
 FROM: John M. Lamerato, Acting City Manager
 DATE: May 9, 2005
 RE: Amendment to Chapter 20 of the City Code (Water and Sewer Rates)

Please find attached an amendment to Chapter 20 of the City Code reflecting the Water and Sewer Rate adjustment discussed during the 2006-07 budget study sessions.

Due to the increased charges by the City of Detroit and the necessity to have sufficient funds to operate and maintain our system the following Water and Sewer Rates are recommended for City of Troy water bills rendered after July 1, 2006.

	<u>Current 2005-06 Rates</u>	<u>Proposed 2006-07 Rates</u>	<u>Adjustment</u>
Water	\$22.84	\$23.40	\$.56
Sewer	<u>15.00</u>	<u>17.45</u>	<u>\$2.45</u>
	<u>\$37.84</u>	<u>\$40.85</u>	<u>\$3.01</u>

The average water bill for a family of four will increase by approximately \$11.74 per quarter.

CHAPTER 20 WATER AND SEWER RATES

1. Definitions. Unless the context specifically indicates otherwise, the following definitions shall apply in the interpretation of this Chapter.

(1) "Premises" shall mean each lot, parcel of land, or building having a connection to the Water Supply System or the Sewer System of the City, or is eligible for such a connection.

(2) "Department" shall mean the City Division of Water and Sewer.

(3) "Director" shall mean the Director of Public Works.

(Rev. 02-26-73)

2. Water Benefit Fee. Whenever any person shall seek a connection to a water main, as defined in Chapter 18 of this Code, he shall pay a benefit fee representing the cost of constructing such water main, except in those cases where the cost of construction has been financed by special assessment assessed to said premises or where construction has been financed by agreement with the City and paid for by the owner of the subject property. The City Council shall from time to time by resolution determine the cost to be borne by any premises which will benefit by a connection thereto.

No permit for any connection to any water main shall be granted until the owner of the premises shall pay or agree to pay the benefit fee attributed to such property.

(Rev. 09-25-78)

3. Water Improvement Fund Fee. Anyone seeking to make a connection to any public water main within the City shall first obtain a permit to make such connection from the Department. Prior to issuance of said permit the applicant must pay a Water Improvement Fund Fee representing the cost of construction of that portion of the City-wide water system attributable to the proportionate benefit to be received by the applicant's property.

(Rev. 02-04-80)

3.01 Computation of Water Improvement Fund Fee. The Water Improvement Fund Fee shall be based on a unit factor system wherein each single-family residence shall be classified as one unit.

Other occupational uses shall be charged on multiples of units as may be determined by resolution of the City Council from time to time. Said units and multiples thereof will be established and computed on the same basis as for the Sanitary Trunk and Interceptor Connection Fee contained further in this Chapter and the number of units charged to a premise shall be the same for both water and sanitary sewer.

The Water Improvement Fund Fee shall be in the amount of \$700.00 per unit, less any credit determined under Section 3.02 hereof.

(Rev. 01-01-82)

3.02 Credit on Water Improvement Fund Fee. In the case of any premises which have been subject to special assessment for construction of a water main, a credit shall be allowed on the water improvement fund fee for the amount of such special assessment levied for indirect availability of

Chapter 20 - Water and Sewer Rates

water service. The amount of a special assessment for indirect availability of water service shall be that amount in excess of the amount of that assessment attributable to direct benefit received by the parcel originally assessed for immediate availability of water service. The assessor shall prepare and submit to the Council for approval, by resolution, a schedule showing the amount of all such assessments for indirect availability of water service presently existing and the parcels affected thereby. Each premise shall receive a credit for its pro-rata share of the assessment as shown by said schedule. No such credit shall exceed one hundred (100%) percent of the water improvement fund fee for any premises. No such credit shall be given for any premises connection to the water supply system after July 1, 1993.

(Rev. 09-25-78)

4. Water Connection Fee. A Water Connection Fee will be charged to each premise where the City provides labor, equipment or materials to make a connection to the water main and/or to furnish or install a water meter. Such fees shall not be less than the cost of the materials, installation and overhead attributable to the particular service.

The City Council will establish, by resolution, such fees in accordance with the size of service and/or meter to be furnished. The Water Connection Fee shall be paid or the applicant shall make an agreement to pay the Fee prior to issuance of a connection permit by the City.

(Rev. 09-25-78)

5. Basis of Charges. All water service shall be charged for on the basis of water consumed, as determined by the meter installed by the Department in the premises of water or sewage disposal service customers. No free water service or sewage disposal service shall be furnished to any person.

(Rev. 02-26-73)

- 5.01 Water Rates. Charges for water service to each premises within the City connected with the water supply system, for each quarterly (3 month) period, shall be ~~\$22.84~~ \$23.40 per 1,000 cubic feet. Minimum quarterly bills shall be ~~\$18.50~~ \$18.95.

Private fire service lines shall be billed at a rate equal to four (4) times the minimum water bill.

Charges for water service to premises outside the City shall be 150% of those for water service within the City.

(Rev. 05-16-05)

Private fire service lines shall be billed at a rate equal to four (4) times the minimum water bill.

Charges for water service to premises outside the City shall be 150% of those for water service within the City.

(Rev. 05-13-02)

Chapter 20 - Water and Sewer Rates

5.02 Sewer Rates

- A. Charges for sewage disposal, operation and maintenance service shall be levied upon all premises having any sewer connection with the public sewers.

Those premises using metered water shall pay ~~\$15.00~~ \$17.45 dollars per 1,000 cubic foot of water consumption for sewage disposal and maintenance charges.

(Rev. 05-10-04)

Where there is no water meter the sewage disposal and maintenance charges shall be ~~\$75.00~~ \$87.25.

(Rev. 05-10-04)

Water lines used solely for fire protection shall be exempt from sewage disposal and maintenance charges.

(Rev. 05-13-02)

- B. 1. Rates and charges established are based upon methodology which complies with applicable EPA regulations.
2. Users of the system must be individually notified annually of costs for operation, maintenance, replacement and debt service.
- C. A ready to serve charge shall be levied on each quarterly bill in the amount of ~~\$12.15~~ \$14.13 dollars less any amount for current consumption up to the maximum of the ready to serve charge.

(Rev. 05-10-04)

- 5.03 Service to City. The City shall pay the same water and sewer rates for service to it as would be payable by a private customer for the same service, except that for water furnished through fire hydrants and for the availability of such water, the City will pay the total sum of ~~\$130,000.00~~ \$134,000.00 per year, which charge is hereby determined to be the reasonable cost and value of such service. All such charges for service shall be payable quarterly from the current funds of the City, or from the proceeds of taxes.

(Rev. 05-16-05)

- 5.04 Billing. Charges for all water service and sewage disposal service shall be billed and collected quarterly by the City Treasurer. Water bills rendered shall be immediately due and payable and may be paid without penalty up to and including the fifteenth day of the month when rendered, and shall thereafter be subject to a ten (10%) per cent penalty. Bills shall be sent to "Occupant" at the metered address, unless other arrangements are made by the owner.

(Rev. 02-04-80)

6. Collection. The Director is hereby authorized to enforce the payment of charges for water service to any premises by discontinuing the water service to such premises and the payment of charges for sewage disposal service to any premises may be enforced by discontinuing either the water service or the sewage disposal service to such premises, or both, and an action of assumpsit may be instituted by the City against the customer. The charges for water service and sewage disposal service which, under the provisions of Act 94, Public Acts of 1933 of the State of Michigan, as amended, are made a lien on the premises to which furnished, are hereby recognized to constitute such lien; and the City Treasurer shall, annually, on April 1, certify all unpaid charges for such services furnished to any premises which, on the 31st day of March preceding, have remained unpaid for a period of six (6) months, to the City Assessor who shall place the same on the next tax roll of the City. Such charges so assessed shall be collected in the same manner as general City Taxes. In cases where the City is properly notified in accordance with said Act 94 of 1933, that a tenant is responsible for water or sewage disposal service charges, no such service shall be commenced or continued to such premises until there has been deposited with the City Treasurer, a sum sufficient to cover three (3) times the average quarterly bill for such premises as estimated by the Director. Where the water service to any premises is turned off to enforce the payment of water service charges or sewage disposal service charges, the water service shall not be resumed until all delinquent charges have been paid and a deposit as in the case of tenants is made, and there shall be a water turn-on charge of Twenty-Five (\$25.00) Dollars. In any other case where, in the discretion of the City Treasurer, the collection of charges for water or sewage disposal service may be difficult or uncertain, he may require a similar deposit. Such deposits may be applied against any delinquent water or sewage disposal service charges and the application thereof shall not affect the right of the Treasurer or Director to turn off the water service and/or sewer service, to any premises for any delinquency thereby satisfied. No such deposit shall bear interest and such deposit, or any remaining balance thereof, shall be returned to the customer making the same when he shall discontinue receiving water and sewage disposal service or, except as to tenants at to whom notice of responsibility for such charges has been filed with the City, when any eight (8) successive quarterly bills shall have been paid by said customer with no delinquency.

(Rev. 02-04-80)

7. Sanitary Trunk and Interceptor Connection Fee. Anyone seeking to make a connection to any sanitary sewer system within the City of Troy shall first obtain a permit to make such connection from the Building Department. Prior to issuance of said permit the applicant must pay to the City a Sanitary Trunk and Interceptor Connection Fee representing the cost of construction of that portion of the City-wide sewer system attributable to the proportionate benefit to be received by the applicant's property.

(Rev. 02-26-73)

7.01 Computation. The Sanitary Trunk and Interceptor Connection Fee shall be based on a unit factor system of computation wherein each single-family residence shall be classified as one unit. Other occupational uses shall be charged on multiples of units as may be determined by resolution of the City Council from time to time. The Sanitary Trunk and Interceptor Connection Fee shall be in the amount of \$200.00 per unit.

(Rev. 01-01-82)

8. Sewer Benefit Fee. Whenever any person shall seek a connection to a public sewer, as defined in Chapter 19 of this Code, he shall pay a sewer benefit fee in lieu of paying the cost of constructing such public sewer, except in those cases where the cost of construction has been financed by special assessments assessed to said premises, or by agreement and paid by the owner thereof. The City Engineer shall determine which properties shall be allowed or required to tap the public sewer based on sewer depth, distance from the public sewer, and other engineering and cost factors. The sewer benefit fee, representing the cost of construction of that portion of the City-wide sewer system attributable to the proportionate benefit to be received by the applicant's property, shall be determined by resolution of the City Council from time to time. No permit for any connection to any public sewer shall be granted until the owner of the premises shall pay or agree to pay the sewer benefit fee attributable to such property.

(Rev. 09-25-78)

9. Inspection Fee. An inspection charge of \$15.00 shall be included in the cost of a water connection permit for all single family residences: Other inspection fees shall be based on estimates of actual cost to the City for labor, materials and contingencies and shall be computed by the Chief Building Inspector for Sewer and the Superintendent of Public Services for Water.

(Rev. 02-04-80)

10. Payment of Fees. The Sanitary Trunk and Interceptor Connection Fee, the Sewer Benefit Fee and Sewer Permit Fee (collectively in this Section called "Sewer Fees") and/or the Water Improvement Fund Fee, Water Benefit Fee, and the Water Connection Fee (collectively in this Section called "Water Fees") shall be paid as follows:

(Rev. 02-26-73)

- 10.01 Cash payments shall be made for all Sewer Fees payable for new buildings constructed in areas where public sewers, as defined in Chapter 19 of this Code, are available, or construction of same has been approved by the City Council. No building permit shall be issued for construction of a new building until all Sewer Fees have been paid and the sewer permit has been obtained.

The above regulation is also applicable to building permits for additions to existing structures other than single-family residences. Cash payment for Sewer Fees shall be made for that portion of the structure to be added, while extended payment arrangements as hereinafter provided may be made for that portion of the structure existing prior to the availability of sewer. Regardless of the method of payment chosen by the owner, sewer permits for the entire structure must be obtained prior to issuance of building permits for such additions.

(Rev. 09-25-78)

10.02 Cash payments shall be made for all Water Fees payable for new buildings constructed in areas where public Water Mains, as defined in Chapter 18 of this Code, are available, or construction of same has been approved by the City Council, and where the Water Main is to be used for such new building. When the Water Main is to be used to serve such new building, no building permit shall be issued for construction until all Water Fees have been paid and a water permit has been issued.

The above regulation is also applicable to building permits for additions to existing structures other than single family residences and where the Water Main is in use or shown to be used by the addition. Cash payment for Water Fees shall be made for that portion of the structure to be added, while extended payment as hereinafter provided may be made for that portion of the structure existing prior to the availability of water. Regardless of the method of payment chosen by the owner, when the Water Main is to be used, water permits for the entire structure must be obtained prior to issuance of building permits for such additions.

(Rev. 09-25-78)

10.03 Sewer fees and/or water fees for buildings existing in areas where sewers or water taps were not available may be paid for at the time of permit issuance, or, at the option of the owner, may be paid in equal installments, including interest at 6% per annum on the unpaid balance for a period not to exceed 40 years; one installment shall be billed with each bill for water or sewer service.

Additional principal payments may be made with any installment.

(Rev. 01-20-75)

11. Service Leads. When a sewer lead has not been provided to make an authorized connection to an available sewer, it shall be the responsibility of the benefiting property to provide same.

(Rev. 06-09-86)

12. Unauthorized Connections. In the event any connection is made to the City Sewer system without a permit having been obtained from the City Building Department for such connection, a charge of double the current Interceptor Connection Fee will be charged to the owners of the property so connected and will be collected in the same manner prescribed by the Charter for the collection of unpaid City taxes.

(Rev. 12-03-79)

13. Additional Charges. Those premises assigned sewage disposal charges for industrial cost recovery and/or high strength surcharges as required by Federal Law, shall make payment for said charges as herein provided for water and sewage disposal services.

(Rev. 02-04-80)

14. Definitions:

- (a) Industrial User: shall mean a source of discharge under regulations issued pursuant to the Federal Water Pollution Control Act, 33 U.S.C. 1342, which source originates from, but is not limited to, facilities engaged in industry, manufacturing, business, trade or research, including the development, recovery or processing of natural resources.
- (b) Commercial User: shall mean all non-domestic sources of indirect discharge, other than industrial users, as defined herein including but not limited to the following: A publicly or privately owned facility where persons are engaged in the exchange or sale of goods or services, hospitals, retail establishments and facilities operated by state governments.
- (c) Residential User: shall include schools, churches, municipal buildings and structures designed for habitation. Structures designed for habitation shall include but not be limited to single-family homes, apartment buildings, condominiums, town houses and mobile homes.
- (d) Non-residential User: shall mean any user other than an industrial user, a commercial user or a residential user.

15. High Strength Surcharge: A high strength surcharge shall be levied against all industrial and commercial users, with the exception of restaurants, which users contribute sewage to the system with pollutant concentration levels exceeding the following:

- (A) 275 milligrams per liter (mg/l) of Biochemical Oxygen Demand (BOD)
- (B) 350 milligrams per liter (mg/l) of Total Suspended Solids (TSS)
- (C) 12 milligrams per liter (mg/l) of Phosphorus (P)
- (D) 100 milligrams per liter (mg/l) of Fats, Oils and Grease (FOG)

(Rev. 04-22-85)

16. Non-residential Flow Surcharge: The City of Troy shall pay a quarterly non-residential surcharge as established from time to time by the County of Oakland, State of Michigan, or its authorized representative, the Detroit Water and Sewer Department, and adopted by Resolution of the Troy City Council. The non-residential surcharge shall be based on the total number and size of water meters used by non-residential users of the system. Where metered water is not available, the Assigned Water Meter size shall be reported by the City in accordance with the following schedule:

Units Assigned in Accordance
 With the Current Oakland County
 Department of Public Works
 Schedule of Unit Assignment
Factors

Assigned Water
Meter Size

1 - 4	5/8" and 3/4"
5 - 10	1"
11 - 20	1-1/2"
21 - 32	2"
33 - 64	3"
65 - 100	4"
101 - 200	6"

The City shall report quarterly the total number and size of water meters used by non-residential users or alternatively, the Assigned Water Meter size pursuant to the above schedule.

17. Sanitary Wastewater Disposal Charge: The City of Troy shall pay a sanitary wastewater disposal charge. This charge shall be based on readings of the master water meters serving the Southeastern Oakland County Communities.

From these meter readings the water consumption of each municipality shall be determined. Water consumption shall be the basis for sanitary wastewater disposal charges using the formula of rate per 1,000 cubic feet, said rate as established from time to time by the Oakland County Drain Commissioner, and adopted by Resolution of the Troy City Council. If the City has individual sewer customers with metered sewage, the City shall report within 15 days following the end of each calendar quarter the total metered sewage in the City, in lieu of water consumption. Based on the quarterly report, each community shall pay a charge per 1,000 cubic feet of metered sewage, as established from time to time by Oakland County or the Detroit Water and Sewer Department, and adopted by Resolution of the Troy City Council. The rate for sewage disposal based on the metered sewage method shall be 110% of the rate established for the master meter water method.

18. Storm Water Disposal Charge:

- (1) Evergreen-Farmington Sewage Disposal System: The City shall pay a charge for disposal of storm water in proportion to the area in the City served by combined sewers in the Evergreen-Farmington Sewage Disposal System and by the recorded duration of the spill at the Acacia and Bloomfield Regulators. Said charge will be as established from time to time by Oakland County or the Detroit Water and Sewer Department, and acknowledged by Resolution of the Troy City Council.

