

# **AGENDA**

**Meeting of the**

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

**JULY 24, 2006**

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

**Submitted By  
The City Manager**

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***NOTICE: Persons 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](mailto:clerk@ci.troy.mi.us) at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.***

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TO: The Honorable Mayor and City Council  
Troy, Michigan

FROM: Phillip L. Nelson, 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.

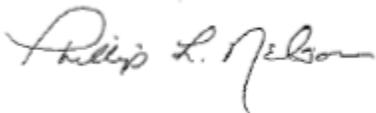
Identified below are goals for the City, which have been advanced by the governing body; and Agenda items submitted for your consideration are on course with these goals.

### **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.

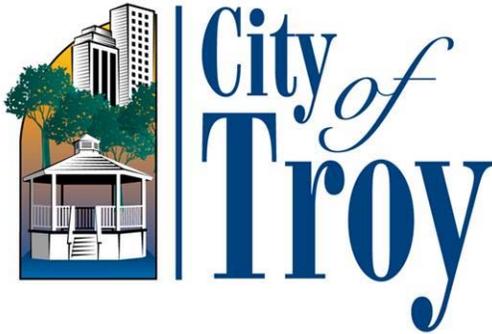
As always, we are happy to provide such added information as your deliberations may require.

Respectfully submitted,



Phillip L. Nelson, City Manager

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## CITY COUNCIL

### AGENDA

July 24, 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 Charlotte Sommers –  
Northminster Presbyterian Church 1

**ROLL CALL:** 1

**CERTIFICATES OF RECOGNITION:** 1

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**CARRYOVER ITEMS:** 1

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C-2 Zoning Ordinance Text Amendment (File Number: ZOTA 219) – Articles II and III,  
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**CALL TO ORDER:****INVOCATION & PLEDGE OF ALLEGIANCE: Reverend Charlotte Sommers – Northminster Presbyterian 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:**

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**A-1 Presentations: No Presentations**

**CARRYOVER ITEMS:**

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**B-1 No Carryover Items**

**PUBLIC HEARINGS:**

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**C-1 Street Vacation Application (File Number: SV 187) – A Section of Alley Located North of Big Beaver between Frankton and Troy, Section 22**

Suggested Resolution

Resolution #2006-07-

Moved by

Seconded by

WHEREAS, A request has been received for the vacation of a portion of the 18-foot-wide platted public alley, extending approximately 244 feet between Frankton Street (platted Ford Avenue) and Troy Street (platted Jene Avenue), abutting lots 26 through 37 and lots 91 and 92 of Eysters Beaver Gardens Subdivision, Section 22 (Liber 26, page 14 of Oakland County Plats);

WHEREAS, City Management and the Planning Commission have recommended that this street vacation be approved; and

WHEREAS, City Management has determined there is no need to retain any easements within the subject alley;

THEREFORE, BE IT RESOLVED, That the City Council **CONCURS** in the recommendations of City Management and the Planning Commission; and

BE IT FURTHER RESOLVED, That approval of this resolution by City Council **SHALL CONSTITUTE** final action on this street vacation request; and

BE IT FINALLY RESOLVED, That the City Clerk shall **FORWARD** and **RECORD** said vacation resolution in accordance with Sections 256 and 257 of Act 288 of Michigan Public Acts of 1967, as amended.

Yes:

No:

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**C-2 Zoning Ordinance Text Amendment (File Number: ZOTA 219) – Articles II and III, Conditional Rezoning**

Suggested Resolution

Resolution #2006-07-

Moved by

Seconded by

RESOLVED, That Articles II (Planning Commission, Changes and Amendments to the Zoning Ordinance, and Approvals) and III (Applications and Procedures) of the City of Troy Zoning Ordinance be **AMENDED** to read as written in the proposed Zoning Ordinance Text Amendment (ZOTA 219), dated June 26, 2006, as recommended by the Planning Commission and City Management.

Yes:

No:

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**C-3 Zoning Ordinance Text Amendment (File Number: ZOTA 215-C) – Articles XLIII and XLIV, Pertaining to Commercial Vehicle Parking Appeals**

Suggested Resolution

Resolution #2006-07-

Moved by

Seconded by

RESOLVED, That Articles XLIII (Board of Zoning Appeals) and XLIV (City Council Appeals) of the City of Troy Zoning Ordinance be **AMENDED** to read as written in the proposed Zoning Ordinance Text Amendment (ZOTA 215-C), dated June 26, 2006, as recommended by the Planning Commission and City Management.

Yes:

No:

**POSTPONED ITEMS:**

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**D-1 Traffic Committee Recommendations – April 19, 2006**

**No Changes to Traffic Control Devices at Ivanhoe and Sweet**

Pending Resolution  
Moved by Beltramini  
Seconded by Fleming

RESOLVED, That **NO CHANGES** be made to traffic control devices at Ivanhoe and Sweet.

**Substitute Amendment**

Pending Resolution  
Moved by Stine  
Seconded by Fleming

RESOLVED, That the preceding resolution for *Traffic Control Devices at Ivanhoe and Sweet* be **SUBSTITUTED** with the following:

RESOLVED, That Traffic Control Order No. \_\_\_\_\_ be **ISSUED** for the installation of YIELD sign at Ivanhoe and Sweet.

Yes:  
No:

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**D-2 Proposed Revisions to DDA By-Laws**

Pending Resolution  
Moved by Beltramini  
Seconded by Broomfield

RESOLVED, That the proposed revisions to the City of Troy Downtown Development Authority By-Laws and Rules of Procedure are **APPROVED** as recommended by City Administration, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:  
No:

**CONSENT AGENDA:**

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

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

Suggested Resolution

Resolution #2006-07-  
Moved by  
Seconded by

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

Yes:  
No:

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

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

Suggested Resolution  
Resolution #2006-07-

RESOLVED, That the Minutes of the 7:30 PM Regular City Council Meeting of July 10, 2006 be **APPROVED** as submitted.

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

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### **E-4 Standard Purchasing Resolutions**

**a) Standard Purchasing Resolution 1: Award to Low Bidder – Furnish and Install Lights on Four (4) Harley Davidson Electric Glide Motorcycles**

Suggested Resolution  
Resolution #2006-07-

RESOLVED, That a contract to furnish and install light packages on the Troy Police Department's four (4) Harley Davidson electric glide motorcycles and remove and return existing lights to the City is hereby **AWARDED** to the low bidder, Alert Emergency Equipment Group of Portland, MI, for an estimated total cost of \$18,647.00, at unit prices as contained on the bid tabulation opened June 30, 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 1: Award to Low Bidder – Towing Services**

Suggested Resolution  
Resolution #2006-07-

RESOLVED, That a contract to furnish three (3) year requirements of towing services with an option to renew for three (3) additional years be **AWARDED** to the low total bidder, Coleman's

Towing & Recovery of Troy, MI at unit prices contained in the bid tabulation opened June 12, 2006, with the contract expiring July 31, 2009; 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.

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**E-5 Request for Acceptance of Permanent Easement for Watermain from Troy Long Lake, L.L.C. – Sidwell #88-20-15-101-001**

Suggested Resolution

Resolution #2006-07-

RESOLVED, That the permanent easement for watermain received from Troy Long Lake, L.L.C., having Sidwell #88-20-15-101-001, is hereby **ACCEPTED**; and

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

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**E-6 Request for Acceptance of Permanent Easement for Watermain from Diajeff Trust – Sidwell #88-20-23-100-092**

Suggested Resolution

Resolution #2006-07-

RESOLVED, That the permanent easement for watermain received from Susan Sandelman, as Successor Trustee of the Diajeff Trust, owner of property having Sidwell #88-20-23-100-092, is hereby **ACCEPTED**; and

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

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**E-7 Request for Acceptance of Permanent Easement for Watermain from Boys and Girls Club of Troy, Inc. – Sidwell #88-20-24-100-042**

Suggested Resolution

Resolution #2006-07-

RESOLVED, That the permanent easement for watermain received from Boys and Girls Club of Troy, Inc., owner of property having Sidwell #88-20-24-100-042, is hereby **ACCEPTED**; and

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

**E-8 Request for Acceptance of Permanent Easement for Watermain from First Place Bank – Sidwell #88-20-09-301-017 (Split from 88-20-09-301-012)**

Suggested Resolution  
Resolution #2006-07-

RESOLVED, That the permanent easement for watermain received from First Place Bank, a federally chartered Savings Association, having Sidwell #88-20-09-301-017 (split from 88-20-09-301-012), and previously recorded with Oakland County Register of Deeds, Liber 37605, Page 290, is hereby **ACCEPTED**; and

BE IT FURTHER RESOLVED, That a copy of said document shall be **ATTACHED** to the original Minutes of this meeting.

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**E-9 Request for Acceptance of Permanent Easements for Watermain and Sidewalk from K/LB Big Beaver, L.L.C. – Sidwell #88-20-28-101-063**

Suggested Resolution  
Resolution #2006-07-

RESOLVED, That the permanent easements for watermain and sidewalk received from K/LB Big Beaver, L.L.C., owner of property having Sidwell #88-20-28-101-063, are hereby **ACCEPTED**; and

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

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**E-10 Request for Acceptance of Permanent Easement for Watermain from Walsh College of Accountancy and Business Administration – Sidwell #88-20-22-101-039**

Suggested Resolution  
Resolution #2006-07-

RESOLVED, That the permanent easement for watermain received from Walsh College of Accountancy and Business Administration, owner of property having Sidwell #88-20-22-101-039, is hereby **ACCEPTED**; and

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

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**E-11 Request for Acceptance of Permanent Easement for Sidewalk from Oakland Square Limited Partnership – Sidwell #88-20-36-301-005**

Suggested Resolution  
Resolution #2006-07-

RESOLVED, That the permanent easement for sidewalk received from Oakland Square Limited Partnership, owner of property having Sidwell #88-20-36-301-005, is hereby **ACCEPTED**; and

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

---

**E-12 Addendum No. 1 – Construction Schedule Change to Ferry Drain Restoration Project, Contract 06-3**

Suggested Resolution

Resolution #2006-07-

RESOLVED, That Addendum No. 1 to Contract No. 06-3, Ferry Drain Restoration Project, amending the contract completion dates to September 15, 2006 for substantial completion of earthwork and September 30, 2006 for completion of all plantings and restoration work is hereby **APPROVED** to D & J Lawn & Snow, Inc. 22750 Macomb Industrial Drive, Clinton Twp., MI 48036 at unit prices contained in the contract; and

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

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**E-13 Designation of Street Administrator**

Suggested Resolution

Resolution #2006-07-

WHEREAS, Section 13(7) of Act 51, Public Acts of 1951 provided that each incorporated city and village to which funds are returned under the provisions of this section, that, "the responsibility for street improvements, maintenance, and traffic operations work, and the development, construction, or repair of off-street parking facilities and construction or repair of street lighting shall be coordinated by a single administrator to be designated by the governing body who shall be responsible for and shall represent the municipality in transactions with the State Transportation Department pursuant to this act";

THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby **DESIGNATES** Phillip L. Nelson, City Manager, as the single Street Administrator for the City of Troy in all transactions with the State Transportation Department as provided in Section 13 of the Act.

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**E-14 Amendment #1 Outdoor Lighting Maintenance Contract**

Suggested Resolution

Resolution #2006-07-

WHEREAS, On February 23, 2004, the option to renew the contract to provide outdoor lighting maintenance with Allied Signs, Inc., was exercised and approved for an estimated two-year cost of \$52,350.00, plus 25% of the annual contract total each year under the same prices,

terms, and conditions as the original contract expiring June 30, 2006 (Resolution #2004-02-096); and

WHEREAS, The contract in total exceeded the approved amounts by an estimated \$50,000.00, due to the inclusion of all City departments for the maintenance of all lighting systems within Troy, which include streetlights, parking lots and ball diamonds;

THEREFORE, BE IT RESOLVED, That the contract is hereby **AMENDED** and **CONFIRMED** for additional outdoor lighting maintenance at an estimated cost of \$50,000.00.

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**E-15 Request for Approval of Conditioned Purchase Agreement for Right-of-Way Sidewalk Gap Project – Sidwell #88-20-15-379-052, 215 E. Wattles Road**

Suggested Resolution

Resolution #2006-07-

RESOLVED, That the Agreement to Purchase between William Cook, owner of the property having Sidwell #88-20-15-379-052, and the City of Troy, for the acquisition of right-of-way for a sidewalk gap completion project is **APPROVED** in the amount of \$10,575.00, plus closing costs.

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**E-16 Beech Lane Barrier and Road Closure Status**

Suggested Resolution

Resolution #2006-07-

WHEREAS, Beech Lane has historically been closed to vehicular traffic at the Spencer drain; and

WHEREAS, This status would reflect a long held belief by a majority of area residents since the 1980's and confirmed by the recent survey, that the road should remain closed to vehicular traffic at the drain, while allowing pedestrian traffic;

THEREFORE, BE IT RESOLVED, That Beech Lane between Maple and Cherry shall be **CLOSED INDEFINITELY** to all vehicular traffic at the Spencer drain unless a resolution to open Beech Lane is adopted by City Council at some future date.

---

**E-17 Informal Quotation Process – Award of Painting and Wallpapering of Troy City Hall**

Suggested Resolution

Resolution #2006-07-

WHEREAS, The City Hall hallway project commenced and quotation processes were conducted for different aspects of the project; and

WHEREAS, It is deemed in the City's best interest to waive a formal bid process and award a contract to Detroit Spectrum Painters, the low bidder resulting from informal quotation processes for wallpaper and painting, since conducting a sealed bid process would not result in additional savings;

THEREFORE, BE IT RESOLVED, That a contract is hereby **APPROVED** to Detroit Spectrum Painters of Warren, Michigan, who submitted the lowest quotations for City Hall hallway painting and wallpapering at an estimated cost of \$15,275.00; and if additional work is required that could not be foreseen, such additional work is **AUTHORIZED** in an amount not to exceed 10% of the total project cost.

**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”.***

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**F-1** Appointments to Boards and Committees: a) Mayoral Appointments: Economic Development Corporation (EDC); and Local Development Finance Authority (LDFA) b) City Council Appointments: Advisory Committee for Persons with Disabilities; Advisory Committee for Senior Citizens; Cable Advisory Committee; Ethnic Issues Advisory Board; Historic District Commission; Historical Commission; Library Advisory Board; Liquor Advisory Committee; Municipal Building Authority; Parks and Recreation Board; Traffic Committee; 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**

Suggested Resolution

Resolution #2006-07-

Moved by

Seconded by

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

**Economic Development Corporation (EDC)**

Appointed by Mayor (9) – 6 Year Terms

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Unexpired Term 04/30/2011

**Local Development Finance Authority (LDFA)**

Appointed by Mayor (5) – 4 Year Terms

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Unexpired Term 06/30/2007

Yes:

No:

**(b) City Council Appointments**

Suggested Resolution

Resolution #2006-07-

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

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

**Advisory Committee for Senior Citizens**

Appointed by Council (9) – 3 Year Terms

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Term Expires 04/30/09

**Cable Advisory Committee**

Appointed by Council (7) – 3 Year Terms

Term Expires 07/01/07 (Student)

**Ethnic Issues Advisory Board**

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

Unexpired Term 09/30/08

**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 07/01/07 (Student)

Term Expires 05/16/09

Term Expires 05/16/09

**Historical Commission**

Appointed by Council (7) – 3 Year Terms

Term Expires 07/01/07 (Student)

Term Expires 07/31/09

Term Expires 07/31/09

**Library Advisory Board**

Appointed by Council (5) – 3 Year Terms

Term Expires 07/01/07 (Student)

**Liquor Advisory Committee**

Appointed by Council (7) – 3 Year Terms

Term Expires 07/01/07 (Student)

**Municipal Building Authority**

Appointed by Council (5) – 3 Year Terms

Term Expires 01/31/09

**Parks & Recreation Board**

Appointed by Council (10) – 3 Year Terms

**Troy School District Rep** Term Expires 07/01/07

**\*NOTE: Troy School Board is scheduled to select P&R Rep at their July 11, 2006 organizational meeting.**

**Traffic Committee**

Appointed by Council (7) – 3 Year Terms

Term Expires 07/01/07 (Student)

**Troy Daze Committee**

Appointed by Council (9) – 3 Year Terms

Term Expires 07/01/07 (Student)

Term Expires 07/01/07 (Student)

Term Expires 07/01/07 (Student)

Yes:

No:

**F-2 Proposed 2007 City Council Meetings**

Suggested Resolution

Resolution #2006-07-

Moved by

Seconded by

RESOLVED, That the City Council **SHALL HOLD** Regular meetings according to the following schedule at 7:30 pm:

- Monday, January 8 & 22
- Monday, February 5, 19 & 26
- Monday, March 5, 19 & 26
- Monday, April 2, 16 & 23
- Monday, May 14 & 21
- Monday, June 4 & 18
- Monday, July 9 & 23
- Monday, August 6 & 20
- Monday, September 10, 17 & 24
- Monday, October 1, 15 & 22
- Monday, November 12, 19 & 26
- Monday, December 3, 17 (two meetings due to end of month holidays)

Liquor Violation Hearing Dates:

- Wednesday, February 14 7:30 pm
- Wednesday, February 21 7:30 pm

BE IT FURTHER RESOLVED, That Special meetings **MAY BE SCHEDULED** as needed.

Yes:

No:

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**F-3 City of Troy Future Land Use Plan Amendment – Rochester Road Overlay District**

Suggested Resolution

Resolution #2006-07-

Moved by

Seconded by

WHEREAS, City Council directed the Planning Commission to consider an amendment to the Future Land Use Plan in the Rochester Road corridor between Square Lake Road and South Boulevard at the August 1, 2005 meeting;

WHEREAS, The Planning Commission expanded the limits of the Rochester Road corridor to include that area of Rochester Road between Square Lake Road and Long Lake Road;

WHEREAS, The Planning Commission developed a draft amendment to the Future Land Use Plan for that area of Rochester Road between South Boulevard and Long Lake Road, the Rochester Road overlay district;

WHEREAS, The Planning Commission submitted the draft amendment of the City of Troy Future Land Use Plan to City Council for review and comment; and

WHEREAS, Section 125.37b of the Municipal Planning Act requires that the City Council must approve the distribution of a proposed plan amendment prior to the process of plan adoption;

THEREFORE, BE IT RESOLVED, That the City Council hereby **APPROVES** distribution of the draft amendment of the City of Troy Future Land Use Plan, as per Section 125.37b of the Michigan Planning Act.

Yes:

No:

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**F-4 Fifth Amendment to Consent Judgment – K-Mart/Sheffield**

Suggested Resolution

Resolution #2006-07-

Moved by

Seconded by

BE IT RESOLVED, That the Fifth Order Amending Consent Judgment, as well as the revised site plan that is incorporated in the matter of Diamond Troy JV, LLC, GM Equities LLC, Kmart Corporation and Sheffield Office II, LLC v City of Troy is hereby **APPROVED** by the City of Troy, 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.

Yes:

No:

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## MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

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### G-1 Announcement of Public Hearings:

- a) Rezoning Application (File Number Z 716) – Proposed City Initiated Rezoning, South of Big Beaver, West of Coolidge, Section 30 – R-1C to R-1E – August 14, 2006
- 

### G-2 Green Memorandums: No Memorandums Submitted

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

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### H-1 No Council Referrals Advanced

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## COUNCIL COMMENTS:

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### I-1 No Council Comments Advanced

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## REPORTS:

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

- a) Election Commission/Final – March 20, 2006
- b) Brownfield Redevelopment Authority/Draft – April 18, 2006
- c) Liquor Advisory Committee/Final – May 8, 2006
- d) Historic District Commission/Final – May 16, 2006
- e) Liquor Advisory Committee/Final – June 12, 2006
- f) Library Advisory Board/Draft – June 29, 2006
- g) Election Commission/Draft – July 7, 2006
- h) Liquor Advisory Committee/Draft – July 10, 2006
- i) Employees' Retirement System Board of Trustees/Draft – July 12, 2006

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**J-2 Department Reports:**

- a) Purchasing Department – Final Reporting – Auction Services – June 2006
- b) Building Department – Permits Issued During the Month of June, 2006
- c) Building Department – Permits Issued January through June, 2006
- d) Building Department – Permits Issued July, 2005 through June, 2006

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**J-3 Letters of Appreciation:**

- a) Letter of Appreciation to Chief Craft from Lt. Dave Drossos, Huron County Sheriff's Office, Thanking Sgt. Bjork and the Troy Police Department for the Outstanding Firearms Training Program
- b) Letter of Appreciation to Chief Craft from Carole Abernathy, Commending Officer Minton for His Assistance
- c) Letter of Appreciation to the Police Department from the Family of Hort S. Centers, Thanking Officers Minton and Shuler for their Kindness and Professionalism
- d) Letter to John Lamerato from Planning Commission Member Robert Schultz, in Appreciation of the Leadership and Guidance as Acting City Manager
- e) Letter of Appreciation to Chief Craft from Patrick M. Reinke Regarding his Internship Experience with the Troy Police Department

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

- a) Resolution Adopted by the City of Farmington Hills Opposing PA 110 of Public Acts of 2006 Regarding the Michigan Zoning Enabling Act (MZEA)

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**J-5 Calendar**

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**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-14907****STUDY ITEMS:**

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**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.*

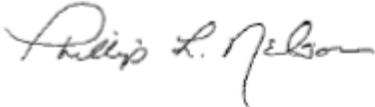
**CLOSED SESSION:**

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

**ADJOURNMENT**

Respectfully submitted,



Phillip L. Nelson, City Manager

**SCHEDULED CITY COUNCIL MEETINGS:**

- 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
- Monday, October 2, 2006 ..... Regular City Council
- Monday, October 16, 2006 ..... Regular City Council
- Monday, October 23, 2006 ..... Regular City Council

DATE: July 14, 2006

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services  
Steven J. Vandette, City Engineer  
Mark F. Miller, Planning Director

SUBJECT: Agenda Item – Public Hearing – Street Vacation Application (File Number: SV 187) – A section of alley located North of Big Beaver between Frankton and Troy, Section 22

### **RECOMMENDATION**

City Management determined there is no need to retain any easements within the subject alley. At the June 13, 2006 Regular meeting, the Planning Commission recommended approval of the proposed street vacation request. City Management concurs with the Planning Commission and recommends approval of the street vacation request.

### **GENERAL INFORMATION**

Name of applicant(s):

Andale Investment Co., Inc.

History of Right of Way:

The subject alley is in the Eysters Beaver Gardens Subdivision, which was platted in 1920. The alley has not been developed.

The applicant owns the two parcels fronting on Troy (88-20-22-357-006 and 88-20-22-357-026) and Frankton (88-20-22-357-012 and 88-20-22-357-011) to the north of the alley. Additionally, the applicant recently purchased from the City parcel 88-20-22-357-031, which abuts the alley to the south. The applicant is requesting to vacate the alley to facilitate consolidation of the parcels and future office development.

Length and width of right of way:

The section of alley proposed to be vacated is approximately 18 feet wide by 244 feet long, between Frankton (platted Ford Avenue) and Troy (platted Jene Avenue), abutting lots 26 through 37 and lots 91 and 92 of Eysters Beaver Gardens Subdivision.

## **ANALYSIS**

### Reason for street vacation (as stated on the Street/Alley Vacation Application):

The application states that it is required "to permit office development".

### Impact on access to existing lots or buildings (including emergency service vehicles):

All buildings in the area will continue to have access to abutting streets. Ownership of the vacated alley will revert to the abutting property owners within the subdivision. The applicant will receive the entire 18 feet width of the vacated alley.

### Future Land Use Designation:

The area is designated on the Future Land Use Plan as Low Rise Office.

### Attachments:

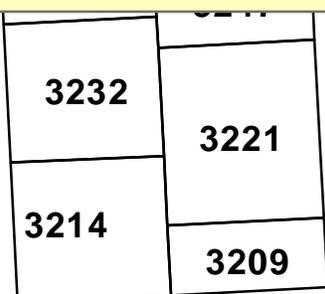
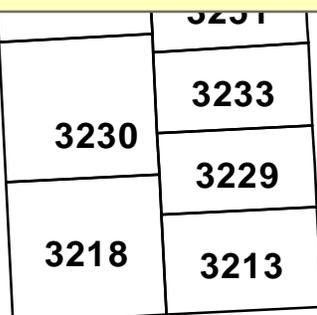
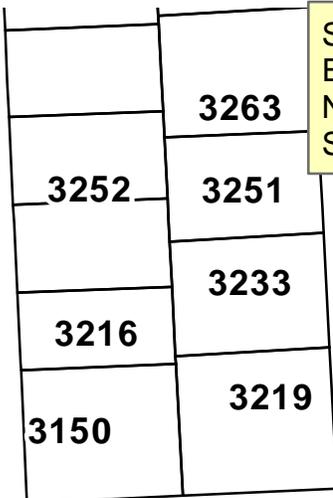
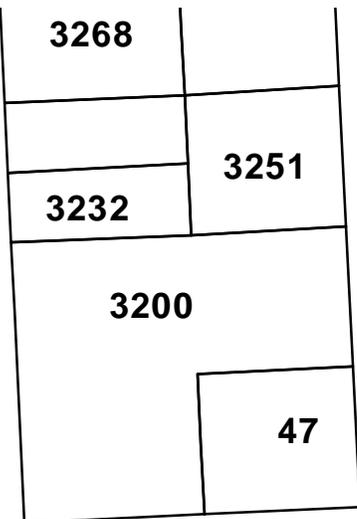
1. Maps.

cc: Applicant  
File/ SV 187

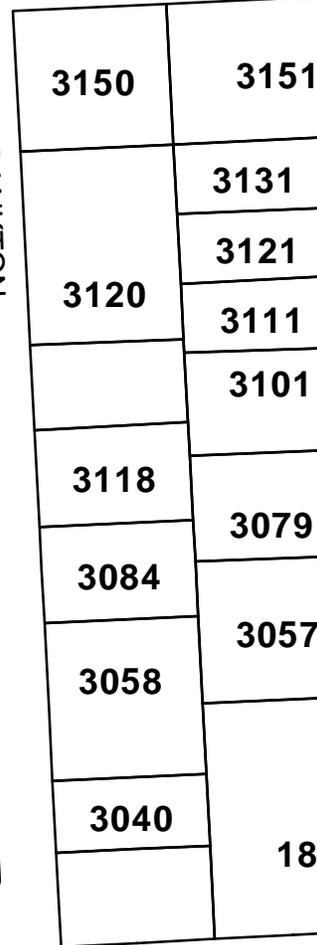
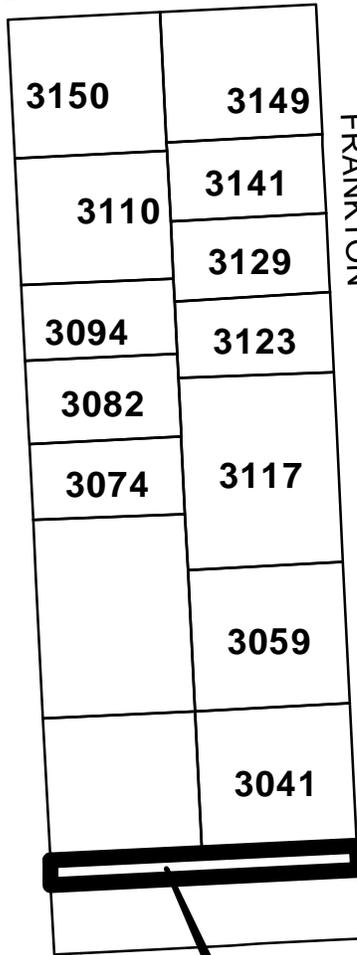
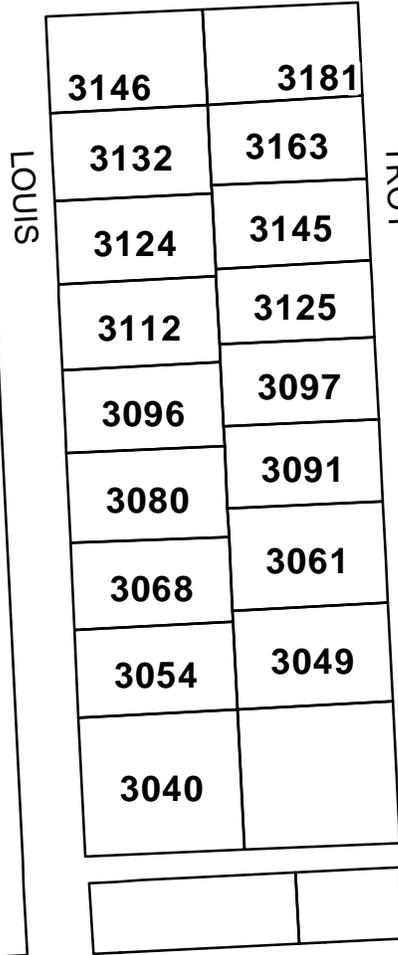
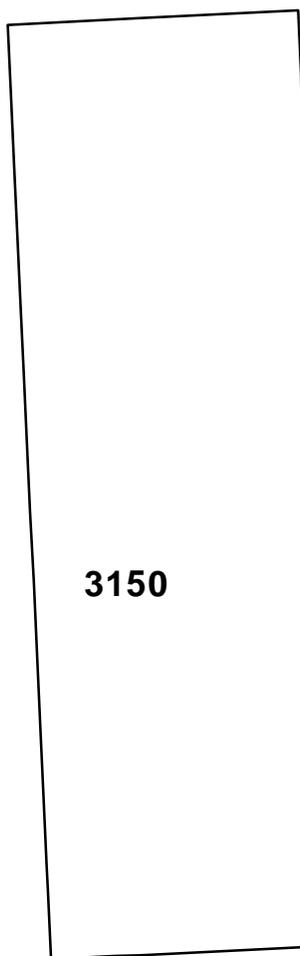
Prepared by RBS/MFM

G:\STREET VACATION\SV 187 Alley btwn Troy and Frankton Sec 22\CC Public Hearing SV 187 07 24 06.doc

**STREET VACATION REQUEST**  
**EX. ALLEY, 18 FT. WIDE**  
**N OF BIG BEAVER, BTWN FRANKTON & TROY ST.**  
**SEC. 22 (SV-187)**



HARTLAND



LOUIS

TROY

FRANKTON

LIVERNOIS

W BIG BEAVER

E BIG BEAVER

**EX. ALLEY TO BE VACATED**

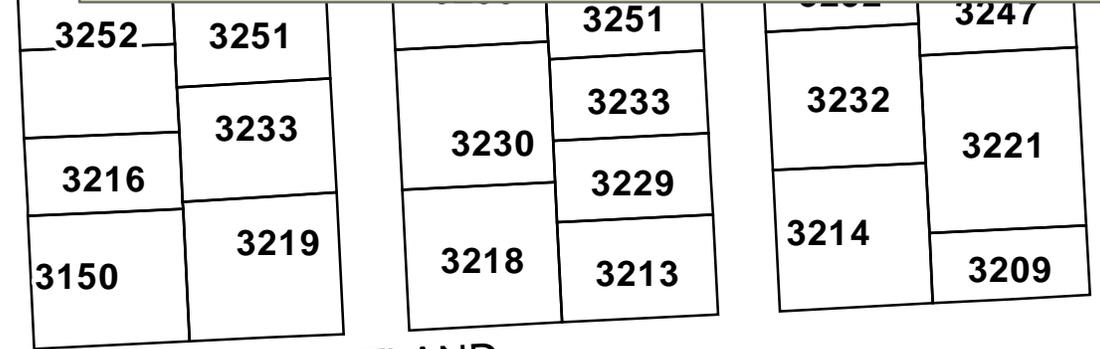
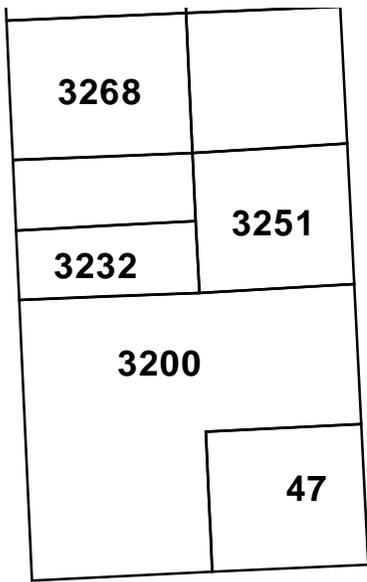
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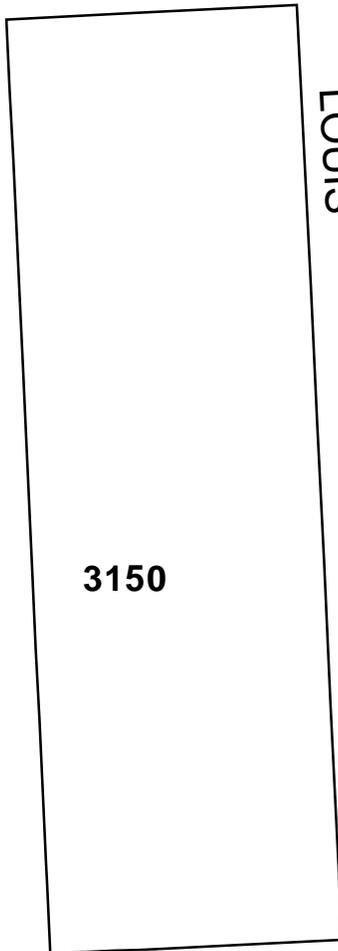


**STREET VACATION REQUEST**  
**EX. ALLEY, 18 FT. WIDE**  
**N OF BIG BEAVER, BTWN FRANKTON & TROY ST.**  
**SEC. 22 (SV-187)**

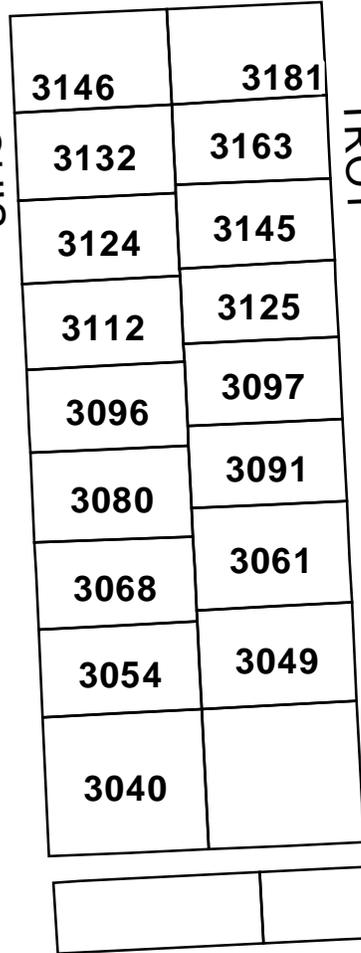


HARTLAND

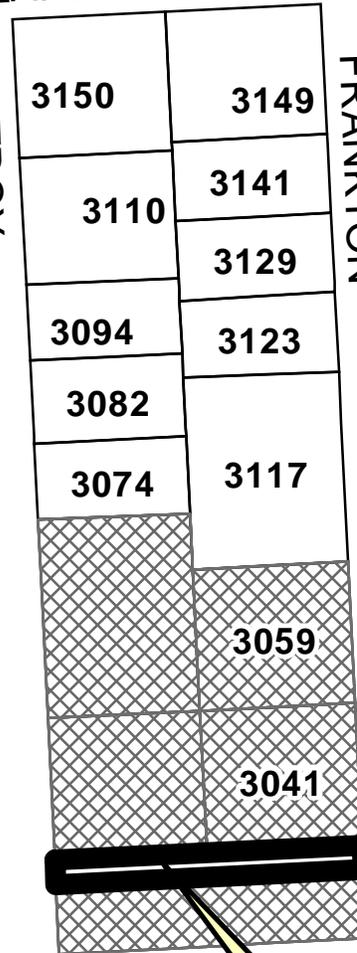
LIVERNOIS



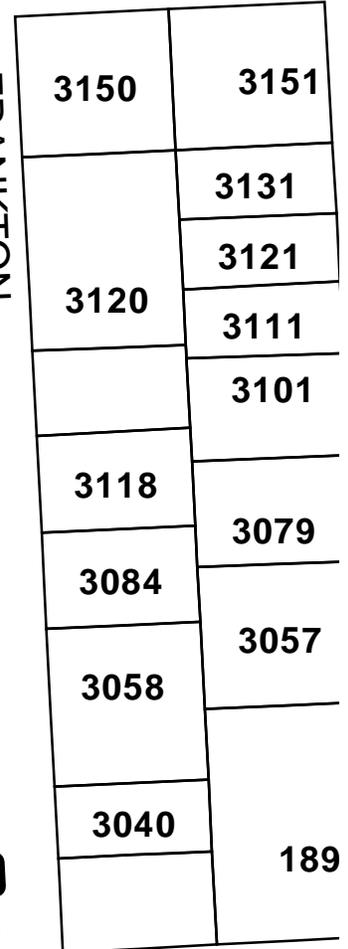
LOUIS



TROY



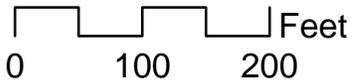
FRANKTON



E BIG BEAVER

**EX. ALLEY TO BE VACATED**

W BIG BEAVER



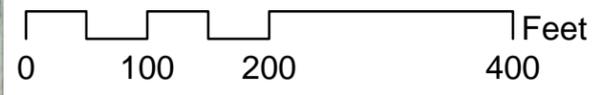
**Legend**

PARCELS OWNED BY APPLICANT

STREET VACATION REQUEST  
EX. ALLEY, 18 FT. WIDE  
N OF BIG BEAVER, BTWN FRANKTON & TROY ST.  
SEC. 22 (SV-187)



EX. ALLEY TO BE VACATED



STREET VACATION REQUEST  
EX. ALLEY, 18 FT. WIDE  
N OF BIG BEAVER, BTWN FRANKTON & TROY ST.  
SEC. 22 (SV-187)



DATE: July 11, 2006

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services  
Mark F. Miller, Planning Director

SUBJECT: Agenda Item – Public Hearing – Zoning Ordinance Text Amendment (File Number: ZOTA 219) – Articles II and III, Conditional Rezoning

### **RECOMMENDATION**

The Planning Commission recommended approval of the text amendment at the June 13, 2006 Regular meeting. City Management concurs with the Planning Commission and recommends approval of ZOTA 219.