- (2) Southeastern Oakland County Sewage Disposal System S.O.C.S.D.S.: The entire flow from the S.O.C.S.D.S. enters the Detroit treatment plant through the Dequindre Interceptor, which contains a master meter. The metered flow is reduced by the amount of water consumption for the system. This reduced flow shall be multiplied by a land use factor to determine the City's share of the flow. Storm water disposal charges shall be determined by using a formula of rate per 1,000 cubic feet, as established from time to time by the Oakland County Drain Commissioner, and acknowledged by Resolution of the Troy City Council.

(Rev. 04-22-85)

DATE: May 9, 2006

TO: John M. Lamerato, Acting 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, Renewal
6881 Westaway

On May 16, 2005, City Council approved an appeal for one year for the outdoor storage of a commercial vehicle on the residential property at 6881 Westaway. That approval will soon expire. We have contacted the owner and he was given the option to remove the vehicle or appeal to City Council for renewal of the relief of the Ordinance.

In response to our contact, Mr. Ermie 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 June 5, 2006.

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

Prepared by: Mark Stimac, Director of Building and Zoning

COMMERCIAL VEHICLE
APPEAL APPLICATION

RECEIVED
MAY 03 2006
RECEIVED
BUILDING DEPT. APR 21 2006
BUILDING DEPT.

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

NAME: ADRIAN EREMIE

ADDRESS: 6881 WESTAWAY 548-6099

CITY: Troy MI. ZIP: 48065 PHONE: (313) 598-6089

ADDRESS OF SITE: 6881 WESTAWAY.

NUMBER OF VEHICLES: 1

VEHICLE IDENTIFICATION NUMBER(S)

LICENSE PLATE NUMBER(S) 4087 MS

DESCRIPTION OF VEHICLE(S) 3500 CHEVY STAKE TRUCK

REASON FOR APPEAL (see A - D below) C & D

APPLICANT INFORMATION
Name: _____
Address: _____
City: _____
State: _____
Zip: _____

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..

Adrian Enrie
(signature of applicant)

STATE OF MICHIGAN
COUNTY OF Oakland

On this 3rd day of May, 2006 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.

Patricia Kapolka Oakland
Notary Public, County, Michigan

PATRICIA KAPOLKA
Notary Public, State of Michigan, County of Oakland
My Commission Expires July 5, 2012
Acting in the County of Oakland

My Commission Expires: 7-5-2012

GEORGE JEROME & C

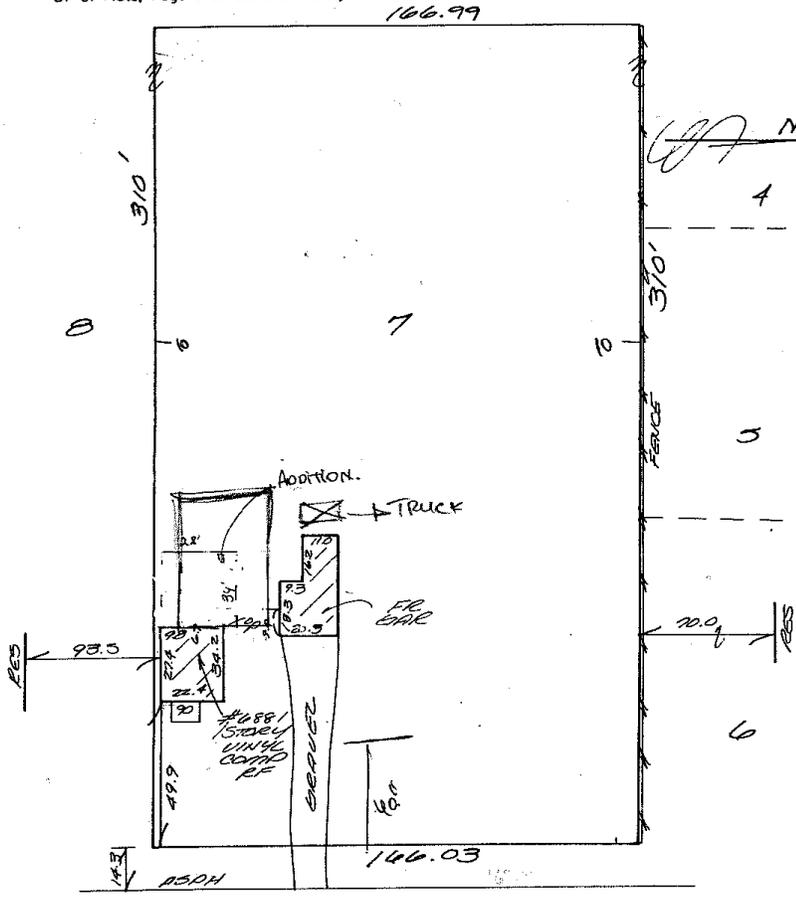


MORTGAGE REPORT for:

ST. JAMES MORTGAGE

CONSULTING MUNICIPAL & CIVIL ENGINEERS • SURVEYORS • 28304 HAYES • ROSEVILLE, MI 48066 • (586)774-3000
LEGAL DESCRIPTION OF PROPERTY (AS FURNISHED BY CLIENT)

Lot 7, "BASSETT & SMITH FLOWING SPRING ACRES", a subdivision of part of the N. 1/2 of Section 3, T.2 N., R.11 E., Troy Township (now City of Troy), Oakland County, Michigan. Recorded in Liber 37 of Plats, Page 9 of Oakland County Records.



WESTAWAY AVE. 50' W.O.

CERTIFICATE: We hereby certify to: ST. JAMES MORTGAGE
mortgagee that we have surveyed the above-described property in accordance with the description furnished and confirmed to be correct by mortgagee or mortgagee's title company for the purpose of a new mortgage loan to be made by, ADRIAN EREANE

mortgagor, and that the buildings located thereon do not encroach on the adjoining property, nor do the buildings on the adjoining property encroach upon the property heretofore described, except as shown; and that we examined the Flood Hazard Boundary Maps (Community I.D. NO. 260180 0002D Effective Date JANUARY 16, 1987) prepared in accordance with the National Flood Insurance Program of 1968 as revised and that the property as shown above, description furnished by you, is located INSIDE ZONE C of a designated flood area as shown on said map. The location of fences, driveways, other buildings, and non-permanent structures shown are only approximate. Any easements shown are either recorded in the subdivision plat or appear in the instrument referenced in the title policy, if both have been furnished to us. This survey does not locate or identify the existence or absence of utilities entering into or crossing above or below the property. This report is to be used for mortgage purposes only and not for the purpose of establishing property lines, nor for construction purposes. No property lines were established and no property corners were set. This is not an ALTA type survey. This cannot be used for future refinance purposes or transferred to any future property owner.

REVISED _____
DRAWN BY TZ
SCALE 1" = 40'

GEORGE G. JEROME
PROFESSIONAL LAND SURVEYOR
NO. 19837

DATED 02-18-03
JOB NO. 194249



Date: May 9, 2006

To: John M. Lamerato, Acting City Manager

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

Subject: Agenda Item – ANNOUNCEMENT OF PUBLIC HEARING (JUNE 5, 2006) – REZONING APPLICATION (Z 704) – Proposed Dunkin Donuts, South side of Vanderpool, West of Rochester Road and East of Ellenboro, Section 22 – R-1E to B-2

RECOMMENDATION

The rezoning application is compatible with surrounding land uses and zoning districts. Further, the request is consistent with the existing B-2 zoning located south of Vanderpool. The Planning Commission held a public hearing on this item on April 11, 2006 and recommended approval of the rezoning request. City Management agrees with the Planning Commission and recommends approval of the rezoning request.

RELATIONSHIP TO FUTURE LAND USE PLAN

The subject property is designated as non-center commercial on the Future Land Use Plan. Both the B-3 and H-S zoning districts correlate with the non-center commercial future land use designation. Most of the uses permitted in the proposed B-2 district are permitted in the B-3 district; however, the B-3 district includes a wider range of uses. Within the B-3 district, the front yard setback is 40 feet and the rear yard setback is 30 feet. The proposed B-2 district setbacks are greater; the front yard setback is 75 feet and the rear yard setback is 30 feet. Therefore, the potential land uses are less intensive within the proposed B-2 district and the building setbacks are greater, when compared to the future planned B-3 district.

The proposed rezoning would extend the existing western boundary of B-2 property to line up precisely with the abutting property to the south, which is also within the B-2 zoning district. This proposed B-2 boundary extends slightly further to the west than the B-3 district to the north and across Vanderpool. However, the depth of the proposed B-2 zoning towards the west is consistent with properties along the western side of the Rochester Road corridor, between Big Beaver and Wattles.

GENERAL INFORMATION

Name of Owner / Applicant:

The owners of the property are Glenn and Barbara Carter. The applicant is John Glasnak of Troy-Rochester Properties, LLC.

Location of Subject Property:

The property is located on the south side of Vanderpool, west of Rochester Road and east of Ellenboro, in Section 22.

Size of Subject Parcel:

The parcel is approximately 0.5 acres in area.

Parcel History:

The applicant submitted an application to rezone the subject parcel on May 16, 2005. The Planning Commission recommended approval of the rezoning request on June 14, 2005. City Council denied the request on August 1, 2005. The applicant modified the site plan by eliminating the entry drive on Vanderpool.

Current Use of Subject Property:

The subject parcel is a single family residence.

Current Zoning Classification:

R-1E One Family Residential.

Proposed Zoning of Subject Parcel:

B-2 Community Business.

Proposed Uses and Buildings on Subject Parcel:

The applicant is proposing to acquire three City-owned remnant parcels that abut the subject parcel to the east. The four parcels will be combined and developed as a Dunkin Donuts restaurant. Rezoning and combining these parcels creates a desirable commercial site. The applicant has provided a site plan that indicates all traffic will enter the site from Rochester Road. The site plan also proposes a 6-foot high screen wall on the western property line and significant landscaping on the east side of the wall.

The remnant parcels are Lot 42 and part of Lots 43 and 45 of Supervisor's Plat Number 17. The subject parcel is part of Lot 41 of Supervisor's Plat Number 17. The purchase of the remnant parcels will be approved upon the rezoning request being granted.

Current Use of Adjacent Parcels:

North: Single-family residential.
South: Troy Point Plaza (retail strip mall).
East: Vacant.
West: Single-family residential.

Zoning Classification of Adjacent Parcels:

North: R-1E One Family Residential and B-3 General Business.
South: B-2 Community Business.
East: B-2 Community Business.
West: R-1E One Family Residential.

ANALYSIS

Range of Uses Permitted in Proposed B-2 Zoning District and Potential Build-out Scenario:

PRINCIPAL USES PERMITTED:

Any retail business or service establishment permitted in B-1 Districts as Principal Uses Permitted and Uses Permitted Subject to Special Conditions,

Any retail business whose principal activity is the sale of merchandise in an enclosed building, except for those limited to or first permitted in the B-3 General Business District.

Any service establishment of a showroom or workshop nature, of an electrician, decorator, dressmaker, tailor, baker, painter, upholsterer; or an establishment doing radio or home appliance repair, photographic studios and reproduction and similar service establishments that require a retail adjunct.

Business establishments which perform services on the premises, such as but not limited to: banks, credit unions, savings and loan associations, loan companies, insurance offices, travel services, and real estate offices.

Private clubs, fraternal organization, and lodge halls.

Restaurants, or other places serving food or beverage, except those having the character of a drive-in or open front store.

Theaters, assembly halls, concert halls or similar places of assembly, when conducted completely within enclosed buildings.

Business schools and colleges or private schools operated for profit, not including nursery schools.

Other uses similar to the above uses.

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

USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

Drive-up Windows or Service Facilities, as Accessory to Principal Uses Within B-2 Districts, Apart from Restaurants

Outside seating areas, of twenty (20) seats or less, for restaurants or other food service establishments

USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL

Drive-Up Windows or Service Facilities, as an Accessory to Restaurants Permitted Within this District

Bowling alley, billiard hall, indoor archery range, indoor skating, rinks, indoor tennis courts, athletic or health clubs, or similar forms of indoor commercial recreation, when the subject uses are located at least 100 feet from any Residential District.

Open air business uses when developed as uses subordinate to primary uses and structures within the B-2 District as follows:

- A. Retail sales of plant material not grown on the site, and sales of lawn furniture, playground equipment and garden supplies.
- B. Recreational space providing shuffleboard, miniature golf, tennis, or similar outdoor recreation, when part of a planned development.
- C. Outdoor driver training and testing areas on or abutting the site of a driving school.

Outside seating areas, in excess of twenty (20) seats, for restaurants, or other food service establishments.

Facilities within a retail establishment for installation, in vehicles, of items sold at retail at that location.

Vehicular and Non-motorized Access:

The parcel fronts on Vanderpool.

Potential Storm Water and Utility Issues:

The applicant will have to provide on-site storm water detention and all other utilities.

Natural Features and Floodplains:

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

Compliance with Future Land Use Plan:

The parcel is classified on the Future Land Use Plan as Non-Center Commercial. The Non-Center Commercial designation has a Primary Correlation with the B-3 General Business Zoning District and a Secondary Correlation with the H-S Highway Service Zoning District. The Non-Center Commercial designation does not correlate with the B-2 Zoning District. However, the B-2 district is a commercial zone as is B-3, and the B-2 district is less intense in terms of potential uses than the B-3 district. Further, the request is an expansion of an existing B-2 zoning district. The Rochester Road frontage has been planned for Non-Center Commercial since 1965.

Compliance with Location Standards:

The B-2 Local Business Zoning District does not have Location Standards to apply to rezoning requests.

Attachments:

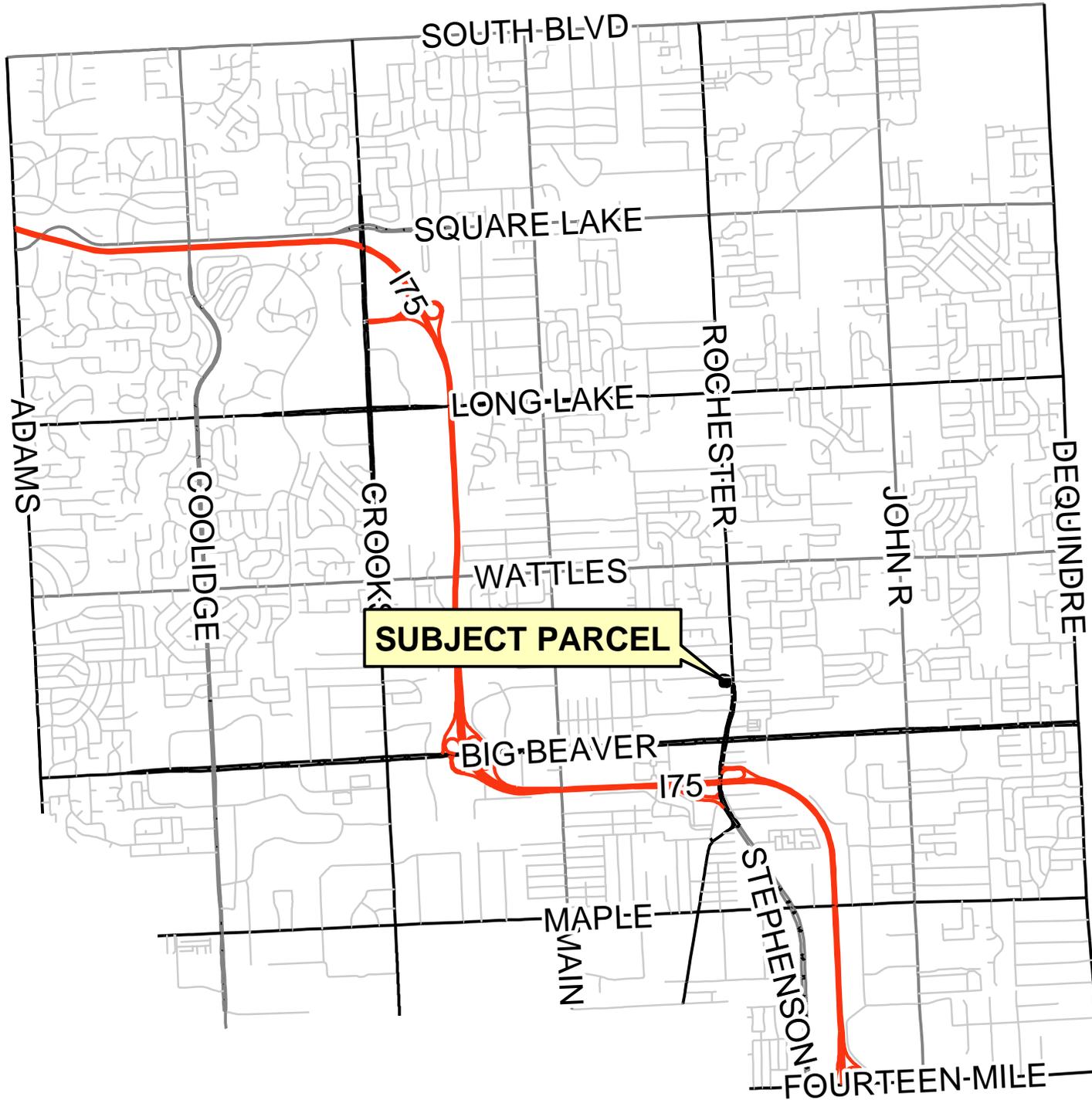
1. Maps.
2. Statement of Applicant.
3. Letters of opposition (3).

Prepared by RBS, MFM

cc: Applicant
File / Z 704

G:\REZONING REQUESTS\Z-704 DUNKIN DONUTS SEC 22\CC Report to Announce PH_05 15 06.doc

CITY OF TROY



REZONING REQUEST
PROPOSED DUNKIN DONUTS
FROM R-1E TO B-2
E SIDE OF ROCHESTER RD., N OF BIG BEAVER
SEC. 22 (Z-704 B)

WINthrop



SUBJECT PARCEL

VANDERPOOL

ROCHESTER

TORPEY

ROCHESTER

0 50 100 Feet

3

REZONING REQUEUST
PROPOSED DUNKIN DONUTS
FROM R-1E TO B-2
E SIDE OF ROCHESTER RD., N OF BIG BEAVER
SEC. 22 (Z-704 B)

(B-3) General
Business
District

VANDERPOOL

SUBJECT PARCEL

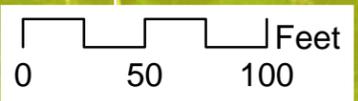
(R-1E) One Family
Residential District

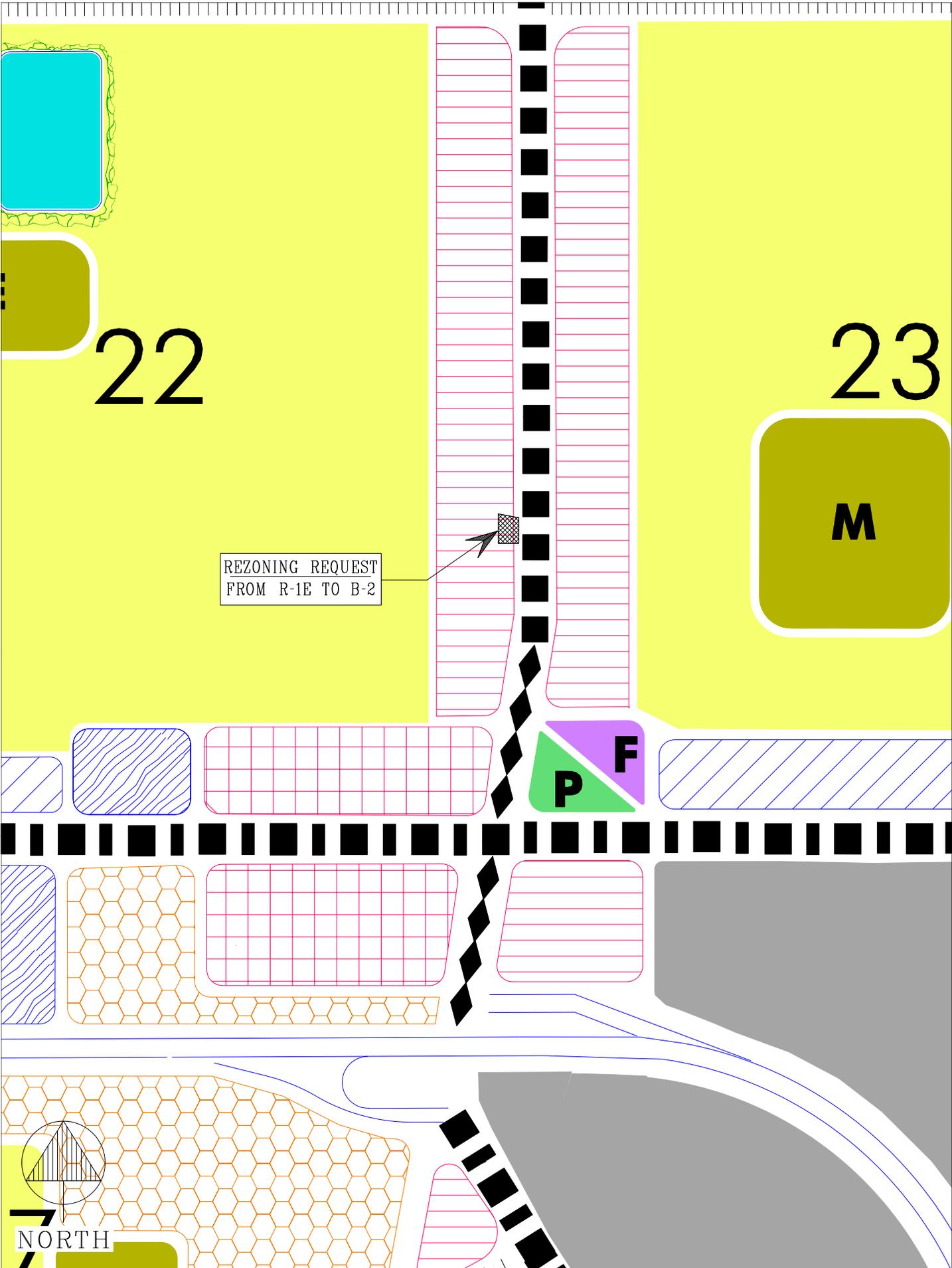
(B-2) Community
Business District

ROCHESTER

TORPEY

ROCHESTER





22

23

M

REZONING REQUEST
FROM R-1E TO B-2

F

P

7
NORTH

**ATTACHMENT TO
REZONING RQUEST
980 VADERPOOL, TROY, MICHIGAN**

STATEMENT OF APPLICANT

The applicant believes that the zoning change requested is necessary to make the adjacent parcel, which is owned by the City of Troy and which is proposed to be sold to applicant, a buildable parcel. By joining this parcel, as rezoned, with the City parcel, a much more desirable building site is achieved. The adjacent properties on Rochester Road consist of other retail developments, and the rezoning of this parcel should not have any negative impact on the adjacent properties or other persons located in the vicinity thereof.

2004-15
Agenda # 5**Paula P Bratto**

From: Chuck & Jenny Burke [jenandchuck@wowway.com]
Sent: Monday, April 10, 2006 2:03 PM
To: Paula P Bratto
Subject: Rezoning Issue

Dunkin Donuts

Hello,

We are residents on Vanderpool and are writing to you regarding the upcoming rezoning issue for the Dunkin' Donuts on the corner of Rochester Road and Vanderpool.

We circulated a protest petition last summer when this issue first came up and got over 75% of the houses on our street to sign the petition to stop the residence from being rezoned commercial. We also appeared at the Troy City Council meeting and spoke against this issue last August.

We are still against this property being rezoned for commercial purposes. We fully understand that the corner lot is commercial and a business will purchase that property at some point and build upon it. Our issue is that we do not see the need for a residence to be rezoned commercial.

I have lived in Troy since 1974 and have been proud to watch it grow. However, some of that pride is gone as I drive around town and see the large number of lots that have "will build to suit" or "for lease" signs on them. We have plenty of commercial property already in Troy that we can't lease or sell, why must we tear down a home and rezone the lot commercial? Just a few short weeks ago the headlines in the local papers was that Troy needed more workplace housing, it did not say Troy needed more commercial property.

I realize that it would be a huge benefit to Troy to welcome this franchise to our city, I just feel that the city should be helping this company to find a suitable lot that is already commercially zoned and not taking the easy way out and redesignating a residential lot for commercial use.

There are several other issues with putting this type of business on this lot. The residents on our part of Vanderpool have only one way in and out of our street. At morning rush hour (which lasts from about 6:30 to 9am) we already have a tough time getting out of our street onto Rochester Road - the only way to get out is to wait for the light to the north of Vanderpool which can take anywhere from 3 minutes to 10. Putting a Dunkin Donuts there will compound this problem as their customers will be entering and exiting the store during the morning commute, even by only putting an entrance/exit off Rochester it will cause the traffic to back up in front of our street preventing us from exiting our street. As one of our neighbors also pointed out, her child waits for the bus at this intersection and she is greatly concerned for her child's safety with the traffic that would be entering Dunkin Donuts in the morning. Another concern is that we do not have a boulevard in front of our street, just a very wide median that is already very accident prone, and during the morning rush for Dunkin Donuts the buses for Baker Middle School have to enter and exit through this wide median causing greater traffic issues for the bus drivers.

Another concern particularly of the neighbors surrounding this piece of property is that it will lower their property values. Rezoning this property would be unfair to them. Additionally we heard at the City Council meeting that there are several other streets in our area with businesses built down the street as is being proposed here, for example on Trombley and Charrington, to name a few. However, in the other cases, none of those businesses face residences or are even close to one and that is what would happen on Vanderpool. The Dunkin Donuts would directly face a residence and two others would be in very close proximity to it.

Again, we are not against Dunkin Donuts moving to Troy, we just feel that it should be located on an already designated commercial lot and that a residence should not be torn down and the lot be redesignated commercial to do it. There are plenty of commercial lots available in Troy that would be suitable for this type of store and the residents of Vanderpool should not be punished by tearing down a home on our street to make way for this business.

Thank you for your time.

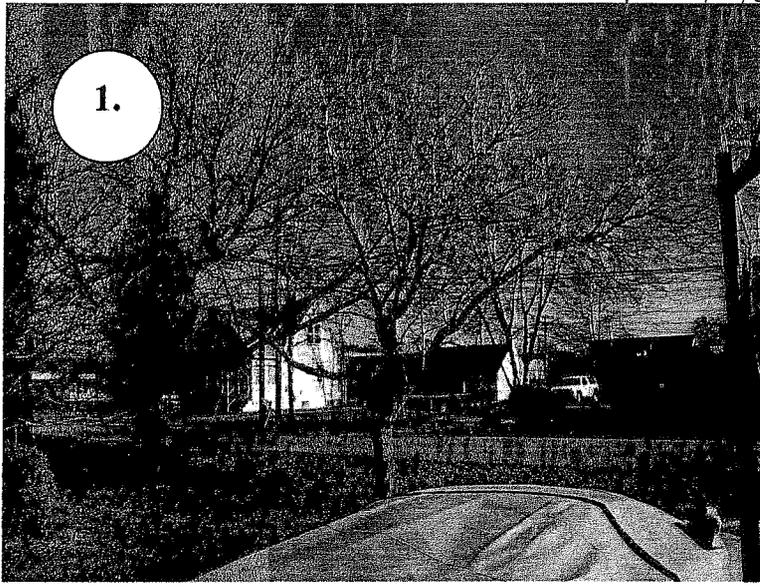
Sincerely,

4/10/2006

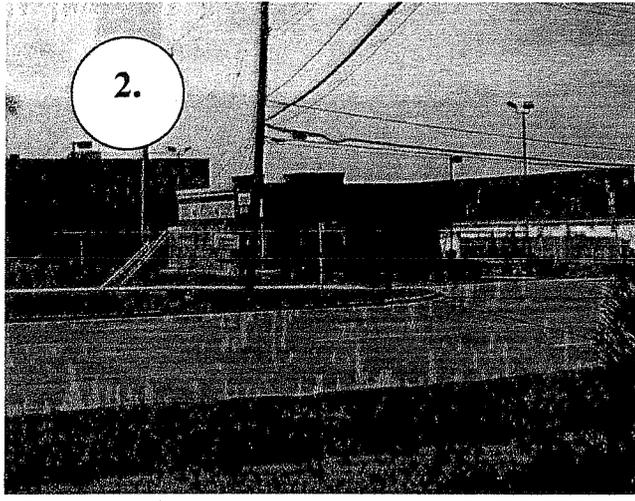
Item # 5

Charles and Jennifer Burke
803 Vanderpool
248-743-2656

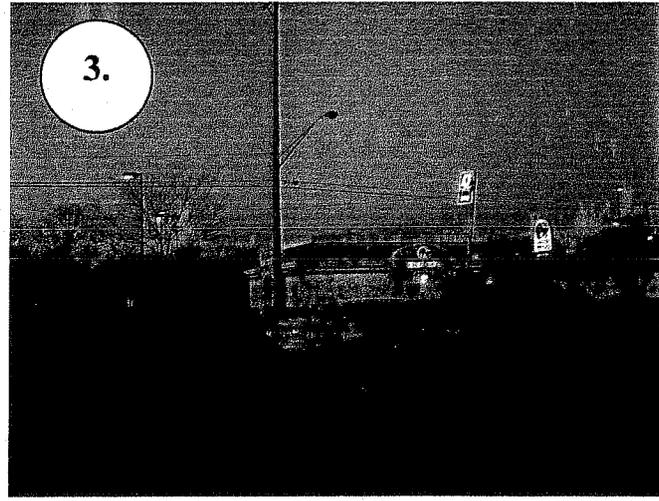
- Proposed re-zoning is encroaching on a residential area, and it is not necessary (figure 1).
- Re-zoning proposed to make room for drive-thru which is not required (per franchise policy, example in figure 2).
- Alternate site plan possible (figure 3).
- Alternate location possible (figures 4 and 5) among others.
- Less expensive to buy residential and re-zone than buy commercial property at the expense of residents.
- New establishment will benefit one person, but a financial setback and inconvenience to many.
- Proprietor has finances to seek more expensive alternative.



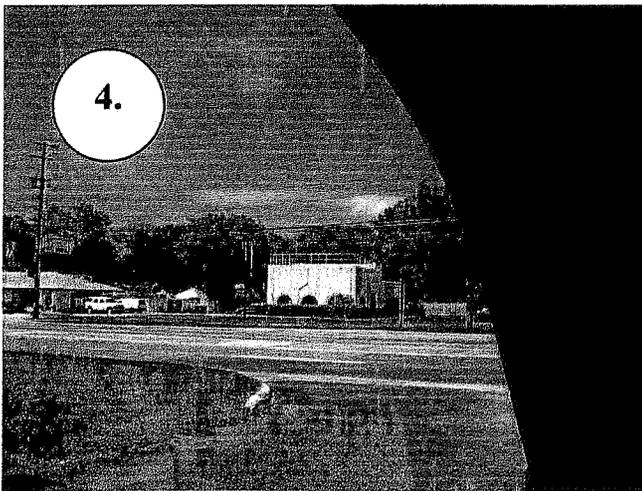
Re-zoning would extend commercial boundary to this fence.



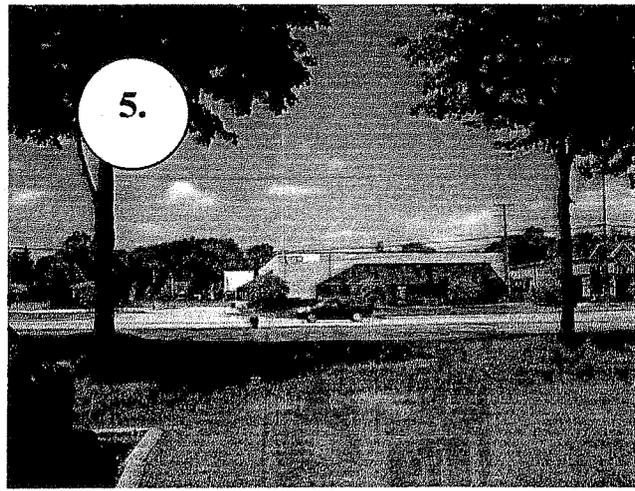
This Dunkin' Donuts/Baskin Robbins located on Rochester Road, north of M-59 doesn't have a drive-thru.



Taco Bell in Warren oriented 90-degrees to accommodate a drive-thru without re-zoning residential.



Old Taco Bell N. of Big Beaver. This is a suitable location for a donut shop.



DSW Shoe Warehouse would provide ample acreage for a donut shop with a drive-thru.

Z-704-B
HANDOUT 4/11/06 P.C.
LAURA BALLYEAT
965 VANDERPOOL

Planning:

- A) You have heard from Jennifer Burke, I am in agreement with everything she stated in her letter to you. Including available space, traffic, etc.
- B) While the residents, if forced to have this building built prefer the new design, those opposed are still opposed to having it built at all.
- C) Should the residential property be rezoned, there is no turning back. Nothing prevents a 7-11 or anything else less desirable being built there. So any previous arguments that we should be pleased it is a Dunkin' Donuts rather than a 7-11 is really not a viable argument.
- D) If you look at other available spaces up and down Rochester road, easy access from those homes across Rochester have streets exiting the subs with lights (Bishop, etc.) The street across from the proposed location ... the only access road to the middle school does not have a light. A couple years ago a neighbor on our street was hit and killed by a car while trying to cross Rochester road at 5 am. While the gentleman was mentally disabled, I would suggest that the judgement of middle schoolers might not be much better when it comes to crossing Rochester road for an icecream after school and that Rochester road at those times of the day would be far less safe than at 5:30 AM.
- E) I realize that competition can be a good thing but in a stressed economy, small places such as Elaines Bagels and Troy Deli could, if Dunkin Donuts succeeds, take a fatal hit and we will have yet more empty building space on the street.
- F) One of the main reasons Dunkin Donuts would like this residential piece of property rezoned commercial is that construction of their business on that property would cost considerably less to construct than it would if they were to build at a location that is already commercially zone and has a building on it. Frankly, there is no "greater community good"

associated with building a Dunkin Donuts on that corner. Our property values go down so they can save money. That hardly seems fair and in effect, we are being stolen from so they can save money. Homes are not selling, even if I wanted to move I could expect my house to remain on the market for at least a year. With the construction of the dunkin donuts it would not only mean I would get less for my home, but that it would be more difficult to sell at that decreased price. Greater community good may be an excuse the city could use in some instances to justify rezoning and hurting residential property values, but here, greater community good would apply only to encouraging them to build on other available, already commercially zone property on Rochester road. If they truly want to be on Rochester road, let it cost them, not the residents on the street

G) AND finally. If that property is rezoned commercial, I feel that it will very quickly encourage the rezoning of the Wiles property directly across the street from the Carters.along the same property line on the otherside of Vanderpool..... Which would further decrease our property values and would force me in the future to live directly next door to some commercial structure such as a drug store or 7 -11.