### **BACKGROUND**

Public Act 579 of 2004 (effective January 1, 2005) amended the City and Village Zoning Act, PA 207 of 1921. The amendment had the effect of permitting conditional rezoning in Michigan. The recently adopted HB 4398 Michigan Zoning Enabling Act (effective July 1, 2006) includes the conditional rezoning provisions. The intent of ZOTA 219 is to create a process for consideration and approval of conditional rezoning agreements in the City of Troy.

The process for reviewing and approving a conditional rezoning application is essentially the same as a standard rezoning. That is, the Planning Commission holds a public hearing on the rezoning prior to making a recommendation to City Council, and City Council holds a public hearing prior to making a determination on the rezoning. With a conditional rezoning application, the applicant voluntarily offers conditions to the rezoning in writing during the application process. These conditions are included on a site plan required as part of the conditional rezoning application.

The proposed text amendment describes the procedures for review and approval, including application requirements and standards for approval. Additionally, provisions are included addressing expiration of conditional rezoning applications and violations of the conditional rezoning agreement.

Reviewed as to Form and Legality:

\_\_\_\_\_  
Lori Grigg Bluhm  
City Attorney

\_\_\_\_\_  
Date

Attachments:

1. ZOTA 219 City Council Public Hearing Draft, dated June 26, 2006.

Prepared by RBS/MFM

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CITY OF TROY  
AN ORDINANCE TO AMEND  
CHAPTER 39 OF THE CODE  
OF THE CITY OF TROY  
CITY COUNCIL PUBLIC HEARING DRAFT

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 39 of the Code of the City of Troy.

Section 2. Amendment to Articles II and III of Chapter 39

Articles II and III of Chapter 39 of the Code of the City of Troy are amended to modify Article 02.10.02 to add recommendations on Conditional Rezoning applications as one of the powers and duties of the Planning Commission; and, to add a new section 03.24.00 establishing the procedure with respect to Conditional Rezoning to read as follows:

02.10.02     POWERS AND DUTIES

The City Planning Commission shall have the powers and duties vested in it by the laws of the State of Michigan and the Ordinance Code of the City of Troy and shall consider and make its recommendations to the City Council on any matters referred to it by the City Council relating to such duties including:

- (1) The making and adopting of a master plan for the physical development of the municipality. Such plan shall show among other things, the Commission's recommendations for the general location, character and extent of streets, boulevards, parkways, playgrounds, parks, location of public buildings, and utilities, and the change of use, extension, removal, relocation, widening, narrowing, vacating or abandoning of any of the foregoing.
- (2) Recommendations related to the adoption of a zoning ordinance plan for the control of the height, area, bulk, location and use of buildings and premises, and all changes and amendments thereto thereof, including conditional rezoning applications as per Article 03.24.00.
- (3) The recommendation of approval to City Council of all preliminary plats subdividing land, site condominium plans,

planned unit developments, some special use approval applications and any amendments or alterations thereof.

- (4) The recommendation to City Council on ordinance text amendments, street and alley vacations or extensions, and historic district designations.
- (5) Acting as the approval authority on site plans and most special use approval applications.

### 03.24.00      CONDITIONAL REZONING

03.24.01      AUTHORITY. City Council shall have the authority to place conditions (that have been voluntarily offered in writing by the applicant) on a rezoning related to the future use and development of a parcel, as long as the conditions are acceptable to the property owner, applicant, and the City. Prior to taking action on a Conditional Rezoning request, the Planning Commission shall hold a public hearing and make a recommendation pursuant to Public Act 579 of the Public Acts of 2004. Conditional Rezoning shall not authorize uses except as permitted in the new zoning district.

03.24.02      PROCEDURE. The procedure for approval of Conditional Rezoning request shall be the same as provided in Sections 03.21.00 through 03.23.02 for other rezoning requests and the requirements of said Sections shall be applicable to Conditional Rezoning in addition to the following:

A. APPLICATION. A Conditional Rezoning request shall be initiated by the submission of a proposed Conditional Rezoning Agreement. A Conditional Rezoning Agreement shall include the following:

- (1) A written statement prepared by the applicant that confirms the Conditional Rezoning Agreement was proposed by the applicant and entered into voluntarily.
- (2) A written statement prepared by the applicant that confirms that the property shall not be used or developed in a manner that is inconsistent with conditions placed on the rezoning.
- (3) A list of conditions proposed by the applicant.

- (4) A time frame for completing the proposed improvements.
- (5) A legal description of the land.
- (6) A complete Preliminary Site Plan application (and Special Use Approval application, if required). All proposed conditions of the rezoning shall be included on the site plan. City Council shall have the authority to grant Preliminary Site Plan Approval and Special Use Approval following a recommendation by the Planning Commission. If a developer presents a revised site plan to City Council, the site plan shall be remanded back to the Planning Commission for a recommendation to City Council.

B. PUBLIC HEARING. The Notice of Public Hearing on a Conditional Rezoning request shall include a general description of the proposed agreement being considered. A review of the proposed agreement shall be conducted at the public hearing.

C. STANDARDS FOR APPROVAL. A Conditional Rezoning may only be approved upon a finding and determination that all of the following are satisfied:

- (1) The conditions, proposed development, and/or proposed use of the land are designed or proposed for public health, safety, and welfare purposes.
- (2) The conditions, proposed development and/or proposed use are not in material conflict with the Future Land Use Plan, or, if there is material conflict with the Future Land Use Plan, such conflict is due to one of the following:
  - (a) A change in City policy since the Future Land Use Plan was adopted;
  - (b) A change in conditions since the Future Land Use Plan was adopted;
  - (c) An error in the Future Land Use Plan.
- (3) The conditions, proposed development and/or proposed use are in accordance with all terms and provisions of the zoning district to which the land is to

be rezoned, except as otherwise allowed in the Conditional Rezoning Agreement.

- (4) Public services and facilities affected by a proposed development will be capable of accommodating service and facility loads caused by use of the development.
- (5) The conditions, proposed development and/or proposed use shall insure compatibility with adjacent uses of land.

D. AMENDMENT TO ZONING MAP. Upon approval by City Council of a Conditional Rezoning request and a Conditional Rezoning Agreement, as provided by this Section, the Zoning Map shall be amended to reflect a new zoning classification along with a relevant designation that will provide reasonable notice of the Conditional Rezoning Agreement.

03.24.03 EXPIRATION. A Conditional Rezoning Approval shall expire following a period of two (2) years from the effective date of the rezoning unless approved bona fide development of the property in accordance with permits issued by the City, commences within such two (2) year period and proceeds in due course to completion.

A. In the event bona fide development has not commenced within two (2) years from the effective date of the conditional rezoning, the rezoning and the Conditional Rezoning Agreement shall be void and of no effect.

B. If the Conditional Rezoning becomes void, no development shall be undertaken and no permits for development shall be issued until such time as a new zoning district classification of the property has become effective as a result of one or both of the following actions that may be taken:

- (1) The property owner seeks a new rezoning classification for the property, and/or
- (2) The City initiates a new rezoning request for the property to a reasonable district classification, in accordance with the conventional rezoning procedure.

03.24.04 A Conditional Rezoning Approval shall not become effective until the Conditional Rezoning Agreement is recorded with the Oakland

County Register of Deeds and a certified copy of the Agreement is filed with the City Clerk.

03.24.05 If development and/or actions are undertaken on or with respect to the property in violation of the Conditional Rezoning Agreement, such development and/or actions shall constitute a violation of this ordinance and deemed a nuisance per se. In such case, the City may issue a stop work order relative to the property and seek any other lawful remedies. Until curative action is taken to bring the property into compliance with the Conditional Rezoning Agreement, the City may withhold, or, following notice and an opportunity to be heard, revoke permits and certificates, in addition to or in lieu of such other lawful action to achieve compliance.

### 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.

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Louise Schilling, Mayor

---

Tonni Bartholomew, City Clerk

G:\ZOTAs\ZOTA 219 Conditional Rezoning\CC Public Hearing Draft 06 26 06.doc

DATE: July 14, 2006

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services  
Mark F. Miller, Planning Director

SUBJECT: Agenda Item – Public Hearing – Zoning Ordinance Text Amendment (File Number: ZOTA 215-C) – Articles XLIII and XLIV, pertaining to Commercial Vehicle Parking Appeals

### **RECOMMENDATION**

The Planning Commission recommended approval of ZOTA 215-C at the June 13, 2006 Regular meeting. The text amendment removes City Council's authority to consider commercial vehicle parking appeals and parking space variances and transfers this authority to the Board of Zoning Appeals. City Management recommends approval of the text amendment.

### **BACKGROUND**

The outdoor parking of commercial vehicles is limited to one commercial vehicle in the R-1A through R-1E one-family residential zoning districts. To legally park more than one commercial vehicle outdoors or park a commercial vehicle that exceeds the maximum size limitations, a homeowner must be granted an appeal from City Council under the provisions of Article XLIV City Council Appeals.

At the March 28, 2006 Special/Study meeting, the Planning Commission requested that City Management create a draft ZOTA that permits the temporary storage of commercial vehicles with a specified time limit. This ZOTA enables the Board of Zoning Appeals the authority to review and approve applications for Temporary Storage of Commercial Vehicles in one-family residential zoning districts.

The standards of approval listed in Section 44.02.02 are proposed to be moved to Section 43.74.00. Additionally, instead of an applicant having to meet only one of the four standards, the applicant would be required to meet all of the standards.

Then at the May 23, 2006 Special/Study meeting, the Planning Commission eliminated one of the standards from Section 43.74.01, which holds self-employed residents to a higher standard than other residents:

- 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).

This change was incorporated into the City Council Public Hearing draft, which requires applicants to meet all three of the approval standards.

It should be noted that ZOTA 215-C also transfers City Council's authority to review and approve parking space variances to the Board of Zoning Appeals.

Reviewed as to Form and Legality:

\_\_\_\_\_  
Lori Grigg Bluhm                      Date  
City Attorney

Attachments:

1. ZOTA 215-C draft, dated June 26, 2006

cc: File/ ZOTA 215-C

Prepared by RBS/MFM

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CITY OF TROY  
AN ORDINANCE TO AMEND  
CHAPTER 39 OF THE CODE  
OF THE CITY OF TROY  
CITY COUNCIL PUBLIC HEARING DRAFT

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 39 of the Code of the City of Troy.

Section 2 – Amendment to Articles XLIII and XLIV of Chapter 39

Article XLIII BOARD OF ZONING APPEALS of Chapter 39 of the Code of the City of Troy is amended to add a provision that gives the responsibility for reviewing and approving Temporary Parking of Commercial Vehicle in One-Family Residential Districts to the Board of Zoning Appeals. Article XLIV CITY COUNCIL APPEALS is removed in its entirety, to remove the responsibility for reviewing commercial vehicle appeals and off-street parking appeals from City Council.

*(Underlining, except for major section titles, denotes changes)*

**[Add Section 43.74.00 to read as follows]:**

43.74.00 TEMPORARY PARKING OF COMMERCIAL VEHICLES IN ONE-FAMILY RESIDENTIAL DISTRICTS

The Board of Zoning Appeals shall have the authority to review and approve applications for the Temporary Parking of Commercial Vehicles in One- Family Residential Districts.

43.74.01 Temporary Parking of Commercial Vehicles in One-Family Residential Districts as set forth in the preceding Section shall be based upon meeting all of the following standards:

- A. Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.

B. 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.

C. 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).

43.74.02 The Board of Zoning Appeals may grant approval for Temporary Parking for a period not to exceed two (2) years.

43.74.03 Except as otherwise provided in Sections 43.74.00 through 43.74.02, the procedure governing other appeals to the Board of Zoning Appeals shall be applicable to applications for the Temporary Parking of Commercial Vehicles in One-Family Residential Districts.

**[Revise (Delete in its' entirety) Article 44 as follows]:**

~~44.00.00 ARTICLE XLIV CITY COUNCIL APPEALS~~

~~44.01.00 APPEALS: OFF STREET PARKING~~

~~————— An appeal may be made to the City Council by any person or entity affected by a decision of the Building Inspector regarding off street parking requirements, as set forth in Section 40.21.01 through 40.21.83. The appeal shall be made by filing with the Building Inspector an application for hearing before the City Council specifying the grounds for appeal. The Building Inspector shall transmit to the Council all documents relating to the appeal.~~

~~44.02.00 APPEALS: OUTDOOR PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS~~

~~————— An appeal may be made to the City Council by any person or entity affected by a decision of the Director of Building and Zoning in relation to the type or character of vehicle permitted to be parked outdoors in Residential Districts, in accordance with the provisions of Section 40.66.00 of this Chapter. The appeal shall be made by filing with the Building Department an application for hearing before the City Council specifying the grounds for appeal. The Director of~~

~~Building and Zoning shall transmit to the City Council all documents relating to the appeal.~~

~~(Rev. 02-05-01)~~

~~44.02.01 — Upon receipt of the Appeal Application from the Director of Building and Zoning, the City Council shall hold a Public Hearing on the request, the notice of which shall respect the following requirements:~~

- ~~\_\_\_\_\_ A. — All owners of property within 150 feet of the property proposed to be the site for parking of such vehicle shall be notified by U. S. Mail, and~~
- ~~\_\_\_\_\_ B. — Said notice shall be postmarked no less than 14 days before the date of the Public Hearing.~~

~~(Rev. 02-05-01)~~

~~44.02.02 — Actions to grant appeals as set forth in the preceding Section 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).~~

~~(Rev. 05-09-94)~~

~~44.02.03 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.~~

~~(Rev. 05-09-94)~~

~~44.03.00 All other provisions regarding appeals to the Board of Zoning Appeals in Article XLIII shall be followed by the applicant and the City Council in reviewing appeals under this Article.~~

G:\ZOTAs\ZOTA 215 Accessory Structures in R-1\215C\ZOTA 215C CC Public Hearing Draft 06 26 06.doc

July 18, 2006

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Asst. City Manager/Services  
Steve Vandette, City Engineer  
John K. Abraham, Traffic Engineer

SUBJECT: Agenda Item–Traffic Committee Recommendations  
April 19, 2006 – Postponed Item

This item was postponed at the City Council meeting of June 19, 2006. Since that time the Traffic Committee reconsidered the matter at their meeting of June 21, 2006, and made the following recommendation for City Council approval. City Council again postponed the item at the July 3, 2006 meeting, so that the meeting minutes could be attached.

1. To recommend that a YIELD sign be installed on Ivanhoe at Sweet.



## PUBLIC HEARINGS

### 3. Request for Sidewalk Waiver – 3838 Livernois

Walsh College is requesting a waiver for the sidewalk at 3838 Livernois. The sidewalk ordinance requires that the existing five-foot sidewalk be replaced with an eight-foot sidewalk, in conjunction with a building addition. The Public Works Department recommends denial of this waiver request. Petitioner has signed an "Agreement for Irrevocable Petition for Sidewalks."

Petitioner states that there are no other sidewalks to the north, and none on the south side that are 8 feet wide. The parcel to the north is designated a historic property, making it unlikely that the sidewalk will be continued northward

Chris Stout, Director/Facilities states that Walsh College will gladly meet the new requirements at any time the sidewalk is continued to the north.

Helen Kieba-Tolksdorf, of Walsh College, addressed the committee and reiterated that there is little likelihood of sidewalk being installed to the north, and there is a five-foot sidewalk to the south. She believes there could be safety issues for pedestrians if Walsh had an eight-foot wide sidewalk that suddenly narrowed down to the current five-foot width at the south property line. She also pointed out that Walsh College is trying to keep their campus "green," with more vegetation and less pavement. She mentioned that if there is a City project that would install eight-foot sidewalks north and south of Walsh College, they would be willing to participate in it and widen their sidewalk to eight feet.

#### RESOLUTION #2006-06-52

Moved by Halsey

Seconded by Hubbell

1. WHEREAS, City of Troy Ordinances, Chapter 34, Section 8(D) allows the Traffic Committee to grant temporary waivers of the City of Troy Design Standards for Sidewalks upon a demonstration of necessity; and

WHEREAS, Walsh College has requested a temporary waiver of the requirement to construct an eight foot wide sidewalk on the property because there are no other sidewalks in the area to the north, and no eight-foot wide sidewalks to the south; and

WHEREAS, the Traffic Committee has determined the following:

- a. A variance will not impair the public health, safety or general welfare of the inhabitants of the City and will not unreasonably diminish or impair established property values within the surrounding area, and

b. A strict application of the requirements to construct a sidewalk would result in practical difficulties to, or undue hardship upon, the owners, and

c. The construction of a new sidewalk on the property line to the north would lead nowhere and connect to no other walk, and thus will not serve the purpose of a pedestrian travel-way.

NOW THEREFORE, BE IT RESOLVED that the Traffic Committee grants a two-year waiver of the sidewalk requirement for the property at 3838 Livernois, which is owned by Walsh College.

YES: All-5  
 NO: None  
 ABSENT: 2 (Kilmer, Schepke)

### **REGULAR BUSINESS**

#### **4. Reconsideration of Request for YIELD or STOP Sign on Ivanhoe at Sweet**

This item was addressed at the April 19th meeting, at which time the committee determined that traffic control devices were not required at this location. The petitioner, Sharyn Dennis, 2338 Sweet Drive, reported that she did not receive notice of the meeting and would like an opportunity to address the committee. She was unable to attend the May meeting but requested reconsideration at the June meeting. The Traffic Committee voted to reconsider the issue at the June meeting.

Sharyn Dennis, 2338 Sweet Drive, is requesting traffic control signs in the area of Sweet Drive and Ivanhoe Drive. She believes this is a dangerous intersection, since Ivanhoe connects her neighborhood with an older neighborhood, and allows for through traffic to John R via Ivanhoe and Highbury. She also reports constant high-speed traffic through the neighborhood.

A traffic crash analysis shows that there have been no reported crashes near Sweet and Ivanhoe in the past five years, which indicates that the intersection is relatively safe. Field observations show an evergreen tree in the northeast corner of the intersection. Our Parks & Recreation Department is looking into whether the tree is in the 25-foot clear-zone triangle.

Speed/traffic volume studies were done on April 3<sup>rd</sup>-5<sup>th</sup>, and the results indicate around 500 vehicles on Sweet Drive, 700 on Ivanhoe, and around 560 on Cloister per day. Residential area traffic volumes range between 300 and 5000 per day, and the traffic volume in this area is in the lower end of the residential area volumes.

For a STOP sign to be installed, one of the following conditions should be satisfied as per the Michigan Manual of Uniform Traffic Control Devices.

- a. Intersection of a less important road with a main road, where application of a normal right of way rule is disruptive to capacity on the main road.
- b. Street entering a through highway or street.
- c. Unsignalized intersection in a signalized area.
- d. Other intersections with a combination of high speed, restricted view, and serious accident record.

The other end of Ivanhoe that intersects Highbury Drive is controlled by a STOP sign. Highbury carries around 1700 vehicles in a day.

Unwarranted traffic control signs normally result in high violations rates and also promote general loss of credibility of all traffic control signs.

Ms. Dennis reported to the committee that there have been near misses at the intersection, which is right in front of her driveway. There are conflicts when she tries to back out of her driveway. She also pointed out that Highbury runs off John R, and carries a lot of traffic. The Cloister/Saffron intersection has a YIELD sign and she feels a sign on Ivanhoe at Sweet would reduce risk of crashes and assign proper right of way to the motorists using the intersection.

Mr. Halsey checked the area and believes that a tree near the intersection causes a sight obstruction. Dr. Abraham will consult with the Parks Department.

#### RESOLUTION #2006-06-53

Moved by Hubbell

Seconded by Halsey

To recommend installation of a YIELD sign on Ivanhoe at Sweet.

YES: All-5

NO: None

ABSENT: 2 (Kilmer, Schepke)

#### 5. Visitors' Time

No one else wished to address the committee.

#### 6. Other Business

Lt. Matlick presented a sketch of recommended fire lanes at the new shopping center at 3129-3149 Crooks Road, at Wilshire.

Section 8.28, Chapter 106, Troy City Code, provides for the establishment of fire lanes on private property. The Fire Department recommends that the fire lanes shown on the attached sketch be provided to allow proper deployment of and travel by emergency vehicles (fire, police, medical).

RESOLUTION #2006-06-54

Moved by Hubbell

Seconded by Binkowski

Recommend establishing fire lanes at 3129-3149 Crooks Road per the Fire Department's recommendation.

YES: All-5

NO: None

ABSENT: 2 (Kilmer, Schepke)

Mr. Ziegenfelder brought up the subject of the shopping center at Crooks north of Big Beaver. Dr. Abraham said he consulted the City Development Committee, and they recommended the reducing the width of the south drive from 60 to 30 feet to serve Einstein Bagels and adding a new drive at the north end of Mr. Osborne's property. Buscemi's and the cleaners would be served by the north drive.

Lt. McWilliams said there have been no major accidents at that location since the Shell Station closed, although there are still conflicts with left-turning vehicles, and there are many close calls.

Dr. Abraham will be meeting with Mr. Osborne in the near future.

7. **Adjourn**

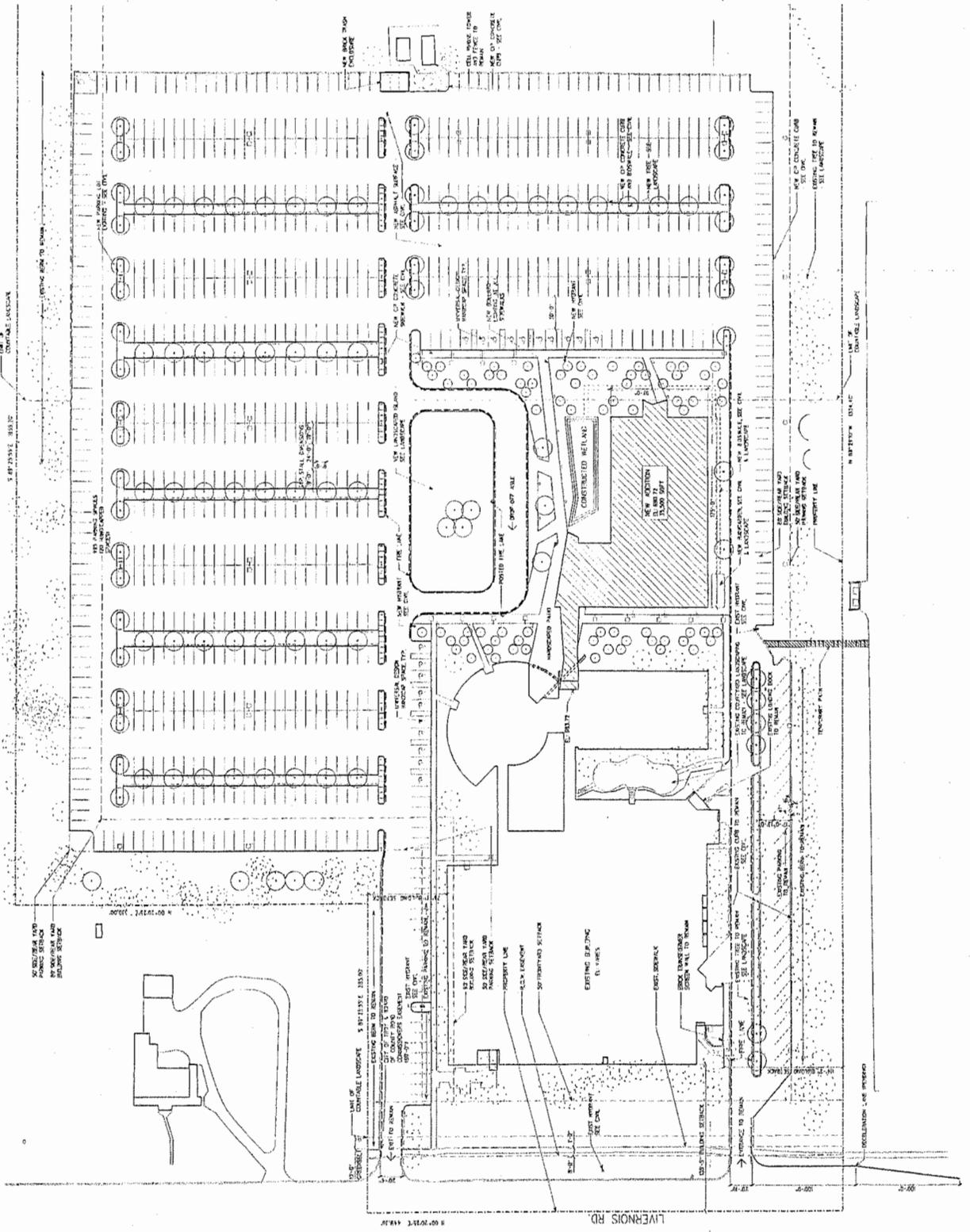
The meeting adjourned at 8:00 p.m. The next meeting is scheduled for July 19, 2006. Mr. Diefenbaker and Mr. Halsey will be unable to attend the July meeting.

\_\_\_\_\_  
Pete Ziegenfelder, Chairperson

\_\_\_\_\_  
Laurel Nottage, Recording Secretary

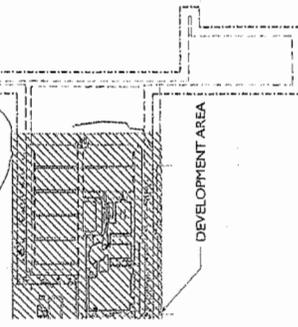
SITE INFORMATION	
INSTRUCTION TYPE	20
PROPOSED AREA	22,142 SQUARE FEET
SITE AREA (TOTAL)	1,145,000 SQUARE FEET
EXISTING BUILDING AREA	22,142 SQUARE FEET
NEW BUILDING AREA	22,142 SQUARE FEET
WORKS REQUIRED	1. SITE PREP WORKING DRAWINGS
WORKS PROVIDED	1. SITE PREP WORKS
WORKS NOT PROVIDED	1. SITE PREP WORKS
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**TERMINAL DETENTION NARRATIVE**  
 NARRATIVE FOR THE ARCHITECT  
 WORKS REQUIRED TO BE PROVIDED:  
 1. ARCHITECTURAL NARRATIVE:  
 2. CONSTRUCTION NARRATIVE:  
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**SITE PLAN - DEVELOPMENT AREA**  
 SCALE 1/8" = 1'-0"

**SITE PLAN - KEY**  
 SCALE 1/8" = 1'-0"

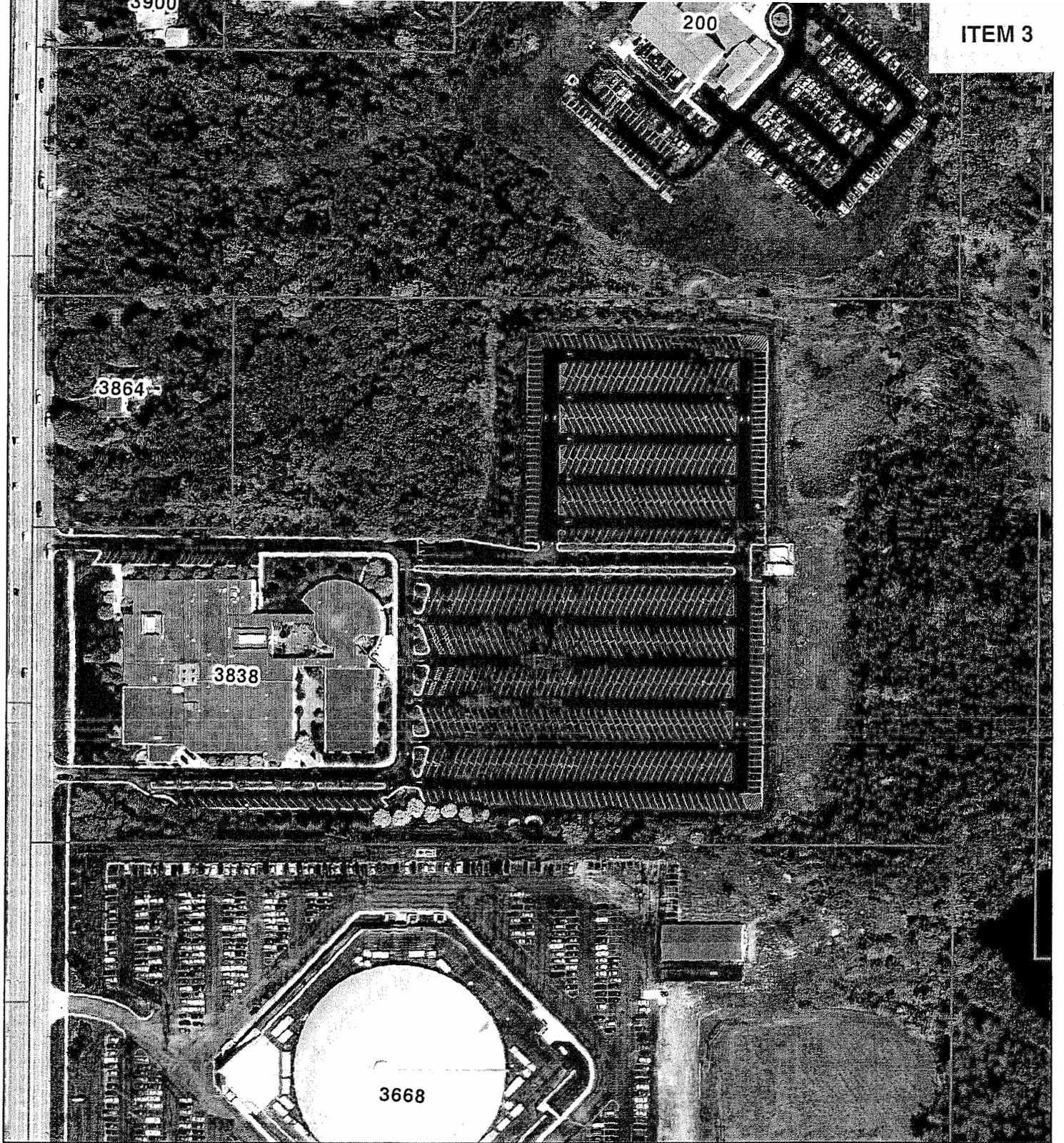


3830 LIVERNIUS RD  
 1807, MI 48007  
 SITE

WALSH COLLEGE

PROJECT NO. 100-1000  
 PROJECT NAME  
 ARCHITECT

3. TABLE TOPS / RE  
 4. DETENTION TANK  
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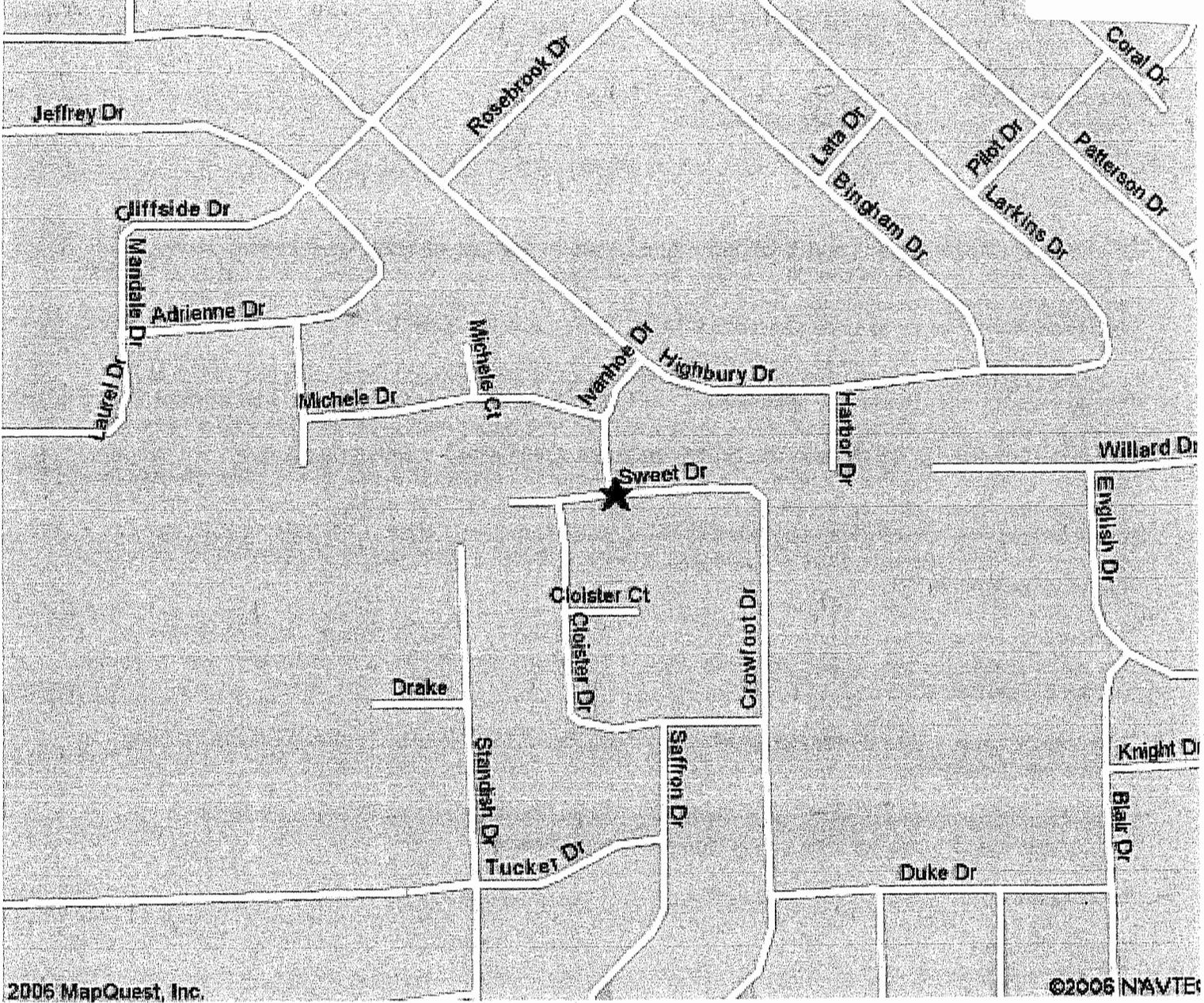


1 inch equals 195.9 feet

# City of Troy Oakland County

- Water Main**
- Distribution Main
  - Transmission Main
  - Standard Hydrant
- Sewer Gravity Main**
- Gravity Combined
  - Gravity Sanitary
  - Sewer Manhole
- Legend**
- Culvert
  - Pipe
  - Catch Basin
  - Standard Manhole
- Drain Gravity Closed**

The information provided by this program has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not legally recorded map or survey. Users of this data are hereby notified that the source information represented should be consulted for verification.



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

**From:** Sharyn Dennis [mailto:sdennis@digitas.com]**Sent:** Tuesday, March 21, 2006 1:37 PM**To:** John K Abraham**Cc:** Sharyn Dennis**Subject:** Troy Neighborhood Traffic Sign Request**Importance:** High

Hello Dr. Abraham,

My name is Sharyn Dennis and I was born and raised in the City of Troy, have lived here for 28 years and also worked for the City of Troy for 3 of those years. My husband and I, with our 2 year old son and Chocolate Labrador, have recently moved to the northeast side of Troy on the Northeast corner of Long Lake and John R Road (Long Lake Meadows).

I am writing to you about a concern that my family and neighborhood have with the street my family lives on, and the street adjacent to, not having any sort of yield or traffic sign at their intersections. I live off of Sweet Drive right where it "T"s with Ivanhoe Drive. Directly adjacent to Ivanhoe (two houses down from us) is Cloister Drive which also T's with Sweet Drive. We live at, what we believe, a dangerous intersection where there is a constant traffic flow coming through a high speeds, since Ivanhoe connects our neighborhood with an older neighborhood, and allows for traffic through to John R Road (Ivanhoe Drive through Highbury Drive). I am hoping to speak to you and the committee to voice our concern and have either a yield/stop sign installed at, at least, the Ivanhoe/Sweet "T".

I am willing to assist with any research that you may need to do for it (speed monitoring devices, the traffic counters, etc....). For your reference, I have also attached a .pdf document that maps out the area of concern.

I am also a current board member of the neighborhood association, I am able to get something from them if needed.

Thank you in advance for addressing my family and neighborhood's concerns with these intersections and I look forward to speaking with you directly.

Kind regards,

Sharyn Dennis  
2338 Sweet Drive  
Troy, MI 48085  
Home#: 248-879-2680  
Cell#: 248-703-6547

4/4/2006

**Laurel Nottage**

---

**From:** Sharyn Dennis [sdennis@digitas.com]  
**Sent:** Wednesday, May 10, 2006 9:03 PM  
**To:** Sharyn Dennis; John K Abraham  
**Cc:** Laurel Nottage  
**Subject:** RE: Troy Neighborhood Traffic Sign Request  
**Importance:** High

Hello Mr. Abraham,

Per our conversation this afternoon, I would like the committee to reconsider this issue of the need for a traffic sign at the corner of Sweet & Ivanhoe in Troy. We feel this is still a great concern. Since no one from this neighborhood (as mentioned, I have confirmed with three immediate neighbors next door had not received a notice/invite) seems to have received the notification/invitation for this past meeting where this issue was addressed and then resolved, we would still like the chance to be represented in front of the committee.

As I had mentioned in our conversation, I have family obligations and will be out of town from Tuesday, May 16<sup>th</sup> through Tuesday, May 23<sup>rd</sup>, so unfortunately will not be able to attend the committee meeting scheduled for May 17<sup>th</sup>. If the committee is looking for the petitioning representation on this coming committee meeting on Wednesday, May 17<sup>th</sup>, I would like to inquire if a letter/video to the committee would be sufficient. I really am passionate about this issue due to the inherent safety concern not having a traffic sign at this intersection poses.

Please let me know what additionally you would need from me to have this properly addressed in front of the board. Thank you.