Keeping the property in this neighborhood residentially zoned is important not only for me and the other residents but for future city planning as well. I have tried to be an empty nester... it didn't work so well, but I have hopes it will happen again. When I move next... I would like to stay in Troy, but the condo type housing being built here is almost discriminatory... not by plan but by result. The reasonably affordable condos have stairs... and lots of them... those at 16 and Rochester, 15 and coolige, etc. They are great as long as we can manage the stairs....My knees are good, but I know a lot of guys who played football whose knees aren't and by 60... they really need to have a place with as few stairs as possible. Also, as the local paper noted... we don't have any affordable workforce housing. My son and his fiancé make nice money between them, but they are 25 and 27 year old college grads and they couldn't afford to buy their first home here. They and their friend have decided to plant their roots EOD... East of

Dequindre. We need reasonably priced, starter priced housing in this community and this area is really very suited to that... and we need our young people to feel they have the opportunity to remain in Troy.... We educated them here, they like it here, but they can't afford to stay and we do not reap the benefits of our investment in them. Please... Both specifically and in general... please stop rezoning any more of this area of Troy out of residential zoning.

~~APR~~
MAY 2000

FOR DATE
on council
CITY agenda

please

DATE: May 10, 2006

TO: John M. Lamerato, Acting City Manager

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

SUBJECT: Agenda Item - Revisions to Troy City Code Chapter 18 (City Water Utility)

City Staff have been working on updating Chapter 18, City Water Utility. We request that City Council consider the enclosed revision to Chapter 18.

We recommend that the City of Troy institute permanent outdoor annual watering restrictions. Outdoor watering accounts for a significant portion of the peak water usage factor that is used to set the City of Troy water rates by the Detroit Water and Sewerage Department. Higher peak usage means higher water rates. Outdoor watering also accounts for a significant loss of water pressure in some areas of the city during the summer months.

Converting to a mandatory odd/even day watering schedule for all customers on the public water supply would help even out the water usage, and assist in keeping rates down and pressure up. Implementation will include extensive customer notification and education on the need for such restrictions.

The proposed revisions to Chapter 18 (Section 12) of the Ordinance are attached for your consideration.

We will provide any additional information that you request on this matter.

Reviewed as to form and legality: _____
Lori G. Bluhm, City Attorney

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 18 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 Section 18 of the Code of the City of Troy.

Section 2. Amendment

Section 12 of Chapter 18 shall be amended as follows:

Outdoor Water Use Restrictions

12.01 From Memorial Day through Labor Day each year, watering restrictions shall be in effect for the purposes of evening out the City water pressures and the Peak water usage.

- A. Outdoor watering, including the sprinkling of lawns and landscaping and filling swimming pools, washing cars and all outdoor watering tasks shall only be allowed for properties with even-numbered addresses on even-numbered calendar dates within a month and for properties with odd-numbered addresses on odd-numbered calendar dates.
- B. Watering of new sod or landscaping, one year old or less, is exempt from the odd/even water restriction.

~~A. Whenever the Manager of the City receives notification from the Detroit Water and Sewerage Department in conjunction with the Water and Radiological Protection Division of the Michigan Department of Environmental Quality, or it is determined by the City Council, that the supply or pressure demand for water cannot be accommodated and general welfare is likely to be endangered, or conditions within the water system of the City are likely to endanger the general welfare of the City, the Manager shall determine that a state of emergency exists and prescribe the following emergency regulations which shall apply in the City for all properties connected to the City water system: For the duration of the declared state of emergency, outdoor watering, including the sprinkling of laws and landscaping and filling swimming pools, washing cars, and all outdoor watering tasks shall only be allowed for properties with even numbered addresses on even numbered calendar dates within a month and for properties with odd numbered addresses on odd numbered calendar dates. Watering of new sod or landscaping, one year old or less is exempt from the odd/even water restriction.~~

~~_____12.02.~~ Whenever the Manager receives notification from the Detroit Water and Sewerage Department or the City Council, ~~in conjunction with the Drinking Water and Radiological Protection Division of the~~ the Michigan Department of Environmental Quality that ~~provisions in subsection A are not sufficient, or~~ the current conditions ~~within of~~ of the water system of the City are likely to endanger the general welfare of the City, ~~the following then additional~~ -emergency regulations can be imposed shall apply in the City for all properties connected to the City water system: ~~Sprinkling of lawns and landscaping and all outdoor water use shall not be allowed.~~

C. ~~The City and the Detroit Water and Sewerage Department shall, or at its option the City Council may, W~~within 24 hours of notification, as set forth above, ~~cause any additional emergency these~~ regulations shall to be posted at the City offices and publicly announced by means of broadcasts or telecasts by the stations with a normal operating range covering the City. The announcement may also, ~~and may cause such announcement to~~ be further declared in newspapers of ~~general~~ circulation when feasible. The regulations shall become effective immediately ~~after notice of enforcement of the ordinance as posted at the City offices. Upon the posting and publication of the additional emergency regulations.~~ Upon notification from the Detroit Water and Sewerage Department in ~~conjunction connection~~ -with the ~~Drinking Water and Radiological Protection Division of the~~ Michigan Department of Environmental Quality or the City Council, that the emergency regulations are no longer necessary, the City shall cause a public announcement lifting the water restrictions.

D. Any person, firm, or corporation violating any provisions of this ordinance shall be deemed responsible for a municipal civil infraction, in accordance with the provisions of Chapter 100 of the City of Troy ordinances, -and will be responsible to pay a fine not to exceed five hundred dollars (\$500) for each violation.

~~E. It shall be the responsibility of the City to enforce this ordinance.~~

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the

effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, 2006

Louise E. Schilling, Mayor

Tonni Bartholomew. City Clerk

Clean Copy

Outdoor Water Use Restrictions

- 12.01 From Memorial Day through Labor Day each year, watering restrictions shall be in effect for the purposes of evening out the City water pressures and the Peak water usage.
- A. Outdoor watering, including the sprinkling of lawns and landscaping and filling swimming pools, washing cars and all outdoor watering tasks shall only be allowed for properties with even-numbered addresses on even-numbered calendar dates within a month and for properties with odd-numbered addresses on odd-numbered calendar dates.
 - B. Watering of new sod or landscaping, one year old or less, is exempt from the odd/even water restriction.
- 12.02 Whenever the Manager receives notification from the Detroit Water and Sewerage Department or the City Council or the Michigan Department of Environmental Quality that current conditions of the water system of the City are likely to endanger the general welfare of the City, then additional emergency regulations can be imposed on all properties connected to the City water system, including an absolute temporary ban on Sprinkling of lawns and landscaping and all outdoor water use.
- 12.03 Within 24 hours of notification, as set forth above, any additional emergency regulations shall be posted at the City offices and publicly announced by means of broadcasts or telecasts by the stations with a normal operating range covering the City. The announcement may also be further declared in newspapers of general circulation when feasible. The regulations shall become effective immediately upon the posting and publication of the additional emergency regulations. Upon notification from the Detroit Water and Sewerage Department in connection with the Michigan Department of Environmental Quality or the City Council, that the emergency regulations are no longer necessary, the City shall cause a public announcement lifting the water restrictions.
- 12.04 Any person, firm or corporation violating any provision of this ordinance shall be deemed responsible for a municipal civil infraction, in accordance with the provisions of Chapter 100 of the City of Troy ordinances, and will be responsible to pay a fine not to exceed five hundred dollars (\$500) for each violation.

BROWNFIELD REDEVELOPMENT AUTHORITY MINUTES FINAL DECEMBER 15, 2005

The meeting was called to order at 2:55 p.m. at Troy City Hall, Conference Room C.

Members Present: Victor Lenivov, Bruce Wilberding (Chairman), Lon Ullmann, Art Cotsonika, Robert Swartz, Laurence Goss, Katherine Lee

Members Absent: None

Also Present: Doug Smith, Secretary/Treasurer, Lori Bluhm, City Attorney

APPROVAL OF MINUTES

Resolution # BRA 05-05

Moved by: Cotsonika

Seconded by: Ullmann

Resolved, that the BRA approve the minutes of the October 20, 2005 meeting.

Yeas: All (7)

Absent: None

OLD BUSINESS

- A. Grant Trigger gave an update on Masco and a new PUD development (Amber Brothers). Doug Smith is working closely with the DEQ regarding this plan and asked the Authority to consider \$500,000 from the Revolving Loan Fund for this plan. A formal proposal will be forthcoming by Masco.

NEW BUSINESS

- A. A presentation from Superior Environmental and TCF Bank was given for a Brownfield plan on the former Harabedian asphalt site located at 1470 Coolidge for a TCF Bank.

Resolution #BRA 05-06

Moved by: Lee

Seconded by: Goss

Resolved, that the Brownfield Redevelopment Authority finds a public purpose served by the adoption of this Brownfield Plan and recommends Troy City Council vote on Plan #4 for TCF Bank.

Yeas: All (7)

Absent: None

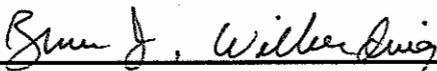
- B. The annual budget was presented by John Lamerato, Assistant City Manager/Finance and James Nash, Finance Director. As presented, the budget was discussed, noted and filed.
- C. Victor Lenivov inquired about the need for the members to sign a conflict of interest statement each year at the October 21st meeting. Per Lori Bluhm, members are sworn in and are not required to sign the form.
- D. Meeting dates were changed from Thursdays to Tuesdays starting January 2006.

PUBLIC COMMENT

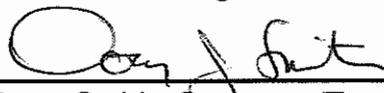
None

The meeting was adjourned at 4:30 p.m.

The next meeting scheduled is January 17, 2006.



Bruce Wilberding, Chairman /



Doug Smith, Secretary/Treasurer

**ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES – DRAFT –
APRIL 5, 2006**

A Regular Meeting of the Troy Advisory Committee for Persons with Disabilities was held Wednesday, April 5, 2006, at the lower level conference room at City Hall. Angela Done called the Meeting to order at 7:08 P.M.

Present: C. Buchanan, member A. Done, member
A. Fuhrman, alternate P. Hammond, member
P. Manetta, member D. Pietron, member
M. Pritzlaff, alternate J. Stewart, member
S. Werpetinski, member

Present: M. Grusnick, staff
K. Jearls, staff

Absent: S. Burt, member EA
T. House, member EA

ITEM B – APPROVAL OF MINUTES OF MEETING OF March 1, 2006

Werpetinski made a motion that the minutes of March 1, 2006 be approved. Supported by Fuhrman. All voted in favor.

ITEM C – VISITORS, DELEGATIONS AND GENERAL PUBLIC

Leonard Bertin, previous Committee Chairman, and Robin Beltramini, City Councilwoman, attended the meeting as guests.

ITEM D – NEW BUSINESS

We welcome two new members to our Committee; Chelsea Weidmann, Troy Athens, and Gina Hyun, Troy High School. We look forward to their input.

Members were provided a copy of the Oakland County Community and Home Improvement 2006 Annual Report. The Community Development Block Grant (CDBG) program funding is explained in this report. It appears this Committee's long term goal for a boundless playground might meet CDBG guidelines for funding. Buchanan, Stewart and Grusnick will meet with Vicki Richardson to help determine the feasibility.

Done spoke with Chris, Assistant Manager at Wal-Mart, Troy, regarding the procedure for their matching funds grant program. A formal written request on letterhead must be personally delivered to the Troy store to initiate the program.

Pritzlaff will contact Lori Bluhm, City Attorney, to invite her to our May meeting regarding information on grants for funding a boundless playground and changes to the Open Meetings Act.

Professor Edward Orlowski, Chairman of the Department of Architecture at Lawrence Tech University, attended our meeting to present information on "universal design", designing accessible buildings for mobility and sensory disabilities. Students are taught freedom by design, a concept which was developed to give students a greater

**ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES – DRAFT –
APRIL 5, 2006**

understanding of how to put these ideas into use in an abstract way from the beginning of the design through the final site finish. Students during their sophomore year must spend a day confined to a wheelchair. They are given assignments which involve traversing the entire campus in order to experience the difficulties of accessing and maneuvering buildings, parking and common areas. Architects today are incorporating accessibility into the main building design and not segregating accessibility into separate or different areas of the building.

ITEM E – REGULAR BUSINESS

Werpetinski will attend the City Council meeting on 4/17/06 and Fuhrman on 4/24/06.

ITEM F – OLD BUSINESS

It was reported that the Sr. Expo held March 21 at the Community Center was very worthwhile and suggested that our Committee should also offer support and participation at the fall event.

ITEM G - INFORMATIONAL ITEMS

ITEM H – CITY COUNCIL MEETING

Binson's Medical Supply was denied a request to locate a new facility on Rochester Road on property which is currently zoned single family.

ITEM I – ADJOURN

Pietron made a motion to adjourn at 8:40 which was seconded by Hammond.

Angie Done, Chairperson

Kathy Jearls, Recording Secretary

**ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES – FINAL –
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**ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES – FINAL –
APRIL 5, 2006**

understanding of how to put these ideas into use in an abstract way from the beginning of the design through the final site finish. Students during their sophomore year must spend a day confined to a wheelchair. They are given assignments which involve traversing the entire campus in order to experience the difficulties of accessing and maneuvering buildings, parking and common areas. Architects today are incorporating accessibility into the main building design and not segregating accessibility into separate or different areas of the building.

ITEM E – REGULAR BUSINESS

Werpetinski will attend the City Council meeting on 4/17/06 and Fuhrman on 4/24/06.

ITEM F – OLD BUSINESS

It was reported that the Sr. Expo held March 21 at the Community Center was very worthwhile and suggested that our Committee should also offer support and participation at the fall event.

ITEM G - INFORMATIONAL ITEMS

ITEM H – CITY COUNCIL MEETING

Binson's Medical Supply was denied a request to locate a new facility on Rochester Road on property which is currently zoned single family.

ITEM I – ADJOURN

Pietron made a motion to adjourn at 8:40 which was seconded by Hammond.

Angie Done, Chairperson

Kathy Jearls, Recording Secretary

Advisory Committee for Senior Citizens

A regular meeting of the Advisory Committee for Senior Citizens was held on Thursday, April 6 2006 at the Troy Community Center. Chair JoAnn Thompson called the meeting to order at 1 PM.

Present:	JoAnn Thompson, Chair	David Ogg, Member
	Frank Shier, Member	James Berar, Member
	Bud Black, Member	Pauline Noce, Member
	Jo Rhoads, Member	Carla Vaughan, Staff

Absent: Merrill Dixon, Member, excused

Visitors: None

Approval of Minutes

Resolution # SC-2006-4-001
Moved by Jo Rhoads
Seconded by Pauline Noce

RESOLVED, That the Minutes of March 2, 2006 be approved as submitted.

Yes: 7
No: 0

MOTION CARRIED

Visitor Comments

None

Old Business

Shuffleboard and Bocce Ball: Carla reported that there were no bids for the project. Jeff Biegler will contact some of the people on the bidder’s list to see why they did not bid. The project will be delayed but it is still expected to be completed this summer.

Catering Service at the Community Center: Carla reported that the contract is being reviewed by the City Attorney’s office before being presented to City Council. There will be a discounted snack menu for non-profit groups.

New Business

Appointment of Park Board:

Resolution # SC-2006-4-002
Moved by David Ogg
Seconded by James Berar

RESOLVED, That Merrill Dixon be recommended for reappointment to the Park Board.

Yes: 7

No: 0

MOTION CARRIED

Reports

Park Board: No report

Medi-Go: Jo Rhoads reported that they had a booth at the Expo and it was a worthwhile experience. They also dedicated a new van that day and celebrated the 10-year anniversary of their partnership with SMART.

Senior Program: Carla reported that an estimated 350 seniors attended the March 21 Expo at the Community Center. The 67 vendors brought a variety of information to seniors and there were also numerous health screenings, free chair massage, and dozens of door prizes. Two hundred seniors attended the fashion show on March 29 and comments have been very favorable. A My Medicare Matters enrollment event will be held at the Community Center on April 26. The Oakland County Spelling Bee will be held in Troy next year.

OLHSA: Pauline Noce reported that the meeting was cancelled due to low attendance.

Oakland County Senior Advisory Board: Jo Rhoads reported that they would be meeting with legislators at a breakfast in May. Jo will be discussing transportation.

Medicare Part D: The committee discussed the complexity of the process and the uncertainty of who to enroll with because the medications a person is taking may change.

Suggestion Box: One unsigned suggestion stated that the \$10 fee for a flea market table is too much. After discussion, the committee decided that the fee is not unreasonable. A second suggestion requested that the bathroom by the senior lunchroom not be closed for cleaning when there are a lot of seniors in the area. Carla spoke to Kraig, and the cleaning schedule will be adjusted.

Comments:

David Ogg noted that the bylaws state that the election of officers should be held in April. They were scheduled for May last year but postponed until June due to lack of quorum in May. The election will be held in May this year.

Frank Shier noted that he is a member of the Heart-Of-The-Hills Players and discussed ways that Troy could get more involved by attending performances in Warren or bringing a smaller group here to entertain.

The meeting was adjourned at 3:05 p.m.

Respectfully submitted,

JoAnn Thompson, Chair

Carla Vaughan, Secretary

Advisory Committee for Senior Citizens

A regular meeting of the Advisory Committee for Senior Citizens was held on Thursday, May 4 2006 at the Troy Community Center. Chair JoAnn Thompson called the meeting to order at 1:15 PM.