Regards,

Sharyn Dennis

Sharyn Dennis  
2338 Sweet Drive  
Troy, MI 48085  
Home#: 248-879-2680  
Cell#: 248-703-6547

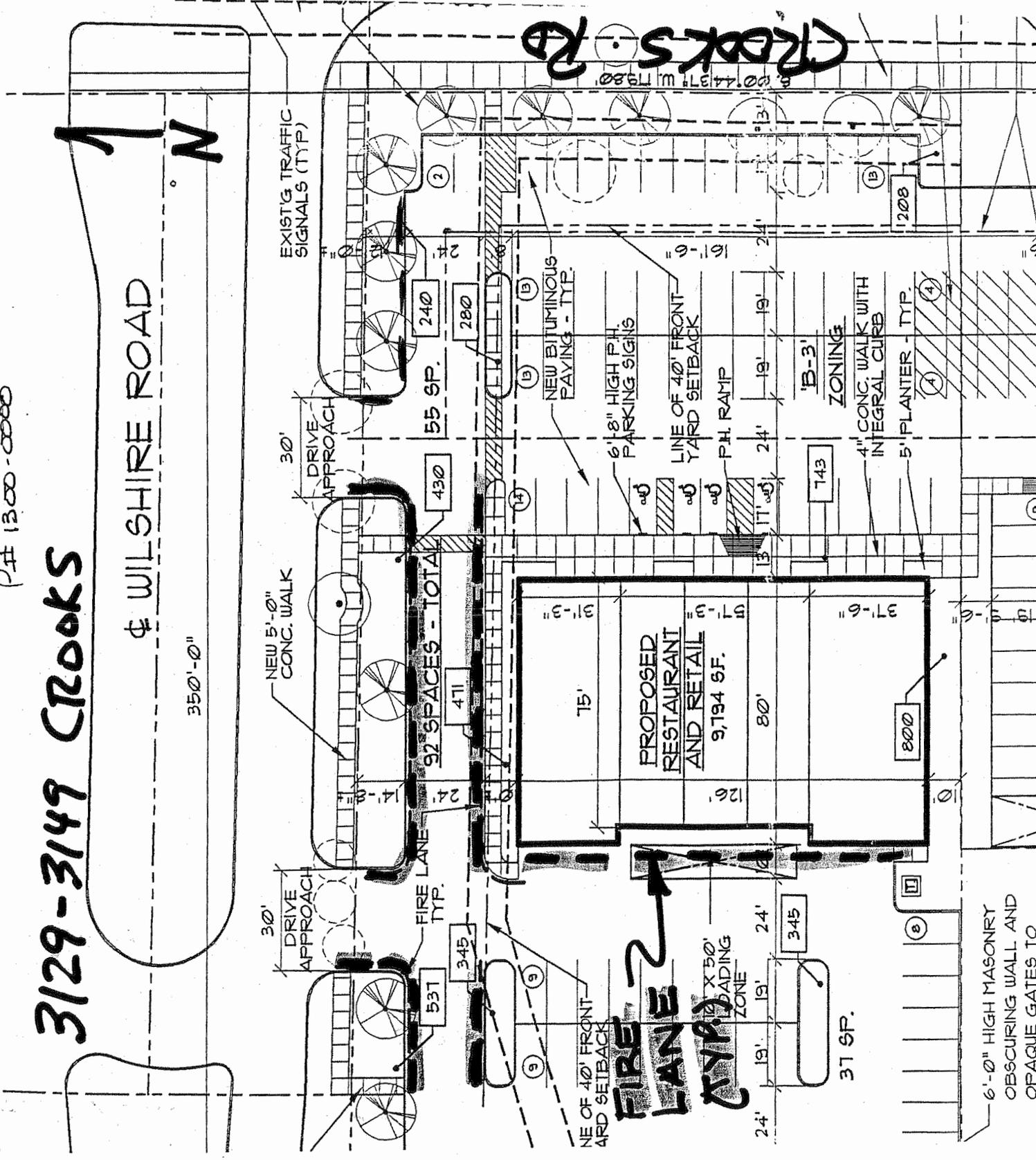
Plat 1300-0000

# 3129-3149 CROOKS

## WILSHIRE ROAD

350'-0"

**CROOKS RD**



EXIST'G TRAFFIC SIGNALS (TYP)

DRIVE APPROACH

NEW 5'-0" CONC. WALK

DRIVE APPROACH

92 SPACES - TOTAL  
4300

FIRE LANE  
TYP.  
37 SF

NEW BITUMINOUS PAVING - TYP.

6'-8" HIGH P.H. PARKING SIGNS

LINE OF 40' FRONT YARD SETBACK

P.H. RAMP

'B-3' ZONING

4" CONC. WALK WITH INTEGRAL CURB

5' PLANTER - TYP.

NE OF 40' FRONT YARD SETBACK

**FIRE LANE 2 (TYP)**

30' X 50' LOADING ZONE

6'-0" HIGH MASONRY OBSCURING WALL AND OPAQUE GATES TO SCREEN TRASH DUMPSTER



**TO:** Members of the Troy City Council  
**FROM:** Lori Grigg Bluhm, City Attorney  
**DATE:** June 20, 2006  
**SUBJECT:** Proposed Revisions to DDA By-Laws

---

At the June 1, 2006 meeting, the Downtown Development Authority approved recommended amendments to their By-Laws, as well as adopted new Rules of Procedure. These amendments were made to separate the Rules of Procedure from the By-laws. These changes were forwarded to City Council at their June 19, 2006 meeting. At that time, City Council informally recommended a revision that would retain the Quorum section of the By-laws. A Quorum section that mirrors the current By-laws language is now contained in the Rules of Procedure. In addition, some members of Council requested a change to the By-laws concerning the required number of votes for any action. Currently, the DDA By-laws provide that a majority of DDA members present at a meeting can take action on behalf of the DDA. Some Council members opined that the By-laws should be modified to require a majority of the total DDA membership for any action to be taken. City Council postponed action on this item until July 10, 2006, in order to provide the DDA with the opportunity to review the recommended modifications prior to City Council action.

The DDA considered the proposed modifications at the June 21, 2006 meeting. There was no motion to modify the proposed By-laws. Several members opined that the existing voting requirements of the DDA should remain intact, especially since the DDA is primarily an advisory body to the City Council. Some members of the DDA were concerned that an elevation in the voting requirements could impede the DDA's ability to move things forward from any meeting where there were vacant DDA positions.

The same version of the By-laws must be approved

For your convenience, enclosed please find a red line version of the proposed by-laws amendments as recommended by the DDA on June 1, 2006. In addition, enclosed please find a copy of the DDA By-laws that assumes that the proposed amendments will be approved.

Please let me know if you have any questions concerning the above.

CITY OF TROY  
DOWNTOWN DEVELOPMENT AUTHORITY  
BOARD OF DIRECTORS

BY-LAWS ~~AND RULES OF PROCEDURE~~

The purpose of the following By-Laws is to establish the rules of operation for the Board of Directors. ~~In addition to establishing procedure,~~ The By-Laws also describe the organizational framework of the Board of Directors, and, in general terms, define the duties and responsibilities of the Board of Directors.

City of Troy  
Downtown Development Authority  
Board of Directors

By-Laws ~~and Rules of Procedure~~

**ARTICLE I: AUTHORITY**

The ~~By-laws and~~ rules and procedures of the City of Troy Downtown Development Authority Board of Directors are subordinate and subject to the Public Act 197 of 1975 of the State of Michigan, as amended, and Ordinance No. 78, of the City of Troy, Michigan.

**ARTICLE II: TITLE**

The title of the governing body of the Downtown Development Authority as established by the City Council of the City of Troy shall be the "Troy Downtown Development Authority", or "BOARD".

**ARTICLE III: MEMBERS**

**Section 1. Membership**

The BOARD shall be composed of the following thirteen (13) members: The Mayor of the City of Troy and twelve (12) persons who shall be appointed by the Mayor; each appointment to the BOARD is subject to approval by a majority vote of the City Council of the City of Troy. At least seven (7) members of the BOARD shall have a property interest in the Downtown Development District.

**Section 2. Term of Office**

The terms of office of the members of the BOARD shall begin immediately upon their appointment. The term of office of each member of the BOARD shall be four (4) years, except that in the case of the first BOARD appointed hereunder, three (3) of the members shall be appointed for a term of one (1) year, three (3) for a term of two (2) years, three (3) for a term of three (3) years and three (3) for a term of four (4) years. All members shall continue to hold office until their successors are appointed. Vacancies occurring through other than the normal expiration of the term of appointment shall be filled for the unexpired term by the Mayor and the City of Troy, subject to approval by a majority of the City Council.

**Section 3. Removal**

Members of the BOARD may be removed from office by the City Council for cause.

## ARTICLE IV: OFFICERS AND PERSONNEL

### Section 1. Officers

The officers of the BOARD shall be:

- A. **Chairman:** The Chairman shall preside at all meetings and shall have such other duties as further prescribed in the By-Laws, and shall have authority to preside at all Adjourned Meetings and call and preside at all Special Meetings.
- B. **Vice-Chairman:** The Vice-Chairman shall, in the absence of the Chairman or his/her inability to act, preside at all Regular, Adjourned, or Special Meetings, public hearings, and committee meetings of the BOARD and shall have the power to function in the same capacity as the Chairman.
- C. **Secretary:** The Secretary shall have authority to execute documents in the name of the BOARD and shall perform such other duties as the BOARD may, from time to time, determine. The Secretary is not required to be a member of the BOARD.
- D. **Treasurer:** The Treasurer shall disburse the funds of the Authority as may be ordered by the BOARD, taking proper vouchers for such disbursements, and shall render to the BOARD, at the regular meetings of the BOARD, or whenever they may require, an account of all transactions as Treasurer and of the financial condition of the Authority. The Treasurer is not required to be a member of the BOARD. The Treasurer shall give the Authority a bond, if required by the BOARD in a sum, and with one or more sureties satisfactory to the BOARD, for the faithful performance of the duties of the office, and for the restoration to the Authority in case of his/her death, resignation, retirement, or removal from office of all books, papers, vouchers, money, and other property of whatever kind in his/her possession or under his/her control belonging to the Authority.

### Section 2. Terms

Each officer of the BOARD shall be elected annually by a majority of the BOARD for a one-year term by the BOARD at their first regular meeting in ~~January~~ October, and shall hold office until a successor is elected and assumes office.

### Section 3. Delegation of Duties

In the absence of an officer of the Authority, or for any other reason that the BOARD may deem sufficient, the BOARD may delegate, from time to time and for such time as it may deem appropriate, the powers or duties, or any of them,

of such officer to any other officer, or to any director, provided that said duties are delegated by a majority vote of the BOARD.

**Section 4. Executive Director**

The Executive Director for the BOARD shall be the City Manager of the City of Troy or ~~the City Manager~~, the BOARD may designate a qualified person as Executive Director to perform the duties of the office. The Executive Director shall function as the chief executive officer and business manager of the BOARD. The Executive Director shall supervise the preparations of plans and the performance of the functions of the Authority in the manner authorized by the State Act. The Director shall attend all meetings of the BOARD and shall have full right of discussion, but shall not have a vote on any matters coming before the BOARD. The Director shall be responsible for preparation of the budget of the Board and shall render to the Board and the City Council a regular report covering the activities and the financial condition of the Authority.

**Section 5. City Personnel**

The BOARD shall make use of appropriate City personnel and consultants, including the City Attorney, City Engineer, and City Planner. The City shall be reimbursed by the BOARD for any and all additional costs incurred by the City because of the operation of the Authority. The BOARD may contract for additional services or employ personnel or consultants other than those appointed to serve the City following approval of the City Council.

**ARTICLE V: MEETINGS**

**Section 1. Times and Dates**

At the annual meeting, the BOARD shall determine the date, time and place of each regular meeting of the BOARD for the ensuing year. Any regular meeting may be adjourned to a definite date or alternate site, by a majority vote of a quorum of the members. Adjourned or special meetings may be held at any time or place established by the BOARD. Notice of all meetings shall be provided as required by State law. Special meetings shall be subject to the call of the Chairman, acting Chairman or Executive Director. A special meeting may also be called upon the written request of seven (7) members of the BOARD.

**~~ARTICLE VI: THE ORDER OF BUSINESS~~**

**~~Section 1. Regular Meetings~~**

~~The order of business for a Regular Meeting shall be:~~

- ~~1. Call to order by Chairman or Vice-Chairman.~~

- ~~2. Roll call.~~
- ~~3. Determination of a quorum.~~
- ~~4. Approval of Minutes of last preceding meeting.~~
- ~~5. Hearings.~~
- ~~6. Old business.~~
- ~~7. New business.~~
- ~~8. Adjournment.~~

### **Section 2. Chairman's Discretion**

~~The Chairman shall have the discretion to change the order of business whenever he or she deems it advisable to do so either before or during the progress of the meeting.~~

### **Section 3. Annual Meeting**

~~The order of business for the Annual Meeting, to be the BOARD'S first Regular Meeting in January, shall be:~~

- ~~1. Call to order by Chairman or Vice-Chairman.~~
- ~~2. Roll call.~~
- ~~3. Determination of a quorum.~~
- ~~4. Election of new Chairman.~~
- ~~5. Taking of Chair by new Chairman.~~
- ~~6. Election of other officers.~~
- ~~7. Establishing of regular meeting dates, time and location.~~
- ~~8. Regular order of business.~~

## **ARTICLE VII: QUORUM**

~~For the transaction of ordinary business at any Regular Meeting, adjourned meeting, or special meeting, seven (7) members shall constitute a quorum. Except as otherwise stated in these By-Laws, an affirmative vote of a majority of the members present at a duly called meeting of the BOARD shall be necessary in order to make a decision.~~

## **ARTICLE VIII: MINUTES**

### **Section 1: Responsibility**

~~The Secretary of the BOARD shall be responsible for ensuring that a complete and accurate set of Minutes for all regular, adjourned or special meetings where official business was transacted is prepared. These Minutes shall become a matter of public record, shall be kept in a separate Minute book, and shall be placed on file with the City Clerk.~~

Section 2. Signatures

~~The Secretary and the Chairman shall sign all Minutes, after approval by the BOARD members, at the next official meeting.~~

**ARTICLE ~~VI~~ IX: COMMITTEES**

There may be special committees established by the BOARD as the BOARD may deem necessary. Membership of these committees may be from within or outside of the membership of the BOARD.

**ARTICLE ~~VII~~ X: AMENDMENT OF BY-LAWS**

These By-Laws may be changed or added to by the affirmative vote of seven (7) members. No amendment shall be discussed and adopted unless a written notice to amend the By-Laws shall be filed with the Secretary at the Regular Meeting preceding the meeting at which the motion to change is to be made. This requirement may be waived by the BOARD by a unanimous vote of the full BOARD. Any amendment to these By-Laws is subject to approval by the City Council of the City of Troy.

**ARTICLE ~~VIII~~ XI: CONTRACTS, LOANS, CHECKS AND DEPOSITS**

**Section 1. Contracts**

The BOARD may authorize by resolution, adopted by an affirmative vote of seven (7) members, that the Executive Director may enter into any contract or execute and deliver any instrument in the name of and on behalf of the BOARD and that such authorization may be general or confined to specific instances.

**Section 2. Loans**

Any funds expended by the City of Troy on behalf of the BOARD or on any related function of the Downtown Development Authority, including costs of organization, shall be considered a debt of the BOARD, shall be noted in the books of account of the BOARD and the City, and shall be repaid to the City as appropriate funds become available to the BOARD.

**Section 3. Payments**

All checks, drafts, or other orders for the payment of money, notes or other evidences of indebtedness issued in the name of the BOARD, shall be signed manually or by an approved facsimile signature by such office or officers, agent or agents of the BOARD and in such manner as shall from time to time be determined by resolution of the BOARD.

**Section 4. Deposits**

All funds of the Authority not otherwise employed shall be deposited from time to time to the credit of the Authority by the Treasurer in such banks, trust companies or other depositories as the BOARD may designate.

**ARTICLE ~~IX~~ ~~XII~~: REPRESENTATION AND INDEMNIFICATION**

The members of the City of Troy Downtown Development Authority shall be represented and indemnified for claims and civil action made against them as provided for elected and appointed officials and employees of the City in Chapter 4, Section 10, of the Troy City Code.

**ARTICLE ~~XIII~~: FISCAL YEAR**

The fiscal year of the Authority shall correspond at all times to the fiscal year of the City of Troy, Oakland County, Michigan.

**ARTICLE XI: PARLIAMENTARY AUTHORITY**

The Troy Downtown Development Authority adopts Roberts Rules of Order, latest edition, as its parliamentary authority, except as preempted by City Charter or City Code or as modified by the Rules of Procedure adopted by the BOARD.

**~~ARTICLE XIV: CERTIFICATION~~**

~~The undersigned, being, respectively, the duly appointed and acting Clerk of the City of Troy, Oakland County, Michigan, and the duly appointed and acting Secretary of the Downtown Development Authority of the City of Troy, do hereby certify that the foregoing By-Laws were adopted by the Board of Directors of the City of Troy Downtown Development Authority at a meeting of the Board on \_\_\_\_\_, 2006, and approved at a regular meeting of the City Council of the City of Troy on \_\_\_\_\_, 2006.~~

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
DDA Secretary

The undersigned, being, respectively, the duly appointed and acting Clerk of the City of Troy, Oakland County, Michigan, and the duly appointed and acting Secretary of the Downtown Development Authority of the City of Troy, do hereby certify that the foregoing By-Laws were adopted by the Board of Directors of the City of Troy Downtown Development Authority at a meeting of the Board on \_\_\_\_\_, 2006, and approved at a regular meeting of the City Council of the City of Troy on \_\_\_\_\_, 2006.

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
DDA Secretary

Amended: March 15, 2006- DDA  
May 8, 2006- City Council

Clean Copy of By-laws- if amended as recommended

CITY OF TROY  
DOWNTOWN DEVELOPMENT AUTHORITY  
BOARD OF DIRECTORS

BY-LAWS

The purpose of the following By-Laws is to establish the rules of operation for the Board of Directors. The By-Laws also describe the organizational framework of the Board of Directors, and, in general terms, define the duties and responsibilities of the Board of Directors.

City of Troy  
Downtown Development Authority  
Board of Directors

By-Laws

**ARTICLE I: AUTHORITY**

The By-laws and rules and procedures of the City of Troy Downtown Development Authority Board of Directors are subordinate and subject to the Public Act 197 of 1975 of the State of Michigan, as amended, and Ordinance No. 78, of the City of Troy, Michigan.

**ARTICLE II: TITLE**

The title of the governing body of the Downtown Development Authority as established by the City Council of the City of Troy shall be the "Troy Downtown Development Authority", or "BOARD".

**ARTICLE III: MEMBERS**

**Section 1. Membership**

The BOARD shall be composed of the following thirteen (13) members: The Mayor of the City of Troy and twelve (12) persons who shall be appointed by the Mayor; each appointment to the BOARD is subject to approval by a majority vote of the City Council of the City of Troy. At least seven (7) members of the BOARD shall have a property interest in the Downtown Development District.

**Section 2. Term of Office**

The terms of office of the members of the BOARD shall begin immediately upon their appointment. The term of office of each member of the BOARD shall be four (4) years, except that in the case of the first BOARD appointed hereunder, three (3) of the members shall be appointed for a term of one (1) year, three (3) for a term of two (2) years, three (3) for a term of three (3) years and three (3) for a term of four (4) years. All members shall continue to hold office until their successors are appointed. Vacancies occurring through other than the normal expiration of the term of appointment shall be filled for the unexpired term by the Mayor and the City of Troy, subject to approval by a majority of the City Council.

**Section 3. Removal**

Members of the BOARD may be removed from office by the City Council for cause.

## ARTICLE IV: OFFICERS AND PERSONNEL

### Section 1. Officers

The officers of the BOARD shall be:

- A. **Chairman:** The Chairman shall preside at all meetings and shall have such other duties as further prescribed in the By-Laws, and shall have authority to preside at all Adjourned Meetings and call and preside at all Special Meetings.
- B. **Vice-Chairman:** The Vice-Chairman shall, in the absence of the Chairman or his/her inability to act, preside at all Regular, Adjourned, or Special Meetings, public hearings, and committee meetings of the BOARD and shall have the power to function in the same capacity as the Chairman.
- C. **Secretary:** The Secretary shall have authority to execute documents in the name of the BOARD and shall perform such other duties as the BOARD may, from time to time, determine. The Secretary is not required to be a member of the BOARD.
- D. **Treasurer:** The Treasurer shall disburse the funds of the Authority as may be ordered by the BOARD, taking proper vouchers for such disbursements, and shall render to the BOARD, at the regular meetings of the BOARD, or whenever they may require, an account of all transactions as Treasurer and of the financial condition of the Authority. The Treasurer is not required to be a member of the BOARD. The Treasurer shall give the Authority a bond, if required by the BOARD in a sum, and with one or more sureties satisfactory to the BOARD, for the faithful performance of the duties of the office, and for the restoration to the Authority in case of his/her death, resignation, retirement, or removal from office of all books, papers, vouchers, money, and other property of whatever kind in his/her possession or under his/her control belonging to the Authority.

### Section 2. Terms

Each officer of the BOARD shall be elected annually by a majority of the BOARD for a one-year term by the BOARD at their first regular meeting in October, and shall hold office until a successor is elected and assumes office.

### Section 3. Delegation of Duties

In the absence of an officer of the Authority, or for any other reason that the BOARD may deem sufficient, the BOARD may delegate, from time to time and for such time as it may deem appropriate, the powers or duties, or any of them,

of such officer to any other officer, or to any director, provided that said duties are delegated by a majority vote of the BOARD.

**Section 4. Executive Director**

The Executive Director for the BOARD may be the City Manager of the City of Troy or the BOARD may designate a qualified person as Executive Director to perform the duties of the office. The Executive Director shall function as the chief executive officer and business manager of the BOARD. The Executive Director shall supervise the preparations of plans and the performance of the functions of the Authority in the manner authorized by the State Act. The Director shall attend all meetings of the BOARD and shall have full right of discussion, but shall not have a vote on any matters coming before the BOARD. The Director shall be responsible for preparation of the budget of the Board and shall render to the Board and the City Council a regular report covering the activities and the financial condition of the Authority.

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**ARTICLE V: MEETINGS**

**Section 1. Times and Dates**

At the annual meeting, the BOARD shall determine the date, time and place of each regular meeting of the BOARD for the ensuing year. Any regular meeting may be adjourned to a definite date or alternate site, by a majority vote of a quorum of the members. Adjourned or special meetings may be held at any time or place established by the BOARD. Notice of all meetings shall be provided as required by State law. Special meetings shall be subject to the call of the Chairman, acting Chairman or Executive Director. A special meeting may also be called upon the written request of seven (7) members of the BOARD.

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## **ARTICLE VIII: CONTRACTS, LOANS, CHECKS AND DEPOSITS**

### **Section 1. Contracts**

The BOARD may authorize by resolution, adopted by an affirmative vote of seven (7) members, that the Executive Director may enter into any contract or execute and deliver any instrument in the name of and on behalf of the BOARD and that such authorization may be general or confined to specific instances.

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### **Section 4. Deposits**

All funds of the Authority not otherwise employed shall be deposited from time to time to the credit of the Authority by the Treasurer in such banks, trust companies or other depositories as the BOARD may designate.

## **ARTICLE IX: REPRESENTATION AND INDEMNIFICATION**

The members of the City of Troy Downtown Development Authority shall be represented and indemnified for claims and civil action made against them as

provided for elected and appointed officials and employees of the City in Chapter 4, Section 10, of the Troy City Code.

#### **ARTICLE X: FISCAL YEAR**

The fiscal year of the Authority shall correspond at all times to the fiscal year of the City of Troy, Oakland County, Michigan.

#### **ARTICLE XI: PARLIAMENTARY AUTHORITY**

The Troy Downtown Development Authority adopts Roberts Rules of Order, latest edition, as its parliamentary authority, except as preempted by City Charter or City Code or as modified by Rules of Procedure adopted by the BOARD.

---

#### **CERTIFICATION**

The undersigned, being, respectively, the duly appointed and acting Clerk of the City of Troy, Oakland County, Michigan, and the duly appointed and acting Secretary of the Downtown Development Authority of the City of Troy, do hereby certify that the foregoing By-Laws were adopted by the Board of Directors of the City of Troy Downtown Development Authority and approved at a regular meeting of the City Council of the City of Troy on October 14, 1993.

Amended: March 15, 2006- DDA  
May 8, 2006- City Council

A Regular Meeting of the Troy City Council was held Monday, July 10, 2006, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:33 P.M.

Mayor Pro Tem Broomfield gave the Invocation and the Pledge of Allegiance to the Flag was given.

**ROLL CALL:**

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

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**Resolution to Excuse Council Member Lambert from the Regular City Council Meeting of Monday, July 10, 2006**

Resolution #2006-07-280  
Moved by Broomfield  
Seconded by Howrylak

RESOLVED, That the Troy City Council hereby **EXCUSES** the absence of Council Member Lambert at the Regular City Council Meeting of July 10, 2006 due to being out of the county.

Yes: All-6  
No: None  
Absent: Lambert

---

**Resolution to Excuse Council Members Broomfield and Fleming from the Special City Council Meeting of Thursday, June 29, 2006**

Resolution #2006-07-281  
Moved by Howrylak  
Seconded by Stine

RESOLVED, That the Troy City Council hereby **EXCUSES** the absence of Council Member Broomfield and Council Member Fleming at the Special City Council Meeting of June 29, 2006 due to being out of the county.

Yes: All-6  
No: None  
Absent: Lambert

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**CERTIFICATES OF RECOGNITION:**

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- A-1** On behalf of City Council, City Staff and the citizens of the City of Troy, Mayor Schilling informally recognized John M. Lamerato, Assistant City Manager-Finance/Administration for an outstanding dedicated job as Acting City Manager.

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**CARRYOVER ITEMS:**

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- B-1** No Carryover Items

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**PUBLIC HEARINGS:**

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**C-1** Commercial Vehicle Appeal – 1868 Welling Drive

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 #2006-07-282  
Moved by Broomfield  
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, justifying the granting of a variance:

- 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);

THEREFORE, BE IT RESOLVED, That the request from Dave Werner, 1868 Welling Drive, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Chevrolet dump truck in a residential district is hereby **APPROVED** to perform maintenance on the vehicle not to exceed two days per month for a time period of one year.

Yes: Broomfield, Fleming, Howrylak, Schilling, Beltramini

No: Stine

Absent: Lambert

## **MOTION CARRIED**

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### **C-2 Commercial Vehicle Appeal – 2127 Atlas**

The Mayor opened the Public Hearing for public comment.

The Mayor closed the Public Hearing after receiving comment from the petitioner and the public.

Resolution #2006-07-283

Moved by Broomfield

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 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 Kevin Ferguson, 2127 Atlas, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a GMC cube van in a residential district is hereby **APPROVED** for a period of one year contingent upon the installation of a privacy fence across the driveway area within the next month.

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

**MOTION CARRIED**

The meeting **RECESSED** at 8:59 P.M.

The meeting **RECONVENED** at 9:12 P.M.

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**C-3 Zoning Ordinance Text Amendment (File No: ZOTA 214) – Article X, Group Child Care Homes in the R-1A through R-1E Districts**

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

**Vote on Resolution to Postpone**

Resolution #2006-07-284  
Moved by Fleming  
Seconded by Broomfield

RESOLVED, That Article X (ONE-FAMILY RESIDENTIAL DISTRICTS) of the City of Troy Zoning Ordinance be **POSTPONED** until the Regular City Council Meeting scheduled for Monday, September 11, 2006 for the purpose of addressing concerns raised by City Council.

Yes: All-6  
No: None  
Absent: Lambert

**POSTPONED ITEMS:**

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**D-1 Approval of Cost Participation Agreement for the Reconstruction of Crooks Road, Square Lake to M-59 – Project No. 94.108.6**

Resolution #2006-07-285  
Moved by Beltramini  
Seconded by Stine

RESOLVED, That the Cost Participation Agreement between the City of Troy and the Board of Road Commissioners for the County of Oakland for Crooks Road, Square Lake to M-59, Project No. 94.108.6, is hereby **APPROVED** and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the Agreement.

Yes: All-6  
No: None  
Absent: Lambert

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**D-2 Traffic Committee Recommendations – April 19, 2006**

**No Changes to Traffic Control Devices at Ivanhoe and Sweet**

Resolution  
Moved by Beltramini  
Seconded by Fleming

RESOLVED, That **NO CHANGES** be made to traffic control devices at Ivanhoe and Sweet.

**Substitute Amendment**

Resolution  
Moved by Stine  
Seconded by Fleming

RESOLVED, That the preceding resolution for *Traffic Control Devices at Ivanhoe and Sweet* be **SUBSTITUTED** with the following:

RESOLVED, That Traffic Control Order No. \_\_\_\_\_ be **ISSUED** for the installation of YIELD sign at Ivanhoe and Sweet.

**Vote on Resolution to Postpone**

Resolution #2006-07-286  
Moved by Howrylak  
Seconded by Stine

RESOLVED, That Traffic Committee Recommendations – April 19, 2006 be **POSTPONED** until the Regular City Council Meeting scheduled for Monday, July 24, 2006.

Yes: All-6  
No: None  
Absent: Lambert

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**D-3 Revisions to DDA By-Laws**

Resolution  
Moved by Beltramini  
Seconded by Broomfield

RESOLVED, That the proposed revisions to the City of Troy Downtown Development Authority By-Laws and Rules of Procedure are **APPROVED** as recommended by City Administration, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

Resolution #2006-07-287  
Moved by Howrylak  
Seconded by Broomfield

RESOLVED, That the Resolution for *Proposed Revisions to the City of Troy Downtown Development Authority By-Laws and Rules of Procedure* be **AMENDED** by **INSERTING**, "Section 2, Quorum under Article V, For the transaction of ordinary business at any Regular Meeting, adjourned meeting, or special meeting, seven (7) members shall constitute a quorum. Except as otherwise stated in these By-Laws, an affirmative vote of a majority of the members elected at a duly called meeting of the BOARD shall be necessary in order to make a decision.

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

### **MOTION FAILED**

### **Vote on Resolution to Postpone**

Resolution #2006-07-288  
Moved by Stine  
Seconded by Broomfield

RESOLVED, That the Resolution for *Proposed Revisions to the City of Troy Downtown Development Authority By-Laws and Rules of Procedure* be **POSTPONED** until the Regular City Council Meeting scheduled for Monday, July 24, 2006.

Yes: All-6  
No: None  
Absent: Lambert

### **CONSENT AGENDA:**

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

Resolution #2006-07-289  
Moved by Stine  
Seconded by Beltramini

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

Yes: All-6  
No: None  
Absent: Lambert

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

Resolution #2006-07-289-E-2

RESOLVED, That the Minutes of the 7:30 PM Regular City Council Meeting of June 19, 2006 and the Minutes of the 7:30 PM Special City Council Meeting of June 29, 2006 be **APPROVED** as submitted.

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**E-3 Proposed City of Troy Proclamation:**

Resolution #2006-07-289-E-3a

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

- a) Proclamation – Ride to Work Day – July 19, 2006

---

**E-4 Standard Purchasing Resolutions**

- a) **Standard Purchasing Resolution 9: Membership Renewal – Macomb County Criminal Justice Training Consortium**

Resolution #2006-07-289-E-4a

WHEREAS, Macomb Community College has provided the City of Troy Police Department with training at their Criminal Justice Training Facility; and

WHEREAS, It is desirable to continue re-certification of police officers in Emergency Vehicle Operations and utilize the state of the art computerized simulated shooting system, FATS;

THEREFORE, BE IT RESOLVED, That a one-year membership renewal is hereby **APPROVED** with Macomb Community College to continue the membership in the Macomb County Criminal Justice Training Consortium at an estimated annual cost of \$21,920.00, and approval is hereby **GRANTED** to use all other training services provided through Consortium membership on a reduced cost basis.

---

**E-5 Approval of Subcontract with Greenstar & Associates, LLC for Right-of-Way Services for the Reconstruction and Widening of John R from Long Lake to Square Lake – Project No. 02.203.5**

Resolution #2006-07-289-E-5

RESOLVED, That Subcontract No. 05-5109/S1, between the City of Troy and Greenstar & Associates, LLC for right-of-way services for the reconstruction of John R, between Long Lake and Square Lake is hereby **APPROVED** at an estimated cost to the City of Troy not to exceed

\$50,000.00, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the subcontract, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

---

**E-6 Approval of Subcontract with Greenstar & Associates, LLC for Right-of-Way Services for the Reconstruction and Widening of John R from Square Lake to South Boulevard – Project No. 02.204.5**

Resolution #2006-07-289-E-6

RESOLVED, That Subcontract No. 05-5110/S1, between the City of Troy and Greenstar & Associates, LLC for right-of-way services for the reconstruction of John R, between Square Lake and South Boulevard is hereby **APPROVED** at an estimated cost to the City of Troy not to exceed \$50,000.00, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the subcontract, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

---

**E-7 Addendum No. 1: Contract 04-2 – Maple Road Water Main Replacement, Coolidge to Crooks**

Resolution #2006-07-289-E-7

RESOLVED, That Addendum No. 1 to Contract No. 04-2, Maple Road Water Main Replacement from Coolidge to Crooks, is hereby **APPROVED** to Aielli Construction Co., 36609 Groesbeck Hwy., Clinton Township, MI 48035 at unit prices contained in the contract, the total amount authorized is \$1,024,847.41 and includes the previous authorized amount of \$887,740.10, 10% contingency as per the contract award resolution and the \$48,333.30 amount for which Addendum No. 1 exceeds the 10% contingency.

---

**E-8 Acceptance of Three Easements and One Warranty Deed from Quattro Development Company, Inc. – Sidwell #88-20-15-428-012**

Resolution #2006-07-289-E-8

RESOLVED, That the three easements and one warranty deed received from Quattro Development Company, Inc., owners of property having Sidwell #88-20-15-428-012 are hereby **ACCEPTED**; and

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

---

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

Resolution #2006-07-289-E-9

BE IT RESOLVED, That the Consent Judgment in the matter of D & K Hannawa, LLC v. City of Troy, et. al is hereby **APPROVED**, and the Assistant City Attorney is **AUTHORIZED TO EXECUTE** the document on behalf of the City of Troy, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

---

**E-10 Hooters Lawsuit**

Resolution #2006-07-289-E-10

RESOLVED, That the City Attorney is hereby **AUTHORIZED** and **DIRECTED** to represent the City of Troy in any and all claims and damages in the matter of *In re Hooters of Troy Inc.*, and to **RETAIN** any necessary expert witnesses and outside legal counsel to adequately represent the City.

---

**E-11 Private Agreement for North Hills Christian Reform Church – Project No. 06.915.3**

Resolution #2006-07-289-E-11

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and North Hills Christian Reform Church, is hereby **APPROVED** for the installation of water main and paving 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-12 Fireworks Permit – Troy Daze Festival**

Resolution #2006-07-289-E-12

RESOLVED, That a fireworks permit be **ISSUED** to Mad Bomber Fireworks Productions, of Kingsbury, IN for the display of fireworks at the conclusion of the 2006 Troy Daze Festival.

---

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

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**E-4 Standard Purchasing Resolutions****b) Standard Purchasing Resolution 8: Best Value Process Award – 2007 Calendar/Annual Report Printing Services**

Resolution #2006-07-290

Moved by Stine

Seconded by Beltramini

RESOLVED, That a contract to provide printing and design services to mail 40,000 copies of the 2007 City calendar with an option to renew for the 2008 calendar year is hereby **AWARDED** to University Lithographers, Inc. of Ann Arbor, MI, the vendor with the highest final weighted score, as a result of a Best Value process which the Troy City Council determines as being in the public interest at an estimated cost of \$33,825.00 per year, at unit prices contained in the tabulation opened May 17, 2006, plus \$2,310.00 for the reply card insert; and

BE IT FURTHER RESOLVED, That City Management **INTENDS** to sell advertising in excess of \$11,000.00 to help offset the costs to produce the calendar/annual report; and

BE IT FINALLY RESOLVED, That the City is **AUTHORIZED TO ACCEPT** an increase in paper prices for the 2008 calendar/annual report not to exceed the CPI for the Detroit /Ann Arbor area base year June 2006 or the CPI Inflation Calculator, whichever is lower.

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

## MOTION CARRIED

### Vote on Resolution to Suspend Rules of Procedure for the City Council, Rule #26 – Continued Agenda Items Not Considered Before 12:00 AM

Resolution #2006-07-291  
 Moved by Broomfield  
 Seconded by Howrylak

RESOLVED, That City Council **SUSPEND** Rules of Procedure for the City Council, Rule #26 - *Continued Agenda Items Not Considered Before 12:00 AM* and **AUTHORIZE** City Council to **EXTEND** the adjournment time to 12:30 AM.

Yes: All-6  
 No: None  
 Absent: Lambert

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

## REGULAR BUSINESS:

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F-1 **Appointments to Boards and Committees: a) Mayoral Appointments: Planning Commission b) City Council Appointments: Advisory Committee for Persons with Disabilities; Ethnic Issues Advisory Board; Library Advisory Board; Parks & Recreation Board; Traffic Committee; and Troy Daze Committee c) Confirmation of City Manager Appointment: Employee Retirement System Board of Trustees and Retiree Health Care Benefits Plan & Trust**

### (a) Mayoral Appointments

Resolution #2006-07-292  
 Moved by Schilling  
 Seconded by Broomfield

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

#### Planning Commission

Appointed by Mayor (9) – 3 Year Terms

Jonathan Shin 

---

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

Yes: All-6  
No: None  
Absent: Lambert

**(b) City Council Appointments**

Resolution #2006-07-293b  
Moved by Broomfield  
Seconded by Beltrami

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

Margaret Apte 

---

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

Chelsea Weidman 

---

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

Gina Hyun 

---

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

**Ethnic Issues Advisory Board**

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

Mayada Fakhouri 

---

 Unexpired Term 09/30/07

Helen Yang 

---

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

**Library Advisory Board**

Appointed by Council (5) – 3 Year Terms

Shurthi Subramanian 

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

**Parks & Recreation Board**

Appointed by Council (10) – 3 Year Terms

Kirk Serkh 

---

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

**Traffic Committee**

Appointed by Council (7) – 3 Year Terms

Prithvi Murthy 

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

**Troy Daze Committee**

Appointed by Council (9) – 3 Year Terms

Connie Huang Term Expires 07/01/07 **(Student)**

Kasey Wang Term Expires 07/01/07 **(Student)**

Yes: All-6  
 No: None  
 Absent: Lambert

**(c) Confirmation of City Manager Appointment to Employee Retirement System Board of Trustees and Retiree Health Care Benefits Plan & Trust**

Resolution #2006-07-293c  
 Moved by Broomfield  
 Seconded by Beltramini

RESOLVED, That the appointment of the City Manager, Phillip Nelson is hereby **CONFIRMED BY THE CITY COUNCIL** to serve on the Boards and Committees as indicated below:

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

Confirmation of Appointment by Council – Chapter 10 of the Troy City Code

Phillip Nelson **(City Manager)** Ordinance – Chapter 10

Yes: All-6  
 No: None  
 Absent: Lambert

**F-2 Bid Waiver – Contract Extension – Alarm Installation, Monitoring and Maintenance**

Resolution #2006-07-294  
 Moved by Stine  
 Seconded by Beltramini

WHEREAS, On July 25, 1994 City Council approved a five (5) year contract to provide alarm installation, monitoring, and maintenance with an option to renew for an additional two (2) year period to Vigilante Security, Inc. as the result of a 1994 RFP process (Resolution #94-624), and extended yearly administratively under the same prices, terms and conditions; and

WHEREAS, Vigilante Security, Inc. has offered to extend their contract until December 31, 2007 under the same prices, terms, and conditions with the exception of the call-out hourly rate which will increase in accordance with the CPI Inflation Calculator and include any changes to alarm installations required;

THEREFORE, BE IT RESOLVED, That a contract to provide alarm installation, monitoring, and maintenance is hereby **APPROVED** with Vigilante Security, Inc. of Lathrup Village, MI, under the prices, terms, and conditions as outlined expiring December 31, 2007.

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

### **MOTION CARRIED**

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#### **F-3 Preliminary Site Condominium Approval – Tuscany Estates Site Condominium, West Side of Dequindre Road, South of Wattles Road, Section 24 – R-1C**

Resolution  
Moved by Beltramini  
Seconded by Broomfield

RESOLVED, That the Preliminary Plan 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 Tuscany Estates Site Condominium, as recommended for approval by City Management, located on the west side of Dequindre, south of Wattles, including 11 home sites, within the R-1C zoning district, being 4.3 acres in size, is hereby **APPROVED**.

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

Resolution #2006-07-295  
Moved by Stine  
Seconded by Beltramini

RESOLVED, That the Resolution for *Preliminary Site Condominium Approval – Tuscany Estates Site Condominium, West Side of Dequindre Road, South of Wattles Road, Section 24 – R-1C* be **AMENDED** by **INSERTING** “ the Planning Commission and” **BEFORE** “City Management.”

Yes: All-6  
No: None  
Absent: Lambert

#### **Vote on Resolution as Amended**

Resolution #2006-07-296  
Moved by Beltramini  
Seconded by Broomfield

RESOLVED, That the Preliminary Plan 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 Tuscany Estates Site Condominium, as recommended for approval by the Planning Commission and City Management, located on the west side of Dequindre, south of Wattles, including 11 home sites, within the R-1C zoning district, being 4.3 acres in size, is hereby **APPROVED**.

Yes: All-6  
No: None  
Absent: Lambert

---

**F-4 Final Site Condominium Approval – Longfellow Site Condominium, West Side of Rochester Road, North Side of Longfellow, Section 15 – R-1C**

Resolution #2006-07-297  
Moved by Stine  
Seconded by Fleming

RESOLVED, That the Final Plan 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 Longfellow Site Condominium, as recommended for approval by City Management, located on the west side of Rochester, north of Longfellow, including 5 home sites, within the R-1C zoning district, being 1.85 acres in size, is hereby **APPROVED**.

Yes: All-6  
No: None  
Absent: Lambert

---

**F-5 Restated and Amended Consent Judgment – K-Mart/Sheffield**

Withdrawn at the request of City Management.

---

**F-6 Gerback v. City of Troy – Settlement Proposal**

Resolution #2006-07-298  
Moved by Stine  
Seconded by Beltramini

BE IT RESOLVED, That the proposed Consent Judgment in the matter of James L. Gerback, Successor Trustee Under the Amended Robert S. Binder Trust Agreement dated March 1, 2004 v. City of Troy is hereby **APPROVED** by the City of Troy, and the Assistant City Attorney is **AUTHORIZED TO EXECUTE** the document on behalf of the City of Troy, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

**MOTION CARRIED**

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**F-7 Amendment #3 Concrete Pavement Repair**

Resolution #2006-07-299

Moved by Stine

Seconded by Beltramini

WHEREAS, On June 5, 2006, Troy City Council approved to amend the contract to provide additional concrete pavement repair for two of the low bidders: Major Cement Company – Proposal A and Hard Rock Concrete, Inc. – Proposal B, not to exceed \$1,250,000.00 and \$750,000.00, respectively for completion of work by June 30, 2006, at the same unit prices, terms and condition as the original contract (Resolution #2006-06-245); and

WHEREAS, City management completed locals road repairs under Proposal B in Section 11 and on Randall Drive which exceeded the approved amounts by \$25,000.00;

THEREFORE, BE IT RESOLVED, That the contract for concrete pavement repair under Proposal B is hereby **AMENDED** and **CONFIRMED** with Hard Rock Concrete, Inc. for an additional \$25,000.00 for a total approved contract amount of \$775,000.00, which are within budgeted amounts for the fiscal year ended June 30, 2006.

Yes: All-6

No: None

Absent: Lambert

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**F-8 Traffic Committee Recommendations – June 21, 2006**

Resolution #2006-07-300

Moved by Stine

Seconded by Howrylak

**(a) Establishment of Fire Lanes at 3129-3149 Crooks Road**

RESOLVED, That Traffic Control Order No. 06-12-MR be **ISSUED** for the establishment of fire lanes at 3129-3149 Crooks Road.

Yes: All-6

No: None

Absent: Lambert

---

**F-9 Schedule a Special Meeting for the Purpose of a Big Beaver Corridor Study Presentation**

Resolution #2006-07-301

Moved by Howrylak

Seconded by Stine

RESOLVED, That City Council **SCHEDULE** a Special Meeting on Monday, July 24, 2006 at 6:00 PM in the Council Chambers at 500 W. Big Beaver, Troy, Michigan to review a presentation of the Big Beaver Corridor Study, and that City Council **INVITES** members of the

Planning Commission, Downtown Development Authority, Chamber of Commerce, Road Commission for Oakland County, other stakeholders and members of the public.

Yes: All-6  
 No: None  
 Absent: Lambert

## MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

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### G-1 Announcement of Public Hearings:

- a) Street Vacation Application (File Number: SV 187) – A Section of Alley Located North of Big Beaver between Frankton and Troy, Section 22 – July 24, 2006
- b) Zoning Ordinance Text Amendment (File Number: ZOTA 219) – Articles II and III, Conditional Rezoning – July 24, 2006
- c) Zoning Ordinance Text Amendment (File Number: ZOTA 215-C) – Articles XLIII and XLIV, Pertaining to Commercial Vehicle Parking Appeals – July 24, 2006  
 Noted and Filed

### G-2 Green Memorandums: No Memorandums Submitted

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

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### H-1 No Council Referrals Advanced

## COUNCIL COMMENTS:

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### I-1 No Council Comments Advanced

## REPORTS:

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

- a) Retiree Health Care Benefits Plan & Trust/Final – March 8, 2006
- b) Advisory Committee for Persons with Disabilities/Draft – May 3, 2006
- c) Advisory Committee for Persons with Disabilities/Final – May 3, 2006
- d) Employees' Retirement System Board of Trustees/Final – May 10, 2006
- e) Troy Daze Advisory Committee/Final – May 23, 2006
- f) Downtown Development Authority/Final – June 1, 2006
- g) Planning Commission Special/Study/Draft – June 6, 2006
- h) Planning Commission Special/Study/Final – June 6, 2006
- i) Building Code Board of Appeals/Final – June 7, 2006
- j) Liquor Advisory Committee/Draft – June 12, 2006
- k) Employees' Retirement System Board of Trustees/Draft – June 13, 2006
- l) Planning Commission/Draft – June 13, 2006
- m) Planning Commission/Final – June 13, 2006
- n) Retiree Health Care Benefits Plan & Trust/Draft – June 13, 2006
- o) Troy Daze Advisory Committee/Draft – June 27, 2006  
 Noted and Filed

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**J-2 Department Reports:**

- a) City of Troy Monthly Financial Report – May 31, 2006
- b) City Council Expense Report – June, 2006
- c) Council Member Robin Beltramini's Travel Expense Report – NLC FAIR and Public Finance Panel – Joint Meeting
- d) City Attorney's Office – 2006 Second Quarter Litigation Report
- e) Troy Fire Department – 2005 Annual Report
- f) City Manager's Office – Receipt of 2006-07 Annual Budget (Document will be handed out at the Council Meeting)

Noted and Filed

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

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

- a) Resolution from the City of Lathrup Village Opposing the Ballot Proposal to Ban Affirmative Action

Noted and Filed

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**J-5 Calendar**

Noted and Filed

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**J-6 Communication from Public Works Director Timothy Richnak Regarding 2006 Community Development Block Grant Funds**

Noted and Filed

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**J-7 Communication from Council Member Robin Beltramini Regarding Meetings of National League of Cities FAIR Steering Committee and City Futures Panel on Public Finance, Cambridge MA, June 15-17, 2006**

Noted and Filed

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**J-8 Communication from City Attorney Lori Grigg Bluhm Regarding Williams et. al v. City of Troy and Ken Freund**

Noted and Filed

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**J-9 Communication from Assistant City Manager/Services Brian Murphy Regarding Summary of City Council's Comments on Blight Reduction Strategies**

Noted and Filed

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**J-10 Communication from International City/County Management Association (ICMA) and National Research Center (NRC) Regarding the City of Troy Winning the 2005 Voice of the People Award**

Noted and Filed

**STUDY ITEMS:** Removed due to late hour.

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K-1 Disposal/Sale of Excess Property

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K-2 Troy City Code Chapter 18 (Water Utility)

**PUBLIC COMMENT:** Address of "K" Items

**CLOSED SESSION:**

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L-1 Closed Session:

The meeting **ADJOURNED** on Tuesday, July 11, 2006 at 12:15 P.M.

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Louise E. Schilling, Mayor

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Tonni L. Bartholomew, MMC  
City Clerk

July 11, 2006

TO: Phil Nelson, City Manager

FROM: Jeanette Bennett, Purchasing Director  
Charles T. Craft, Chief of Police

SUBJECT: **Agenda Item** – Standard Purchasing Resolution 1: Award to Low Bidder – Furnish and Install Lights on Four (4) Harley Davidson Electric Glide Motorcycles

### **RECOMMENDATION**

On Friday, June 30, 2006, four (4) bid proposals were opened to furnish and install lights on Four (4) Harley Davidson Electric Glide Motorcycles and remove and return existing lights to the Troy PD. City management recommends the contract be awarded to the low total bidder, Alert Emergency Equipment Group of Portland, MI, for an estimated total cost of \$18,647.00, at unit prices as contained on the attached bid tabulation.

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

### **BACKGROUND**

Due to safety issues for the motorcycle patrol officers and major changes to equipment lighting in the last few years, the Police Department is recommending a change to the current lighting configuration on the above referenced motorcycles.

### **BUDGET**

Funds are budgeted in the Police Capital Account #401315.7978.010 for fiscal year 2006-07.

23 Vendors Notified via MITN System  
4 Bid Responses Rec'd  
0 Late Bids  
0 No Bids:

JB/jb

VENDOR NAME:

<b>* Alert Emergency Equipment Group</b>	Winder Police Equipment	Cynergy Wireless
--	----------------------------	------------------

EST. QTY (EA)	DESCRIPTION	PRICE/EA	EXT. TOTAL	PRICE/EA	EXT. TOTAL	PRICE/EA	EXT. TOTAL
8	350213-01 Rear Saddle Bag Brkt Kit	\$40.64	\$325.12	\$16.95	\$135.60	\$33.29	\$266.32
8	350213-02 Side Saddle Bag Brkt Kit	\$38.50	\$308.00	\$14.85	\$118.80	\$30.79	\$246.32
4	350213-03 Fork Bracket Kit	\$74.11	\$296.44	\$26.85	\$107.40	\$44.79	\$179.16
12	350213-04 Windshield Mtg. Bracket	\$23.53	\$282.36	\$7.80	\$93.60	\$23.79	\$285.48
4	351011-03 2-up Cuda - Blue	\$168.12	\$672.48	\$119.40	\$477.60	\$149.79	\$599.16
4	351011-04 2-up Cuda - Red	\$156.54	\$626.16	\$108.00	\$432.00	\$135.79	\$543.16
20	351012-453 3-up Cuda - RWB	\$158.70	\$3,174.00	\$147.00	\$2,940.00	\$179.79	\$3,595.80
8	352012-453 3-up Cuda - RWB Portrait	\$178.08	\$1,424.64	\$152.25	\$1,218.00	\$186.79	\$1,494.32
4	352022-43 6-up Cuda (rear)	\$290.02	\$1,160.08	\$239.40	\$957.60	\$285.79	\$1,143.16
4	760002-03 Engine Guard - Blue	\$247.91	\$991.64	\$213.30	\$853.20	\$255.79	\$1,023.16
4	760002-04 Engine Guard - Red	\$251.32	\$1,005.28	\$201.30	\$805.20	\$242.79	\$971.16
4	760004-03 PAR 36 - Blue	\$240.19	\$960.76	\$190.35	\$761.40	\$229.79	\$919.16
4	760004-04 PAR 36 - Red	\$224.19	\$896.76	\$174.60	\$698.40	\$211.79	\$847.16
4	76006-034B Classic Tour Box	\$1,359.08	\$5,436.32	\$1,291.80	\$5,167.20	\$1,473.79	\$5,895.16
4	360 LED Star Light w/Pole	\$271.74	\$1,086.96	221.40 **	\$885.60	\$375.79	\$1,503.16

**ESTIMATED GRAND TOTAL:**

<b>* \$18,647.00</b>	945.00* \$3,780.00 \$19,431.60	\$19,511.84
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**SERVICE LOCATION:**

Address  
Hours of Operation  
Phone Number

Bldg #1 Industrial Dr  
Portland, MI 48875  
7 am to 5 pm  
1-800-531-2677

\* Labor per Bike  
\*\* Alternate

13200 Reeck Road  
Southgate, MI 48195  
M - F 8 am to 6 pm  
734- 281-6800

2300 Bellingham Dr  
Troy, MI 48083  
M-F 8 am to 5 pm  
748 - 670-1945

**EQUIPMENT INSPECTION:**

Yes or No  
Date

NO

NO

Yes

-

-

6/1/2006

**FACILITY REQUIREMENTS:**

Yes or No

Yes

Yes

Yes

**INSURANCE:**

Can Meet  
Cannot Meet  
\$

XX

XX

XX

\$ 250.00

**HARLEY EXPEREINCE:** # of Years

6

10

15

**PERSONNEL:**

Mark as

Alert Tech

N/A

Factory Trained Personnel

**COMPLETION DATE:**

Can Meet  
Cannot Meet

XX

XX

XX

**TERMS:**

Net 30 Days

Net 30

Net 30

**WARRANTY:**

Parts/Mfr Labor- 1 yr

Factory Warranty on Parts

Manufacturer Warranty

**DELIVERY:**

**AS STATED**

**EXCEPTIONS:**

Blank

Alternate for 360 Star  
Led light w/Pole

NONE

**ACKNOWLEDGEMENT:** Y or N

Yes

Yes

Yes

ATTEST:  
Sgt Dan Daniel  
Cheryl Stewart  
Linda Bockstanz

\* DENOTES LOW TOTAL BIDDER

Jeanette Bennett  
Purchasing Director

VENDOR NAME:

WRN, Inc dba  
Wireless Resources

EST. QTY (EA)	DESCRIPTION	PRICE/EA	EXT. TOTAL				
8	350213-01 Rear Saddle Bag Brkt Kit	\$51.15	\$409.20				
8	350213-02 Side Saddle Bag Brkt Kit	\$48.84	\$390.72				
4	350213-03 Fork Bracket Kit	\$62.04	\$248.16				
12	350213-04 Windshield Mtg. Bracket	\$41.08	\$492.96				
4	351011-03 2-up Cuda - Blue	\$163.84	\$655.36				
4	351011-04 2-up Cuda - Red	\$151.30	\$605.20				
20	351012-453 3-up Cuda - RWB	\$194.20	\$3,884.00				
8	352012-453 3-up Cuda - RWB Portrait	\$194.20	\$1,553.60				
4	352022-43 6-up Cuda (rear)	\$295.84	\$1,183.36				
4	760002-03 Engine Guard - Blue	\$253.93	\$1,015.72				
4	760002-04 Engine Guard - Red	\$241.89	\$967.56				
4	760004-03 PAR 36 - Blue	\$225.64	\$902.56				
4	760004-04 PAR 36 - Red	\$208.31	\$833.24				
4	76006-034B Classic Tour Box	\$1,544.32	\$6,177.28				
4	360 LED Star Light w/Pole	\$308.54	\$1,234.16				
<b>ESTIMATED GRAND TOTAL:</b>			\$20,553.08				
<b>SERVICE LOCATION:</b>		899 E. Whitcomb Ave					
Address		Madison Heights, MI 48071					
Hours of Operation		M-F 8am - 5pm					
Phone Number		248.583.9445					
<b>EQUIPMENT INSPECTION:</b>							
Yes or No		YES					
Date		6/27/2006					
<b>FACILITY REQUIREMENTS:</b>							
Yes or No		Blank					
<b>INSURANCE:</b>		Can Meet					
		XX					
		Cannot Meet					
		\$					
<b>HARLEY EXPEREINCE:</b>		# of Years					
		12					
<b>PERSONNEL:</b>		Mark as					
		Personnel					
<b>COMPLETION DATE:</b>		Can Meet					
		XX					
		Cannot Meet					
<b>TERMS:</b>		Net 30					
<b>WARRANTY:</b>		Attached to Bid					
<b>DELIVERY:</b>		AS STATED					
<b>EXCEPTIONS:</b>		Blank					
<b>ACKNOWLEDGEMENT:</b>		Y or N					
		Yes					

July 12, 2006

To: Phil Nelson, City Manager

From: Jeanette Bennett, Purchasing Director  
Charles T. Craft, Chief of Police

Subject: **Agenda Item** - Standard Purchasing Resolution 1: Award To Low Bidder –  
Towing Services

### **RECOMMENDATION**

On June 12, 2006, bid proposals were opened to provide three-year requirements of towing and storage services for impounded, abandoned and disabled vehicles from roadways, right of ways and private property as well as City owned vehicles and equipment with an option to renew for three additional years. City management recommends the contract be awarded to the low bidder, Coleman's Towing and Recovery Inc. of Troy, MI for an estimated bid of \$194,380.00 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 other specified requirements.

### **BACKGROUND**

- The contract will provide for removal and storage of vehicles involved in traffic crashes, as well as cleanup of debris from accidents as specified.
- The contract will also cover removal and storage of vehicles broken down or creating traffic hazards, as well as vehicles from an arrest.
- The contract will also cover towing services for City owned vehicles and equipment to and from repair facilities, stuck or disabled equipment, and tire changes when necessary.
- All of Coleman's references state they are happy with the company's service.

### **BUDGET**

Funds are available in the various departments' operational accounts.

36 Vendors Notified via the MITN System  
4 Bid Responses Received

Prepared by: Russ Weipert, Police Service Aide

Cc: Samuel P. Lamerato, Superintendent of Motor Pool

Opening Date -- 6-12-06  
Date Prepared -- 6/19/06

CITY OF TROY  
BID TABULATION  
TOWING SERVICES

VENDOR NAME:

** Coleman's Towing & Recovery Inc	A & M Service Center Inc
117071295	332446577-6
\$1,000.00	\$1,000.00

CHECK # --  
CHECK AMOUNT --

ITEM	ESTIMATED COUNT		COST	EXT.TOTAL	COST	EXT.TOTAL
<b>PROPOSAL: TOWING SERVICE - PRIVATE VEHICLES</b>						
1.	2400	Vehicles less than 5,000 lbs	\$ 65.00	\$ 156,000.00	\$ 75.00	\$ 180,000.00
2.	250	Vehicles more than 5,000 lbs	\$ 65.00	\$ 16,250.00	\$ 75.00	\$ 18,750.00
3.	5	Vehicles over 10,000 lbs	\$ 165.00	\$ 825.00	\$ 175.00	\$ 875.00
4.	5	Accident vehicles over 10,000 lbs	\$ 165.00	\$ 825.00	\$ 175.00	\$ 875.00
5.	<b>Straight pick-ups (less than 1/2 mile):</b>					
5.a.		Vehicles less than 10,000 lbs	\$ 45.00		\$ 50.00	
5.b.		Vehicles over 10,000 lbs	\$ 75.00		\$ 75.00	
6.		<b>Tows more than 5 miles outside City limits:</b> Per Mile	\$ 3.00		\$ 3.00	
7.	<b>Service calls within the City of Troy:</b>					
7.a.		Vehicle Jump-start	\$ 40.00		\$ 50.00	
7.b.	49	Vehicle Lock-out	\$ 40.00	\$ 1,960.00	\$ 50.00	\$ 2,450.00
7.c.	321	Return Vehicle to roadway	\$ 45.00	\$ 14,445.00	\$ 50.00	\$ 16,050.00
7.d.		Tire change (per tire)	\$ 40.00		\$ 50.00	
7.e.		Services call - other (Separate cars, etc.)	\$ 45.00		\$ 50.00	
8.		<b>Additional Dolly charge not included in flatbed or hoists:</b>	\$ 35.00		\$ 45.00	
9.		<b>Labor charge per man hour for on scene, additional etc:</b>	\$ 45.00		\$ 45.00	
10.		Storage Fee per day - Standard parking	\$ 10.00		\$ 15.00	
10.a.		Storage Fee per day - Oversize parking	\$ 18.00		\$ 20.00	
<b>Private Vehicles - Estimated Sub-Total:</b>				\$ 190,305.00		\$ 219,000.00

ITEM	ESTIMATED COUNT	* Vehicles locked and occupied by a juvenile under 12 years old - No Charge	COST	EXT.TOTAL	COST	EXT.TOTAL
<b>PROPOSAL: TOWING SERVICE - CITY OWNED VEHICLES</b>						
1.	45	Vehicles up to 10,000 lbs (includes accidents)	\$ 30.00	\$ 1,350.00	\$ 35.00	\$ 1,575.00
2.	15	Vehicles over 10,000 lbs. (includes accidents)	\$ 75.00	\$ 1,125.00	\$ 75.00	\$ 1,125.00
3.	4	Remove Each Axle Shaft/Drive Shaft	\$ 25.00	\$ 100.00	No Charge	No Charge
4.	<b>Tows more than 5 miles outside City limits:</b>		\$ 2.50		\$ 3.00	
5.	12	Road Service within Troy including jump starts	\$ 30.00	\$ 360.00	\$ 35.00	\$ 420.00
5.a.		Additional Dolly Charge	\$ 30.00		No Charge	
5.b.		Labor Charge per man hour	\$ 30.00		\$ 25.00	
5.c.	12	On-road Tire replacement	\$ 25.00	\$ 300.00	\$ 35.00	\$ 420.00
6.	<b>Transport vehicles to Out of Troy Auction Sites or dealers</b>					
6.a.		Cars, Vans, and Pick-ups	\$ 2.50		\$ 3.00	
6.b.		Vehicles/Equipment 12,000 to 18,000 GVW	\$ 2.50		\$ 3.00	
6.c.	4	Vehicles/Equipment 18,000 GVW and over	\$ 2.50	\$ 10.00	\$ 3.00	\$ 12.00
7.	<b>Vehicles requiring assistance to place back on roadway</b>					
7.a.	6	Cars, Vans, and Pick-ups	\$ 30.00	\$ 180.00	\$ 35.00	\$ 210.00
7.b.		Vehicles/Equipment 12,000 to 18,000 GVW	\$ 45.00		\$ 55.00	
7.c.	10	Vehicles/Equipment 18,000 GVW and over	\$ 65.00	\$ 650.00	\$ 75.00	\$ 750.00
<b>ESTIMATED GRAND TOTAL</b>				\$ 4,075.00		\$ 4,512.00

**P1 & P2 Estimated Grand Totals** \*\* \$ 194,380.00 \$ 223,512.00

EXPERIENCE: Years in Towing Services

40 +	25
------	----

VEHICLE STORAGE FACILITY: Within Troy Location 1  
Outside Troy Location 2

1871 Birchwood Troy Miles: 1	2075 Austin Troy Miles: 1
Miles:	Miles:

INSURANCE -- Can meet  
Cannot meet

XX	XX
----	----

Opening Date -- 6/12/06  
Date Prepared -- 6/19/06

CITY OF TROY  
BID TABULATION  
TOWING SERVICES

ITB-COT 06-25  
Pg. 2 of 4

VENDOR NAME:

\*\*

Coleman's Towing  
& Recovery Inc

A & M Service Center Inc

TERMS :

Blank

Blank

EXCEPTIONS:

None

None

ACKNOWLEDGEMENT:

Y or N

Yes

Yes

PROPOSAL: Three(3) Year Requirements of Towing Services with an Option to  
Renew for three(3) Additional Years

**\*\* DENOTES LOW TOTAL BIDDER**

ATTEST:

Charlene McComb

Russell Weipert

Chuck Pappas

Linda Bockstanz

\_\_\_\_\_  
Jeanette Bennett

Purchasing Director

Opening Date -- 6-12-06  
 Date Prepared -- 6/19/06

CITY OF TROY  
 BID TABULATION  
 TOWING SERVICE

VENDOR NAME:

CHECK # --

CHECK AMOUNT --

Service Towing	Bob Adams Towing/ Byers Wrecker Service
567009521	5670005186
<b>\$1,000.00</b>	<b>\$1,000.00</b>

ITEM	ESTIMATED COUNT		COST	EXT.TOTAL	COST	EXT.TOTAL
<b>PROPOSAL: TOWING SERVICE - PRIVATE VEHICLES</b>						
1.	2400	Vehicles less than 5,000 lbs	\$ 85.00	\$ 204,000.00	\$ 115.00	\$276,000.00
2.	250	Vehicles more than 5,000 lbs	\$ 145.00	\$ 36,250.00	\$ 115.00	\$ 28,750.00
3.	5	Vehicles over 10,000 lbs	\$ 195.00	\$ 975.00	\$250/hr	\$ 1,250.00
4.	5	Accident vehicles over 10,000 lbs	\$ 195.00	\$ 975.00	\$250/hr	\$ 1,250.00
5.	<b>Straight pick-ups (less than 1/2 mile):</b>				(2hr minimum)	
5.a.		Vehicles less than 10,000 lbs	\$ 85.00		\$ 75.00	
5.b.		Vehicles over 10,000 lbs	\$ 195.00		\$ 120.00	
6.		<b>Tows more than 5 miles outside City limits:</b>		Per Mile	\$ 3.75	
7.		<b>Service calls within the City of Troy:</b>				
7.a.		Vehicle Jump-start	\$ 55.00		\$ 50.00	
7.b.	49	Vehicle Lock-out	\$ 55.00	\$ 2,695.00	\$ 60.00	\$ 2,940.00
7.c.	321	Return Vehicle to roadway	\$ 65.00	\$ 20,865.00	\$ 75.00	\$ 24,075.00
7.d.		Tire change (per tire)	\$ 55.00		\$ 65.00	
7.e.		Services call - other (Separate cars, etc.)	\$ 85.00		\$ 60.00	
8.		<b>Additional Dolly charge not included in flatbed or hoists:</b>	\$ 55.00		\$ 55.00	
9.		<b>Labor charge per man hour for on scene, additional etc:</b>	\$ 55.00		\$ 75.00	
10.		Storage Fee per day - Standard parking	\$ 15.00		\$ 20.00	
10.a.		Storage Fee per day - Oversize parking	\$ 25.00		\$ 20.00	*
<b>Private Vehicles - Estimated Sub-Total:</b>				\$ 265,760.00		\$334,265.00

ITEM	ESTIMATED COUNT		COST	EXT.TOTAL	*storage/calendar day COST	EXT.TOTAL
<b>PROPOSAL: TOWING SERVICE - CITY OWNED VEHICLES</b>						
1.	45	Vehicles up to 10,000 lbs (includes accidents)	\$ 50.00	\$ 2,250.00	\$ 5.00	\$ 225.00
2.	15	Vehicles over 10,000 lbs. (includes accidents)	\$ 95.00	\$ 1,425.00	\$ 5.00	\$ 75.00
3.	4	Remove Each Axle Shaft/Drive Shaft	\$ 25.00	\$ 100.00	No Charge	No Charge
4.		<b>Tows more than 5 miles outside City limits:</b>	\$ 3.50		\$ 3.75	
5.	12	Road Service within Troy including jump starts	\$ 45.00	\$ 540.00	\$ 5.00	\$ 60.00
5.a.		Additional Dolly Charge	\$ 45.00		\$ 5.00	
5.b.		Labor Charge per man hour	\$ 45.00		\$ 5.00	
5.c.	12	On-road Tire replacement	\$ 45.00	\$ 540.00	\$ 5.00	\$ 60.00
6.		<b>Transport vehicles to Out of Troy Auction Sites or dealers</b>				
6.a.		Cars, Vans, and Pick-ups	\$ 3.50		\$ 3.75	
6.b.		Vehicles/Equipment 12,000 to 18,000 GVW	\$ 3.50		\$ 3.75	
6.c.	4	Vehicles/Equipment 18,000 GVW and over	\$ 3.50	\$ 14.00	\$ 3.75	\$ 15.00
7.		<b>Vehicles requiring assistance to place back on roadway</b>				
7.a.	6	Cars, Vans, and Pick-ups	\$ 45.00	\$ 270.00	\$ 5.00	\$ 30.00
7.b.		Vehicles/Equipment 12,000 to 18,000 GVW	\$ 95.00		\$ 5.00	
7.c.	10	Vehicles/Equipment 18,000 GVW and over	\$ 95.00	\$ 950.00	\$ 5.00	\$ 50.00
<b>ESTIMATED GRAND TOTAL</b>				\$ 6,089.00		\$ 515.00

**P1 & P2 Estimated Grand Totals**

	\$ 271,849.00		\$334,780.00
EXPERIENCE: Years in Towing Services	29		55
VEHICLE STORAGE FACILITY: Within Troy	Location 1 Mad Hgts	Miles: 2	B'ham Miles: 3/4 of a mile
Outside Troy	Location 2 Warren	Miles: 6	Rochester Miles: 4
INSURANCE -- Can meet	XX		XX
Cannot meet			

Opening Date -- 6/12/06  
Date Prepared -- 6/19/06

CITY OF TROY  
BID TABULATION  
TOWING SERVICES

VENDOR NAME:

Service Towing	Bob Adams Towing/ Byers Wrecker Service
Blank	Blank
Blank	Blank
Yes	Yes

TERMS :

EXCEPTIONS:

ACKNOWLEDGEMENT: Y or N

July 13, 2006

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services

SUBJECT: AGENDA ITEM - Request for Acceptance of a Permanent Easement for Watermain – Sidwell #88-20-15-101-001, Troy Long Lake, L.L.C.

In connection with the redevelopment of the southeast corner of Long Lake and Livernois, Section 15, the Real Estate and Development Department has received a permanent easement for watermain from the property owner Troy Long Lake, L.L.C.. The site is being developed as a Peoples State Bank branch. The consideration amount is \$1.00.

Staff recommends the acceptance of the attached easement.

TROY LONG LAKE, L.L.C.  
(Peoples State Bank Branch)  
Sidwell #88-20-15-101-001



PERMANENT EASEMENT

Sidwell #88-20-15-101-001

Troy Long Lake, L.L.C., a Michigan Limited Liability Company, Grantor(s), whose address is 38700 Van Dyke, Suite #200, Sterling Heights, MI 48312 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace water main, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed his signature(s) this 3rd day of May A.D. 2006.

Troy Long Lake, L.L.C.,  
A Michigan Limited Liability Company

By Lawrence J. Campbell (L.S.)  
\* Lawrence J. Campbell  
Its Managing Member

STATE OF MICHIGAN )  
COUNTY OF (Oakland)

The foregoing instrument was acknowledged before me this 3rd day of May, 2006, by Lawrence J. Campbell, Managing Member of Troy Long Lake, L.L.C., a Michigan Limited Liability Company, on behalf of the Company.

Larysa Figol  
\* LARYSA FIGOL  
Notary Public, (OAKLAND) County, Michigan

My Commission Expires 3-2-2012

Acting in OAKLAND, County, Michigan

Prepared by: Larysa Figol  
City of Troy  
500 W. Big Beaver Road  
Troy, MI 48084

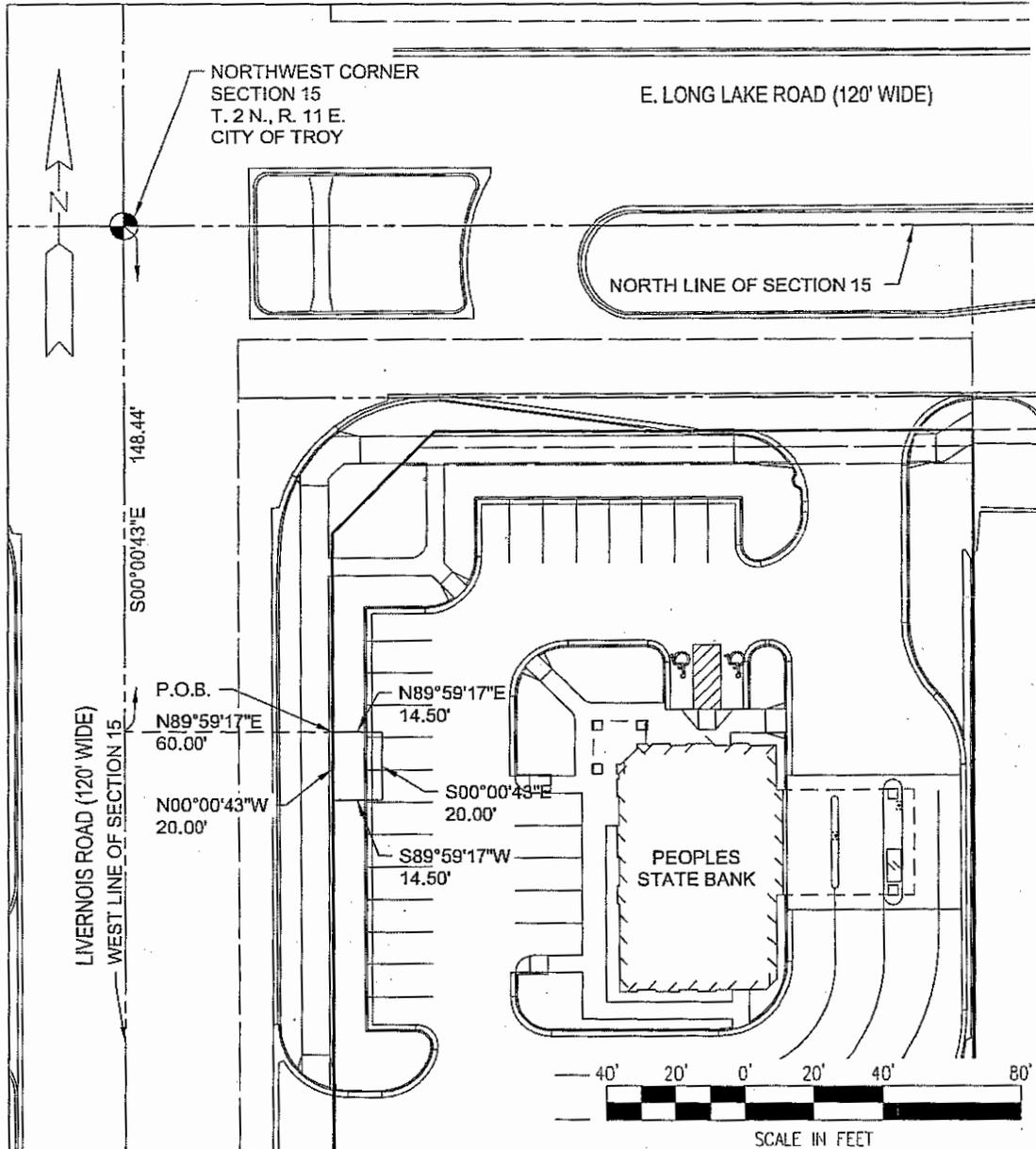
Return to: City Clerk  
City of Troy  
500 W. Big Beaver Road  
Troy, MI 48084

**EXHIBIT "A"**

**WATERMAIN EASEMENT LEGAL DESCRIPTION**

A PARCEL OF LAND IN PART OF THE NORTHWEST 1/4 OF SECTION 15, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 15; THENCE ALONG THE WEST LINE OF SECTION 15, SOUTH 00°00'43" EAST 148.44 FEET; THENCE NORTH 89°59'17" EAST 60.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF LIVERNOIS AVENUE (120 FEET WIDE) AND THE POINT OF BEGINNING; THENCE CONTINUING NORTH 89°59'17" EAST 14.50 FEET; THENCE SOUTH 00°00'43" EAST 20.00 FEET; THENCE SOUTH 89°59'17" WEST 14.50 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF LIVERNOIS AVENUE (120 FEET WIDE); THENCE ALONG THE EAST RIGHT-OF-WAY LINE OF LIVERNOIS ROAD NORTH 00°00'43" WEST 20.00 TO THE POINT OF BEGINNING.



**WATERMAIN EASEMENT LEGAL DESCRIPTION**

A PARCEL OF LAND IN PART OF THE NORTHWEST 1/4 OF SECTION 15, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 15; THENCE ALONG THE WEST LINE OF SECTION 15, SOUTH 00°00'43" EAST 148.44 FEET; THENCE NORTH 89°59'17" EAST 60.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF LIVERNOIS AVENUE (120 FEET WIDE) AND THE POINT OF BEGINNING; THENCE CONTINUING NORTH 89°59'17" EAST 14.50 FEET; THENCE SOUTH 00°00'43" EAST 20.00 FEET; THENCE SOUTH 89°59'17" WEST 14.50 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF LIVERNOIS AVENUE (120 FEET WIDE); THENCE ALONG THE EAST RIGHT-OF-WAY LINE OF LIVERNOIS ROAD NORTH 00°00'43" WEST 20.00 TO THE POINT OF BEGINNING.