Present: JoAnn Thompson, Chair
Frank Shier, Member (late)
Bud Black, Member
Jo Rhoads, Member
Carla Vaughan, Staff

David Ogg, Member
James Berar, Member
Pauline Noce, Member
Merrill Dixon, Member, excused

Absent: None

Visitors: John Scott, John Law, Ray Dean, Roger Rose, Bob Varto, Paula Fleming, Wade Fleming

Approval of Minutes

Resolution # SC-2006-5-001
Moved by Jo Rhoads
Seconded by Pauline Noce

RESOLVED, That the Minutes of April 6, 2006 be approved as submitted.

Yes: 7
No: 0

MOTION CARRIED

Visitor Comments

John Scott, John Law, Ray Dean, Roger Rose and Bob Varto attended representing the Wednesday and Thursday senior golf leagues. They expressed the following concerns: They do not like the new requirement proposed for 2007 that they must pay for a set number of players regardless of how many are in attendance (the golf course has proposed to allow four unpaid absences per week), that non-residents must pay a higher rate, that they will be required to sign a contract, and that the City wants to transfer electronically a portion of the greens fees rather than give all of the money to the league treasurer. Carla stated that the City does not want to take over the league, but the requirements of the finance department regarding documentation of expenditures must be met. Carla will determine exactly what these requirements are and get a sample contract from the golf course for the league officers within one week. Then we can work out the details.

Paula Fleming reported on the school district election, the band's trip to San Antonio, and a car wash fundraising event.

Old Business

Shuffleboard and Bocce Ball: Merrill Dixon reported that Jeff Biegler is still looking for someone to do the project. No one bid on the project, and he needs to find someone to do it. The committee would like Jeff to attend their next meeting to give a brief report on the facility. Carla will request his attendance.

Catering Service at the Community Center: Carla reported that Council has decided that a one-year contract would be better than two. The one-year contract will be presented to Council next week. The City will go out for bid after the one-year contract expires. Since the City now has a history with a caterer, a better contract might be negotiated.

New Business

Election of Officers:

Resolution # SC-2006-5-002
Moved by David Ogg
Seconded by James Berar

RESOLVED That Bud Black was elected Chair and Pauline Noce was elected as Vice Chair

Yes: 8
No: 0

MOTION CARRIED

Reports

Park Board: Merrill Dixon thanked the committee for recommending his reappointment to the Park Board.

Medi-Go: Jo Rhoads reported that Medi-Go was happy to attend the Expo, and a new van was dedicated.

Senior Program: Carla reported that 112 volunteers and 48 guests attended the volunteer banquet on April 25. Forty-two people attended the My Medicare Matters enrollment event on April 26. The cultural diversity series has been very interesting, but not well attended. It may be offered again in the fall and opened to the general public.

OLHSA: Pauline Noce reported that their speaker was Jan Davis, LPN, from Select Specialty Hospital Services. They do minor surgical procedures in their office.

Oakland County Senior Advisory Board: Jo Rhoads reported that they will be having a breakfast to discuss what they will be presenting to the legislatures.

Medicare Part D: JoAnn Thompson remarked that the May 15 deadline is coming up and many seniors are having a hard time making a decision.

Suggestion Box: There were two unsigned suggestions requesting no organ music on Fridays. There was one thank you note for putting the larger “Senior Parking Only” sign out, but the writer stated that it is not out every day. Carla will make sure it is getting put out every day. She will also poll the seniors in attendance on Fridays to see how the majority feels about the organ music.

Comments:

Several committee members commented that they were glad that the golfers attended the meeting to express their concerns.

JoAnn Thompson reported that she worked the school election and the turn-out was low.

David Ogg reported that the City seems to have stopped weeding the boulevards.

The meeting was adjourned at 3:25 PM.

Respectfully submitted,

JoAnn Thompson, Chair

Carla Vaughan, Secretary

DATE: May 5, 2006
 TO: John M. Lamerato, Acting City Manager
 FROM: Mark Stimac, Director of Building & Zoning
 SUBJECT: Permits issued during the Month of April 2006

	NO.	VALUATION	PERMIT FEE
<u>INDUSTRIAL</u>			
Fnd./Shell New	1	\$180,000.00	\$1,010.00
Add/Alter	2	\$27,000.00	\$479.00
Sub Total	3	\$207,000.00	\$1,489.00
<u>COMMERCIAL</u>			
New	1	\$997,000.00	\$7,124.00
Tenant Completion	1	\$105,000.00	\$880.00
Add/Alter	16	\$912,650.00	\$8,647.00
Wall	1	\$50,000.00	\$495.00
Repair	1	\$500,000.00	\$2,610.00
Sub Total	20	\$2,564,650.00	\$19,756.00
<u>RESIDENTIAL</u>			
New	9	\$1,477,086.00	\$11,665.00
Add/Alter	30	\$410,041.00	\$5,803.00
Garage/Acc. Structure	2	\$35,000.00	\$535.00
Pool/Spa/Hot Tub	6	\$73,921.00	\$1,103.00
Ent. Wall/Masonry Fence	1	\$5,000.00	\$85.00
Repair	2	\$25,600.00	\$472.00
Fire Repair	1	\$150,000.00	\$1,195.00
Wreck	5	\$15,000.00	\$280.00
Sub Total	56	\$2,191,648.00	\$21,138.00
<u>TOWN HOUSE/CONDO</u>			
New	4	\$584,600.00	\$4,696.00
Add/Alter	7	\$77,598.00	\$1,133.00
Sub Total	11	\$662,198.00	\$5,829.00
<u>MULTIPLE</u>			
Garage/Acc. Structure	1	\$10,000.00	\$215.00
Sub Total	1	\$10,000.00	\$215.00
<u>RELIGIOUS</u>			
Add/Alter	1	\$95,000.00	\$810.00
Sub Total	1	\$95,000.00	\$810.00

MISCELLANEOUS

Satellite/Antennas	4	\$36,500.00	\$495.00
Signs	54	\$0.00	\$6,115.00
Fences	24	\$0.00	\$370.00

Sub Total **82** **\$36,500.00** **\$6,980.00**

TOTAL **174** **\$5,766,996.00** **\$56,217.00**

PERMITS ISSUED DURING THE MONTH OF APRIL 2006

	NO.	PERMIT FEE
Mul. Dwel. Insp.	122	\$1,220.00
Cert. of Occupancy	33	\$1,853.70
Plan Review	141	\$5,497.00
Microfilm	23	\$244.00
Building Permits	174	\$56,217.00
Electrical Permits	142	\$9,640.00
Heating Permits	93	\$4,870.00
Air Cond. Permits	34	\$1,655.00
Refrigeration Permits	2	\$130.00
Plumbing Permits	105	\$7,593.00
Storm Sewer Permits	17	\$583.00
Sanitary Sewer Permits	11	\$389.00
Sewer Taps	16	\$4,050.00

TOTAL **913** **\$93,941.70**

LICENSES & REGISTRATIONS ISSUED DURING THE MONTH OF APRIL 2006

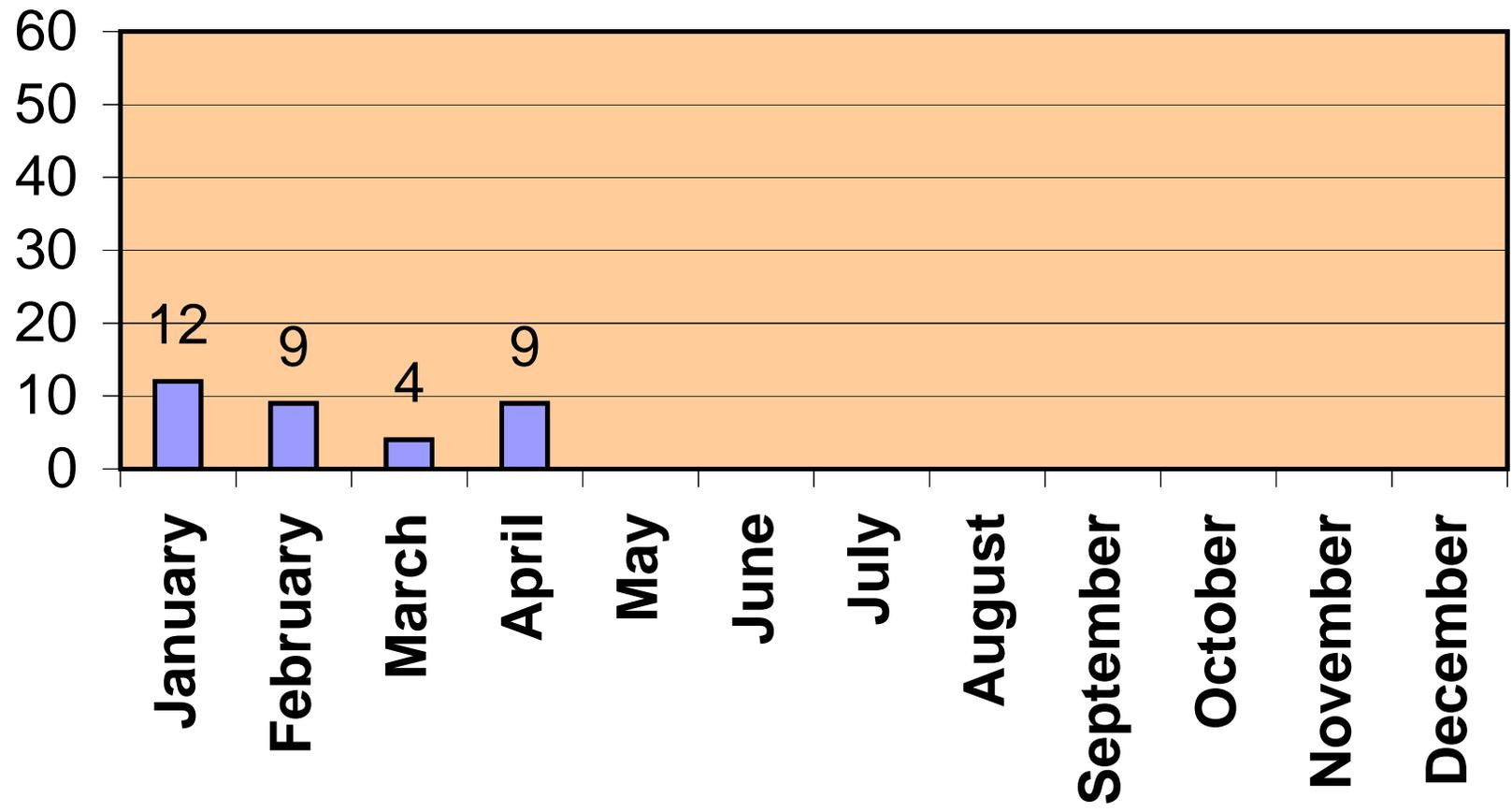
	NO.	LICENSE FEE
Mech. Contr.-Reg.	20	\$100.00
Elec. Contr.-Reg.	23	\$345.00
Master Plmb.-Reg.	17	\$17.00
Sewer Inst.-Reg.	4	\$200.00
Sign Inst. - Reg.	14	\$140.00
E. Sign Contr-Reg.	5	\$75.00
Fence Inst.-Reg.	1	\$10.00
Bldg. Contr.-Reg.	18	\$180.00
F.Alarm Contr.-Reg.	4	\$60.00

TOTAL **106** **\$1,127.00**

BUILDING PERMITS ISSUED

	<u>BUILDING PERMITS 2005</u>	<u>PERMIT VALUATION 2005</u>	<u>BUILDING PERMITS 2006</u>	<u>PERMIT VALUATION 2006</u>
JANUARY	93	\$6,617,765.00	116	\$7,273,163.00
FEBRUARY	133	\$8,586,755.00	94	\$6,659,691.00
MARCH	143	\$19,405,253.00	127	\$5,629,425.00
APRIL	234	\$16,039,899.00	174	\$5,766,996.00
MAY	229	\$8,974,377.00	0	\$0.00
JUNE	207	\$14,432,280.00	0	\$0.00
JULY	176	\$7,490,327.00	0	\$0.00
AUGUST	202	\$13,132,327.00	0	\$0.00
SEPTEMBER	207	\$11,424,698.00	0	\$0.00
OCTOBER	169	\$12,606,760.00	0	\$0.00
NOVEMBER	137	\$9,014,642.00	0	\$0.00
DECEMBER	91	\$13,489,338.00	0	\$0.00
TOTAL	2021	\$141,214,421.00	511	\$25,329,275.00

SINGLE FAMILY DWELLING PERMITS 2006



**BRIEF BREAKDOWN OF NON-RESIDENTIAL BUILDING PERMITS
ISSUED DURING THE MONTH OF APRIL 2006**

Type of Construction	Builder or Company	Address of Job	Valuation
Commercial, Add/Alter	GILBERT, E & SONS, INC	4052 ROCHESTER	198,000
Total Commercial, Add/Alter			198,000
Commercial, New Building	SYNERGY GROUP INC	767 W BIG BEAVER	997,000
Total Commercial, New Building			997,000
Commercial, Repair	STRUCTURAL PRESERVATION SYSTEM	50 W BIG BEAVER 100	500,000
Total Commercial, Repair			500,000
Commercial, Tenant Completion	DESIGNSTRUCT	3137 CROOKS	105,000
Total Commercial, Tenant Completion			105,000
Industrial, Fnd./Shell New	KEMP, TOM	244 MINNESOTA	180,000
Total Industrial, Fnd./Shell New			180,000
Records 6			Total Valuation: 1,980,000

To: Lieutenant Gerard Cherlinck,
Please accept my most humble gratitude
for the endless time and effort you are
spending on our case. Knowing that it is
in such professional, caring hands means so
much to us, and you were most gracious
and understanding and compassionate
when we met on Wednesday, 03/22/06.
I cannot thank you enough.

From Veyll and Emilia
Souvatzidis

CHIEF - THIS IS THE FAMILY OF
THE VICTIM OF THE FATAL ACCIDENT AT
PLAYERS + ROCHESTER ON 3-14-06 # 069703

Mayer

CC: City Mgr
BB



St. Joseph Catholic Chaldean Church

ܡܪܝܢܐ ܕܡܪܝܡ ܥܘܢ ܝܫܘܥ ܒܢ ܡܪܝܡ

April 25, 2006

Chief Charles Craft
 Captain Edward Murphy
 Troy Police Department
 500 W. Big Beaver Rd.
 Troy, MI 48084

Dear Sir,

In the name of the priests, the Parish Council, and all the parishioners of St. Joseph Catholic Chaldean Church in Troy, Michigan, we would like to express hereby our deep appreciation for the excellent and kind service given to our community of St. Joseph during the Easter celebrations, when several members of the Troy Police Force did their best in organizing and directing safely the heavy traffic around our church on Good Friday, Holy Saturday and Easter Day. Please convey our best regards and gratitude to each policeman and woman listed below who contributed to that outstanding endeavor.

We would like to express our special thanks and gratitude to Lieutenant Scott Mc Williams, who helped coordinating with Officer Joseph Haddad the meetings with the parish council and met several times with the parking volunteers, to prepare for Easter. We would like to also recognize and appreciate the help of each and every person listed below for their excellent service to our community:

Captain Edward Murphy
 Lieutenant Scott McWilliams
 Lieutenant Chuck Pappas
 Officer Joseph Haddad
 Officer Milt Stansbury
 Officer Sue Himrod
 Officer Larry Schultz
 Officer James Feld
 Officer Michael Boussie
 Officer Scott Smith
 Officer Joe Morgan
 Officer Michael Giorgi
 Officer Michele Cooney
 Officer Mindy Weingart
 Officer Nathan Gobler
 PSA Mary Stark
 PSA Steve Vaillancourt

CC:- City Mgr.
 - Dep. Files of
 all listed personnel
 - each listed officer
 - BB

RECEIVED
 Chief of Police

5/11/06 OK

Sincerely

Fr. Emanuel Shaleeta
 Pastor



Capitol Barricading, Inc.

J-03c

1840 TUPELO TRAIL • HOLT, MICHIGAN 48842 • PHONE (517) 372-1291 • FAX (517) 694-6123

April 14, 2006

Charles T. Craft, Chief of Police
City of Troy
500 West Big Beaver Road
Troy Michigan 48084

Dear Chief Craft:

Thursday April 13, 2006, two employees of Capitol Barricading Inc. were setting up lane closures for Soils & Materials Inc. on I75 and Big Beaver Road.

Two gentlemen from your Department were helping slow traffic down, to provide more safety for our employees and the employees from the engineering firm.

I just want to take this opportunity to thank your Department for their help. These are dangerous situations for our employees, and we really appreciate any help we can get to make our job safer. I apologize but I never got the names of the gentlemen, but Pierre and Ken, who work for us, were extremely complimentary of the two gentlemen that were on the site from your department. I suspect if you check the log you would be able to identify them. Believe they were there at 9:00 a.m., and I am not sure for how long.

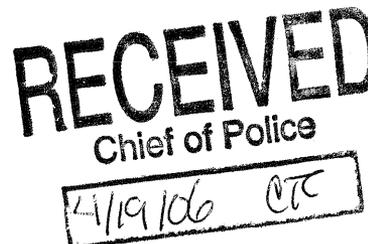
Please extend to these men my deepest appreciation. It is always a huge concern for us when we are working on major highways. The public doesn't realize how important it is for them to slow down in construction zones. Their main concern is to get where they are going the fastest way.

Thank you for your help too.