REVISED 4/13/06 NVB

FOP:  
 TROY LONG LAKE L.L.C.  
 38700 VAN DYKE  
 SUITE 200  
 STERLING HEIGHTS, MI

**WADE TRIM**  
 3933 Monitor Road, PO Box 580  
 Bay City, MI 48707  
 989.686.3100/800.322.4500  
 FAX: 989.686.4329  
 www.wadetrिम.com Building relationships with a foundation of excellence

SEC. 15 , T 2 N , R 11 E	
BOOK #:	PAGE #:
DR BY: PAN	COMP BY:
CK BY: MJM	SRVY BY:
JOB #:	ROG2012.01B
SHEET: 1	OF 1

July 13, 2006

TO: Phillip L. Nelson, City Manager

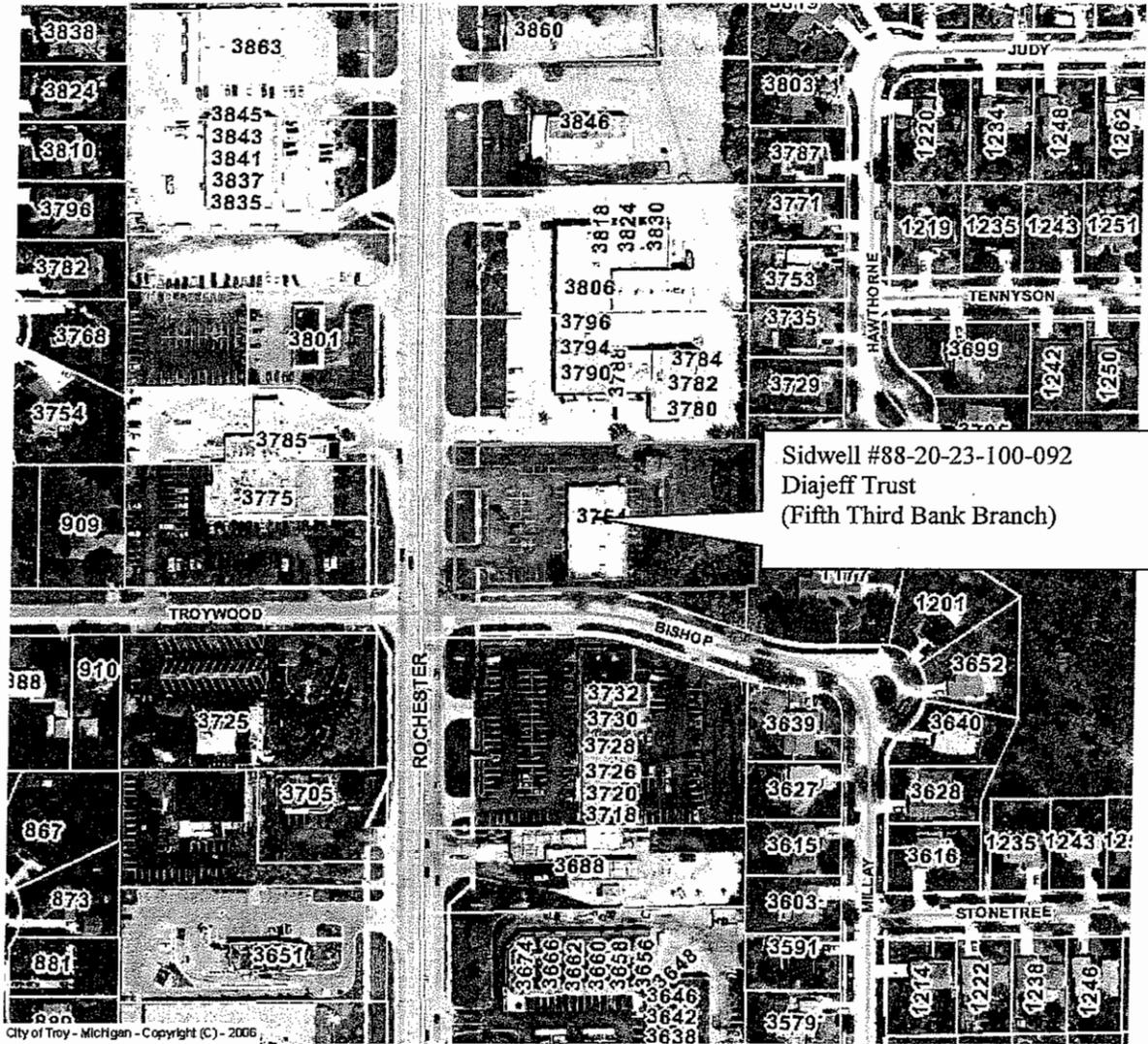
FROM: Brian P. Murphy, Assistant City Manager/Services

SUBJECT: AGENDA ITEM - Request for Acceptance of a Permanent Easement for Watermain, Diajeff Trust  
– Sidwell #88-20-23-100-092

In connection with the redevelopment of the northeast corner of Rochester Road and Bishop, Section 23, the Real Estate and Development Department has received a permanent easement for watermain from the property owner Susan Sandelman, as successor Trustee of the Diajeff Trust, having Sidwell #88-20-23-100-092. The site is being developed as a fifth Third Bank branch. The consideration amount is \$1.00.

Staff recommends the acceptance of the attached easement.

DIAJEFF TRUST  
(Fifth Third Bank Branch)  
Sidwell #88-20-23-100-092



## WATER MAIN EASEMENT

Susan Sandelman, as Successor Trustee of the Diajeff Trust, having offices at 185 N.W. Spanish River Boulevard, Suite 100, Boca Raton, Florida 33431 ("Kin"), for and in consideration of the sum of One Dollar (\$1.00) paid to it by the City of Troy, Oakland County, Michigan, whose address is 500 West Big Beaver, Troy, Michigan 48084 ("City"), does hereby grant to City the right to construct, operate, maintain, repair and/or replace a Water Main across and through the following described land located in the City of Troy, Oakland County, Michigan to wit:

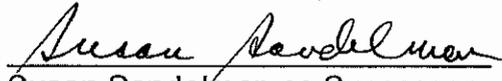
A twenty-foot (20) wide easement for water main, the centerline of which is described as being located in part of the Northwest  $\frac{1}{4}$  of Section 23, Township 2 North, Range 11 East, City of Troy, Oakland County, Michigan, being described as: commencing at the Northwest corner of Section 23; thence South  $00^{\circ}12'22''$  East 1591.68 feet along the westerly line of said Section 23; thence North  $89^{\circ}27'53''$  East 82.75 feet to the point of beginning; thence North  $00^{\circ}12'22''$  East 9.00 feet to the point of ending, as depicted upon Exhibit A attached hereto and made a part hereof.

And to enter upon land immediately adjacent to the Water Main for the purpose of reasonable actions in connection with the construction, operation, maintenance, repair and/or replacement thereof.

The premises so disturbed by reason of the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the City.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns.

IN WITNESS WHEREOF, the undersigned has affixed her signature this 9<sup>TH</sup> day of January, 2006.

  
Susan Sandelman as Successor  
Trustee of the Diajeff Trust

APPROVED

As To Form

Date 1/6/06 HST

STATE OFFLORIDA )  
 )  
 ) SS.  
 )  
 COUNTY OF PALM BEACH )

On this 9<sup>TH</sup> day of January, A.D., 2006, before me, a Notary Public in and for said county, personally appeared Susan Sandelman as Successor Trustee of the Diajeff Trust, to me known to be the same person described in and who executed the within instrument, who then acknowledged the same to be her free act and deed.



Shari D. Ellison  
 Notary Public

PALM BEACH County, FL

My Commission Expires: 11/21/06

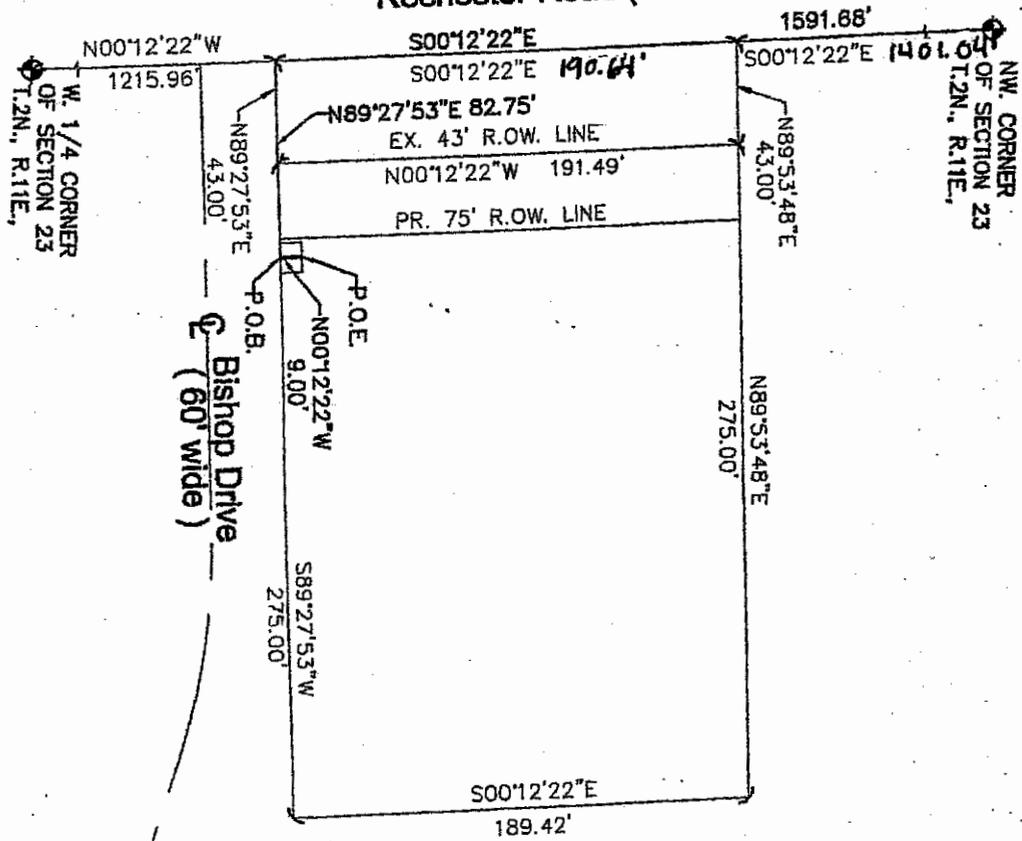
When Recorded Return to: Howard E. Heller, Esq. 16 N. Main St., #384 New City, NY 10956	Send Subsequent Tax Bills to: Grantee	Drafted by: Howard E. Heller, Esq. 16 N. Main St., #384 New City, NY 10956
Tax Parcel # <u>88-20-23-100-093 (pt)</u> Parcel "A"	Recording Fee _____	Transfer Tax _____

Blmfield.15728.50823.705675-1

# Exhibit A

## 20 FOOT WIDE WATER MAIN EASEMENT

### Rochester Road ( 86' wide )



**NF NOWAK & FRAUS**

Consulting Engineers • Land Surveyors • Land Planners

1910 N. Stephenson Highway  
Royal Oak, Michigan 48067-1508

Tel. (248) 999-0886  
Fax. (248) 999-0805

July 13, 2006

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services

SUBJECT: AGENDA ITEM - Request for Acceptance of a Permanent Easement for Watermain, Boys & Girls Club of Troy Inc.  
– Sidwell #88-20-24-100-042

In connection with the development of a parcel of land located in Section 24, on the east side of John R between Big Beaver and Wattles, the Real Estate and Development Department has received a permanent easement for watermain from the property owner Boys and Girls Club of Troy Inc., having Sidwell #88-20-24-100-042. The consideration amount is \$1.00.

Staff recommends the acceptance of the attached easement.

BOYS AND GIRLS CLUB OF TROY INC.  
Sidwell #88-20-24-100-042



PERMANENT EASEMENT

Sidwell #88-20-24-100-042

Boys & Girls Club of Troy Inc., a Michigan Not For Profit Corporation, , Grantor(s), whose address is 4571 John R, Troy, MI 48083 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace water main, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed 1 signature(s) this 4<sup>th</sup> day of MAY A.D. 2006.

Boys & Girls Club of Troy Inc., a Michigan Not For Profit Corporation

By [Signature] (L.S.)  
\*Nancy Negrohosian  
Its President, Board of Directors

STATE OF MICHIGAN )  
COUNTY OF Oakland )

The foregoing instrument was acknowledged before me this 4<sup>th</sup> day of May, 2006, by Nancy Negrohosian, President, Board of Directors, Boys & Girls Club of Troy Inc., a Michigan Not For Profit Corporation, on behalf of said Corporation

[Signature]  
\*Dori Scott  
Notary Public, Oakland County, Michigan

My Commission Expires March 2, 2012  
Acting in Oakland County, Michigan

Prepared by: Larysa Figol  
City of Troy  
500 W. Big Beaver Road  
Troy, MI 48084

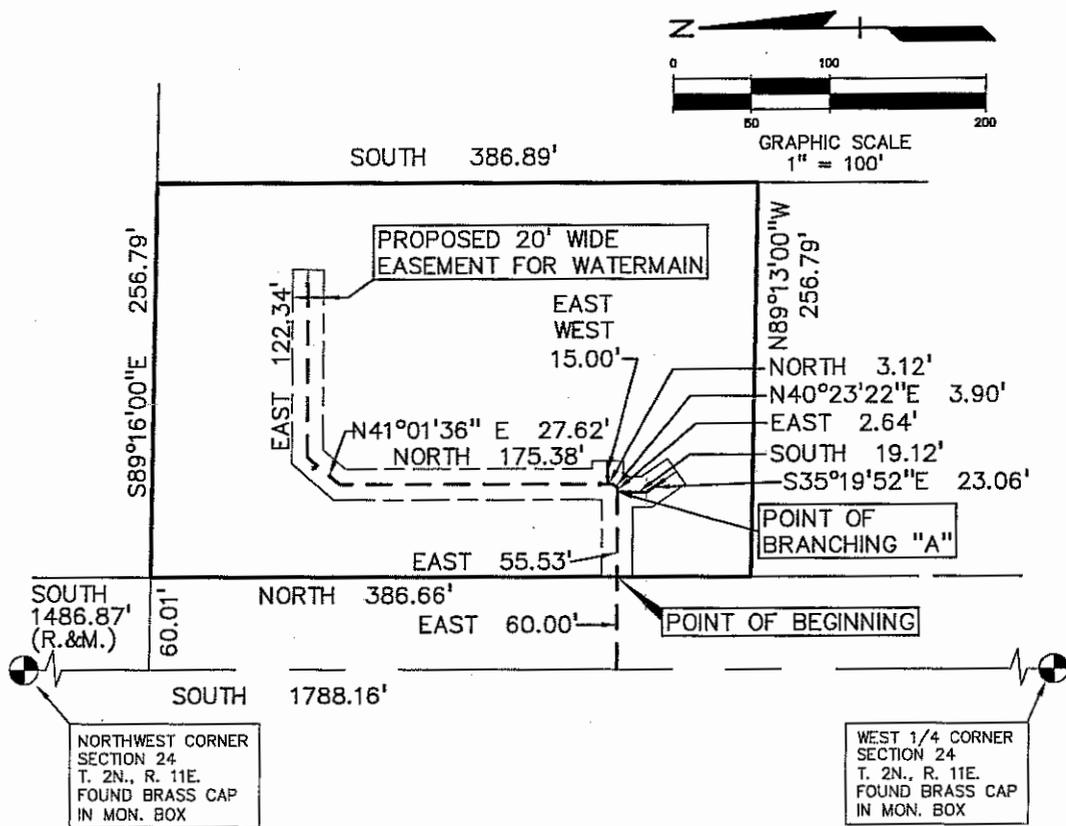
Return to: City Clerk  
City of Troy  
500 W. Big Beaver Road  
Troy, MI 48084

EXHIBIT "A"

LEGAL DESCRIPTION  
WATERMAIN EASEMENT

A 20 foot wide easement for the construction, operation, maintenance and repair of a watermain over part of the Northwest 1/4 of Section 24, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, the centerline of said easement is described as commencing at the Northwest corner of Section 24; thence along the West Section line South, 1788.16 feet; thence East, 60.00 feet to the Point of Beginning; thence East 55.53 feet to Point of Branching "A"; thence South, 19.12 feet; thence S 35°19'52" E, 23.06 feet to the Point of Ending; thence continuing from Point of Branching "A", East 2.64 feet; thence N 40°23'22" E, 3.90 feet; thence North, 3.12 feet; thence East 15.00 feet; thence West 15.00 feet; thence North 175.38 feet; thence N 41°01'36" E, 27.62 feet; thence East, 122.34 feet to the Point of Ending.

# SKETCH OF 20' WIDE WATERMAIN EASEMENT



## LEGAL DESCRIPTION WATERMAIN EASEMENT

A 20 foot wide easement for the construction, operation, maintenance and repair of a watermain over part of the Northwest 1/4 of Section 24, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, the centerline of said easement is described as commencing at the Northwest corner of Section 24; thence along the West Section line South, 1788.16 feet; thence East, 60.00 feet to the Point of Beginning; thence East 55.53 feet to Point of Branching "A"; thence South, 19.12 feet; thence S 35°19'52" E, 23.06 feet to the Point of Ending; thence continuing from Point of Branching "A", East 2.64 feet; thence N 40°23'22" E, 3.90 feet; thence North, 3.12 feet; thence East 15.00 feet; thence West 15.00 feet; thence North 175.38 feet; thence N 41°01'36" E, 27.62 feet; thence East, 122.34 feet to the Point of Ending.

### LEGEND

 SECTION CORNER FOUND

**PROFESSIONAL  
ENGINEERING  
ASSOCIATES**

CLIENT:  
**CUNNINGHAM LIMP COMPANY**  
39300 WEST TWELVE MILE ROAD, SUITE 200  
FARMINGTON HILLS, MICHIGAN 48331

SCALE: 1"= 100'  
DATE: 4-7-06  
REVISED 3-27-06

JOB No: 2005244  
DWG. No: 1 of 1

2430 Rochester Ct. Suite 100  
Troy, MI 48063-1872  
(248) 689-9090

July 13, 2006

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services

SUBJECT: AGENDA ITEM - Request for Acceptance of a Permanent Easement for Watermain – Sidwell #88-20-09-301-017 (Split from 88-20-09-301-012), First Place Bank

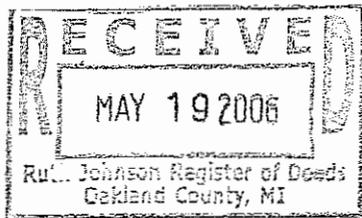
In connection with the development of the northeast corner of Long Lake Road and Tower Drive, Section 9, the Real Estate and Development Department has received a permanent easement for watermain from the property owner First Place Bank, a federally chartered Savings Association. The site is being developed as a Franklin Bank branch. The property owners, at their own initiative, recorded this document prior to acceptance by City Council. The consideration amount is \$1.00.

Staff recommends the acceptance of the attached easement.

FIRST PLACE BANK  
Sidwell #88-20-09-301-017



LIBER 37605 PG 290



134724  
LIBER 37605 PAGE 290  
\$19.00 MISC RECORDING  
\$4.00 REINUMENTATION  
05/24/2006 08:12:53 A.M. RECEIPT# 59497

PAID RECORDED - OAKLAND COUNTY  
RUTH JOHNSON, CLERK/REGISTER OF DEEDS

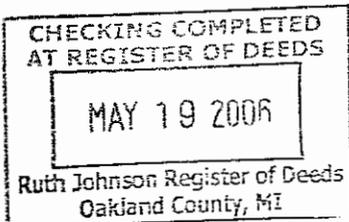
PERMANENT EASEMENT

04-26-2006

DRAFTED BY & WHEN RECORDED RETURN TO:

William J. Zousmer, Esq.  
Honigman, Miller Schwartz & Cohn  
2290 First National Building  
660 Woodward Avenue  
Detroit, MI 48226

40  
R  
E  
ST



O.K.-A.N.

25444ST

A/23.

PERMANENT EASEMENT

Sidewell # 88-20-09-301-012  
Project # 06.902.3  
Resolution#

FIRST PLACE BANK, a federally chartered Savings Association, Grantor, whose address is 24725 West Twelve Mile Road, Southfield, Michigan 48034 for and in consideration of the sum One Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, 48084 grants to the Grantee the right to construct, operate, maintain, repair and/or replace water main, said easement for land situated in the City of Troy, Oakland County, Michigan, described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

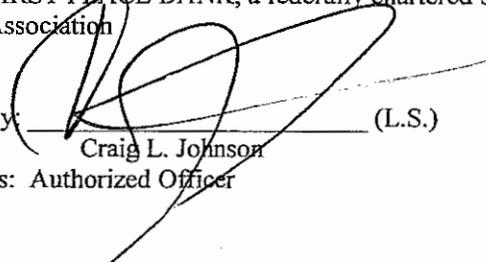
and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed 26<sup>415</sup> signature(s) this 26th day of APRIL A.D., 2006

FIRST PLACE BANK, a federally chartered Savings Association

By:  (L.S.)  
Craig L. Johnson  
Its: Authorized Officer

STATE OF (MICHIGAN) Michigan  
COUNTY OF (OAKLAND) OAKLAND

The foregoing instrument as acknowledged before me this 26<sup>th</sup> day of APRIL, 2006 by Craig L. Johnson of First Place Bank, a federally chartered Savings Association on behalf of said entity.

Yonima L. Townsend  
Name: YONIMA L. TOWNSEND  
Notary Public WAYNE County, Michigan  
My commission expires: 9-7-07

\* Authorized Officer

YONIMA L. TOWNSEND  
NOTARY PUBLIC WAYNE CO., MI  
MY COMMISSION EXPIRES Sep 7, 2007  
ACTING IN OAKLAND COUNTY, MI

ACTING IN OAKLAND

04/19/2006 14:42 FAX 248 878 2430

THE HAYMAN COMPANY

003/004

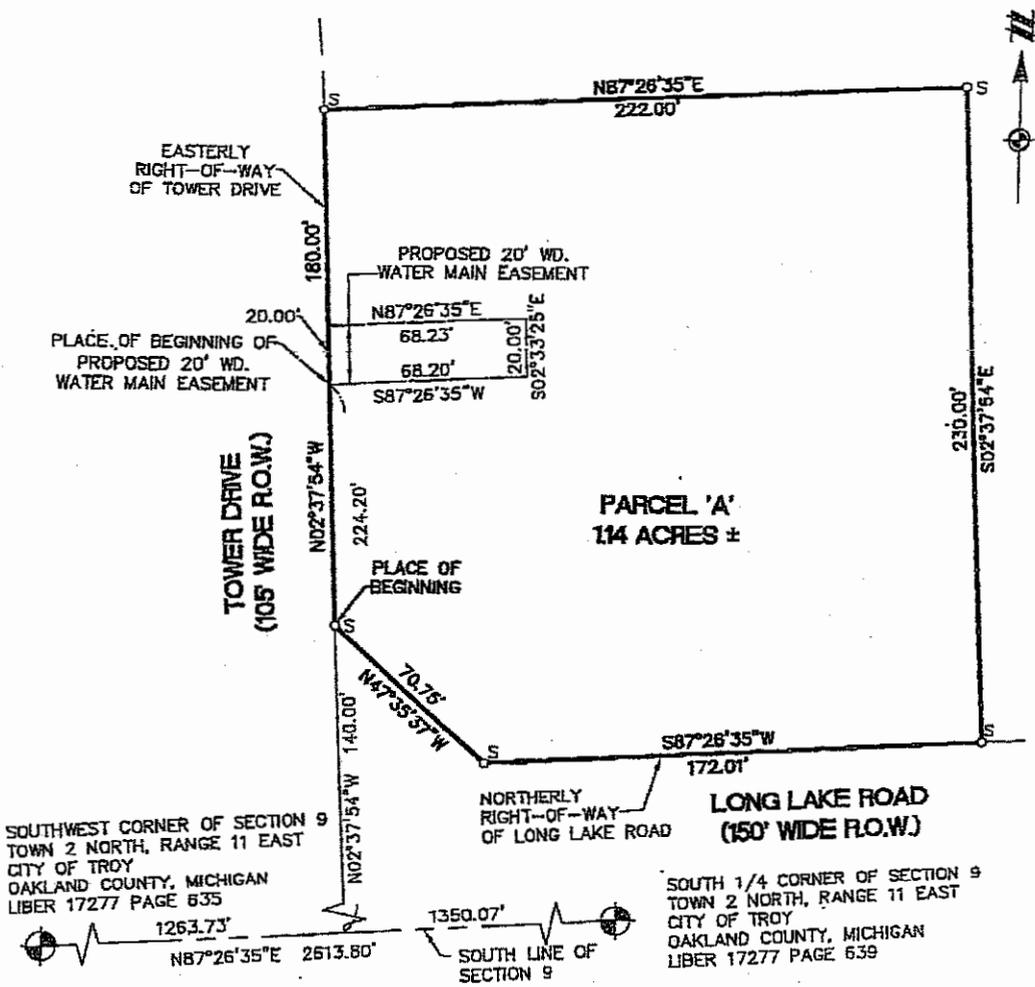
**EXHIBIT "A"****LEGAL DESCRIPTION OF PARCEL 'A' (AS WRITTEN BY ATWELL-HICKS)**

A parcel of land, located in the Southwest 1/4 of Section 9, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, further described as: Commencing at the Southwest corner of said Section 9; thence N87°26'35"E 1263.73 feet along the South Line of said Section 9; thence N02°37'54"W 140.00 feet to the Easterly right-of-way line of Tower Drive (105.00 feet wide) for a PLACE OF BEGINNING; thence N02°37'54"W 180.00 feet along said line; thence N87°26'35"E 222.00 feet; thence S02°37'54"E 230.00 feet to the Northerly right-of-way line of Long Lake Road (150.00 feet wide); thence S87°26'35"W 172.01 feet along said line; thence continuing along said line N47°35'37"W 70.75 feet to the Easterly right-of-way line of said Tower Drive to the Place of Beginning, containing 1.14 acres of land, more or less, subject to easements, exceptions, conditions or requirements, if any.

*CLOSES & ALFA C.E.'S***LEGAL DESCRIPTION OF PROPOSED 20.00 FOOT WIDE WATER MAIN EASEMENT**

A 20.00 foot wide strip of land, for the installation and maintenance of water main, located in the Southwest 1/4 of Section 9, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, further described as: Commencing at the Southwest corner of said Section 9; thence N87°26'35"E 1263.73 feet along the South Line of said Section 9; thence N02°37'54"W 224.20 feet along the Easterly right-of-way line of Tower Drive (105.00 feet wide) for a PLACE OF BEGINNING; thence continuing along said line N02°37'54"W 20.00 feet; thence N87°26'35"E 68.23 feet; thence S02°33'25"E 20.00 feet; thence S87°26'35"W 68.20 feet to the Easterly right-of-way line of said Tower Drive to the Place of Beginning.

*CLOSES**20-09-301-D17*



**LEGEND**  
 ○ SET IRON PIPE  
 ⊙ SECTION CORNER

<b>CLIENT</b> BRANCH FACILITATORS  PROPOSED WATER MAIN EASEMENT DRAWING	JOB: 05001154.11	CAD 05001154EAD5
	DR: AVD	CRL JIF
	BOOK MA102-71	P/L 39
	SHEET 1 OF 2	DATE: 3-20-08
	FILE NO. 5102-153-1	

SECTION 9, TOWN 2 NORTH, RANGE 11 EAST  
CITY OF TROY  
OAKLAND COUNTY

SCALE:  
1 INCH = 50 FEET

**ATWELL-HICKS**  
 Engineering - Surveying - Planning  
 Environmental - Water/Wastewater

866 850 4200  
 www.atwell-hicks.com  
 MICHIGAN PROFESSIONAL SURVEYOR



July 13, 2006

TO: Phillip L. Nelson, City Manager

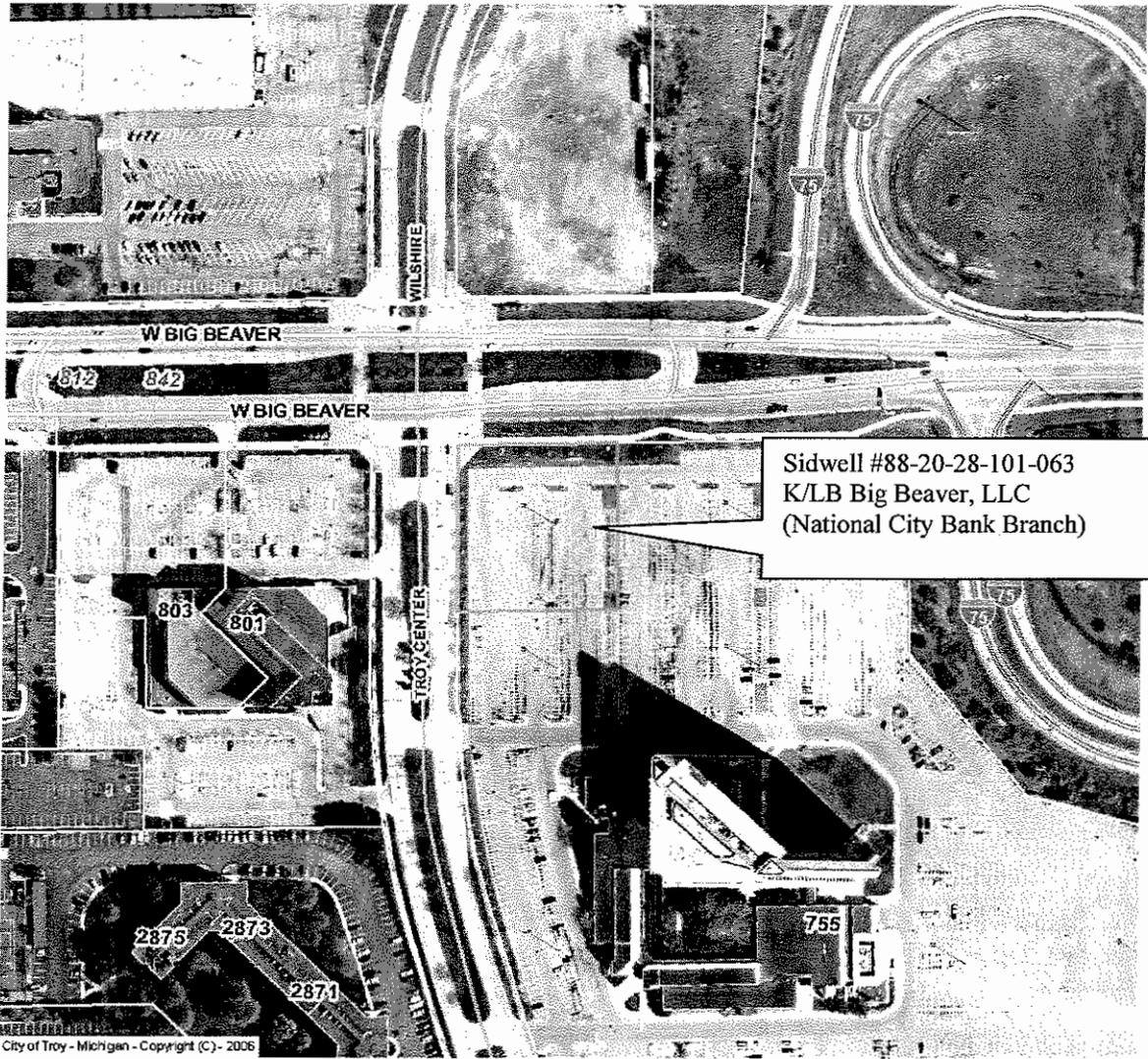
FROM: Brian P. Murphy, Assistant City Manager/Services

SUBJECT: AGENDA ITEM - Request for Acceptance of a Permanent Easements for Watermain & Sidewalk, K/LB Big Beaver, L.L.C. Sidwell # 88-20-28-101-063

In connection with the development of the northeast corner of Big Beaver and Town Center, Section 28, the Real Estate and Development Department has received 2 permanent easements for watermain and sidewalk from the property owner K/LB Big Beaver, L.L.C., having Sidwell #88-20-28-101-063. The site is being developed as a National City Bank branch. The consideration amount is \$1.00.

Staff recommends the acceptance of the attached easement.

K/LB BIG BEAVER, LLC  
(National City Bank Branch)  
Sidwell #88-20-28-101-063



**PERMANENT EASEMENT**

Sidwell No. 88-20-28-101-063

K/LB BIG BEAVER, L.L.C., a Michigan limited liability company (Grantor"), whose address is 39400 Woodward Avenue, Suite 250, Bloomfield Hills, Michigan 48304-5155, for and in consideration of the sum of One (\$1.00) Dollar paid by the CITY OF TROY, a Michigan municipal corporation ("Grantee"), whose address is 500 West Big Beaver Road, Troy, Michigan 48084, grants to Grantee the non-exclusive right to construct, operate, maintain, repair, and/or replace a water main in, on and under land situated in the City of Troy, Oakland County, Michigan, described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

and to enter upon sufficient land adjacent to said improvements for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

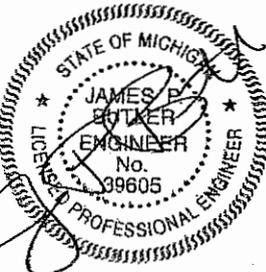
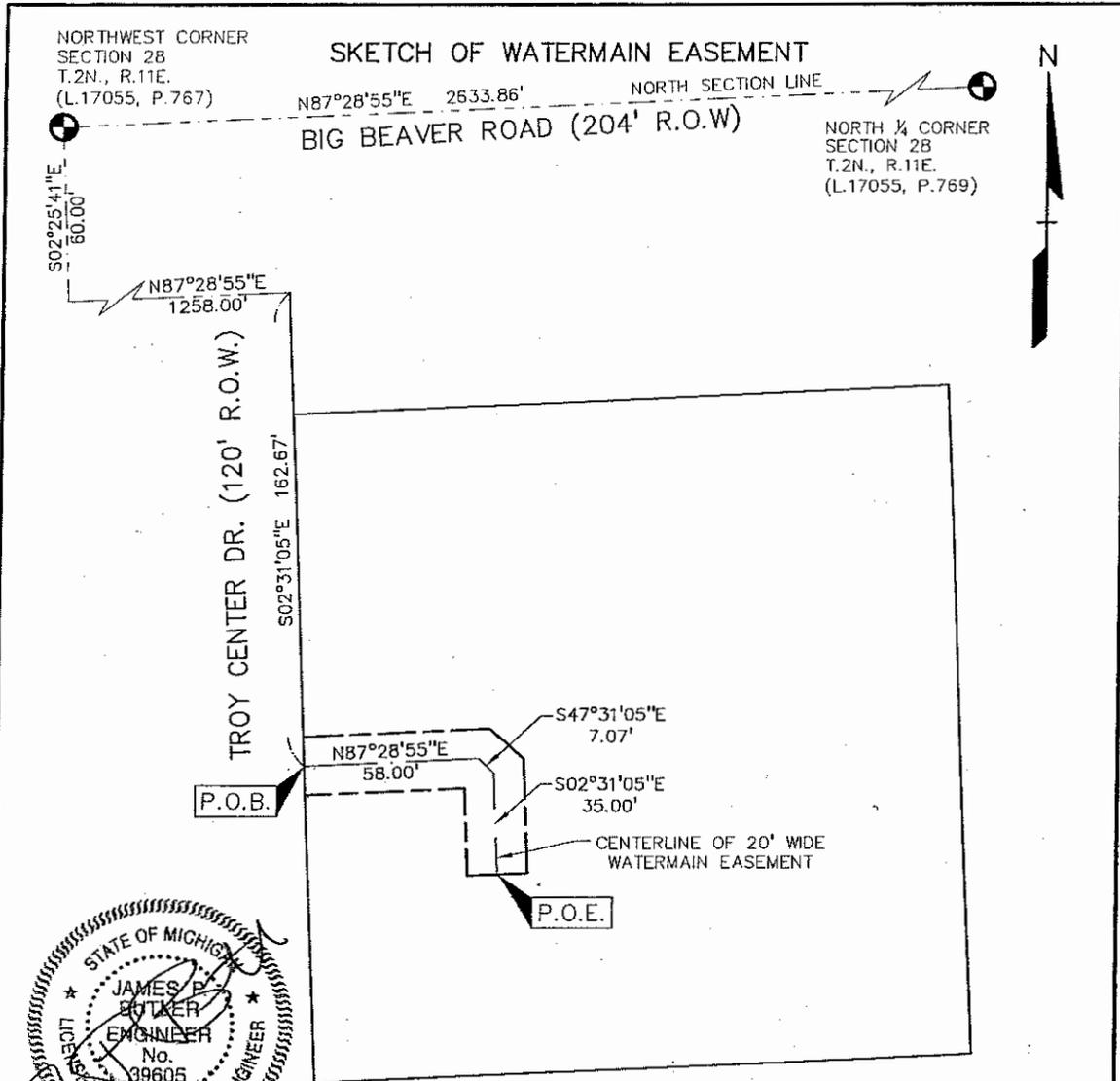
The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to the original condition by Grantee.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns, and the covenants contained herein shall run with the land.

(Signature and Acknowledgment on following page)



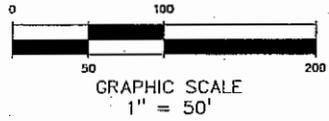
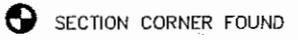
# "EXHIBIT "A"



**LEGAL DESCRIPTION**  
Watermain Easement

A 20 foot wide easement for the construction, maintenance and repair of a watermain over part of the Northwest 1/4 of Section 28, T.2N., R.11E., City of Troy, Oakland County, Michigan, the centerline of which is described as commencing at the Northwest corner of Section 28, thence S 02°25'41"E, 60.00 feet; thence N 87°28'55" E, 1258.00 feet; thence S 02°31'05" E, 162.67 feet to the Point of Beginning; thence N 87°28'55" E, 58.00 feet; thence S 47°31'05" E, 7.07 feet; thence S 02°31'05" E, 35.00 feet to the Point of Ending of the centerline.

**LEGEND**



**PROFESSIONAL ENGINEERING ASSOCIATES**

CLIENT: <b>YAMASAKI ASSOCIATES, INC.</b> 900 TOWER DRIVE, PLAZA LEVEL TROY, MICHIGAN 48098	SCALE: 1" = 50'	JOB No: 2005134	2430 Rochester Ct. Suite 100 Troy, MI 48083-1872 (248) 689-9090
	DATE: 12-8-05	DWG. No: 1	

**PERMANENT EASEMENT**

Sidwell No. 88-20-28-101-063

K/LB BIG BEAVER, L.L.C., a Michigan limited liability company (Grantor"), whose address is 39400 Woodward Avenue, Suite 250, Bloomfield Hills, Michigan 48304-5155, for and in consideration of the sum of One (\$1.00) Dollar paid by the CITY OF TROY, a Michigan municipal corporation ("Grantee"), whose address is 500 West Big Beaver Road, Troy, Michigan 48084, grants to Grantee the non-exclusive right to construct, operate, maintain, repair, and/or replace a sidewalk in and on land situated in the City of Troy, Oakland County, Michigan, described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

and to enter upon sufficient land adjacent to said improvements for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

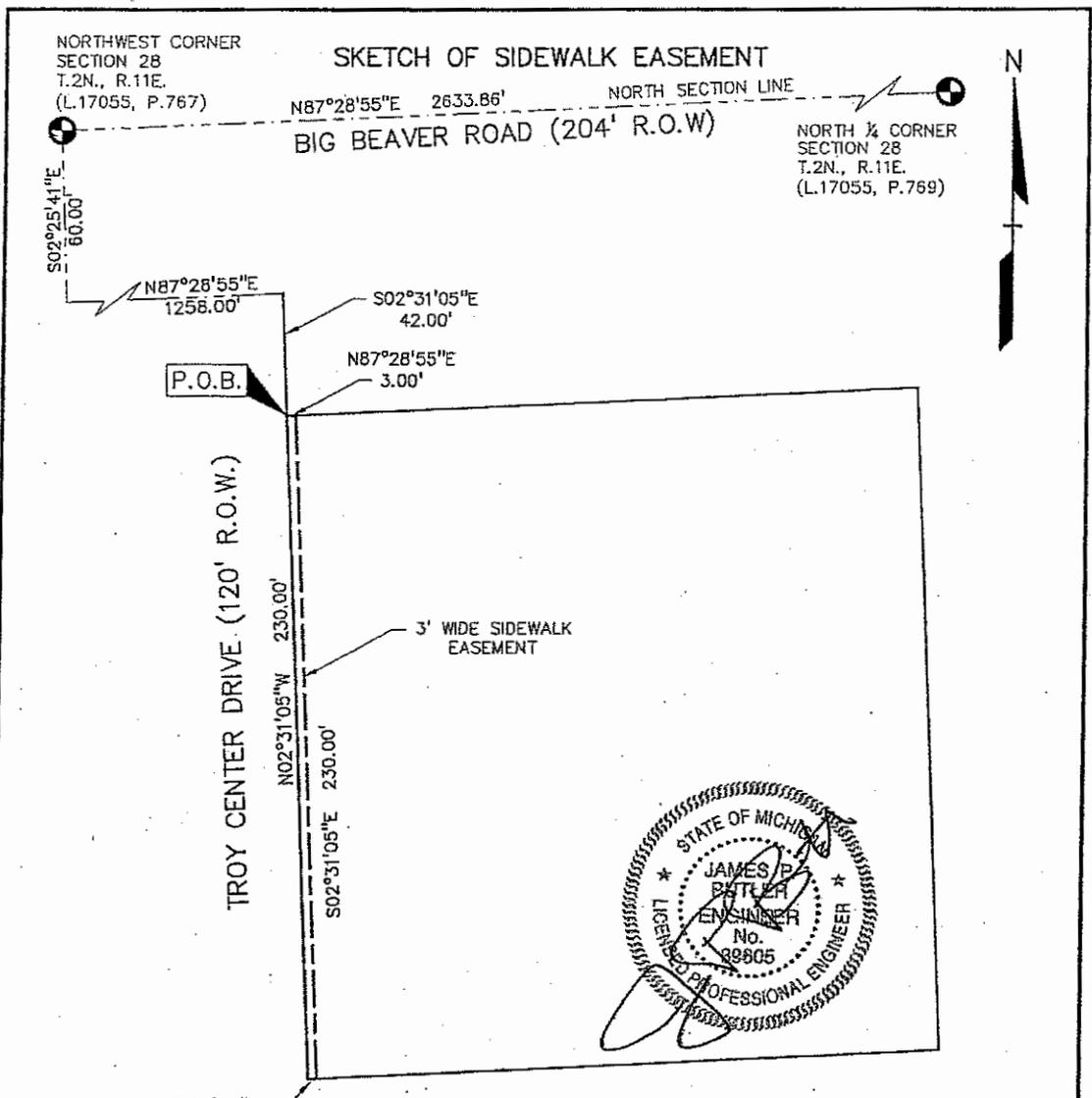
The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to the original condition by Grantee.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns, and the covenants contained herein shall run with the land.

(Signature and Acknowledgment on following page)



# EXHIBIT "A"

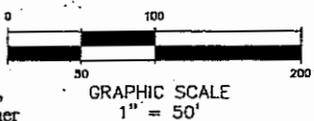


**LEGAL DESCRIPTION**  
**Sidewalk Easement**

A 3 foot wide sidewalk easement over part of the Northwest 1/4 of Section 28, T.2N., R.11E., City of Troy, Oakland County, Michigan, commencing at the Northwest corner of Section 28; thence S02° 25' 41" E, 60.00 feet; thence N87° 28' 55" E, 1258.00 feet; thence S 02° 31' 05" E, 42.00 feet to the Point of Beginning; thence N 87° 28' 55" E, 3.00 feet; thence S02° 31' 05" E, 230.00 feet; thence S87° 28' 55" W, 3.00 feet; thence N02°31' 05" W, 230.00 feet to the Point of Beginning.

**LEGEND**

SECTION CORNER FOUND



PROFESSIONAL  
 ENGINEERING  
 ASSOCIATES

CLIENT: YAMASAKI ASSOCIATES, INC. 900 TOWER DRIVE, PLAZA LEVEL TROY, MICHIGAN 48098	SCALE: 1" = 50'	JOB No: 2005134	2430 Rochester CL Suite 100 Troy, MI 48063-1872 (248) 689-9080
	DATE: 12-8-05	DWG. No: 1	

July 17, 2006

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services

SUBJECT: AGENDA ITEM - Request for Acceptance of a Permanent Easement for Watermain, Walsh College of Accountancy and Business Administration – Sidwell #88-20-22-101-039

In connection with the building addition to Walsh College in Section 22, the Real Estate and Development Department has received a permanent easement for watermain from the property owner Walsh College of Accountancy and Business Administration, having Sidwell #88-20-22-101-039. The consideration amount is \$1.00.

Staff recommends the acceptance of the attached easement.

WALSH COLLEGE OF ACCOUNTANCY AND BUSINESS ADMINISTRATION  
Sidwell #88-20-22-101-039



Sidwell #88-20-22-101-039  
Walsh College

**PERMANENT EASEMENT**

Sidwell #88-20-22-101-039

Walsh College of Accountancy and Business Administration, a Michigan Non-Profit Corporation, Grantors, whose address is 3838 Livernois Road, Troy, MI 48083 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace water main, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed 1 signature(s) this 14<sup>th</sup> day of July A.D. 2006.

In presence of: (not required)

Walsh College of Accountancy and Business Administration, a Michigan Non-Profit Corporation

By Keith A. Pretty (L.S.)  
\*Keith A. Pretty  
Its President

STATE OF MICHIGAN )  
COUNTY OF Macomb )

The foregoing instrument was acknowledged before me this 14th day of July, 2006, by Keith A. Pretty, President, Walsh college of Accountancy and Business Administration, a Michigan Non-Profit Corporation, on behalf of the corporation.

**VICTORIA SCAVONE**  
Notary Public, Macomb County, MI  
My Commission Expires Jul. 30, 2007

\* Victoria Scavone

Notary Public, Macomb County, Michigan

My Commission Expires July 30, 2007  
Acting in Oakland County, MI

Prepared by: Larysa Figol  
City of Troy  
500 W. Big Beaver Road  
Troy, MI 48084

Return to: City Clerk  
City of Troy  
500 W. Big Beaver Road  
Troy, MI 48084

(Permanent Easement #88-20-22-101-039)

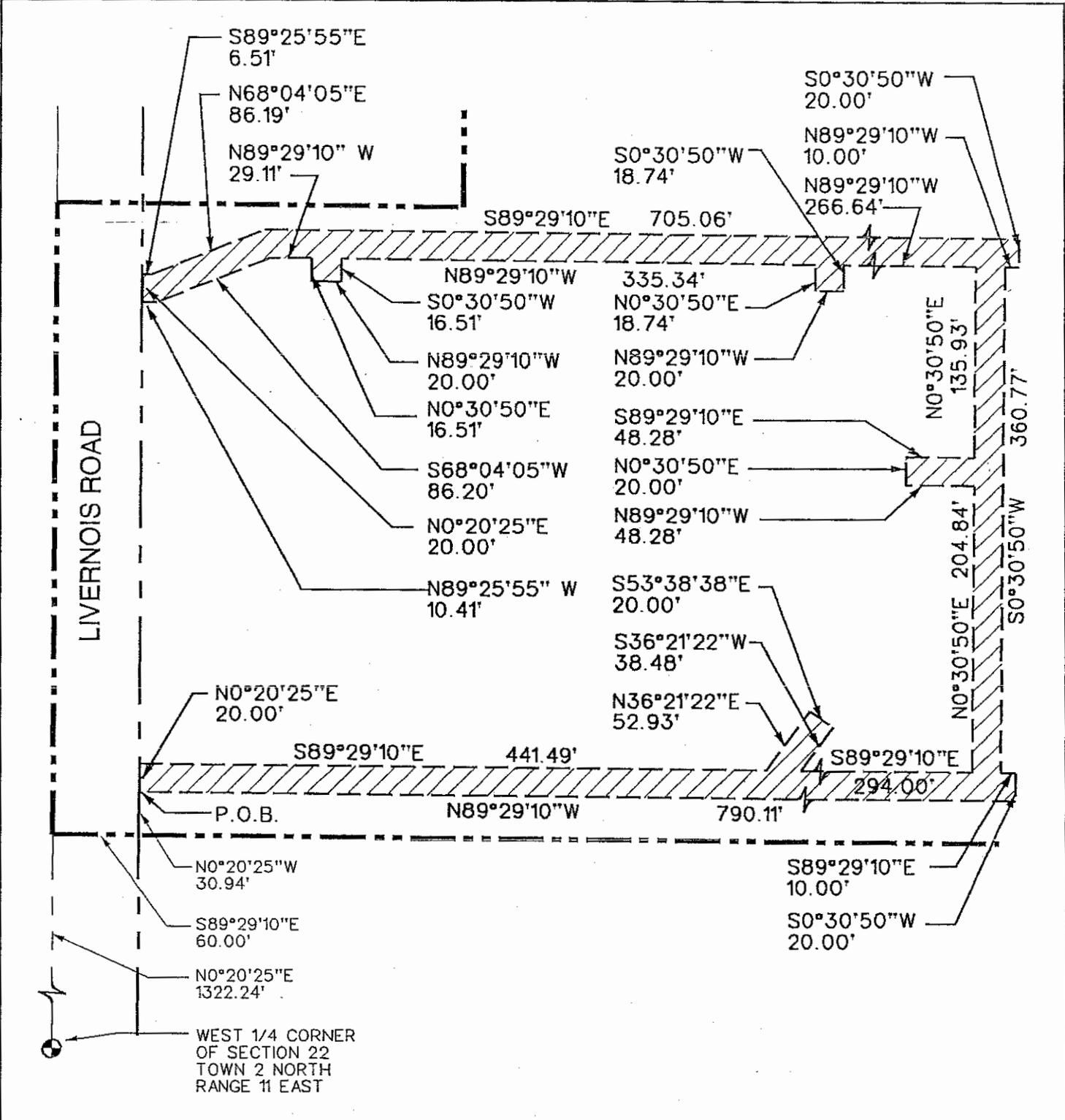
**PLEASE SIGN IN BLUE INK AND PRINT OR TYPE NAMES IN BLACK INK UNDER SIGNATURES**

## EXHIBIT "A"

Description of Easement for Watermain  
June 27, 2006

A parcel of land located in the Northwest quarter, of Section 22, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, being an easement for the construction, operation, maintenance, repair, and/or removal of a watermain further described as:

Commencing at the West 1/4 Corner of Section 22, Town 2 North, Range 11 East; thence along the west line of said Section 22, North 00° 20' 25" East, 1322.24 feet; thence South 89° 29' 10" East, 60.00 feet, to the east right of way line of Livernois Road; thence along said east right of way line, North 00° 20' 25" East, 30.94 feet to the point of beginning; thence along said east right of way line, North 00° 20' 25" East, 20.00 feet; thence South 89° 29' 10" East, 441.49 feet; thence North 36° 21' 22" East, 52.93 feet; thence South 53° 38' 38" East, 20.00 feet; thence South 36° 21' 22" West, 38.48 feet; thence South 89° 29' 10" East, 294.00 feet; thence North 00° 30' 50" East, 204.84 feet; thence North 89° 29' 10" West, 48.28 feet; thence North 00° 30' 50" East, 20.00 feet; thence South 89° 29' 10" East, 48.28 feet; thence North 00° 30' 50" East, 135.93 feet; thence North 89° 29' 10" West, 266.64 feet; thence South 00° 30' 50" West, 18.74 feet; thence North 89° 29' 10" West, 20.00 feet; thence North 00° 30' 50" East, 18.74 feet; thence North 89° 29' 10" West, 335.34 feet; thence South 00° 30' 50" West, 16.51 feet; thence North 89° 29' 10" West, 20.00 feet; thence North 00° 30' 50" East, 16.51 feet; thence North 89° 29' 10" West, 29.11 feet; thence South 68° 04' 05" West, 86.20 feet; thence North 89° 25' 55" West, 10.41 feet to said east right of way line; thence along said east right of way line, North 00° 20' 25" East, 20.00 feet; thence South 89° 25' 55" East, 6.51 feet; thence North 68° 04' 05" East, 86.19 feet; thence South 89° 29' 10" East, 705.06 feet; thence South 00° 30' 50" West, 20.00 feet; thence North 89° 29' 10" West, 10.00 feet; thence South 00° 30' 50" West, 360.77 feet; thence South 89° 29' 10" East, 10.00 feet; thence South 00° 30' 50" West, 20.00 feet; thence North 89° 29' 10" West, 790.11 feet, to the point of beginning. Containing 0.954 acres, more or less.



LIVERNOIS ROAD

WEST 1/4 CORNER  
OF SECTION 22  
TOWN 2 NORTH  
RANGE 11 EAST

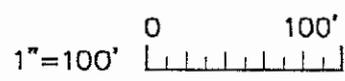
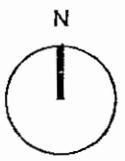
Walsh College  
City of Troy, Michigan

June 27, 2006

Project No.: 57640202

Sheet 1 of 1

**EASEMENT FOR WATERMAIN**



**Progressive** AE

1811 4 MILE ROAD NE GRAND RAPIDS MI 49525-2442  
616 361 2664 FAX 616 361 1493  
WWW.PROGRESSIVEAE.COM

July 13, 2006

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services

SUBJECT: AGENDA ITEM - Request for Acceptance of a Permanent Easement for Sidewalk, Oakland Square Limited Partnership, Sidwell # 88-20-36-301-005

In connection with the redevelopment of a property located on the east side of John R, between Elliot and Lovington in Section 36, the Real Estate and Development Department has received a permanent easement for sidewalk from the property owner Oakland Square Limited Partnership, having Sidwell #88-20-36-301-005. The consideration amount is \$1.00.

Staff recommends the acceptance of the attached easement.

OAKLAND SQUARE LIMITED PARTNERSHIP  
(Chuck-E-Cheese)  
Sidwell #88-20-36-301-005



**PERMANENT EASEMENT**

Sidwell #88-20-36-301-<sup>eos</sup>~~003~~

OAKLAND SQUARE LIMITED PARTNERSHIP, A MICHIGAN LIMITED PARTNERSHIP, Grantor, whose address is 412 W. 14 Mile, Troy, Michigan 48083 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan 48084, grants to the Grantee the right to construct, operate, maintain, repair and/or replace sidewalk, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed his signature(s) this 20 day of FEBRUARY A.D. 2006.

In presence of:  
WITNESS (Not required)

OAKLAND SQUARE LIMITED PARTNERSHIP,  
A MICHIGAN LIMITED PARTNERSHIP

By [Signature] (L.S.)  
"Douglas Mossman  
Its: Managing Partner

STATE OF MICHIGAN )  
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 20 day of FEBRUARY, 2006, by Douglas Mossman, Managing Partner of Oakland Square General Partnership, a Michigan Limited Partnership, on behalf of said Limited Partnership.

[Signature]  
\*Susan C. Baker

Notary Public, Oakland County, Michigan

My Commission Expires 4/30/07

Acting in Oakland County, MI

Prepared by: Larysa Figol  
City of Troy  
500 W. Big Beaver Road  
Troy, MI 48084

Return to: City Clerk  
City of Troy  
500 W. Big Beaver Rd.  
Troy, MI 48084

## EXHIBIT "A"

### DESCRIPTION OF PARCEL F1

Part of the West ½ of the Southwest ¼ of Section 36, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, described as:

Commencing at the West ¼ corner of said Section 36; thence North 87 degrees 12 minutes 46 seconds East 80.00 feet along the East-West ¼ line to the east right of way line of John R Road and the POINT OF BEGINNING; thence continuing North 87 degrees 12 minutes 46 seconds East 560.00 feet along the East-West ¼ line; thence South 02 degrees 47 minutes 14 seconds East 146.21 feet to the north right of way line of Elliott Avenue; thence along Elliott Avenue the following five (5) courses: (1) along a curve to the left 106.36 feet, said curve having a radius of 630.00 feet, a central angle of 09 degrees 40 minutes 24 seconds and a chord bearing South 72 degrees 34 minutes 08 seconds West 106.24 feet, (2) South 67 degrees 43 minutes 55 seconds West 132.83 feet, (3) along a curve to the right 81.64 feet, said curve having a radius of 570.00 feet, a central angle of 08 degrees 12 minutes 23 seconds and a chord bearing South 71 degrees 50 minutes 06 seconds West 81.57 feet, (4) South 87 degrees 12 minutes 46 seconds West 235.99 feet and (6) North 47 degrees 28 minutes 09 seconds West 28.13 feet to the east right of way line of John R Road; thence North 02 degrees 09 minutes 04 seconds West 219.02 feet along said right of way line to the POINT OF BEGINNING. Said parcel contains 2.74 acres, more or less.

Tax parcel 20-36-301-003.

*CLOSES + ALTA CES*

### DESCRIPTION OF SIDEWALK EASEMENT

Part of the West ½ of the Southwest ¼ of Section 36, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, described as:

Commencing at the West ¼ corner of said Section 36; thence North 87 degrees 12 minutes 46 seconds East 80.00 feet along the East-West ¼ line to the east right of way line of John R Road; thence South 02 degrees 09 minutes 04 seconds East 12.50 feet along said east right of way line to the POINT OF BEGINNING; thence North 87 degrees 50 minutes 56 seconds East 5.00 feet; thence South 02 degrees 09 minutes 04 seconds East 65.00 feet; thence South 87 degrees 50 minutes 56 seconds West 5.00 feet to said east right of way line; thence North 02 degrees 09 minutes 04 seconds West 65.00 feet along said east right of way line to the POINT OF BEGINNING.

ALSO, Commencing at the West ¼ corner of said Section 36; thence South 02 degrees 09 minutes 04 seconds East 198.13 feet along the West line of said section; thence North 87 degrees 50 minutes 56 seconds East 80.00 feet to the east right of way line of John R Road and the POINT OF BEGINNING; thence North 87 degrees 50 minutes 56 seconds East 5.00 feet; thence South 02 degrees 09 minutes 04 seconds East 24.94 feet to the north right of way line of Elliot Avenue; thence North 47 degrees 28 minutes 09 seconds West 7.03 feet along said north right of way line to the east right of way line of John R Road; thence North 02 degrees 09 minutes 04 seconds West 20.00 feet along said east right of way line to the POINT OF BEGINNING.

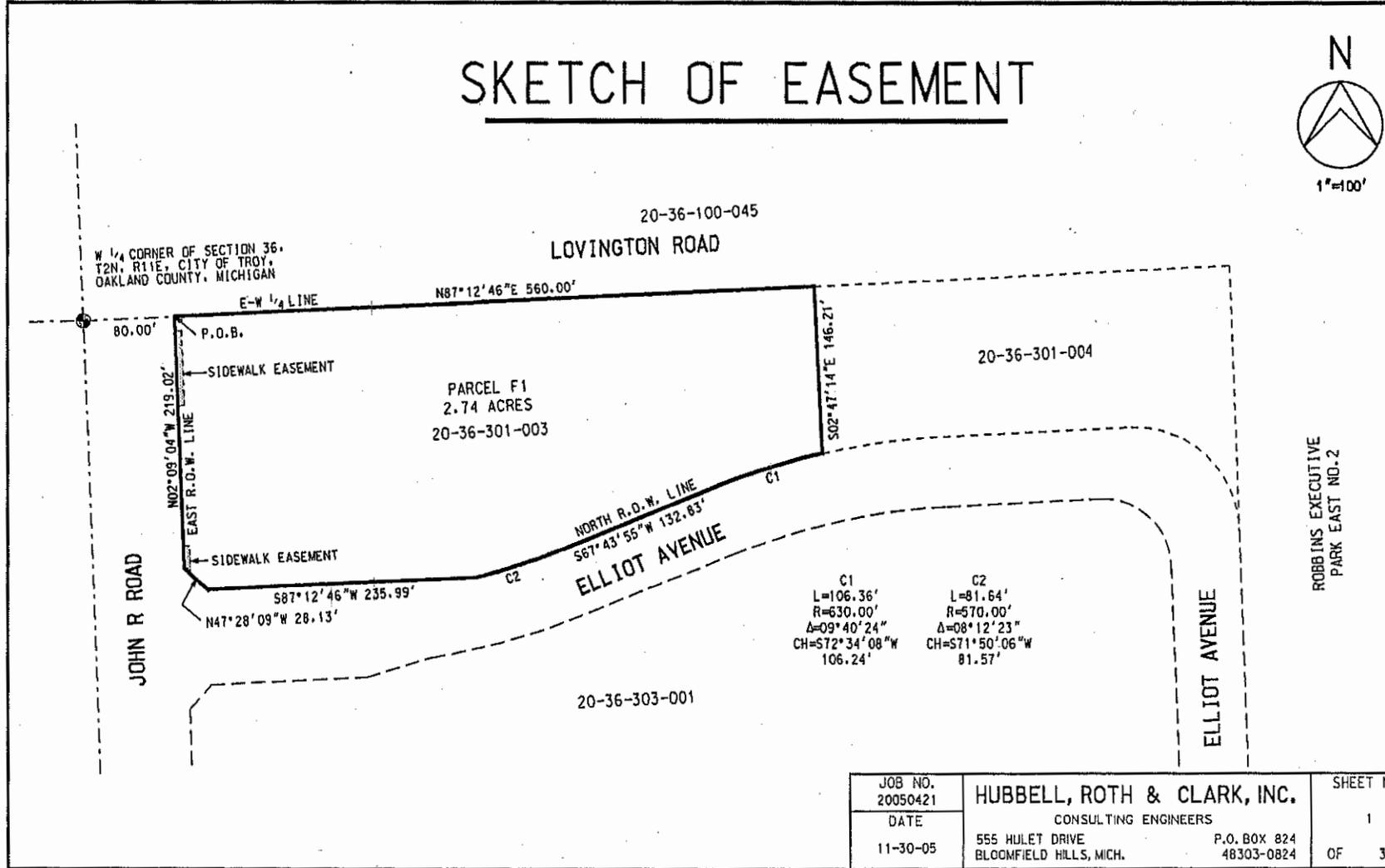
Said easement contains 0.01 acres, more or less.

*CLOSES*

# SKETCH OF EASEMENT



1"=100'



July 17, 2006

TO: Phillip L. Nelson, City Manager

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

SUBJECT: **AGENDA ITEM** – Addendum No. 1 - Construction Schedule Change to Ferry Drain Restoration Project, Contract 06-3

---

### **RECOMMENDATION**

It is recommended that City Council approve Addendum No. 1 to the Ferry Drain Restoration project for a change to the construction schedule from an early summer completion to an early fall completion. This change will better suit the type of work; allowing for plant materials to be planted during weather conditions more conducive to their survival.

### **PROJECT INFORMATION**

D & J Lawn & Snow, Inc., 22750 Macomb Industrial Drive, Clinton Twp., MI, 48036, was awarded the Ferry Drain contract for their low bid of \$76,882.25; contingent upon submission of proper proposal and bid documents, including insurance certificates and bonds. This project involves grading and reshaping of the eroded stream banks and the use of bioengineering techniques to stabilize the banks against erosion from storm water flows. The project includes 200 native shrubs; five (5) native trees and a wet prairie seed mix that will improve the aesthetics of the stream channel and protect the stream banks from erosion.

During the process of receiving and reviewing the contractor's insurance certificates there were delays in getting the certificates from the contractor and getting corrections to the certificates themselves, as is often the case, that impacted the construction start and completion dates. The original completion date of June 20<sup>th</sup> has passed and due to the hot summer conditions, this project should be rescheduled to a fall completion date. It is recommended that the contract completion date be amended to September 15, 2006 for substantial completion of earthwork and September 30, 2006 for completion of all plantings and restoration work.

**ADDENDUM NO. 1**  
**Ferry Drain Restoration Project**  
**CITY OF TROY, OAKLAND COUNTY, MICHIGAN**

**ISSUED: Monday, July 17, 2006**

**CONTRACT No. 06-3**

**INTENT:**

This Addendum No. 1 is issued to provide changes to the Contract Documents. The Specifications for the original work and the contract drawings are to govern this work except as revised herein.

**CONTRACT COMPLETION DATE**

Work Schedule has been changed to the following:

1. All work shall be substantially complete by **September 15, 2006**. Substantial completion shall be defined as having all heavy equipment being removed from the site.
2. Final project completion, including seeding, plantings, clean-up and surface restoration shall be complete by **September 30, 2006**.

This Addendum No. 1 has been issued in order to modify the original bid package. The Contractor shall acknowledge and agree with this Addendum by signing in the location provided below and incorporating this Addendum No. 1 with the original contract documents.

Acknowledged and Agreement with Addendum No. 1

Company: \_\_\_\_\_

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by:

\_\_\_\_\_  
City Clerk – Tonni L. Bartholomew

\_\_\_\_\_  
Mayor – Louise Schilling

cc: S. Vandette, W. Jawlik, J.Lawson

G:\Contracts\Contracts - 2006\06-3 Ferry Drain Streambank Restoration\correspondence\Addendum No. 1\_R1.doc

TO: Phillip L. Nelson, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance and Administration  
James A. Nash, Financial Services Director

RE: Agenda Item - Designation of Street Administrator

DATE: July 18, 2006

The Michigan Department of Transportation requires a single administrator to be designated by the governing body to represent the municipality in transactions. The City Manager of Troy has historically performed this function and the accompanying resolution establishes Phillip L. Nelson, City Manager, as the Street Administrator.

July 14, 2006

TO: Phillip L. Nelson, City Manager

FROM: Brian Murphy, Assistant City Manager/Services  
Jeanette Bennett, Purchasing Director  
Timothy Richnak, Public Works Director

**SUBJECT: AGENDA ITEM – Amendment #1 Outdoor Lighting Maintenance Contract**

---

### **RECOMMENDATION**

The Public Works Department recommends that City Council approve Amendment #1 to the outdoor lighting maintenance contract with Allied Signs Inc. and confirm repairs made over approved amounts, which are estimated at \$50,000.00.

### **BACKGROUND**

When the fiscal year began on July 1, 2004, the City had an established contract for outdoor lighting maintenance with Allied Signs, Inc. for an estimated two-year cost of \$52,350.00, plus 25% of the annual contract total each year (Resolution #2004-02-096). Over the past two years, the City has spent an estimated \$65,000.00, well within approved amounts. However, during that time other City departments have also used the contract to purchase replacement parts for work done in the field on routine maintenance of lighting systems, which include streetlights, parking lots and ball diamonds. Additional work has been completed in these areas and repairs have exceeded the original contract amount by \$50,000.00. The contract expired June 30, 2006.

City management therefore is bringing to City Council a request to approve an amendment to this contract and confirm necessary repairs estimated at \$50,000.00.

### **BUDGET**

Funds are available in the 2005/06 budget for Public Works Street Light Maintenance, Account #448.7802.150 and Parks Account #759.7802.070 for any lighting work done on the ball diamonds.

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**D-3 Standard Purchasing Resolution #1: Bid Award – Mowers and Miscellaneous Equipment Less Trade-Ins**

Resolution #2004-02-095

Moved by Lambert

Seconded by Stine

RESOLVED, That a contract to purchase mowers and miscellaneous golf course equipment less trade-ins for Sylvan Glen Golf Course is hereby **AWARDED** to the sole bidder, W.F. Miller Company, for an estimated net total cost of \$47,902.00, at unit prices contained in the bid tabulation opened November 12, 2003; a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That bids to purchase Item #3, a self-contained turf sprayer less trade-in of Item #1, the 1991 Toro/Hahn Turf Sprayer are hereby **REJECTED**.

Yes: Stine, Beltramini, Broomfield, Eisenbacher, Howrylak, Lambert

No: Pryor

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**D-4 Standard Purchasing Resolution 3: Option to Renew – Outdoor Lighting Maintenance Contract**

Resolution #2004-02-096

Moved by Beltramini

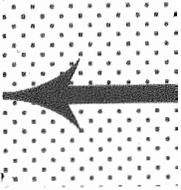
Seconded by Howrylak

WHEREAS, On July 8, 2002, a two-year contract to provide Outdoor Lighting Maintenance with an option to renew for two (2) additional years was awarded to the low bidder, Allied Signs Inc., (Resolution #2002-07-399-E-5); and

WHEREAS, Allied Signs Inc., has agreed to exercise the option to renew the contract for two (2) additional years under the same pricing structure, terms, and conditions as the original contract.

NOW, THEREFORE, BE IT RESOLVED, That the option to renew the contract is hereby **EXERCISED** with Allied Signs Inc., to provide Outdoor Lighting Maintenance for an estimated two-year cost of \$52,350.00, plus 25% of the annual contract total each year for changes in the quantity of work, under the same prices, terms, and conditions, expiring June 30, 2006.

Yes: All-7



July 18, 2006

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services

SUBJECT: AGENDA ITEM – REQUEST FOR APPROVAL OF CONDITIONED PURCHASE AGREEMENT FOR RIGHT-OF-WAY: SIDEWALK GAP PROJECT, SIDWELL# 88-20-15-379-052, 215 E. WATTLES ROAD

As part of the ongoing Sidewalk Gap Completion Project, an agreement has been reached with William Cook, owner of the property located at 215 E. Wattles Road, to purchase 7 feet of right-of-way. The property is located in Section 15, on the north side of Wattles east of Hanover and abutting the McCulloch Drain.

Based on an appraisal prepared by Dennis Stephens, State Licensed Appraiser and reviewed by Kimberly Harper, Assistant City Assessor and State Licensed Appraiser, management believes that \$10,575.00, the compensation agreed upon, is justifiable for this 7 feet.

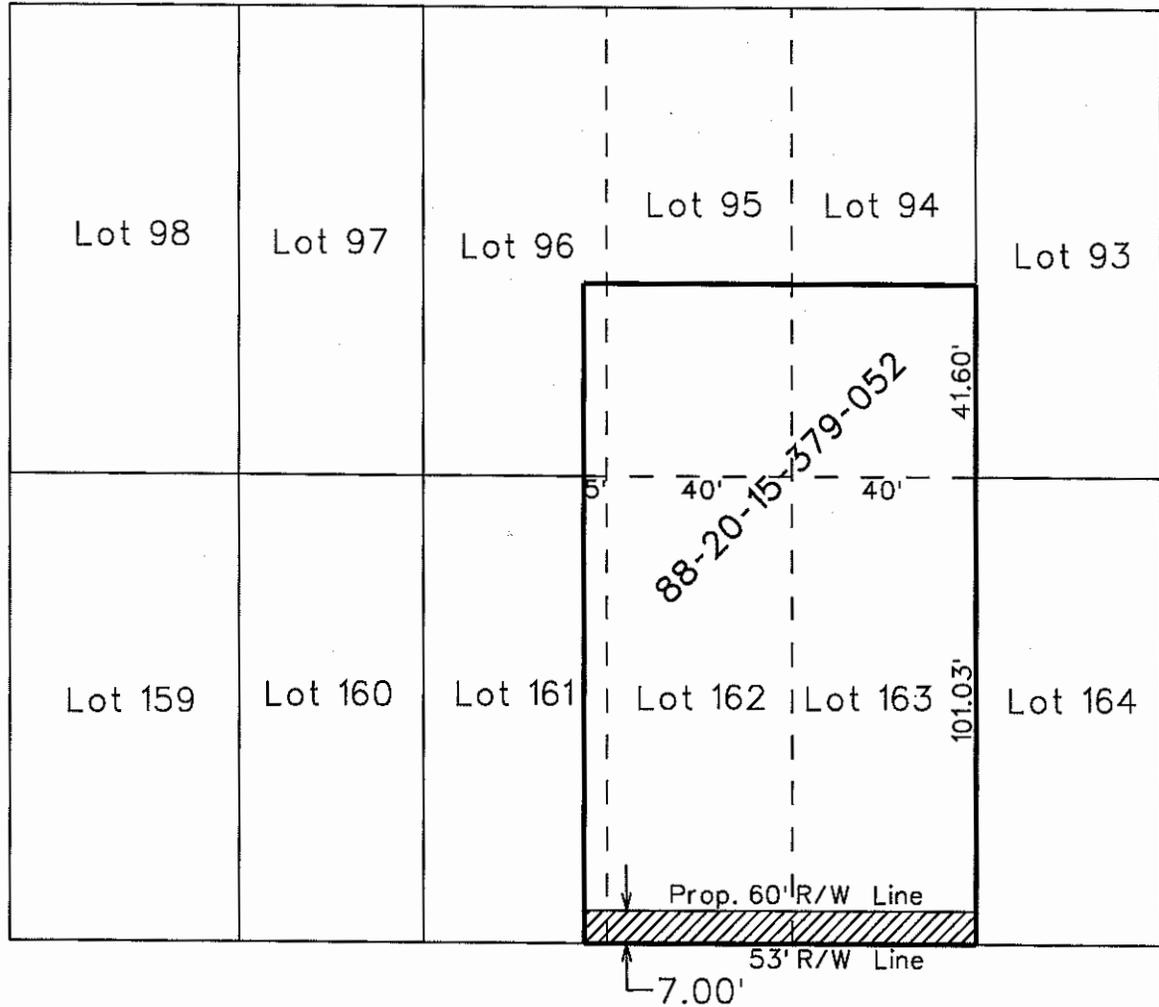
In order for the City to proceed with the acquisition of this right-of-way, management requests that City Council approve the attached Conditioned Purchase Agreement in the amount of \$10,575.00.

The right-of-way is being acquired under the Sidewalk New Construction budget.

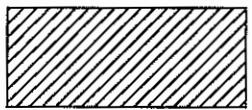
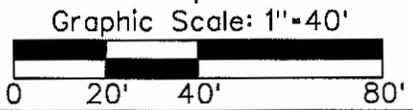
WATTLES ROAD SIDEWALK GAP PROJECT  
SECTION 15



Hanover Ave.



#215 E. Wattles Rd.



Proposed R/W Acquisition  
Area=595 Sq.Ft.

<b>CITY OF TROY</b> OAKLAND COUNTY, MICHIGAN			
<b>Proposed R/W Acquisition Sketch</b> <b>88-20-15-379-052</b>			
SCALE	DRAWN BY	CHECKED	FILE
HOR. 1"=40'	NAME GJB III	NAME	See Above
VER.	DATE 06-20-06	DATE	VIEW #1
DOCUMENT PREPARED BY George J. Ballard III LAND SURVEYOR		CONTRACT No.	SHEET No. 10F1
DATE		REV.	JOB No.
		STEVEN J. VANDETTE CITY ENGINEER	

CITY OF TROY  
AGREEMENT TO PURCHASE REALTY  
FOR PUBLIC PURPOSES

The CITY OF TROY (the "Buyer"), agrees to purchase from William Cook (the "Seller"), the following described premises (the "Property"):

SEE ATTACHED EXHIBIT "A"

for a public project within the City of Troy and to pay the sum of Ten Thousand, Five Hundred and Seventy Five and no Dollars/100 (\$10,575.00) under the following terms and conditions:

1. Seller shall assist Buyer in obtaining all releases necessary to remove all encumbrances from the property so as to vest a marketable title in Buyer.
2. Seller shall pay all taxes, prorated to the date of closing, including all special assessments, now due or which may become a lien on the property prior to the conveyance.
3. Seller shall deliver the Warranty Deed upon payment of the purchase money by check drawn upon the account of the City of Troy.
4. Buyer shall, at its own expense, provide title insurance information, and the Seller shall disclose any encumbrances against the property.
5. This Agreement is binding upon the parties and closing shall occur within ninety (90) days of the date that all liens have been released and encumbrances have been extinguished to the satisfaction of the Buyer, unless extended by agreement of the parties in writing. It is further understood and agreed that this period of time is for the preparation and authorization of purchase money.
6. Buyer shall notify the Seller immediately of any deficiencies encumbering marketable title, and Seller shall then proceed to remove the deficiencies. If the Seller fails to remove the deficiencies in marketable title to Buyer's approval, the Buyer shall have the option of proceeding under the terms of this Agreement to take title in a deficient condition or to render the Agreement null and void, and any deposit tendered to the Seller shall be returned immediately to the Buyer upon demand.
7. The City of Troy's sum paid for the property being acquired represents the property being free of all environmental contamination. Although the City of Troy will not withhold or place in escrow any portion of this sum, the City reserves its rights to bring Federal and/or State and/or local cost recovery actions against the present owners and any other potentially responsible parties, arising out of a release of hazardous substances at the property.
8. Seller acknowledges that this offer to purchase is subject to final approval by Troy City Council.

9. Seller grants to Buyer temporary possession and use of the property commencing on this date and continuing to the date of closing in order that the Buyer may proceed with the public project.

10. Additional conditions, if any:

SELLER HEREBY ACKNOWLEDGES THAT NO PROMISES WERE MADE EXCEPT AS CONTAINED IN THIS AGREEMENT.

IN WITNESS WHEREOF, the undersigned hereunto affixed their signatures this 18th day of August, A.D. 2006.

In presence of:

Susan M Lancaster  
SUSAN M LANCASTER

Beverly M. Holmes  
BEVERLY M. HOLMES

CITY OF TROY (BUYER)

Larysa Figol  
LARYSA FIGOL

SELLER:

William Cook  
\* William Cook

\*

**EXHIBIT "A"**

Property Owner: William Cook  
SIDWELL #88-20-15-379-052

PART OF THE SOUTHEAST  $\frac{1}{4}$  OF SECTION 15, TOWN 2 NORTH , RANGE 11 EAST, THE SOUTH 41.60 FEET OF LOTS 94 AND 95, ALSO EAST 5 FEET OF SOUTH 41.60 FEET OF LOT 96, ALSO EAST 5 FEET OF LOT 161, ALSO ALL OF LOTS 162 AND 163 OF CRESTFIELD SUBDIVISION AS RECORDED IN LIBER 34, PAGE 38 OF PLATS, OAKLAND COUNTY RECORDS, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS:

THE SOUTH 7 FEET OF PARCEL DESCRIBED AS THE SOUTH 41.60 FEET OF LOTS 94 AND 95, ALSO EAST 5 FEET OF SOUTH 41.60 FEET OF LOT 96, ALSO EAST 5 FEET OF LOT 161, ALSO ALL OF LOTS 162 AND 163 OF CRESTFIELD SUBDIVISION AS RECORDED IN LIBER 34, PAGE 38 OF PLATS, OAKLAND COUNTY RECORDS, MICHIGAN.