Sincerely,

Diana Folleth, President

cc: City Mgr.
CAPT. MURPHY *dm*

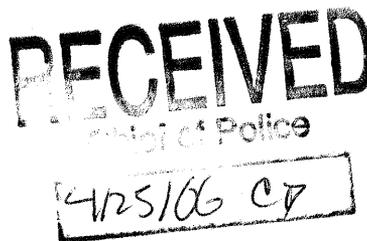


COMBINE INTERNATIONAL, INC. J-03d

354 INDUSCO COURT • TROY, MICHIGAN 48083 • U.S.A. • (248) 585-9900

April 18, 2006

Charles T. Craft
Chief Of Police
City Of Troy
500 W. Big Beaver Road
Troy, Mi. 48084



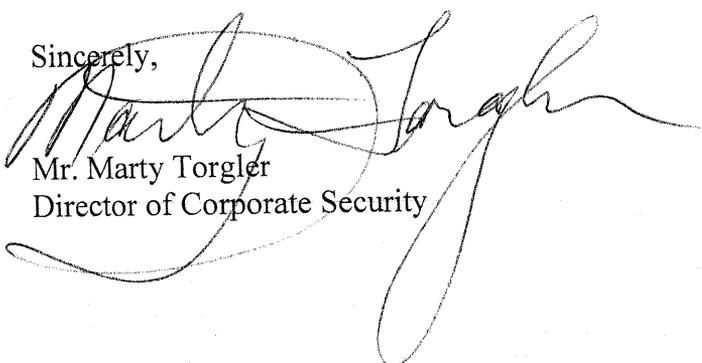
Dear Chief Craft,

I would like to inform you of the excellent investigative work performed by members of the Troy Police Department under the direction of Detective Lieutenant Chuck Pappas.

Approximately 2 years ago our company located in Troy realized we had a major internal theft problem. Detective Pappas directed an investigation, which identified the subject employee, and the facilitating fencing operation located in Madison Heights. As a result of good police work on behalf of Detective Pappas, both the thief and the fence have been convicted and we have recovered a portion of our loss.

Detective Pappas is to be commended for his performance and professionalism, he represents the department well, you can be proud of him.

Sincerely,


Mr. Marty Torgler
Director of Corporate Security

CO: CITY MGR
DET. MURPHY
CAPT SLATER
LT. PAPPAS
File

RE: Officer Rushton #23

Attention: Chief Charles Craft

Subject: Letter of Thanks

Chris and Amy Gartner

I called the police because my son told me someone was following him. They responded quickly and spoke with my son about the incident. Officer Rushton was the one who came out with another officer. I just thought I would write a letter of thanks to the Troy Police for responding so quickly. What struck me most about the visit from Officer Rushton, was her professionalism and demeanor. I think the way she handled herself is worthy of mention. There were a lot of kids over the house when she came over, and before she even was on the sidewalk to talk to me, she had handed out badge stickers to my 5 year old and her friend. After all the business was taken care of, she showed my sons and the other kids her car. She wasn't bothered by them asking to see it and took her time with them. It was just great to see an officer interact with the kids like she did and yet turn around and be so professional with the matter. I hope you realize how fortunate you are to have an officer like that. Those are the kind of officers that get things done. I just wanted to say thanks to you and to her. Great job Troy Police and Officer Rushton.


Chris Gartner

Cc: City Mgr
Capt Murray
Off. Rushton/dept file
BB

RECEIVED
Chief of Police
5/5/2006 CRT

Rose Township

Resolution # 2006-09

Retaining Local Control of Cable Franchising

- WHEREAS**, it is the mission of Rose Township, Oakland County, Michigan to preserve and protect the rights of all its citizens;
- WHEREAS**, the existing federal and local cable franchising rules have resulted in \$100 billion investment in advanced telecommunications services nationwide and formed the basis for a national policy of broadband (high-speed internet);
- WHEREAS**, Rose Township strongly supports the provisions contained within the federal 1984 Cable Act including the anti-discrimination sections that have ensured against a 19th century world of digital “haves and have-nots” and ensured that Americans of all incomes, races and backgrounds can have equal access to television and broadband service as the information and communication that it provides becomes more essential in our daily lives;
- WHEREAS**, the current federal cable law has been effective in ensuring robust build-out of broadband networks and in protecting against cherry-picking of communities, and should be applied to both existing cable providers and new entrants into the cable marketplace;
- WHEREAS**, some telecommunications companies now seeking to enter the cable marketplace are endeavoring to gain an unfair competitive advantage through federal and state preemption of local authority and are seeking to undermine the anti-discrimination and build-out requirements that have been a bipartisan cornerstone of our telecommunications laws for decades;
- WHEREAS**, these telecommunications companies are attempting to label their service as “video service” to bypass traditional cable laws and regulations, and have encouraged the introduction of legislation in Congress and in various states to attempt to circumvent federal and local regulations;
- WHEREAS**, in Michigan, legislation has been introduced in the House of Representatives, **HB 5895**, and in the Senate, **SB 1157**, that would strip away local cable franchising authority and hand control over to the State of Michigan;
- WHEREAS**, Rose Township strongly supports competition for telephone, broadband and video services, and recognizes that competition for such services is growing rapidly and encourages that these new competitive services are available to all its citizens;
- WHEREAS**, new entrants into the video marketplace face no unreasonable barriers to entry as federal law expressly provides that cable franchises not be exclusive and that local governments have franchised numerous second cable providers throughout the country;

WHEREAS, excluding local elected officials from the franchise process as some telecommunications carriers and **HB 5895** and **SB 1157** suggests would be harmful to the citizens of Rose Township who use local franchise rules to ensure that cable services are provided to everyone, that service territory appropriately covers key areas for economic development and public safety and other community needs are met;

WHEREAS, **HB 5895** and **SB 1157** does not permit a build-out requirement which will allow companies entering the cable market to cherry-pick high-value residents only, leaving low-value residents without service;

WHEREAS, Rose Township agrees that government policies should not determine “winners and losers” in the marketplace and thus the rules governing local franchises, including rules regarding build-out of networks, should apply to all cable providers equally;

WHEREAS, **HB 5895** and **SB 1157** would drastically limit or abolish the important role of local government franchising and weaken the non-discrimination provisions of the 1984 Cable Act that protects the interests of all citizens and promotes competition.

NOW, THEREFORE, BE IT RESOLVED that Rose Township, Oakland County, Michigan, strongly urges the Michigan Legislature to reject legislative proposals such as **HB 5895** and **SB 1157** that abolish the role of local government franchising and the ability of local governments to protect all citizens, that do not allow for build-out requirements, and that ensure that non-discrimination provisions of the 1984 Cable Act are met and promote competition for all its citizens;

BE IT RESOLVED, that Rose Township, supports legislation which promotes competition in broadband and cable services for everyone, recognizes and preserves local community needs, preserves local control over franchising, prohibits redlining and other discriminatory practices, and ensures that any new entrants into the cable market abide by the same standards that current cable, broadband or multi-channel video providers live by.

The Supervisor declares the Resolution adopted.

I, Alison Kalcec, duly elected Clerk of Rose Township, Oakland County, Michigan, do hereby certify that the foregoing is a true and correct copy of Resolution 2006-09 adopted by the Rose Township Board of Trustees at its regular meeting held on April 12, 2006.

Dated: 4/20/06



Alison Kalcec, CMC
Rose Township Clerk

May 2006

May 2006

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

June 2006

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
May 1 7:30pm City Council-Special/Study Budget (Council Boardroom)	2 7:30pm Planning Commission Special/Study (Council Boardroom)	3 8:30am BUILDING CODE BOARD OF APPEALS (Conference Room LL)	4	5	6
8 7:30pm City Council Meeting (Council Chambers)	9 7:30pm Planning Commission Regular Meeting (Council Chambers)	10	11	12	13
15 7:30pm City Council Meeting (Council Chambers) 7:30pm CC - Closed Session (Council Boardroom)	16 7:30pm BZA (Chambers) 7:30pm Historic District Commission (Conference Room C)	17 7:30am CANCELLED DDA Meeting (Lower Level Conference Room)	18	19	20
22	23 7:30pm Planning Commission Special/Study (Council Boardroom)	24	25	26	27
29	30	31			

June 2006

June 2006						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

July 2006						
S	M	T	W	T	F	S
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2	3	4	5	6	7	8
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23	24	25	26	27	28	29
30	31					

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
			June 1		2
			7:30am DDA Meeting (Community Center - Room 305)		3
					4
5	6	7	8	9	10
7:30pm City Council Meeting (Council Chambers)	7:30pm Planning Commission Special/Study (Council Boardroom)	8:30am BUILDING CODE BOARD OF APPEALS (Conference Room LL)			8:00am City Council-Special (Council Boardroom)
					11
12	13	14	15	16	17
	7:30pm Planning Commission Regular Meeting (Council Chambers)				18
					19
19	20	21	22	23	24
7:30pm City Council Meeting (Council Chambers)	7:30pm BZA (Chambers) 7:30pm Historic District Commission (Conference Room C)	7:30am DDA Meeting (Conference Room Lower Level)			25
					26
26	27	28	29	30	
	7:30pm Planning Commission Special/Study (Council Boardroom)				

July 2006

July 2006							August 2006						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
						1			1	2	3	4	5
2	3	4	5	6	7	8	6	7	8	9	10	11	12
9	10	11	12	13	14	15	13	14	15	16	17	18	19
16	17	18	19	20	21	22	20	21	22	23	24	25	26
23	24	25	26	27	28	29	27	28	29	30	31		
30	31												

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
					July 1
					2
3	4	5	6	7	8
	7:30pm Planning Commission Special/Study (Council Boardroom)	8:30am BUILDING CODE BOARD OF APPEALS (Conference Room LL)			9
10	11	12	13	14	15
7:30pm City Council Meeting (Council Chambers)	7:30pm Planning Commission Regular Meeting (Council Chambers)				16
17	18	19	20	21	22
	3:00pm Brownfield Redevelopment (Conference Room C) 7:30pm BZA (Chambers) 7:30pm Historic District Commission (C)	7:30am DDA Meeting (Conference Room Lower Level)			23
24	25	26	27	28	29
7:30pm City Council Meeting (Council Chambers)	7:30pm Planning Commission Special/Study (Council Boardroom)				30
31					

May 3, 2006

TO: John Lamerato, Acting City Manager
FROM: Charles T. Craft, Chief of Police
SUBJECT: Agenda Item – Troy Police Citizens Forum

Recently, COTHA (Coalition of Troy Homeowners Associations) disbanded. The Troy Police Department utilized the COTHA meetings as a vehicle to disseminate information to our residents, to answer questions about police service and concerns about crime, and to gather feedback about the services we provide. COTHA's demise created a void. To fill that void the Community Services Section has instituted a "Troy Police Citizens Forum", which they plan on hosting twice annually at the Fire/Police Training Center, located at 4850 John R.

The forum will include a brief welcome from either myself or one of the Captains, discussions on recent crime trends and upcoming police events, break out sessions with different presentations, and a question – answer period.

The first Forum is scheduled for 7:00 pm, May 31, 2006. The Community Services Section will utilize several methods to notify citizens and homeowners groups of the meeting.

Attached is the tentative agenda. Please contact Captain Gary Mayer if you desire additional information.



TROY POLICE CITIZENS FORUM

Wednesday, May 31, 2006
Fire and Police Training Center
4850 John R

AGENDA

- | | | |
|------|--------------------------------|---|
| 7:00 | Chief or Division
Commander | Introduction and Welcome |
| 7:05 | Officer Breidenich | Crime Trends & Upcoming
events |
| 7:15 | First Session | Drug Awareness in Rm. #A,
Identity Theft in Rm. #B or
Internet Safety in RM. #C
(rotating presentations) |
| 7:45 | Second Session | Repeat of sessions listed
above |
| 8:15 | Third Session | Repeat of sessions listed
above. |
| 8:45 | Officer Breidenich | Final Questions & Answers |

Refreshments served throughout forum in break room



SERVICE THROUGH PARTNERSHIP

SOUTHEASTERN OAKLAND COUNTY RESOURCE RECOVERY AUTHORITY

QUARTERLY REPORT

VOL. XXXIII

APRIL 2006

NO. 3

BOARD OF TRUSTEES	
Representative	Municipality
J. Bais-DiSessa	City of Berkley
R. Spallasso	Village of Beverly Hills
T. M. Markus	City of Birmingham
H. Drinkwine	City of Clawson
B. A. Photiades	City of Ferndale
A. LeCureaux	City of Hazel Park
A. R. Allie	City of Huntington Woods
J. Mueller	City of Lathrup Village
M. L. McReynolds	City of Oak Park
S. W. Ball	City of Pleasant Ridge
G. Rassel	City of Royal Oak
B. P. Murphy	City of Troy

OFFICERS	
Chair:	A. LeCureaux
Vice Chair:	M. L. McReynolds
Secretary:	B. P. Murphy
Advisory Committee:	A. LeCureaux A. R. Allie J. Bais-DiSessa B. P. Murphy

J. A. McKeen	General Manager
M. A. Czuprenski	Operations Director
J. Schandavel	Authority Engineer

April 2006

Board of Trustees
Southeastern Oakland County Resource Recovery Authority

Subject: Quarterly Report – April 2006

Board Members:

Attached is a copy of the Southeastern Oakland County Resource Recovery Authority's Quarterly Report, covering the first nine months operation of the fiscal year 2005/06. The report contains a financial statement of the Authority's operation and an outline of projects in progress or completed during the quarter. The report also contains statistical information and other information of general interest to the members of the Board of Trustees, and the members of the governing body of each of the member municipalities of this Authority.

FINANCIAL STATEMENT

The total net income for the first 9 months of 2005/2006 was -\$79,851.83, before capital expenses and depreciation.

	<u>Actual</u>	<u>Compared to Budget</u>
Revenue	\$5,754,675.86	- \$401,436.14
Expenses	\$5,834,527.69	- \$ 48,062.31
Net Operating Income	-\$ 79,851.83	- \$ 353,373.83

The decrease in revenue was due primarily to receiving lower than budgeted member MSW tonnage (-\$300,000), lower than budgeted prices for the sale of recycled material (-\$103,000) and lower than budgeted sales of compost (-\$47,000). These decreases were partially offset by higher than budgeted non-member MSW and yard waste (+\$22,000) and higher miscellaneous income (+\$24,000).

Expenses were below budget due primarily to lower contractor (-\$217,000) and labor costs (-\$12,000) partially offset by higher than budgeted costs for utilities (+\$135,000) and maintenance (+\$36,000). Additional financial detail is attached.

As of April 21, 2006, our fund balance was 3.0% based on unrestricted assets. This is well below the 7.5% working capital goal approved by the Board. We are taking steps to increase our fund balance level. If restricted assets are included, our fund balance increases to 8.7%.

MATERIAL HANDLED

The Authority processed 142,735 tons of refuse, yard waste and recyclables during the first nine months of the current fiscal year. The average tons per working day delivered to the Authority during this period was 724.5 tons, and represents a decrease of 2.2% or 3,167 total tons compared to the same period last year. Over the past two years, the total tonnage handled has declined by 6.3%.

July 1 Through March 31

Average Tons Per Working Day

	2001/02	2002/03	2003/04	2004/05	2005/06
Tons	771.9	774.8	777.2	740.6	724.5
Variance		+ 0.4%	+ 0.3%	- 4.7%	- 2.2%

COMPARATIVE STATEMENT

The following is a comparison of the first nine months operation of the current fiscal year with the same period of the previous fiscal year:

Revenues From Disposal Services	-\$ 76,189
Revenues From Other Sources	<u>-\$297,969</u>
Total Revenues	-\$374,158
Total Expenditures	<u>+\$511,504</u>
Net Income Before Depreciation	<u>-\$885,662</u>

The decrease in revenue from disposal services was due to a reduced tonnage of refuse delivered for disposal (-\$80,000) and an increase in the amount of the credits paid to the member communities for their recyclable material (-\$24,000) partially offset by an increase in yard waste revenue (+\$28,000). The decrease in revenue from other sources was due to lower prices received for recycled paper materials (-\$188,000) and metals (-\$207,000) and reduced sales of compost (-\$21,000) partially offset by higher prices received for plastics (+\$93,000) and an increase in miscellaneous revenue (+\$28,000).

The increase in expenses compared to the previous fiscal year is largely the result of a change to include the Waste Management bill for March as waste disposal fees in transit (+\$316,000) in order to present a more accurate picture of the financial condition of the Authority. This bill, which is actually booked when it is paid in late April, is for services provided in the month of March. In addition, a retiree health care funding account (+\$100,000) was begun in fiscal 2005/06, the operating costs for the MRF were higher (+\$125,000), which was expected due to

the transition and higher operations costs for the new dual stream sort system. These higher costs were partially offset by reduced operating costs at the transfer stations (-\$60,000).