July 17, 2006

TO: Phillip L. Nelson, City Manager

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

SUBJECT: **AGENDA ITEM** – Beech Lane Barrier and Road Closure Status

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### **RECOMMENDATION**

It is recommended that City Council consider a request from Beech Lane residents that the status of the Beech Lane closure be formalized by a council resolution. It is requested that Beech Lane between Maple and Cherry be closed indefinitely unless a resolution to open the road is adopted by council at some future date. This status would reflect a long held belief by a majority of area residents since the 1980's and confirmed by the recent survey, that the road should remain closed.

### **BACKGROUND INFORMATION**

Based on postcard responses we received last April from Beech Lane, Hartshorn, Kirkton and Cherry street property owners, only 5% expressed any interest in opening Beech Lane to traffic and only 5% were interested in installing an emergency vehicle access (EVA) barrier that would allow emergency vehicles (police and fire) to pass but not ordinary traffic. With only 10% of residents expressing interest in these options, property owners were advised by mail from this office that Beech Lane would remain closed, except to pedestrians, at the location where new homes are approved for construction. This action was taken pursuant to Council's direction to staff to work with property owners on the type of barrier or no barrier at this location.

A guardrail across the road with an opening large enough only for pedestrians has since been installed at the location where the open Spencer Drain once created a natural barrier to through traffic. The drain was enclosed under a permit issued by the Drain Commission for Oakland County to facilitate construction of new homes.

Attached is a copy of the barrier plan showing the double sided guardrail across the road with a six foot clear opening on the east side for pedestrian passage only. Also included are "road ends" and appropriate warning signs in the middle of the road and wooden bollards at both ends of the guardrail to further restrict access.

### **HISTORY**

Beech Lane has historically been closed at the drain and was unpaved prior to 1985. Between 1985 and 1987 several area roads were paved by special assessment projects. Beech Lane was paved from Maple to the end at the drain and also from Cherry south to

the end at the drain. Pedestrian access was maintained between the north and south sections of Beech Lane by a pedestrian bridge. Between 1988 and 1994 there were several attempts to vacate many "paper" or unimproved streets in the area, including Larchwood between Hartshorn and Beech Lane. This request was denied by City Council since it was deemed premature, as these paper streets may be used to complete the ultimate street pattern for this portion of Section 27.

In 1996 water main related work was performed on Beech Lane and residents on the street expressed their concern about connection and confirmed their desire to keep the road closed. In response to City Council's direction to design the ultimate street pattern for the area, the Planning Department, Engineering Department and Planning Commission held several meetings and public hearings between 1996 and 1998 to discuss all viable options for the area. Based on citizen input at these meetings, no changes were proposed to Beech Lane and City Council vacated the 50-foot Larchwood right-of-way so that there would not be any connection between Hartshorn and Beech Lane, essentially making Beech Lane an independent dead-end street from Maple Road north to the drain.

In 2005 vacant lots on Beech Lane, which had the drain running through them, were proposed for development. Development necessitated enclosing the drain under the road and around the lots. Paving over the drain enclosure provided for adequate access to the proposed homes. With the paving complete this spring, and only a temporary barrier in place; there were further concerns from Beech Lane residents that the City may open the road, despite an April 2006 letter to residents about the survey results, installation and description of the permanent barrier.

Since there is no City Council resolution that states that Beech Lane would be closed to through vehicular traffic, residents have concerns whenever any work is performed in this area and have approached City departments reiterating their desire to keep the road closed. As mentioned earlier, based on postcard responses we received last April from Beech Lane, Hartshorn, Kirkton and Cherry street property owners, only 5% expressed any interest in opening Beech Lane to vehicular traffic and only 5% were interested in installing an emergency vehicle access (EVA) barrier that would allow emergency vehicles (police and fire) to pass but not ordinary traffic.

Please be aware that a recent incident with the temporary barrier has provided the impetus for this request for permanently closing Beech Lane except by Council resolution. On Monday, June 26 our DPW removed the temporary barrier and "No Outlet" sign from Beech Lane. They were acting on a report from the police department that the barrier appeared unsafe. An officer spotted it while in the area on an unrelated matter. He reported the barrels were in poor condition, had no signs on them at all (a road ends sign had previously been in place) and he felt they were not adequate for blocking a street. Therefore, he assumed kids had placed the barrels there as a prank, so he had them removed.

A resident advised Engineering by e-mail near noontime that the barrier was removed. By the afternoon of the same day, our DPW installed a new temporary barrier and the resident was advised by e-mail what had happened. It was also explained that this was not an attempt to open the road or go against any previous council action and that we had

talked to the developer about a schedule for the permanent barrier installation. The developer responded that he was awaiting delivery of materials. It was again communicated to the resident that the material would be delivered to the site on July 11 and the work would begin the next day. The permanent barrier, with a pedestrian opening was installed on July 12, 2006.



HICKORY

PLUM

CHERRY

ALGANSEE

Beech Lane Closure

LARCHWOOD

50' vacated Larchwood ROW

ARTHUR

WOODSLEE

VERMONT

BIRCHWOOD

MASTIN

LIVERNOIS

HARTSHORN

BEECH LANE

0 125 250 500 750 1,000 Feet

SECTION 27, City of Troy



RIM 668.02  
8" INV. N. 655.17  
8" INV. S. 655.27  
" RCP @ 3.85%

LF  
(2 EA.)  
ENDED TO  
ENCLOSURE  
-76, CL. IV.

RETAINING  
ALL  
EX. CULVERT (RCP)  
12" INV. 661.47

EX. 54" CULVERT  
INV. 659.24  
END SECTION  
GREEN & RIP RAP  
STANDARD STORM  
659.26

AREA TO BE  
W/ BIODEGRADABLE  
CONTROL BLANKET  
SEE IN DETAIL SHEET  
FENCE

DIAM. STORM MH.  
WOOD  
659.25 BOLLARDS  
659.25 W/ REFLECTORS  
661.29 (RCP)  
660.27 (CMP)

INTENDED TO  
ENCLOSURE  
CMP @ 4.37%  
4" SANITARY SEWER LEAD  
EX. 54" CULVERT

DOUBLE SIDED ROAD ENDS SIGN  
WITH RED DIAMOND AND  
2 TYPE II OBJECT MARKERS,  
ONE EACH SIDE OF ROAD ENDS SIGN

17.5' ← DOUBLE SIDED GUARDRAIL

5' PED. OPENING  
AT EDGE OF ROAD

INSTALL 12" END SECTION  
12" INV. S. 665.00

#2166  
EXISTING HOUSE  
F.F. 672.43

PR. 44 LF 30" DRAIN  
ENCLOSURE @ 0.20%  
W/ SAND BACKFILL

PR. 88 LF SWALE @ 1.00%

INSTALL 5' DIA. C.B.  
RIM 666.00  
30" INV. W. 659.17  
30" INV. S. 659.17  
12" INV. N. 664.00  
3" INV. SE. 664.00 (PVC)

PR. LOW POINT INLET FIL  
(PER OAKLAND COUNTY)

20 LF PVC SUMP LET  
PR. 40 LF SWALE @ 1.00%

WOOD BOLLARDS WITH  
REFLECTORS BOTH SIDES  
1' OFF EDGE OF ROAD 6' APART

PARCEL B  
14,060 sq. ft.  
0.323 acres

STATE OF MICHIGAN  
STEVEN J. VANDETTE  
ENGINEER  
NO. 28197  
PROFESSIONAL ENGINEER

BEECH LANE

DBL SOUTH

PR. UNEX. PORCH

July 11, 2006

**To:** Beech Lane, Hartshorn, Kirkton and Cherry Street Property Owners

**Re:** Beech Lane Barrier and Road Closure Status

Dear Property Owner:

This letter is to provide you with information concerning the barrier that will be placed on Beech Lane, in the vicinity of the new home sites, and a request from Beech Lane residents to formalize the status of the closure.

Attached is a copy of the barrier plan showing a double sided guardrail across the road with a six foot clear opening on the east side for pedestrian passage only. It will also include "road ends" and appropriate warning signs in the middle of the road and wooden bollards at both ends of the guardrail to further restrict access. This barrier was installed by the developer on July 12, 2006.

This office is preparing a report to City Council on behalf of Beech Lane residents who have requested that the status of the Beech Lane closure be formalized by a council resolution. At the next available meeting, their request will be submitted to keep Beech Lane closed indefinitely unless a resolution to open the road is adopted by council at some future date. This status would reflect the long held belief by a majority of area residents since the 1980's and confirmed by the recent survey, that the road should remain closed. The report and suggested resolution is tentatively scheduled to appear on the July 24 City Council agenda.

Thank you for your interest in this matter.

If you have any questions or need more information, please feel free to call the Engineering Department at 524-3383.

Sincerely,

Steven J. Vandette, P.E.  
City Engineer

cc: Brian P. Murphy, Assistant City Manager/Services  
Charles Craft, Police Chief  
Tim Richnak, Public Works Director  
John Abraham, Traffic Engineer  
Scott Finlay, Civil Engineer

## Steven J Vandette

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**From:** Skrout, Tracy [Tracy.Skrout@ArvinMeritor.com]  
**Sent:** Monday, June 26, 2006 1:15 PM  
**To:** Steven J Vandette  
**Subject:** RE: Opening of Beech Lane Drive

Mr. Vandette,

Thank you for resolving this issue so quickly and clarifying what will be happening with the closure.

Tracy  
-----Original Message-----  
**From:** Steven J Vandette [mailto:VandetteSJ@ci.troy.mi.us]  
**Sent:** Monday, June 26, 2006 12:57 PM  
**To:** Skrout, Tracy  
**Subject:** RE: Opening of Beech Lane Drive

Tracy,

The temporary barricade should be reinstalled today. We are currently working that out with our DPW. Someone in the police department ordered the barricade removed, without knowing why it was there and without contacting this department. This was not an attempt to open the road or go against any previous council action. I apologize for the confusion and any inconvenience that this has caused. I will be following up on this with the police department.

As for the permanent barricade, I spoke with the developer today to give me a schedule for this work. Hopefully I will be able to pass that information on to you this week. What it will consist of is a simple guard rail across the road with an opening on the west side wide enough for pedestrians only. On the east side will be some wood posts with reflectors to prevent people from driving around the guard rail. Of course there would be a yellow road closed sign and red diamond in the middle of the road facing in each direction.

Sincerely,

Steven J. Vandette  
CITY Engineer  
(248) 524-3383  
vandettesj@ci.troy.mi.us

## Steven J Vandette

---

Subject: FW: Barrels CORRECTION

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

From: Charles T Craft  
Sent: Friday, June 30, 2006 1:37 PM  
To: Steven J Vandette  
Cc: Edward J Murphy  
Subject: FW: Barrels

Steve:  
The below refers to the barrels that were removed on Beech Lane. Our officer spotted them while in the area on an unrelated matter. He reports the barrels were in poor condition and not adequate for blocking a street. Therefore, he assumed kids had placed them there, so he had them removed. I can't criticize him as he was being proactive.

We didn't know the street was closed, if you can get us a list/notification of such closings we'll let all the officers and Communications know.

Thanks,  
Charlie

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

From: Edward J Murphy  
Sent: Friday, June 30, 2006 12:43 PM  
To: Charles T Craft  
Subject: FW: Barrels

FYI

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

From: Robert J Rossman  
Sent: Friday, June 30, 2006 8:22 AM  
To: Edward J Murphy  
Subject: Barrels

Spoke to Pete about the road opening this morning personally. He said that he believed kids put the barrels in the streets as a prank and that he was doing the neighbors a favor. According to Pete, the barrels were rusty and old and had no signs on them at all. Bob

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

From: Skrout, Tracy [mailto:Tracy.Skrout@ArvinMeritor.com]

Sent: Monday, June 26, 2006 11:33 AM

To: Brian P Murphy; Steven J Vandette

Subject: Opening of Beech Lane Drive

Importance: High

Good afternoon,

We live on Beech Lane Drive and have been to the city council to ensure that this road will stay a dead end. We were told by engineering that this road would stay closed. We also requested that it just stay a walking path and was also told that would happen. Two months ago we came home from work and the road was completely paved with four barrels put in the road to keep it closed. These barrels were moved by people shortly after in order to drive through the road.

My Husband Todd told the builder's assistant about the situation and they moved the barrels back into the road and put dirt in them so no one could move them. It has been two months and no one has done anything to close this street off besides the barrels.

My husband was home from work today and saw Troy city workers removing the barrels and removing the signs from our street that say the road is a dead end and was told they are opening the road.

We specifically want this road closed and were told that it will be. I am requesting that this be completed as soon as possible and that you notify everyone on the street of the exact date that we will have the street permanently closed off. We also would like to be notified of exactly how this road will be closed off.

If I do not here of a plan of action some time today, we will be sure to be at the city council meeting with as many neighbors as we can get together.

Tracy Skrout  
2105 Beech Lane Drive  
Troy, MI 480836  
Home 248-435-1675  
Work 248-689-0845

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## Steven J Vandette

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**From:** Skrout, Tracy [Tracy.Skrout@ArvinMeritor.com]  
**Sent:** Tuesday, July 11, 2006 10:23 AM  
**To:** Steven J Vandette  
**Subject:** RE: Opening of Beech Lane Drive

Steve,

Thank you for your assistance. I will make sure to let everyone know what is going on.

Tracy

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

**From:** Steven J Vandette [mailto:VandetteSJ@ci.troy.mi.us]  
**Sent:** Tuesday, July 11, 2006 10:14 AM  
**To:** Skrout, Tracy  
**Subject:** RE: Opening of Beech Lane Drive

Tracy,

The materials for the permanent barricade are being dropped off today. The work is scheduled to start tomorrow afternoon and may be done by the end of the day or finish the next morning if needed.

Steven J. Vandette  
CITY Engineer  
(248) 524-3383  
vandettesj@ci.troy.mi.us

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

**From:** Steven J Vandette  
**Sent:** Monday, June 26, 2006 12:57 PM  
**To:** 'Skrout, Tracy'  
**Subject:** RE: Opening of Beech Lane Drive

Tracy,

The temporary barricade should be reinstalled today. We are currently working that out with our DPW. Someone in the police department ordered the barricade removed, without knowing why it was there and without contacting this department. This was not an attempt to open the road or go against any previous council action. I apologize for the confusion and any inconvenience that this has caused. I will be following up on this with the police department.

July 19, 2006

To: Phillip L. Nelson, City Manager

From: Brian P. Murphy, Assistant City Manager /Services  
Jeanette Bennett, Purchasing Director  
Steven Pallotta, Director of Building Operations

Subject: **Agenda Item** – Informal Quotation Process –  
Award of Painting and Wallpapering of Troy City Hall

### **RECOMMENDATION**

City Management is requesting a waiver of the formal bid process and City Council approval to complete City Hall hallway work for an estimated total cost of \$15,275.00, plus 10% contingency to the contractor submitting the lowest informal quotation, Detroit Spectrum Painters of Warren, Michigan. The work includes preparation and painting of the popcorn ceiling, doorframes and drywall, and wallpapering portions of the hallway where previous floor work damaged the existing wallpaper. It is anticipated that the project would resume upon Council approval and be completed shortly thereafter. An insurance certificate approved by the Risk Manager is on file for Detroit Spectrum Painters.

### **BACKGROUND**

At the onset of the City Hall hallway project, quotes were obtained to prepare and paint the popcorn ceilings. Wing-walls were removed and the floor repaired. After the floor work was completed, it was determined that the wallpaper in certain hallway areas should also be replaced. Quotes were obtained for this portion of the work, but the low bidder for the ceiling painting was also low bid for the wallpaper work. The entire purchase for hallway project with Detroit Spectrum Painters would be over the \$10,000.00 limit requiring City Council approval. Staff does not believe that at this point it is in the City's best interest to conduct a sealed bid process or that additional savings would result.

### **COMPETITION**

Informal quotations, including posting the wallpapering quotation on the MITN website, were obtained from the following bidders with Detroit Spectrum Painters being low bidder.

#### **Preparation and Painting the Popcorn Ceiling**

COMPANY	PRICE
<b>Detroit Spectrum Painters</b>	<b>\$7,975.00**</b>
Eugenio Painting Company	\$9,500.00
Soft Touch Painting Company	No Bid

#### **Paint Drywall, Door Frames And Wallpaper**

COMPANY	PRICE
<b>Detroit Spectrum Painters</b>	<b>\$7,300.00**</b>
Rule & Associates, Inc.	\$7,860.00
Empire Painting Company	\$8,350.00
Eugenio Painting Company	\$9,500.00
Coulter Painting	No Bid

### **BUDGET**

Funds are available in the Building Operations Account #401265.7975.010.

JB/jb

TO: Phillip L. Nelson, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Admin.  
Cindy Stewart, Community Affairs Director

SUBJECT: Agenda Item: Proposed 2007 City Council Meetings

DATE: July 13, 2006

The Community Affairs Department is working on a number of projects for 2007. We need your assistance regarding dates for the 2007 City Council meetings for inclusion in the City website, calendar and future Troy Today issues. The following dates take into account all holidays and election days, as well as the third regular meetings and are submitted for your approval:

Monday, January 8 & 22  
Monday, February 5, 19 & 26  
Monday, March 5, 19 & 26  
Monday, April 2, 16 & 23  
Monday, May 14 & 21  
Monday, June 4 & 18  
Monday, July 9 & 23  
Monday, August 6 & 20  
Monday, September 10, 17 & 24  
Monday, October 1, 15 & 22  
Monday, November 12, 19 & 26  
Monday, December 3, 17 (two meetings due to end of month holidays)

Dates submitted for Liquor Violation Hearings:

Wednesday, February 14 7:30 pm  
Wednesday, February 21 7:30 pm

CS

DATE: July 17, 2006

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services  
Mark F. Miller, Planning Director

SUBJECT: Agenda Item – City of Troy Future Land Use Plan Amendment – Rochester Road Overlay District

### **RECOMMENDATION**

At the May 23, 2006 Special/Study meeting, the Planning Commission submitted the draft amendment of the City of Troy Future Land Use Plan for the Rochester Road Overlay District to City Council for approval of distribution of the Plan amendment for review and comment. This action is pursuant to the Michigan Planning Act. City Management supports the Planning Commission resolution, and recommends distribution of the Plan amendment to neighboring communities, the County planning commission and public utilities and railroads within the City.

### **BACKGROUND**

At the August 1, 2005 Regular meeting, City Council directed the Planning Commission to consider an amendment to the Future Land Use Plan in the Rochester Road Corridor between Square Lake Road and South Boulevard. The Planning Commission expanded the subject area to include the portion of the Rochester Road Corridor between Long Lake Road and Square Lake Road, thereby lengthening the study area from 1 mile to 2 miles.

The Planning Commission developed a draft amendment to the City of Troy Future Land Use Plan. The intent of the text amendment is to provide flexibility for future development along the Rochester Road Corridor through the application of an overlay zoning district. An overlay zoning district is a zoning tool that uses as a base the specific zoning district attached to a parcel of land while adding optional regulations that assist in achieving planning goals.

The proposed amendment will serve as new land use policy for future development along this section of Rochester Road. An important implementation tool will be the Zoning Ordinance, which will need to be amended to reflect the policy changes. The Zoning Ordinance amendment process can begin following approval of the Future Land Use Plan amendment.

## **MUNICIPAL PLANNING ACT REQUIREMENTS**

The Municipal Planning Act, PA 285 of 1931, Section 125.37b, requires the Planning Commission to submit the proposed Rochester Road Overlay District Plan amendments to City Council for review and comment. The process of adopting a Plan amendment shall not proceed further unless City Council approves the distribution of the proposed Plan amendment.

If City Council approves the distribution of the proposed Plan amendment, it shall notify the Planning Commission and City Management to submit a copy of the proposed plan for review and comment to all of the following:

1. The planning commission of each city, village, or township located contiguous to the City of Troy.
2. The Oakland County Board of Commissioners.
3. Each public utility company and railroad company owning or operating a public utility or railroad within the municipality, and any government entity, that registers its name and address for this purpose with the secretary of the municipal planning commission.

These entities then have between 65 and 95 days to review and comment on the proposed amendment.

### **Attachments:**

1. Draft text amendment and Future Land Use Plan.
2. Municipal Planning Act (excerpt).

cc: File/ Future Land Use Plan

Prepared by RBS/MFM

G:\Future Land Use Plan\City Council Memo 07 24 06.doc

**CITY OF TROY  
ROCHESTER ROAD STUDY AREA  
FUTURE LAND USE PLAN AMENDMENT  
DRAFT**

**1. Study Area**

The study area is defined as both sides of Rochester Road, north of Square Lake and south of South Boulevard, approximately 2 miles in length. The Rochester/South intersection is located approximately ¼ mile south of the M-59 interchange in Rochester Hills.

**2. Findings/Trends**

- The study area is characterized by a mix of land uses and zoning districts on separate parcels (see attached existing land use maps and zoning maps).
- The shallow depth of many properties fronting on Rochester Road limits their development potential and potentially impacts abutting residential property.
- According to data prepared by Oakland County in 2003, the average daily traffic volumes on Rochester Road was 48,044 vehicles per day. This figure has likely increased since 2003 as more development has occurred within the study area.
- There are a significant number of curb cuts but few signalized intersections between South Boulevard and Long Lake Road.
- The Rochester Road frontage is facing commercial and office development pressure.

**3. Goals**

- Reduce the number of curb cuts along Rochester Road.
- Reduce land use conflicts between non-residential uses fronting Rochester Road and abutting residential property.
- Establish Non-Center Commercial nodes in areas with an existing concentration of Non-Center Commercial development.
- Encourage a mix of uses on individual parcels.
- Discourage strip commercial or office development on narrow lots.

**4. Establishment of Rochester Road Overlay District**

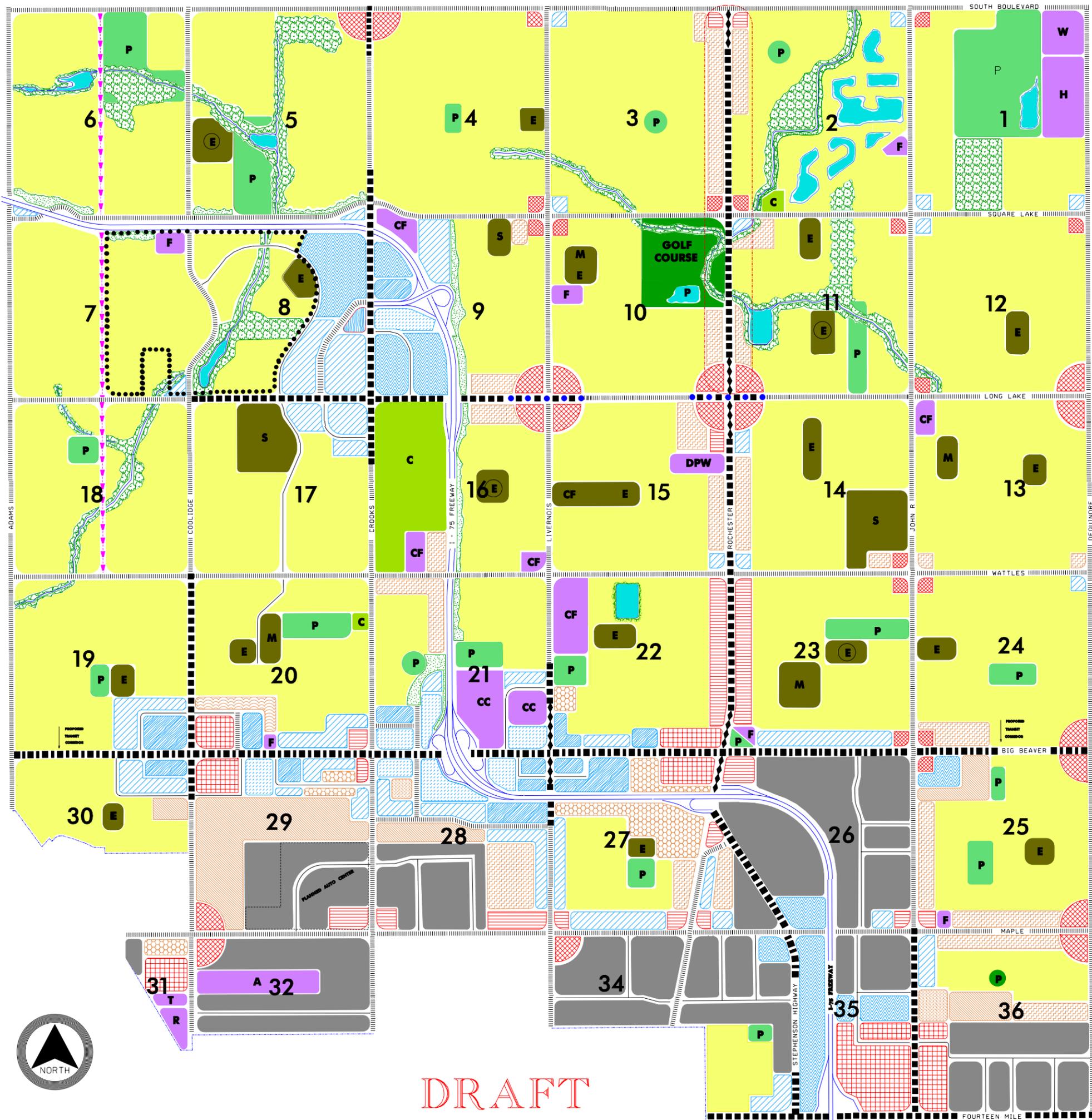
The Rochester Road Overlay Zoning District should be created to further these goals. An overlay designation is a zoning tool that uses as a base the specific zoning district attached to a parcel of land while adding optional regulations to those of the underlying zone. The Rochester Road Overlay District should consist of the area shown on the Rochester Road Overlay District Map and

should be added to the Future Land Use Plan. Overlay designations are useful for providing flexibility and encouraging mixed use development. Within the Rochester Road Overlay District special regulations should be established relative to the permitted uses and development standards.

## **5. Recommendations**

Development within the Rochester Road Overlay District incorporate the following standards and requirements:

- (a) Uses include those permitted within the underlying zoning districts.
- (b) The overlay provisions provide flexibility in terms of permitted uses as a tradeoff for high quality, innovative design.
- (c) Safe pedestrian circulation are provided onsite to facilitate access throughout the site and to adjacent uses.
- (d) To ensure a smooth transition between abutting residential property and more intense development fronting on Rochester Road, uses should be buffered with appropriate landscaping, berms or a combination thereof.
- (e) Landscaping features define and reinforce site entry areas and provide a sense of identity for development to provide a distinct and positive image for the City.
- (f) All new or expanded uses have access designed so as not to impede traffic on Rochester Road. Access via shared entrances and cross-access drives are required to reduce curb cuts and improve interconnectivity.



DRAFT

# CITY OF TROY FUTURE LAND USE PLAN

**RESIDENTIAL**

- LOW DENSITY
- LOW DENSITY TRANSITION
- MEDIUM DENSITY
- HIGH DENSITY LOW RISE
- HIGH DENSITY MID RISE
- HIGH DENSITY HIGH RISE
- BOUNDARY PLANNED NEIGHBORHOOD DEVELOPMENT

**COMMERCIAL**

- LOCAL SERVICE AREA
- COMMUNITY SERVICE AREA
- NON-CENTER COMMERCIAL
- REGIONAL CENTER
- ROCHESTER ROAD OVERLAY DISTRICT

**OFFICE**

- LOW RISE OFFICE
- MID RISE OFFICE
- HIGH RISE OFFICE
- OFFICE SERVICE

**RESEARCH**

- LIGHT INDUSTRIAL/RESEARCH
- OFFICE/RESEARCH

**PUBLIC & QUASI-PUBLIC**

- F** FIRE STATION
- H** HOSPITAL
- DPW** DEPARTMENT OF PUBLIC WORKS
- A** AIRPORT
- C** CEMETERY
- W** WATER STATION
- R** RESOURCE RECOVERY STATION
- CF** COMMUNITY FACILITIES
- CC** CIVIC CENTER
- T** TRANSIT CENTER

THIS PLAN IS INTENDED TO SHOW GENERALIZED LAND USE AREAS, AND DOES NOT INDICATE PRECISE SIZE, SHAPE, OR DIMENSION. THESE PROPOSALS REFLECT FUTURE LAND USE RECOMMENDATIONS, AND DO NOT NECESSARILY IMPLY SHORT RANGE REZONING PROPOSALS.

**EDUCATION**

- E** ELEMENTARY SCHOOL
- M** MIDDLE SCHOOL
- S** SENIOR HIGH SCHOOL
- P** PROPOSED SCHOOL SITE

VARIATIONS IN PLANNED THOROUGHFARES AND RIGHTS OF WAY OCCUR IN LIMITED AREAS THROUGH ADOPTION OF A SPECIFIC PLAN IN ACCORDANCE WITH THE MAPPED IMPROVEMENTS ACT (ACT 222 OF 1943)

**OPEN SPACE**

- P** CITY PARK
- GREENBELT BUFFER
- OPEN SPACE
- NATURAL WATER COURSE
- P** PROPOSED SITE
- SEE NATURAL FEATURES MAP

**THOROUGHFARES**

- FREEWAY
- FREEWAY ACCESS
- MAJOR THOROUGHFARE
  - 204 FT. R.O.W.
  - 180 FT. R.O.W.
  - 150 FT. R.O.W.
  - 120-160 FT. R.O.W.
  - 120 FT. R.O.W.
- SECONDARY THOROUGHFARE
  - 60-100 FT. R.O.W.
- SCENIC PARKWAY
  - 60-86 FT. R.O.W.
- AREA UNDER STUDY
- SEE TRANSPORTATION PLAN

REVISIONS :  
 PROPOSED ROCHESTER ROAD OVERLAY DISTRICT REVISION 5-18-06

THIS FUTURE LAND USE PLAN ADOPTED BY THE CITY OF TROY PLANNING COMMISSION ON JANUARY 8, 2002 WHICH WAS ADOPTED IN ACCORDANCE WITH THE PROVISIONS OF ACT 285, PUBLIC ACTS OF 1931, AS AMENDED.

*Gary Chamberlain*  
 GARY CHAMBERLAIN, PLANNING COMMISSION CHAIRMAN

**MUNICIPAL PLANNING (EXCERPT)**  
**Act 285 of 1931**

**125.37b Submission of proposed plan to municipal legislative body; approval; notice to certain entities; review and comment; advisory statements.**

Sec. 7b. (1) A municipal plan may be adopted as a whole or by successive parts corresponding with major geographical areas of the municipality or with functional subject matter areas of the plan.

(2) After preparing a proposed plan, the municipal planning commission shall submit the proposed plan to the legislative body of the municipality for review and comment. The process of adopting a plan shall not proceed further unless the legislative body of the municipality approves the distribution of the proposed plan.

(3) If the legislative body of the municipality approves the distribution of the proposed plan, it shall notify the secretary of the municipal planning commission and the secretary shall submit a copy of the proposed plan, for review and comment, to all of the following:

(a) The planning commission, or if there is no planning commission, the legislative body, of each city, village, or township located within or contiguous to the municipality.

(b) The regional planning commission, if any, for the region in which the municipality is located, if there is no county planning commission for the county in which the municipality is located. If there is a county planning commission for the county in which the municipality is located, the secretary of the municipal planning commission may submit a copy of the proposed plan to the regional planning commission but is not required to do so.

(c) The county planning commission, or if there is no county planning commission, the county board of commissioners, for the county in which the municipality is located. The secretary of the municipal planning commission shall concurrently submit to the county planning commission or, if there is no county planning commission, the county board of commissioners, a statement, signed by the secretary, that the requirements of subdivisions (a) and (b) have been met. The statement shall include the name and address of each planning commission or legislative body to which a copy of the proposed plan was submitted under subdivision (a) or (b) and the date of submittal.

(d) Each public utility company and railroad company owning or operating a public utility or railroad within the municipality, and any government entity, that registers its name and address for this purpose with the secretary of the municipal planning commission. An entity that, pursuant to this subdivision, receives a copy of a proposed plan, or of a plan as provided in section 8(5), shall reimburse the municipality for any copying and postage costs thereby incurred by the municipality.

(4) An entity described in subsection (3)(a), (b), or (d) may submit comments on the proposed plan to the municipal planning commission within 65 days after the proposed plan was submitted to that entity under subsection (3). A planning commission or legislative body described in subsection (3)(a) or (b) shall concurrently submit a copy of the comments to the county planning commission, or if there is no county planning commission, the county board of commissioners, for the county in which the municipality proposing the plan is located.

(5) Not less than 75 days or more than 95 days after the date the proposed plan was submitted to the county planning commission or the county board of commissioners under subsection (3), the county planning commission or the county board of commissioners, respectively, shall submit to the municipal planning commission its comments on the proposed plan. The comments shall include, but need not be limited to, both of the following, as applicable:

(a) A statement whether the county planning commission or county board of commissioners, after considering any comments received under subsection (4), considers the proposed plan to be inconsistent with the plan of any city, village, township, or region described in subsection (3)(a) or (b).

(b) If the county has a county plan, a statement whether the county planning commission considers the proposed plan to be inconsistent with the county plan.

(6) The statements provided for in subsection (5)(a) and (b) are advisory only.

**History:** Add. 2001, Act 265, Imd. Eff. Jan. 9, 2002.



**TO:** Members of the Troy City Council  
**FROM:** Lori Grigg Bluhm, City Attorney  
**DATE:** July 19, 2006  
**SUBJECT:** 5<sup>th</sup> Amendment to Consent Judgment-K-Mart/ Sheffield

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On May 9, 1973, a Consent Judgment was entered that covered the 113 acres in the Southeast quarter of Section 19 of the City of Troy. This property was owned by Sheffield Development Company at the time. Since 1973, there have been several divisions and transfers of property, which have resulted in amendments to the original consent judgment on November 22, 1977, September 25, 1980, November 4, 1992, and December 10, 1998. The December 10, 1998 allowed for the K-Mart Data Center.

At the time of the December 1998 amendment, the property was owned by K-Mart. Since that time, Diamond Troy JV has acquired the property. However, K-Mart (and its successors) is going to purchase back the portion of the property where the K-Mart Data Center is currently located. This transaction will require a parcel split, and will also require the relocation of the satellite dish that services the Data Center.

In the 1998 amendment to the Consent Judgment, the site plan was incorporated by reference. There needs to be a new amendment to the Consent Judgment at this time to allow the property split, and to incorporate a new site plan that will govern the property.

The Planning Commission reviewed the revised site plan, and recommended approval. When the item was presented to the Planning Commission, it was a full restatement of the consent judgment with all of its amendments. It was created in order to clarify the governing provisions for the property, and to reflect some of the subsequent parcel splits. This is the document that was also originally presented at July 10, 2006 City Council meeting. However, the item needed to be pulled from the Council's agenda, due to some last minute objections from an attorney representing GM Equities. The attorney objected to the restatement, which would include GM Equities, as a successor to Sheffield Development. Knowing that a full Restatement would not be agreed upon by all necessary parties, a 5<sup>th</sup> Amendment to the Consent Judgment was then prepared to address only the parcel that is on the north side of Cunningham, where the K-Mart Data Center is located. This 5<sup>th</sup> Amendment will allow the split of property, and will allow the relocation of the satellite dish.

It is the recommendation of City Administration that the 5<sup>th</sup> Amendment to the Consent Judgment, as well as the revised site plan, be approved. As always, if you have any questions concerning the above, please let me know.

**STATE OF MICHIGAN**  
**OAKLAND COUNTY CIRCUIT COURT**

DIAMOND TROY JV, LLC, a Delaware limited liability company,  
GM EQUITIES LLC, a Michigan limited liability company,  
KMART CORPORATION, a Michigan corporation,  
and SHEFFIELD OFFICE II, L.L.C., a Delaware limited liability company,

Plaintiffs,

v

Case No. 70-69246

CITY OF TROY, a municipal corporation, its  
officers, employees and agents,

Defendants.

\_\_\_\_\_ /

**FIFTH ORDER AMENDING CONSENT JUDGMENT**

At a session of said Court held in the Courthouse  
in the City of Pontiac, Oakland County, Michigan,  
on: \_\_\_\_\_

PRESENT: HON. \_\_\_\_\_  
CIRCUIT COURT JUDGE

DIAMOND TROY JV, L.L.C., GM EQUITIES L.L.C., KMART  
CORPORATION, SHEFFIELD OFFICE II L.L.C, and the CITY OF TROY consent to  
the entry of this Fifth Order Amending Consent Judgment ("Amendment").

## RECITALS

A. On May 9, 1973, this Court entered a "Consent Judgment" affecting certain property (the "Property"), described as follows:

A part of the SE ¼ of Section 19, T2N, R11E, City of Troy, Oakland County, Michigan, Being more particularly described as follows:  
Commencing at the East quarter corner of Section 19; Thence S. 89° 49' 05" W. 1379.48 ft.; Thence S. 00° 16' 35" W. 615.18 ft.; Thence S. 89° 49' 05" W. 708.54 ft.; Thence N. 00° 21' 23" E. 142.59 ft.; Thence S. 89° 49' 05" W. 553.02 ft.; Thence S. 00° 21' 23" W. 2287.59 ft.; Thence N. 89° 30' 00" E. 1398.63 ft.; Thence N. 00° 01' 30" W. 1155.04 ft.; Thence N. 89° 30' 00" E. 1260.00 ft.; Thence N. 00° 01' 30" W. 370.28 ft.; Thence S. 89° 58' 30" W. 460.0 ft.; Thence N. 00° 01' 30" W. 500 ft.; Thence N. 89° 58' 30" E. 460.0 ft.; Thence N. 00° 01' 30" W. 720.0 ft. to the point of beginning.

B. The original parties to the Consent Judgment were Sheffield Development Company, a Michigan co-partnership ("Sheffield"), and the City of Troy, a municipal corporation, its officers, employees and agents (the "City").

C. Kmart Corporation, a Michigan corporation ("Kmart"), purchased approximately 19 acres of the Property from Sheffield. This portion of the Property is designated as Parcel D-2, with Parcel Number 88-20-19-430-002.