The following tabulation provides for a comparison on a tonnage cost basis, for the period July 1 through March 31, for the years 2002/2003 – 2005/2006:

July 1 Through March 31

	2002/03	2003/04	2004/05	2005/06	Over or Under* 2004/05
Total Tons	<u>151,089</u>	<u>152,324</u>	<u>145,902</u>	<u>142,735</u>	<u>-3,167</u>
Average Disposal Charge Per Ton	\$29.86	\$29.48	\$30.61	\$30.75	+\$0.14
Other Income	<u>10.10</u>	<u>8.25</u>	<u>11.40</u>	<u>9.57</u>	<u>-1.83</u>
	\$39.96	\$37.73	\$42.01	\$40.32	-\$1.69
Average Operating Expenses/Ton	\$35.50	\$33.33	\$36.48	\$40.88	+\$4.40
Available for Improvements/Ton	<u>\$4.46</u>	<u>\$4.40</u>	<u>\$5.53</u>	<u>-\$0.56</u>	<u>-\$6.09</u>

MAJOR PROJECTS

PLANNING FOR THE FUTURE

During this quarter, the final contracts for July 1, 2007 were completed, approved by the SOCRRA Board and signed by the contractors. Contracts were executed with: Car Trucking (collection of recyclables, refuse and yard waste for Beverly Hills, Birmingham and Ferndale), Onyx (for hauling and disposal of the refuse from the Troy Transfer Station), Rizzo Services (collection of recyclables, refuse and yard waste for Royal Oak) and Tringali Sanitation (collection of recyclables, refuse and yard waste for Berkley, Clawson, Hazel Park, Huntington Woods, Lathrup Village, Oak Park, Pleasant Ridge and Troy). Taken together, these contracts result in an overall cost savings of 15.6% for 2007/08 compared to the costs for 2006/07. SOCRRA staff has developed a long list of items that need to be completed between now and the July 1, 2007 start dates of these contracts. We will be working with the contractors and the member communities to complete this list of tasks in order to develop a smooth transition into the new contracts. One of the first items on this list is to establish the collection days for each community. It appears as if we will be able to eliminate at least one day of collection for most of the communities.

EXPANSION OF RECYCLING PROGRAMS

The successful collection contractors have all agreed to have the following items included in the new collection contracts that will be effective on July 1, 2007:

1. Each recycling vehicle will be capable of handling the collection of recyclables from curb carts (larger containers up to 95 gallon capacity) which could be used to collect recyclables at school, multi-family and commercial locations.
2. Multiple recycling bins will be collected at selected stops. There are a few units that regularly place multiple bins out each week for collection and SOCRRA may wish, in the future, to offer a second recycling bin to residents. Having a second bin could serve to increase the level of recycling at the curb.
3. The unit prices provided by the contractors will cover the collection of curbside recycling bins, regardless of whether the bins are in residential, commercial or civic locations.
4. Recycling will be provided for special events (concerts, art fairs, sports events, etc.).
5. The collection contractor will work with SOCRRA and the member communities to provide recycling in downtown areas.
6. Cardboard/mixed paper dumpster service will be provided at prices established during the RFP process.
7. Roll-off service for recyclable material will be provided at prices established during the RFP process.
8. Pilot testing of future recycling services will be performed.
9. Specified education/outreach efforts will be included as part of their recycling effort.
10. Recycling container management services will be included in their unit pricing.

Having these new provisions as part of the collection contracts will provide the infrastructure to easily expand our recycling programs after July 1, 2007.

The SOCRRA staff is working to develop plans to transition to the new services between now and July 1, 2007. As part of this transition, we are evaluating the costs and benefits of expanding our recycling services to schools, businesses and multi-family locations. It appears that a huge amount of recyclable material can be collected from these non-traditional locations. If you are aware of a school, business or multi-family location in your community that would like to begin a recycling program, please refer them to the SOCRRA office.

LANDFILL MONITORING AND MAINTENANCE

Following the submission of our landfill closure documentation to the MDEQ in December of 2005, we are beginning the less frequent post-closure monitoring of the landfill as of the first quarter of 2006. A contract for performing the monitoring was developed and submitted to qualified contractors for bid. NTH was the low bidder and they began the post-closure monitoring in March of 2006. We are continuing to work with Rochester Hills to resolve a long standing dispute regarding the cost for disposing of the leachate from the landfill.

DUAL STREAM RECYCLING AT THE MRF

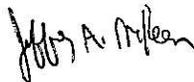
The dual stream system at the MRF continues to perform very well. This new system has allowed us to produce a new recycled product - aluminum. This high value material used to be mixed in with our "tin can" stream. By separating the aluminum and selling it, we are receiving

more money for the same amount of recycled metal. We have also produced a mixed plastic (plastic containers that are not the #1 and #2 traditionally recycled) product that we have been able to sell to our plastics purchaser. It appears as if there is a market for this material, therefore we will be asking the SOCRRA Board for approval to add these materials to our curbside recycling guidelines. We will be conducting a publicity campaign regarding these new materials following Board approval of the addition of these materials to our menu of material that can be recycled through our curbside recycling program.

END USE OF THE LANDFILL

We have been approached by a developer that is interested in building a golf practice center consisting of a driving range and several practice holes on top of the closed landfill in Rochester Hills. We are working with the developer and Rochester Hills to further investigate this proposal. There is still \$100,000 restricted by order of Judge Mester in the Rochester Hills v. SOCRRA case until a final end use for the landfill is determined.

Respectfully submitted,



Jeffrey A. McKeen, P.E.
General Manager

JAM/ksh

SOUTHEASTERN OAKLAND COUNTY RESOURCE RECOVERY AUTHORITY
 STATEMENT OF INCOME JULY 1,2005 THROUGH MARCH 31,2006

<u>REVENUES</u>	<u>ESTIMATED</u>	<u>ACTUAL</u>	<u>VARIANCES</u>
<u>MUNICIPAL SOLID WASTE</u>			
MEMBERS	\$3,736,152.00	\$3,436,738.22	(\$299,413.78)
OTHERS	444,642.00	454,197.56	9,555.56
	<u>\$4,180,794.00</u>	<u>\$3,890,935.78</u>	<u>(\$289,858.22)</u>
<u>COMPOST</u>			
MEMBERS	\$796,200.00	\$801,991.45	\$5,791.45
OTHERS	37,800.00	50,199.43	12,399.43
	<u>\$834,000.00</u>	<u>\$852,190.88</u>	<u>\$18,190.88</u>
<u>RECYCLABLES</u>			
MEMBERS CREDIT	(\$352,152.00)	(\$353,990.92)	(\$1,838.92)
<u>OTHER INCOME</u>			
REVENUES - CARDBOARD	\$63,000.00	\$35,290.17	(\$27,709.83)
REVENUES - PLASTICS	180,600.00	269,836.22	89,236.22
REVENUES - SCRAP METAL	147,000.00	50,047.86	(96,952.14)
REVENUES - NEWSPAPERS	781,200.00	741,741.49	(39,458.51)
REVENUES - GLASS	12,600.00	12,614.76	14.76
REVENUES HOUSEHOLD WASTE	83,000.00	89,899.00	6,899.00
REVENUES - BATTERIES	0.00	797.50	797.50
REVENUES - TIN CANS	59,500.00	22,402.98	(37,097.02)
REVENUES - NON FERROUS METAL	0.00	8,432.36	8,432.36
REVENUES-COMPOST	61,360.00	14,568.00	(46,792.00)
INTEREST ON INVESTMENTS	17,760.00	20,938.38	3,178.38
GRANT FUNDS	0.00	0.00	0.00
RENTAL INCOME	77,250.00	65,096.00	(12,154.00)
MISC. INCOME	10,200.00	33,875.40	23,675.40
	<u>\$1,493,470.00</u>	<u>\$1,365,540.12</u>	<u>(\$127,929.88)</u>
TOTAL REVENUES	<u>\$6,156,112.00</u>	<u>\$5,754,675.86</u>	<u>-\$401,436.14</u>
<u>EXPENSES</u>	<u>BUDGET APPROPRIATIONS</u>	<u>ACTUAL EXPENDITURES</u>	<u>VARIANCES</u>
MADISON HTS TRANS.OPERATION	\$1,656,352.00	\$1,290,557.76	(\$365,794.24)
BATTERY/HOUSEHOLD WASTE	111,173.00	121,527.18	10,354.18
TROY TS OPERATION	1,878,448.00	2,030,988.19	152,540.19
MATERIAL RECOVERY FACILITY	526,770.00	624,218.48	97,448.48
LANDFILL/COMPOST OPERATION	292,405.00	357,202.71	64,797.71
WASTE DISPOSAL FEES IN TRANSIT	337,159.00	315,654.18	(21,504.82)
ADMINISTRATIVE & GENERAL	1,080,283.00	1,094,379.19	14,096.19
FIXED CHARGES	0.00	0.00	0.00
	<u>\$5,882,590.00</u>	<u>\$5,834,527.69</u>	<u>(\$48,062.31)</u>
REVENUES OVER EXPENSES	\$273,522.00	(\$79,851.83)	(\$353,373.83)
NET INCOME BEFORE DEPRECIATION	<u>\$273,522.00</u>	<u>(\$79,851.83)</u>	<u>(\$353,373.83)</u>
REBATE TO CITIES	\$0.00	\$277,000.00	\$277,000.00

SOUTHEASTERN OAKLAND COUNTY RESOURCE RECOVERY AUTHORITY
 STATEMENT OF INCOME JULY 1,2005 THROUGH MARCH 31,2006

<u>REVENUES</u>		TOTAL	2005/06
<u>MUNICIPAL SOLID WASTE</u>	<u>TONS</u>	<u>AMOUNT</u>	<u>AVERAGE</u>
			<u>PER TON</u>
MEMBERS	96,810.07	\$3,436,738.22	
OTHERS	6,854.12	454,197.56	
<u>COMPOST</u>			
MEMBERS	26,304.50	801,991.45	
OTHERS	841.15	50,199.43	
<u>RECYCLABLES</u>			
MEMBERS	11,747.71	353,990.92	
DROP OFF CENTERS	177.60	0.00	
	<hr/>	<hr/>	
	142,735.15	\$5,097,117.58	\$35.71
<u>OTHER INCOME</u>			
REVENUES - CARDBOARD		\$35,290.17	
REVENUES - PLASTICS		269,836.22	
REVENUES - SCRAP METAL		50,047.86	
REVENUES - NEWSPAPERS		741,741.49	
REVENUES - GLASS		12,614.76	
REVENUES-HOUSEHOLD WASTE		89,899.00	
REVENUES BATTERIES		797.50	
REVENUES - TIN CANS		22,402.98	
REVENUES - NON FERROUS METAL		8,432.36	
REVENUES - COMPOST		14,568.00	
INTEREST ON INVESTMENTS		20,938.38	
GRANT FUNDS		0.00	
RENTAL INCOME		65,096.00	
MISC. INCOME		33,875.40	
		<hr/>	
		\$1,365,540.12	9.57
		<hr/>	
TOTAL REVENUES		\$6,462,657.70	\$45.28
<u>EXPENSES</u>			
MADISON HEIGHTS TRANSFER STATION		\$1,290,557.76	
BATTERY RECYCLING/HOUSEHOLD WASTE		121,527.18	
TROY TS OPERATION		2,030,988.19	
MATERIAL RECOVERY FACILITY		624,218.48	
LANDFILL/COMPOST OPERATION		357,202.71	
WASTE DISPOSAL FEES IN TRANSIT		315,654.18	
ADMINISTRATIVE & GENERAL		1,094,379.19	
FIXED CHARGES		0.00	
		<hr/>	
		\$5,834,527.69	\$40.88
NET INCOME BEFORE DEPRECIATION		\$628,130.01	\$4.40
DEPRECIATION		33,306.67	\$0.23
		<hr/>	
NET INCOME		\$594,823.34	\$4.17
REBATES TO CITIES		<hr/>	
		\$277,000.00	\$1.94

SOUTHEASTERN OAKLAND COUNTY RESOURCE RECOVERY AUTHORITY
 STATEMENT OF REVENUES & EXPENDITURES
 COMPARED WITH TOTAL BUDGET
 JULY 1,2005 THROUGH MARCH 31,2006

<u>REVENUES</u>	<u>TOTAL BUDGET 2005/06</u>	<u>ACTUAL 9 MONTHS</u>	<u>BALANCE</u>
<u>MUNICIPAL SOLID WASTE</u>			
MEMBERS	\$5,189,100.00	\$3,436,738.22	\$1,752,361.78
OTHERS	673,700.00	454,197.56	219,502.44
	<u>\$5,862,800.00</u>	<u>\$3,890,935.78</u>	<u>\$1,971,864.22</u>
<u>COMPOST</u>			
MEMBERS-COMPOST	\$1,061,600.00	\$801,991.45	\$259,608.55
OTHERS-COMPOST	54,000.00	50,199.43	3,800.57
	<u>\$1,115,600.00</u>	<u>\$852,190.88</u>	<u>\$263,409.12</u>
<u>RECYCLABLES</u>			
MEMBERS CREDIT	(\$525,600.00)	(\$353,990.92)	(\$171,609.08)
<u>OTHER INCOME</u>			
REVENUES - CARDBOARD	\$90,000.00	\$35,290.17	\$54,709.83
REVENUES - PLASTICS	258,000.00	269,836.22	(11,836.22)
REVENUES - SCRAP METAL	210,000.00	50,047.86	159,952.14
REVENUES - NEWSPAPERS	1,116,000.00	741,741.49	374,258.51
REVENUES - GLASS	18,000.00	12,614.76	5,385.24
REVENUES-HOUSEHOLD WASTE	119,000.00	89,899.00	29,101.00
REVENUES - BATTERIES	0.00	797.50	(797.50)
REVENUES - TIN CANS	85,000.00	22,402.98	62,597.02
REVENUES - NON FERROUS METAL	0.00	8,432.36	(8,432.36)
REVENUES - COMPOST	118,000.00	14,568.00	103,432.00
INTEREST ON INVESTMENTS	24,000.00	20,938.38	3,061.62
RENTAL INCOME	103,000.00	65,096.00	37,904.00
MISC. INCOME	15,000.00	33,875.40	(18,875.40)
	<u>\$2,156,000.00</u>	<u>\$1,365,540.12</u>	<u>\$790,459.88</u>
TOTAL REVENUES	<u>\$8,608,800.00</u>	<u>\$5,754,675.86</u>	<u>\$2,854,124.14</u>

SOUTHEASTERN OAKLAND COUNTY RESOURCE RECOVERY AUTHORITY
 STATEMENT OF REVENUES & EXPENDITURES
 COMPARED WITH TOTAL BUDGET
 JULY 1,2005 THROUGH MARCH 31,2006

<u>EXPENSES</u>	<u>TOTAL BUDGET 2005/06</u>	<u>ACTUAL 9 MONTHS</u>	<u>BALANCE</u>
MADISON HEIGHTS OPERATION	\$2,332,074.00	\$1,290,557.76	\$1,041,516.24
BATTERY/HOUSEHOLD WASTE	165,864.00	121,527.18	44,336.82
TROY TS OPERATION	3,030,180.00	2,030,988.19	999,191.81
MATERIAL RECOVERY FACILITY	766,000.00	624,218.48	141,781.52
LANDFILL/COMPOST OPERATION	413,420.00	357,202.71	56,217.29
WASTE DISPOSAL FEES IN TRANSIT	0.00	315,654.18	(315,654.18)
ADMINISTRATIVE & GENERAL	1,443,300.00	1,094,379.19	348,920.81
FIXED CHARGES	0.00	0.00	0.00
	<hr/> \$8,150,838.00	<hr/> \$5,834,527.69	<hr/> \$2,316,310.31
TOTAL EXPENDITURES	<hr/> <hr/> \$8,150,838.00	<hr/> <hr/> \$5,834,527.69	<hr/> <hr/> \$2,316,310.31
 NET INCOME	 <hr/> <hr/> \$457,962.00	 <hr/> <hr/> (\$79,851.83)	 <hr/> <hr/> \$537,813.83
REBATES TO CITIES	\$0.00	\$277,000.00	(\$277,000.00)

SOUTHEASTERN OAKLAND COUNTY RESOURCE RECOVERY AUTHORITY
 COMPARATIVE STATEMENT
 JULY 1,2005 THROUGH MARCH 31,2006

	2005/06	2004/05	VARIANCES
<u>REVENUES</u>			
<u>MUNICIPAL SOLID WASTE</u>			
MEMBERS	\$3,436,738.22	\$3,510,322.92	(\$73,584.70)
OTHERS	454,197.56	460,266.50	(6,068.94)
	<u>\$3,890,935.78</u>	<u>\$3,970,589.42</u>	<u>(\$79,653.64)</u>
<u>COMPOST</u>			
MEMBERS	\$801,991.45	\$783,578.07	\$18,413.38
OTHERS	50,199.43	40,878.87	9,320.56
	<u>\$852,190.88</u>	<u>\$824,456.94</u>	<u>\$27,733.94</u>
<u>RECYCLABLES</u>			
MEMBERS CREDIT	(\$353,990.92)	(\$329,721.59)	(\$24,269.33)
<u>OTHER INCOME</u>			
REVENUES - CARDBOARD	\$35,290.17	\$71,206.68	(\$35,916.51)
REVENUES - PLASTICS	269,836.22	176,716.19	93,120.03
REVENUES - SCRAP METAL	50,047.86	206,602.60	(156,554.74)
REVENUES - NEWSPAPERS	741,741.49	893,411.92	(151,670.43)
REVENUES - GLASS	12,614.76	11,479.50	1,135.26
REVENUES-HOUSEHOLD WASTE	89,899.00	83,012.00	6,887.00
REVENUES-BATTERIES	797.50	312.00	485.50
REVENUES - TIN CANS	22,402.98	81,531.67	(59,128.69)
REVENUES - ALUMINUM	8,432.36	0.00	8,432.36
REVENUES - COMPOST	14,568.00	35,407.00	(20,839.00)
INTEREST ON INVESTMENTS	20,938.38	19,304.45	1,633.93
GRANT FUNDS	0.00	0.00	0.00
RENTAL INCOME	65,096.00	78,786.00	(13,690.00)
MISC. INCOME	33,875.40	5,739.24	28,136.16
	<u>\$1,365,540.12</u>	<u>\$1,663,509.25</u>	<u>(\$297,969.13)</u>
TOTAL REVENUES	\$5,754,675.86	\$6,128,834.02	(\$374,158.16)
OPERATING EXPENSES	\$5,834,527.69	\$5,323,023.87	\$511,503.82
EXCESS	(\$79,851.83)	\$805,810.15	(\$885,661.98)
REBATES TO CITIES	\$277,000.00	\$0.00	\$277,000.00
EXCESS AFTER REBATES	<u>(\$356,851.83)</u>	<u>\$805,810.15</u>	<u>(\$1,162,661.98)</u>

SOUTHEASTERN OAKLAND COUNTY RESOURCE RECOVERY AUTHORITY
 TOTAL DISPOSAL CHARGES
 JULY 1,2005 THROUGH MARCH 31,2006

<u>MUNICIPALITY</u>	<u>TOTAL TONS</u>	<u>DISPOSAL CHARGES</u>	<u>AVERAGE COST PER TON</u>
BERKLEY	6,401	\$182,344.48	\$28.49
BEVERLY HILLS	5,302	135,231.49	\$25.50
BIRMINGHAM	12,883	362,056.27	\$28.10
CLAWSON	6,510	186,138.11	\$28.59
FERNDALE	12,431	377,640.92	\$30.38
HAZEL PARK	7,471	236,241.57	\$31.62
HUNTINGTON WOODS	3,326	70,720.93	\$21.27
LATHRUP VILLAGE	1,942	57,433.65	\$29.57
OAK PARK	11,245	340,625.42	\$30.29
PLEASANT RIDGE	1,907	53,102.83	\$27.84
ROYAL OAK - CITY	31,757	918,058.78	\$28.91
TROY	33,687	965,144.30	\$28.65
SUB-TOTAL	134,862	\$3,884,738.75	\$28.81
OTHER CUSTOMERS	7,696	\$504,396.99	\$65.54
DROP OFF CENTERS	177	0.00	0.00
TOTAL	142,735	\$4,389,135.74	\$30.75

SOUTHEASTERN OAKLAND COUNTY RESOURCE RECOVERY AUTHORITY IMPROVEMENT FUND
JULY 1,2005 THROUGH MARCH 31,2006

EXPENDITURES

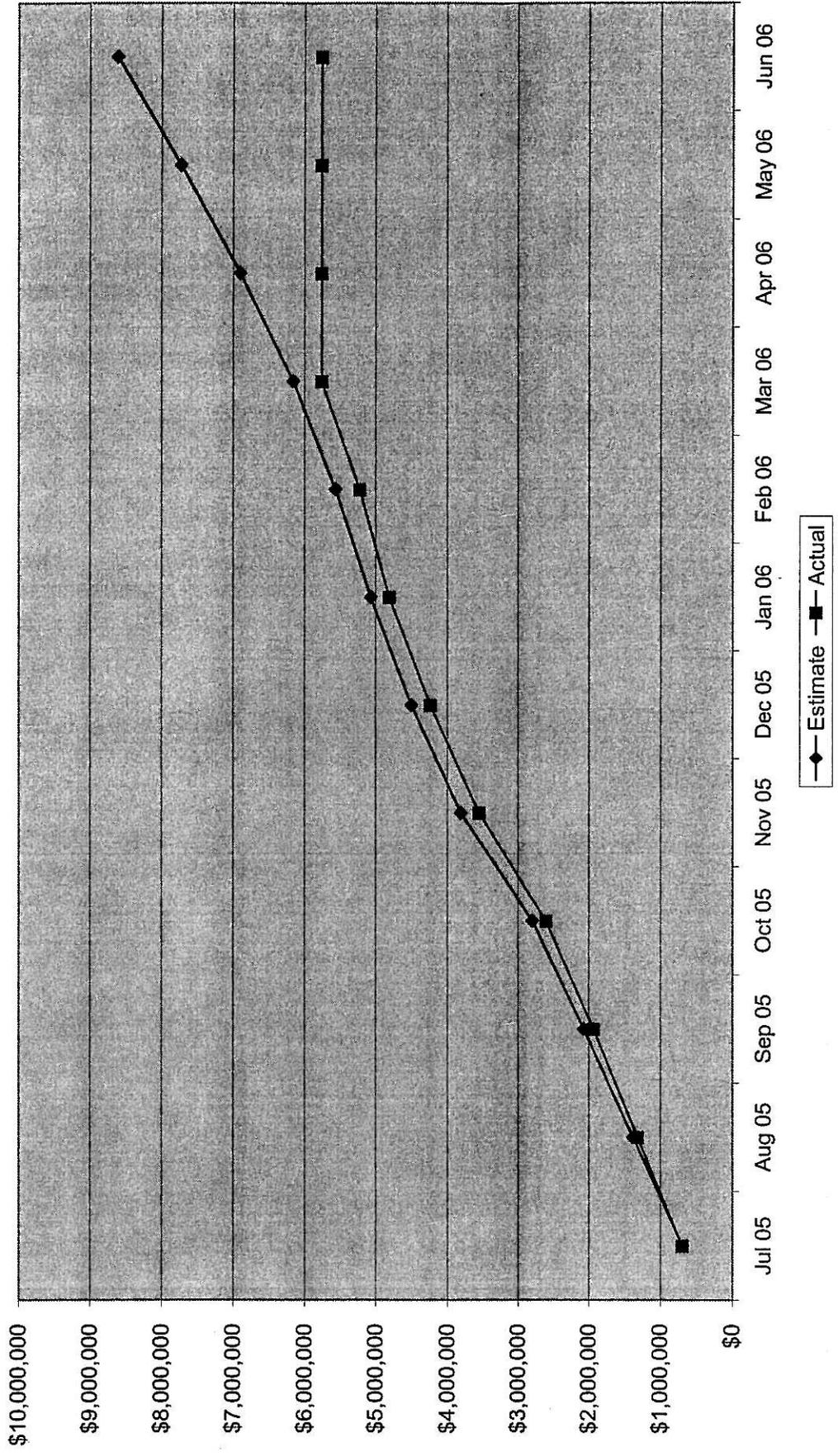
Dual Stream

\$278,757.25

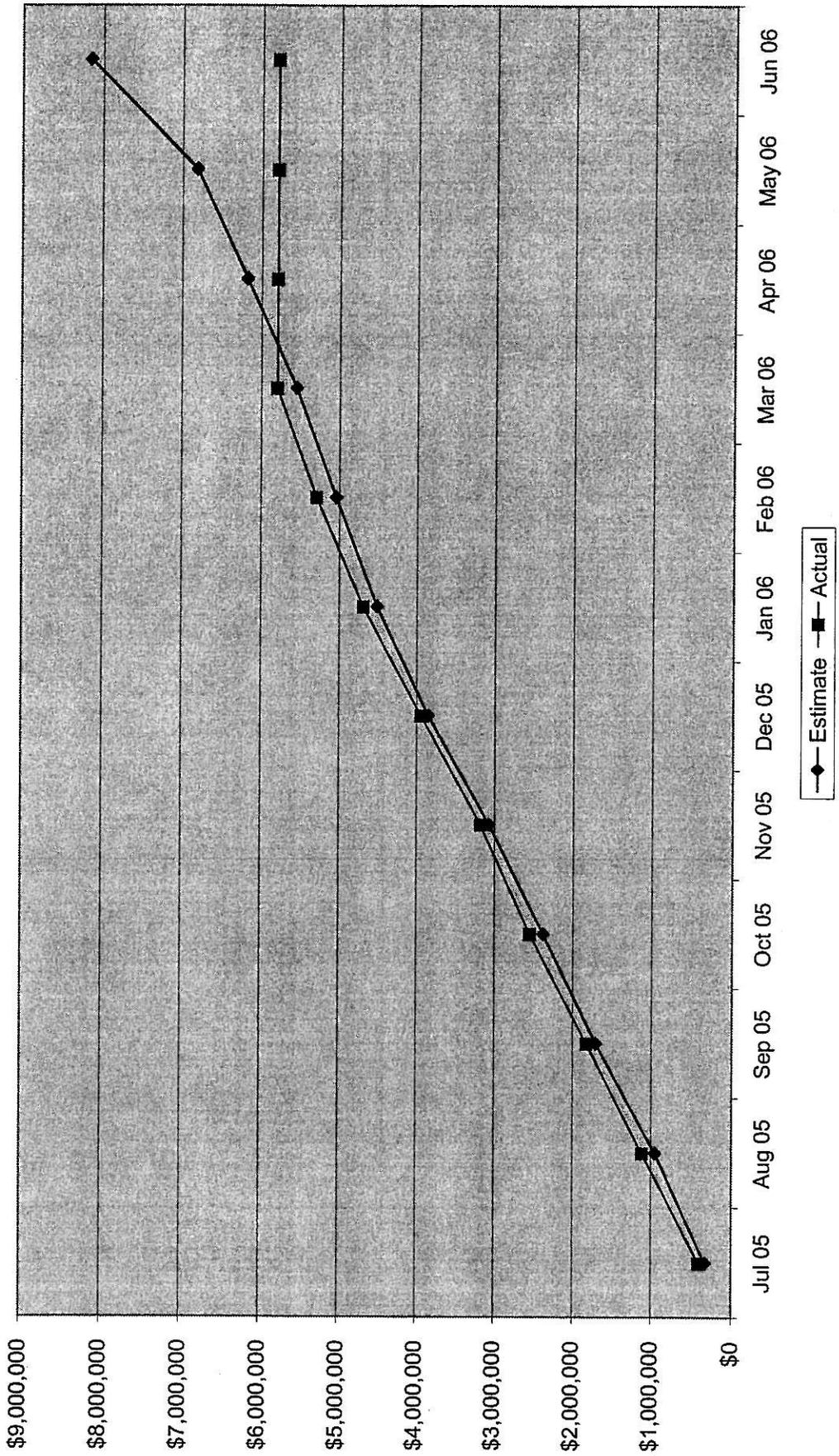
TOTAL

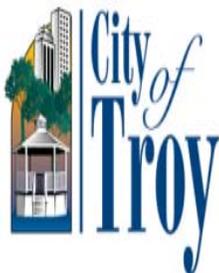
\$278,757.25

SOCRRA REVENUES 2005/06



SOCRRA EXPENSES 2005/06





TO: Mayor and Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
DATE: May 9, 2006
SUBJECT: Cable Franchise Lawsuit Against the City of Troy

Municipalities scored a recent victory when the Michigan Supreme Court recently denied leave to appeal in the cases that challenged cable franchise fees as illegal taxes. The City of Troy was one of thirteen municipal defendants served with such a lawsuit. The other municipalities include Ann Arbor, Canton Township, Grand Rapids, Kalamazoo, Livonia, Midland, Muskegon, Plymouth Township, Royal Oak, St. Clair Shores, Warren and Westland. **Eight** of the individual circuit court judges dismissed the lawsuit in against the following jurisdictions: Ann Arbor, Canton Township, Grand Rapids, Livonia, Muskegon, St. Clair Shores, and Westland. The Plaintiffs voluntarily dismissed the Plymouth Township case, and Warren settled their case. Although the remaining three jurisdictions (**Troy**, Royal Oak, and Midland), had filed motions for dismissal, the circuit court judges stayed these cases to wait for a final decision in the Michigan Supreme Court. The Michigan Supreme Court has denied the Plaintiff's application for leave to appeal, thereby finalizing the decisions of the Michigan Court of Appeals.

These eight cases were not formally consolidated at the Court of Appeals, but they were all heard on the same day. Exhaustive briefs were filed in all of the cases, and the Michigan Municipal League Legal Defense Fund also filed an amicus brief in support of the municipal position. These briefs raised several justifications for dismissal, and addressed all of the successful arguments relied upon by the eight separate circuit court judges in the courts below. However, the Court of Appeals relied only on the statute of limitations argument in affirming seven of the eight cases. The Court held that the lawsuits were not filed within one year of the execution of the cable franchise agreements, as required by MCL 600.308(a)(3), and therefore were precluded. However, the statute of limitations defense was not available in the eighth case, since Livonia followed a different procedure in the circuit court. In that case, the Court of Appeals held that Livonia's revenue from the franchise fee in the one- year prior to the filing of the lawsuit was not disproportionate to the expenses for cable in that same year, and therefore the cable franchise fee was not a tax.

With the Michigan Supreme Court decision denying Plaintiff's application for leave to appeal, the stayed case against the City of Troy should also be dismissed, allowing our cable franchise agreements to stay intact. In Troy, the City receives cable franchise fees that represent 5% of the company's gross revenues, which totals approximately \$800,000 per year.

If you have any questions, please let me know.

CC: Cable Advisory Board



TO: Mayor and Members of City Council
FROM: Lori Grigg Bluhm, City Attorney
Christopher J. Forsyth, Assistant City Attorney
DATE: May 9, 2006
SUBJECT: Carrie Zanoni v. City of Troy, Officer Jones , & Sgt. Stout

Enclosed please find a copy of the Order dismissing the City of Troy from the lawsuit filed by Carrie Zanoni against the City of Troy and Police Officer Joshua Jones and Sgt. Christopher Stout. This order was entered after a hearing on our Motion for Summary Disposition, which was entered on May 3, 2006 by Judge John McDonald.

This lawsuit was initially filed as an auto negligence case against co-Defendant Rebecca Ann Roose, who hit Zanoni with her car on August 17, 2003. The accident occurred on Livernois at Woodslee, and resulted in serious injuries to Plaintiff, who was a pedestrian. After discovery had commenced in the case, Plaintiff asked for permission to amend the complaint to add the City of Troy and its police officers and the City of Clawson and its police officers as co-defendants. This request was granted on November 25, 2005. In the amended complaint, Plaintiff argued that the municipalities and their police officers were at least partially at fault for her injuries, since they had contact with her prior to her accident, and knew that she had been drinking, and therefore was likely to have been involved in an accident. She argued that the police officers were obligated to take her into custody or otherwise take some action to prevent the accident, even though she was not driving at the time of her contact with the Troy police officers, and was not incapacitated.

In our motion for summary disposition, we argued that the City and its officers are immune from liability in this case. Under state statute, municipalities are provided with tort immunity, since they undertake to provide services that private entities are hesitant to provide, due to risk management concerns. Examples of these services include providing and servicing roads, sidewalks and recreational facilities, and providing police protection. This immunity is not absolute, however, and may be pierced. One exception to the broad grant of governmental immunity is where a municipality's agent is carrying out his or her duties in a grossly negligent manner, and this gross negligence is the proximate cause of an injury. State statute defines gross negligence as conduct so reckless as to demonstrate a substantial lack of concern for whether an injury results. The Michigan Supreme Court has defined proximate cause as the most immediate, efficient, and direct cause of the injury or damage.

The Court determined that Plaintiff had not established an exception to governmental immunity, and therefore dismissal of the City and the officers was appropriate. Judge McDonald first opined that Officer Jones and Sgt. Stout's contact with Plaintiff was carried out in a professional manner, which did not rise to the level of gross negligence. In addition, the Court also determined that Plaintiff did not establish the required proximate cause element. In the Court's opinion, the City and/or the officers were not the most direct, immediate and efficient cause of Ms. Zanoni's injuries. The injuries were instead a direct result of Ms. Roose striking Plaintiff with her car.

If you have any questions, please let us know.

PRESENT: HONORABLE JOHN J. McDONALD

This matter came before this Court on a motion filed by Defendants, City of Troy, Police Officer Jones, and Sgt. Stout seeking summary disposition pursuant to MCR 2.116(C)(7) and (10); the Court having been fully advised of the premises;

IT IS:

ORDERED that Defendant's motion is GRANTED;

ORDERED that this case as to above Defendants is dismissed WITH PREJUDICE for the reasons stated on the record.

JOHN J. McDONALD

~~Circuit Court Judge~~ CLERK

A TRUE COPY
RUTH JOHNSON

Oakland County Clerk - Register of Deeds

By: *P. Page*

Deputy



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

May 10, 2006

Area code (248)

Assessing
524-3311

Bldg. Inspections
524-3344

Bldg. Maintenance
524-3368

City Clerk
524-3316

City Manager
524-3330

Community Affairs
524-1147

Engineering
524-3383

Finance
524-3411

Fire-Administration
524-3419

Human Resources
524-3339

Information Services
619-7279

Law
524-3320

Library
524-3545

Parks & Recreation
524-3484

Planning
524-3364

Police-Administration
524-3443

Public Works
524-3370

Purchasing
524-3338

Real Estate & Development
524-3498

Treasurer
524-3334

General Information
524-3300

Timothy Clyne
3463 Crooks Road
Troy, MI 48084

RE: Commercial Vehicle Appeal – 3463 Crooks Road

Mr. Clyne:

At the meeting of Monday, April 3, 2006, City Council voted to deny your appeal of the restrictions on outdoor parking of a commercial vehicle on your property at 3463 Crooks Road. This information was forwarded to you in my letter of April 4, 2006. On April 26, 2006 you submitted another application for appeal.

Under section 44.03.00 of the zoning ordinance, all other provisions regarding appeals to the BZA shall be followed by City Council with respect to commercial vehicle appeals. Thus, section 43.90.00 is applicable and the decision to deny the commercial vehicle appeal is final absent some newly discovered evidence or substantially changed conditions. Your application does not identify any such new evidence or substantial change. As such, this application will not be administratively placed on the City Council agenda.

You must remove the vehicle from the site and find an alternate approved location or storage facility. This must be done on or before May 20, 2006. Continued parking of the vehicle on after that date will be a violation that will result in further legal action. The Mini-U-Store facility located at 262 E. Maple in Troy has received approval for outdoor storage of commercial and recreational vehicles. You may wish to contact the manager there to find out about the availability of space.

Sincerely,

Mark Stimac
Director of Building & Zoning