D. This Court entered an Order Amending Judgment on November 22, 1977, and Stipulation to Modify Judgment and Order on September 25, 1980, in order to clarify the respective rights of the parties and reflect certain changes occurring since the date of the Consent Judgment.

E. A Third Order Amending Judgment was entered by this Court on November 4, 1992, which reflected further changes occurring since the date of the Consent Judgment, and substituted the Prudential Insurance Company of America, a New Jersey corporation ("Prudential"), Sheffield's successor in interest, as plaintiff in the place of Sheffield.

F. Prudential subsequently conveyed its land interests in the Property to WHC-SIX Real Estate Limited Partnership, a Delaware limited partnership ("WHC-SIX").

G. A Fourth Order Amending Judgment was entered by this Court on December 10, 1998, which reflected further changes occurring since the date of the Consent Judgment, and substituted WHC-SIX and Kmart, Prudential's successors in interest, as plaintiffs in that case.

H. WHC-SIX subsequently conveyed its land interests in the Property to Sheffield Office II L.L.C., a Delaware limited liability company ("Sheffield Office"). Kmart subsequently conveyed one of its two pieces of the Property to GM Equities, LLC ("Equities").

I. On or about June 7, 2005, Kmart and Diamond Troy JV, LLC ("Diamond") entered into a certain agreement which, in part, provided that Kmart would convey to Diamond Parcel D-2, otherwise known as 2240 Cunningham Drive, and legally described in Exhibit "A", which was Kmart's only remaining land interest in the Property. Diamond would then sub-divide Parcel D-2, and convey back to Kmart one of the two sub-divided portions of Parcel D-2, which is identified herein as Parcel D-2-B. The legal description of the property intended to be conveyed back to Kmart is described in Exhibit "C". The Kmart Data Center is currently located on this Parcel.

J. Diamond requested a modification to the Site Plan that was incorporated by reference to the previous consent judgment documents. Diamond has submitted a Revised Site Plan to the City, which is attached hereto as Exhibit "B". Diamond is

requesting the City of Troy approve the Revised Site Plan, which shall be incorporated by reference.

K. Kmart subsequently conveyed a portion of its remaining land interest in the Property to Diamond. Pursuant to the terms of the agreement referenced in Paragraph I .

L. Sheffield Office is a successor in interest to certain parcels of the Property formerly owned by WHC-SIX and is hereby substituted as a plaintiff in this case.

M. Equities and Diamond are successors in interest of certain parcels of the Property formerly owned by Kmart and each are hereby substituted as a plaintiff in this case.

N. The parties desire to enter into this Amendment in order to allow Diamond to subdivide Parcel D-2 and approve certain improvements shown on the Site Plan to be made by Kmart or its successors or affiliates on Parcel D-2-B, as more particularly described in this Amendment.

IT IS ORDERED AND ADJUDGED that the Consent Judgment is amended to add as Paragraph 12 the following:

12(a). That Sheffield Office is substituted for WHC-SIX as a successor in interest of those parcels formerly owned by WHC-SIX and a plaintiff in this case.

12(b). That Equities and Diamond are substituted for Kmart as successors in interest of those parcels formerly owned by Kmart and each a plaintiff in this case.

12(b). That Diamond has submitted a Revised Site Plan for Parcel D-2 to the City .

12(c). That simultaneous with the entry of this Amendment, Diamond shall convey to Kmart Parcel D-2 B, which is one of the two parcels created as a result of subdividing Parcel D-2. Kmart and/or its successors or affiliates may improve Parcel D-2-B in accordance with the Revised Site Plan (Exhibit B), which is attached and incorporated by reference.

12(d). The Revised Site Plan, which is attached as Exhibit B and incorporated by reference, is approved by the City through the approval of this 5<sup>th</sup> Amendment to the Consent Judgment. This Revised Site Plan includes, but is not limited to the following:

- i) Curb Cut: The City has approved a new curb cut on Cunningham Drive, for the purpose of ingress and egress for Parcel D-2-B. This new curb cut shall be located in the spot that is depicted on the Revised Site Plan.
- ii) Parking: In accordance with the attached site plan, Plaintiffs and/or their successors shall not be required to provide more than 209 parking spaces on Parcel D-2-B to service the existing building at 2240 Cunningham (the “Data Center”).
- iii) Equipment: Kmart will be affixing a satellite dish and generator to Parcel D-2-B, in the location shown on the Revised Site Plan. Both the satellite dish and also the generator will be in compliance with local, state, and federal law, and will have screening around them. The screening shall be in a manner that is consistent with the City of Troy Ordinances, Development Standards, Rules and/or Regulations.

iv) Landscaping Requirement: In accordance with the attached site plan, Plaintiffs and/or their successors shall not be required to provide landscaping on more than One Thousand Nine Hundred Ninety Four (1,994) square feet of land, which is located along the east-west boundary line behind the “Data Center.”

12(e). Diamond agrees to provide Kmart a temporary easement over an existing curb cut located on Cunningham Drive for purposes of ingress and egress for Parcel D-2-B as shown on the Site Plan, until the curb cut contemplated herein is completed.

12(f). The City shall assign a separate and distinct tax identification number for Parcel D-2-B, as legally described in this Amendment to the Consent Judgment.

12(g). The split of Parcel D-2 into Parcel D-2-A and D-2-B shall not result in greater parking, density, and set back requirements for each of the individual Parcels (D-2-A and D-2-B), than what was originally required for Parcel D-2 (prior to the split) by this Consent Judgment, and/or City Ordinances, Development Standards, Rules and/or Regulations. In order to determine whether the parking, density, and set back requirements are met, the amount of parking, the density, and the set backs from each individual parcel (D-2-A and D-2-B) shall be consolidated.

12(h). This Amendment may be executed by the parties in counterparts.

IT IS FURTHER ORDERED AND ADJUDGED that, other than as provided herein, the remaining provisions of the Consent Judgment, as amended, shall continue in full force and effect.

IT IS FURTHER ORDERED AND ADJUDGED that, the terms hereof shall supercede any and all covenants, restrictions, agreements, understandings, whether oral

or written, whether recorded or unrecorded, by and among the parties hereto or their predecessor or successors, or in any manner affecting only the parcel described herein as Exhibit A which is land included in the Consent Judgment, as amended.

IT IS FURTHER ORDERED AND ADJUDGED that a certified copy of this Amendment to the Consent Judgment shall be recorded in the office of the Oakland County Register of Deeds and the Register of Deeds is hereby directed to accept the same for recording.

---

CIRCUIT COURT JUDGE

Approved for entry:

SHEFFIELD OFFICE II, L.L.C., a Delaware limited liability company  
By: CROW HOLDINGS MANAGERS, L.L.C., a Texas limited liability company,  
Its: Manager

By: \_\_\_\_\_  
Robert A. McClain  
Vice President

GM EQUITIES LLC, a Michigan limited liability company

By: \_\_\_\_\_

Its: \_\_\_\_\_

KMART CORPORATION, a Michigan corporation

By: \_\_\_\_\_

Jeffrey Stollenwerck  
Vice President-Real Estate

DIAMOND TROY JV, LLC, a Delaware limited  
Liability company

By: \_\_\_\_\_

Its: \_\_\_\_\_

CITY OF TROY, a Michigan Municipal Corporation

By: \_\_\_\_\_

Louise E. Schilling, Mayor

By: \_\_\_\_\_

Tonni L. Bartholomew, City Clerk

**EXHIBIT "A"**

**PARCEL D-2**

A part of the S.E.  $\frac{1}{4}$  of Section 19, T.2N, R.11E  
City of Troy, Oakland County Michigan, being more  
particularly described as follows:

Beginning at a point which is N.  $00^{\circ} 21' 23''$  E. 102.01 ft. and N.  
 $89^{\circ} 30' 00''$  E. 360.04 ft. and N.  $00^{\circ} 21' 23''$  E. 1008.94 ft. and S.  $89^{\circ} 38'$   
 $37''$  E. 872.52 ft. from the South  $\frac{1}{4}$  corner of Section 19; Thence N.  $00^{\circ}$   
 $01' 30''$  W. 680.20 ft.; Thence N.  $89^{\circ} 49' 05''$  E. 958.62 ft.; Thence S.  $00^{\circ}$   
 $01' 30''$  E. 88.57 ft.; Thence N.  $89^{\circ} 58' 30''$  E. 400.00 ft.; Thence S.  $00^{\circ} 01'$   
 $30''$  E. 440.77 ft.; Thence S.  $89^{\circ} 30' 00''$  W. 1007.38 ft.; Thence  
Southeasterly 299.93 ft. along the arc of a curve to the left (Radius of  
285.00 ft., central angle of  $60^{\circ} 17' 46''$ , long chord bears S  $59^{\circ} 21' 05''$  W.  
286.27 ft.); Thence N.  $89^{\circ} 38' 37''$  W. 104.95 ft. to the point of beginning.

(Containing 715,389 square feet or 16.423 acres)

**EXHIBIT "B"**  
**SITE PLAN**



**EXHIBIT "C"**

**PARCEL D-2-A (Coolidge Road Parcel)**

Property, which totals approximately 11.81 acres, legally described as:

Part of the Southeast  $\frac{1}{4}$  of Section 19, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan being more particularly described as follows:

Beginning at a point which is North 00 degrees 21 minutes 23 seconds East 102.01 feet along the North and South  $\frac{1}{4}$  line of Section 19, and North 89 degrees 30 minutes 00 seconds East, 360.04 feet and North 00 degrees 21 minutes 23 seconds East, 1008.94 feet and South 89 degrees 38 minutes 37 seconds East, 872.52 feet and North 00 degrees 01 minutes 30 seconds West, 680.20 feet and North 89 degrees 49 minutes 05 seconds East, 327.00 feet from the South  $\frac{1}{4}$  corner of Section 19, Town 2 North, Range 11 East; thence North 89 degrees 49 minutes 05 seconds East, 631.62 feet; Thence South 00 degrees 01 minutes 30 seconds East, 88.57 feet; Thence North 89 degrees 58 minutes 30 seconds East 400 feet; Thence South 00 degrees 01 minutes 30 seconds East 440.77 feet; Thence South 89 degrees 30 minutes 00 seconds West 1007.36 feet; Thence Southwesterly 24.33 feet along a curve concave to the Southeast (radius of 285.00 feet, central angle of 04 degrees 53 minutes 29 seconds, long chord bears South 87 degrees 03 minutes 20 seconds West 24.32 feet); Thence North 00 degrees 01 minutes 30 seconds West, 537.20 feet to the point of beginning.

**PARCEL D-2-B (K-Mart Data Center Parcel)**

Property, which totals approximately 4.61 acres, legally described as:

Part of the Southeast  $\frac{1}{4}$  of Section 19, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan being more particularly described as follows:

Beginning at a point which is North 00 degrees 21 minutes 23 seconds East 102.01 feet along the North and South  $\frac{1}{4}$  line of Section 19, and North 89 degrees 30 minutes 00 seconds East, 360.04 feet and North 00 degrees 21 minutes 23 seconds East, 1008.94 feet and South 89 degrees 38 minutes 37 seconds East, 872.52 feet from the South  $\frac{1}{4}$  corner of Section 19, Town 2 North, Range 11 East; Thence North 00 degrees 01 minutes 30 seconds West, 680.20 feet; thence North 89 degrees 49 minutes 05 seconds East, 327.00 feet; Thence South 00 degrees 01 minutes 30 seconds East 537.20 feet; Thence Southwesterly 275 .60 feet along a curve concave to the Southeast (radius of 285.00 feet, central angle of 55 degrees 24 minutes 21 seconds, long chord bears South 56 degrees 54 minutes 21 seconds West 264.99 feet); Thence North 89 degrees 38 minutes 37 seconds West, 104.94 feet to the point of beginning.

DATE: July 13, 2006

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services  
Mark F. Miller, Planning Director

SUBJECT: Announcement of Public Hearing (August 14, 2006) – Rezoning Application (File Number: Z 716) – Proposed City Initiated Rezoning, South of Big Beaver, West of Coolidge, Section 30 – R-1C to R-1E

### **RECOMMENDATION**

The application is consistent with the intent of the Future Land Use Plan and compatible with existing zoning districts and land uses. The Planning Commission recommended approval of this item at the June 13, 2006 Regular meeting. City Management concurs with the Planning Commission and recommends approval of the rezoning request.

### **ANALYSIS**

The range of uses permitted in the proposed R-1E One Family Residential Zoning District is the same as the existing R-1C Zoning District.

Under the current R-1C classification, the majority of the existing lots do not meet the current minimum lot area and minimum lot width requirements. The lots and homes in this area were originally developed under a different set of ordinance provisions that were similar to the current R-1E zoning district requirements. This causes nearly all of the properties to be non-conforming lots containing non-conforming structures due to lot width, lot area and setbacks. This status places a significant and unnecessary burden on the property owners when attempting to make improvements to their property.

The following table was created using plat maps. The table illustrates that of the 193 lots proposed for rezoning, only 20 (10.4%) meet the minimum lot area requirements and only 16 (8.3%) meet the minimum lot width requirements of the R-1C district. If rezoned to R-1E, 94 (48.7%) would meet the minimum lot area requirements and 85 (45.1%) would meet the minimum lot width requirements of the R-1E district.

Note that the percentage of lots meeting setback requirements cannot be determined using plat maps, and would require measuring the existing setbacks of all 193 homes.

Since the rezoning would eliminate nonconforming status based on lot area or lot width for a significant number of lots, it is prudent to address this situation by rezoning the property to the R-1E classification.

	Adrienne Manor Subdivision	Troyton Manor Subdivision	John F. Englehardt Subdivision
Number of lots proposed to be rezoned	36	136	21
R-1C: Number of lots meeting lot area requirements (%)	0 (0%)	12 (9%)	8 (38%)
R-1C: Number of lots meeting lot width requirements (%)	0 (0%)	16 (12%)	0 (0%)
R-1E: Number of lots meeting lot area requirements (%)	36 (100%)	37 (27%)	21 (100%)
R-1E: Number of lots meeting lot width requirements (%)	2 (6%)	70 (51%)	15 (71%)

## **GENERAL INFORMATION**

### Name of Owner / Applicant:

The request was initiated by the City on behalf of property owners of non-conforming parcels in the area of Troyton Manor, Adrienne Manor and the southern portion of John F. Englehardt Subdivisions.

### Location of Subject Property:

The property is located south of Big Beaver and west of Coolidge, in Section 30.

### Size of Subject Parcel:

The property to be rezoned is approximately 49.69 acres. Specifically, the property includes the entire Troyton Manor Subdivision, lots 11-31 of John F. Englehardt Subdivision, lots 1-3 of Buckingham Woods Subdivision, the entire Adrienne Manor Subdivision, and the three parcels immediately east of Adrienne Subdivision. At the March 28, 2006 Special/Study meeting, the Planning Commission determined the Pembroke Elementary School site should not be included in the request.

### Current Use of Subject Property:

Single family homes.

### Current Zoning Classification:

R-1C One Family Residential.

### Proposed Zoning of Subject Parcel:

R-1E One Family Residential.

Proposed Uses and Buildings on Subject Parcel:

No changes in the current uses are proposed.

Current Use of Adjacent Parcels:

North: Single family residential, Pembroke Elementary School and St. Alan Church.

South: Single family residential, park area (City of Birmingham) and school (City of Birmingham).

East: Single family residential.

West: Railroad and multiple family residential (City of Birmingham).

Zoning Classification of Adjacent Parcels:

North: R-1C One Family Residential.

South: R-2 Single Family Residential and PP Public Property (both City of Birmingham).

East: R-1C One Family Residential and RM-1 Residential Multiple-Family Low Rise.

West: R-1C One Family Residential and R-5 Multiple Family (City of Birmingham).

Compliance with Future Land Use Plan:

The parcel is classified on the Future Land Use Plan as Low Density Residential. The application therefore complies with the Future Land Use Plan.

Attachments:

1. Maps.

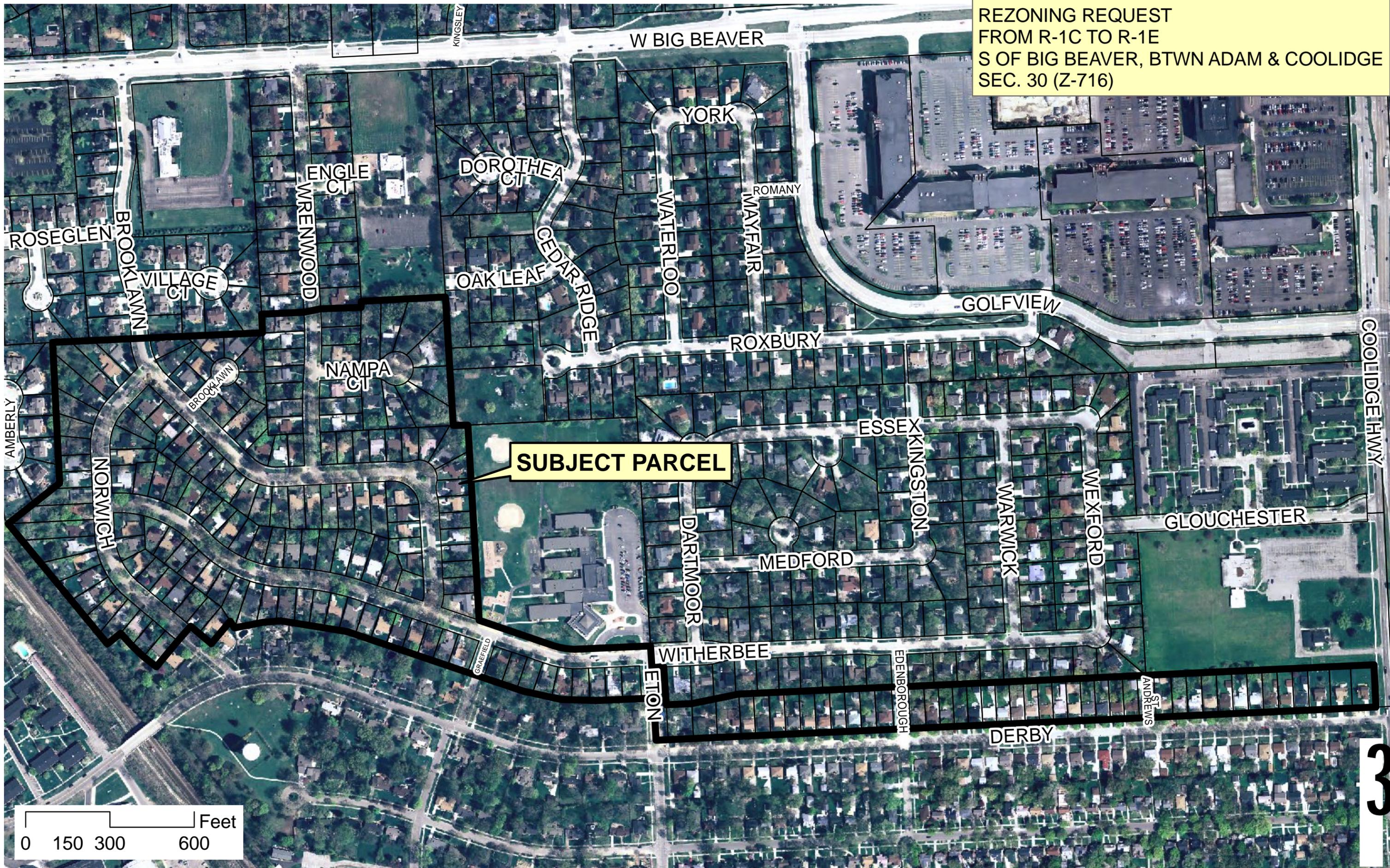
cc: File (Z 716)

Prepared by RBS/MFM

G:\REZONING REQUESTS\Z-716 NON CONFORMING LOTS R-1C TO R-1E SEC 30\Announce CC Public Hearing Z-716 8 14 06.doc



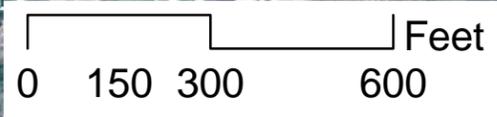
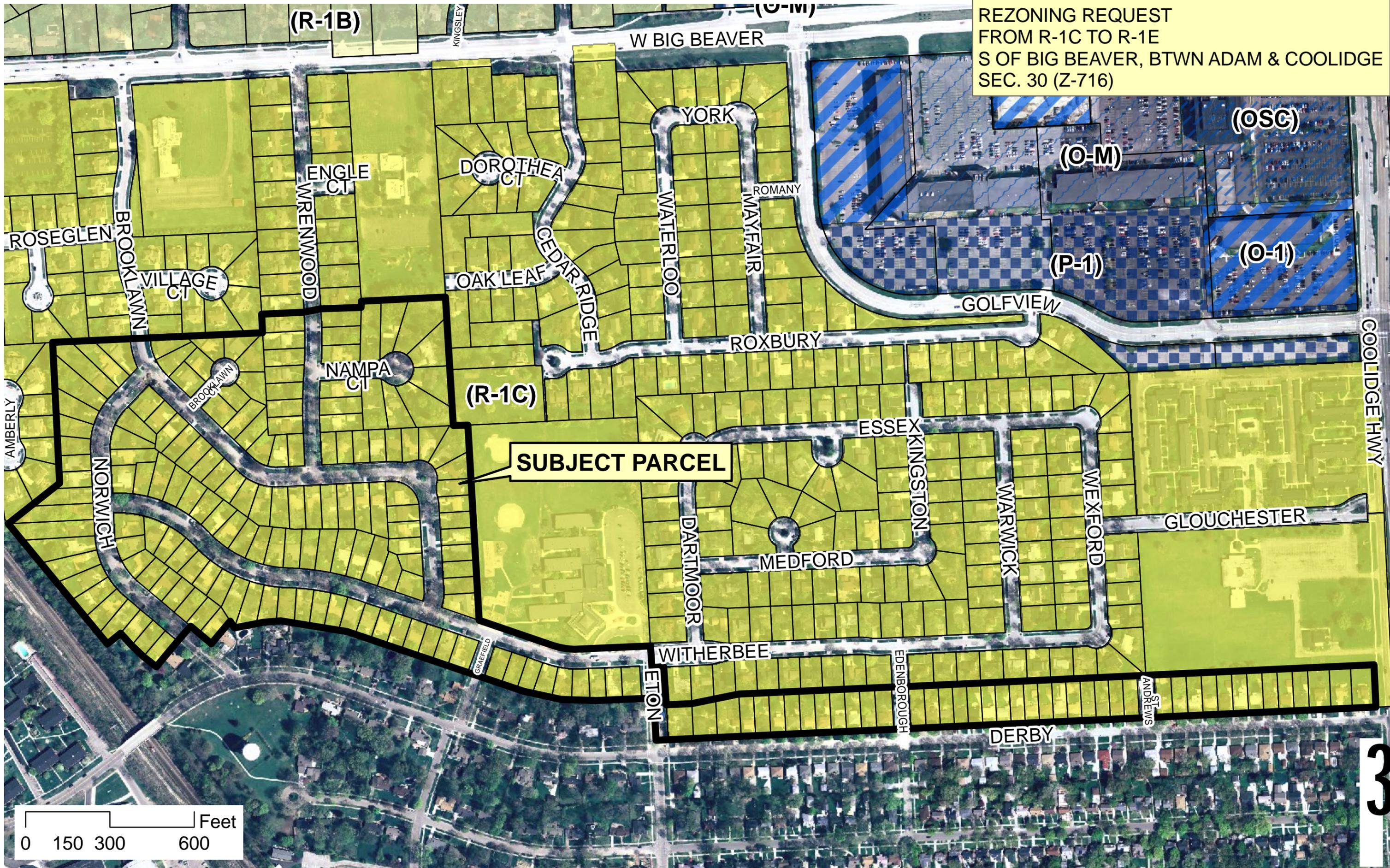
REZONING REQUEST  
FROM R-1C TO R-1E  
S OF BIG BEAVER, BTWN ADAM & COOLIDGE  
SEC. 30 (Z-716)



**SUBJECT PARCEL**

0 150 300 600 Feet

REZONING REQUEST  
FROM R-1C TO R-1E  
S OF BIG BEAVER, BTWN ADAM & COOLIDGE  
SEC. 30 (Z-716)

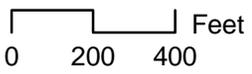


CITY INITIATED REZONING  
 EXISTING NON CONFORMING RESIDENTIAL LOTS  
 FROM R-1C TO R-1E  
 S OF BIG BEAVER, W OF COOLIDGE  
 SEC. 30 (Z-716)



**Legend**

 Lots Proposed to be Rezoned



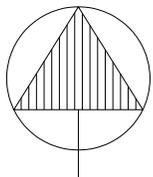
**PROPOSED  
TRANSIT  
CORRIDOR**



**30**

**E**

REZONING REQUEST  
FROM R-1C TO R-1E



NORTH

A meeting of the Troy Election Commission was held Monday, March 20, 2006, at City Hall, 500 W. Big Beaver Road. City Clerk Bartholomew called the Meeting to order at 5:00 P.M.

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**ROLL CALL:**

PRESENT: David Anderson, Timothy Dewan, City Clerk Tonni Bartholomew  
ALSO PRESENT: Deputy City Clerk Barbara Holmes

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**Minutes: Regular Meeting of February 27, 2006**

Resolution #EC-2006-03-5  
Motion by Anderson  
Seconded by Dewan

RESOLVED, That the Minutes of Monday, February 27, 2006, are **APPROVED** as submitted.

Yes: All-3

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**Approval of Election Inspector Assignments for the May 2, 2006 Regular Election**

Resolution #EC-2006-03-6  
Motion by Dewan  
Seconded by Anderson

RESOLVED, That Election Inspectors be appointed for the Tuesday, May 2, 2006 Election, as presented by the City Clerk, is hereby **APPROVED**.

Yes: All-3

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**Approval of Precinct #12 & #13 Polling Place Relocation – From Fire-Police Training Facility, 4850 John R to Bethesda Romanian Pentecostal Church, 2075 E. Long Lake**

Resolution #EC-2006-03-7  
Motion by Anderson  
Seconded by Dewan

WHEREAS, The City of Troy has deemed that the current location of Precincts #12 and #13 at the Fire-Police Training Facility – 4850 John R has insufficient parking and cannot adequately serve the City of Troy electors assigned to that polling location;

WHEREAS, The City of Troy has found an alternative polling location at Bethesda Romanian Pentecostal Church – 2075 E. Long Lake that will sufficiently serve the electors of the City of Troy.

THEREFORE, BE IT RESOLVED, That the City of Troy, Precincts #12 and #13 located at the Fire-Police Training Facility at 4850 John R be **RELOCATED** to Bethesda Romanian Pentecostal Church located at 2075 E. Long Lake effective with the Primary Election scheduled for Tuesday, August 8, 2006.

Yes: All-3

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**Adjournment:**

The meeting was adjourned at 5:02 P.M.

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Tonni L. Bartholomew, MMC  
City Clerk

## BROWNFIELD REDEVELOPMENT AUTHORITY MINUTES DRAFT APRIL 18, 2006

The meeting was called to order at 3:10 p.m. at Troy City Hall, Conference Room C by Bruce Wilberding.

Members Present: Al Aceves, Victor Lenivov, Bruce Wilberding (Chairman), Robert Swartz, Katherine Lee

Members Absent: Art Cotsonika, Lon Ullmann

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

### **APPROVAL OF MINUTES**

Resolution # BRA 06-01

Moved by: Swartz

Seconded by: Lee

Resolved, that the BRA approve the minutes of the December 15, 2005 meeting.

Yeas: All (4)

Abstention: Al Aceves

Absent: Cotsonika, Ullmann

### **OLD BUSINESS**

#### **A. Resignation and Appointment**

Chairman, Bruce Wilberding recognized the newest appointment to replace Larry Goss with Al Aceves. Doug Smith indicated that he was pleased Mr. Aceves had been willing to join the BRA and brings a strong background in economic development that will help the BRA in its deliberations. Mr. Aceves spoke briefly about his background and current position

### **NEW BUSINESS**

#### **A. Update on Plan #3 – Masco**

Mr. Smith provided an update on Plan #3 - Masco. Mr. Smith indicated that he and Chairman Wilberding went to Lansing the previous day to visit with a number of DEQ personnel who have been involved in the project. Unfortunately, the technical people, because of a death in the family and illness were not present so the meeting was not as helpful as it should have been. However, he and Mr. Wilberding felt that the meeting was productive in clearly describing to the key

people in Lansing the concerns that the BRA, as well as the developer, have regarding the reaction and responses that DEQ has had to the work plan. The leader of the DEQ group, Phil Schrantz promised they would set up a meeting as quickly as possible with the technical people and try to further address the full approval of the DEQ plan. Primary concerns that the BRA has with the partial approvals that have been granted by DEQ for the work plan is that they cannot adopt a full reimbursement plan nor get further Council action, as is required, with only partial approval of the work plan. The key component that seems to be a sticking point is the MPE or multi-phase environmental extraction process, which has been tested and proven many times, appears to be the concern of some of the technical people in DEQ. The approval to date has indicated approval for the pilot program but not for the multi-phase environmental extraction process, which seems inconsistent with the history of this process and other projects. The hope is that this meeting can be set up within the next few weeks.

#### B. Proposed 2006/07 Budget

Mr. Smith reviewed the budget, there was some questions regarding the total value of the Midtown Square project. Mr. Smith conferred with Mr. Licari, City Assessor to assure that the numbers were accurate. With assurance provided the item was approved.

Resolution #BRA 06-01

Moved by: Lenivov

Seconded by: Aceves

Resolved, That the Brownfield Redevelopment Authority approves the 2006/07 proposed budget.

Yeas: All (5)

Absent: Cotsonika, Ullmann

#### C. Revolving Loan Fund

Mr. Smith indicated that Lori Bluhm, City Attorney had provided two memos for the BRA regarding the Revolving Loan Fund. The memos layout a complete set of conditions that could be considered in terms of establishing the revolving loan fund. There was some discussion regarding a number of the items. The expectation was that each of the members would review these items to see which they felt should and should not be part of the conditions of the revolving loan fund and then communicate them to Mr. Smith. There was a further discussion about the second memo, which was the City Attorneys interpretation that the local site remediation revolving fund cannot make grants and should only issue loans. It was agreed that all members would review the memos before the next meeting. If there were any particular items not included in the draft memos, the members will also identify them and communicate them to Mr. Smith.

#### **EXCUSE ABSENT MEMBERS**

Resolution #BRA-06-02  
Moved by: Lenivov  
Seconded by: Swartz

RESOLVED, that Cotsonika and Ullmann be excused.

Yeas: All (5)  
Absent: Cotsonika, Ullmann

**PUBLIC COMMENT**

None

One public visitor attended the meeting and indicated her appreciation for the work of the BRA.

The meeting was adjourned at 4:50 p.m.

The next meeting scheduled is July 18, 2006.

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Bruce Wilberding, Chairman

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Doug Smith, Secretary/Treasurer

BRA Minutes  
04/18/06

A regular meeting of the Liquor Advisory Committee was held on Monday, May 8, 2006 in the Lower Level Conference Room of Troy City Hall, 500 West Big Beaver Road. Chairman Max K. Ehlert called the meeting to order at 7:00 p.m.

**ROLL CALL:**

**PRESENT:** Max K. Ehlert, Chairman  
Henry W. Allemon  
David S. Ogg  
Timothy P. Payne  
Bohdan L. Ukrainec  
Kelsey Brunette  
Christopher Forsyth, Assistant City Attorney  
Sergeant Christopher Stout  
Pat Gladysz

**ABSENT:** W. Stan Godlewski  
Patrick C. Hall

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

Resolution #LC2006-05-004  
Moved by Ukrainec  
Seconded by Payne

RESOLVED, that the absence of Committee members Godlewski and Hall at the Liquor Advisory Committee meeting of BE EXCUSED.

Yes: 5  
No: 0  
Absent: Godlewski and Hall

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**Resolution to Approve Minutes of April 10, 2006 Meeting**

Resolution #LC2006-05-005  
Moved by Allemon  
Seconded by Ogg

RESOLVED, that the Minutes of the April 10, 2006 meeting of the Liquor Advisory Committee be approved.

Yes: 5  
No: 0  
Absent: Godlewski and Hall

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**Agenda Items**

1. **HOOTERS OF TROY, INC. (A GEORGIA COMPANY)** requests to transfer ownership of 2005 Class C Licensed Business with outdoor service area (1 area), located at 2946-2950 Rochester, Troy, MI 48084, Oakland County, from Sign of the Beefcarver, Inc.; and requests a new entertainment permit. [MLCC REQ# 333891]

Present to answer questions from the Committee were John Carlin and Rob Stevens.

Hooters will be moving from 1686 John R to 2950 Rochester Road, which they feel is a better, non-residential location. The Rochester Road building will be leased and remodeled, and the Wagon Wheel liquor license sold to Hooters. All management and employees will transfer to the new location.

Their present location on John R will be closed and that license will be put into escrow until sold. During the 10 years that they occupied the John R building, they received two violations.

They are requesting a new entertainment permit to allow for trivia contests and a classic car show. There will be no musical acts and no dancing.

Committee members Ukraineec and Ogg both expressed concern regarding the entertainment permit and giving them a “broad range” stamp of approval.

Assistant City Attorney Forsyth explained an entertainment permit. The definition is broad with many interpretations. He further clarified that any dancing would require a different permit.

Resolution #LC2006-05-006  
Moved by Ukraineec  
Seconded by Allemon

RESOLVED, that HOOTERS OF TROY, INC. (A GEORGIA COMPANY) be allowed to transfer ownership of 2005 Class C Licensed Business with outdoor service area (1 area), located at 2946-2950 Rochester, Troy, MI 48084, Oakland

County, from Sign of the Beefcarver, Inc.; and be granted a new entertainment permit.

Yes: 5  
No: 0  
Absent: Godlewski and Hall

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Assistant City Attorney Forsyth and Sergeant Chris Stout prepared a slide presentation regarding the State of Michigan Liquor Laws and the duties and responsibilities of the Liquor Advisory Committee and the Troy Police Department. This presentation was to educate the Committee members. They also provided hard copies of the information.

The meeting adjourned at 8:35 p.m.

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Max K. Ehlert, Chairman

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Patricia A. Gladysz, Secretary II

**TROY HISTORIC DISTRICT COMMISSION MINUTES – FINAL**

**MAY 16, 2006**

A regular meeting of the Troy Historic District Commission was held Tuesday, May 16, 2006 at City Hall. Barbara Chambers called the meeting to order at 7:36 P.M.

<b>ROLL CALL</b>	PRESENT	Barbara Chambers Muriel Rounds Robert Hudson Ann Partlan Lorraine Campbell, Museum Manager
	ABSENT	Sabah Jihad Paul Lin Marjorie Biglin
	GUEST	Steve Vandette, City of Troy Engineering Dept. Jennifer Lawson, City of Troy Engineering Dept. Minal Gada and Ashish Manek, Troy residents

**Resolution #HDC-2006-05-001  
Moved by Partlan  
Seconded by Rounds**

**RESOLVED, That the absence of Jihad, Lin and Biglin be excused.**

Yes: 4— Chambers, Rounds, Hudson, and Partlan  
No: 0

**MOTION CARRIED**

**Resolution #HDC-2006-05-002  
Moved by Partlan  
Seconded by Hudson**

**RESOLVED, That the minutes of the April 26, 2006 meeting be approved.**

Yes: 4— Chambers, Rounds, Hudson, and Partlan  
No: 0

**MOTION CARRIED**

**NEW BUSINESS**

**A. Streambank Stabilization, Sylvan Glen Golf Course**

Steve Vandette and Jennifer Lawson explained the Streambank Restoration Project that is designed to:

1. Improve the natural ecosystem, water quality and wildlife habitat at Sylvan Glen. Over 250 native trees and shrubs and 18 different seed mixes of wildflowers and grasses will be planted.

2. Stabilize the banks of the stream that flows through the golf course and empties into the Clinton River. This will make the area safer for golfers
3. Create wetlands areas to mitigate flooding.

**Resolution #HDC-2006-05-003**

**Moved by Partlan**

**Seconded by Hudson**

**RESOLVED, That the Stream Bank Stabilization Project be approved as it poses no adverse effect on the historic resource identified as Sylvan Glen Club House , 5725 Rochester Road, #88-20-10-200-001.**

Yes: 4— Chambers, Rounds, Hudson, and Partlan

No: 0

**MOTION CARRIED**

The Commission thanked Mr. Vandette and Ms. Lawson for their excellent presentation.

**B. Programmatic Agreement Certification Letter**

**City of Troy Golf Monopole, Sylvan Glen Golf Course**

The Commission reviewed the certification letter provided by Ramaker & Associates, Inc., the consulting engineers to facilitate the MetroPCS Michigan collocation of its telecommunications equipment on the tower located at Sylvan Glen Golf Course. They also reviewed the ground and aerial photographs provided by the Parks and Recreation Dept.

**Resolution #HDC-2006-05-004**

**Moved by Hudson**

**Seconded by Partlan**

**RESOLVED, That the collocation of telecommunications equipment at the City of Troy Golf Monopole located at Sylvan Glen Golf Course, 5725 Rochester Road, #88-20-10-200-001, has no adverse effect on the historic resource known as the Sylvan Glen Club House and is approved with a recommendation to the City of Troy that the area around the perimeter of the facility where the monopole is located be landscaped with native trees and shrubs that soften the visual impact to the environment and compliment the Stream Bank Restoration Project.**

Yes: 4— Chambers, Rounds, Hudson, and Partlan

No: 0

**MOTION CARRIED**

**C. 4860 Livernois**

Minal Gada and Ashish Manek introduced their plans to purchase and restore the historic resource at 4860 Livernois. Their proposal also includes subdividing the property into four lots to finance their purchase and restoration. They have consulted with the Planning and Building and Zoning Departments. The commission discussed with them the requirements for exterior preservation, restoration or rehabilitation and the opportunities for using tax credits if the State Historic Preservation Office approved their restoration project. The commission was not given enough detailed information to approve their plans. The Commission agreed to schedule a special meeting on June 8, 2006 to review more detailed plans.

**Resolution #HDC-2006-05-005**

**Moved by Rounds**

**Seconded by Hudson**

**RESOLVED, That the commission refrain from a decision on the plans presented by Minal Gada and Ashish Manek for 4860 Livernois until detailed restoration plans, including materials and drawings are provided.**

Yes: 4— Chambers, Rounds, Hudson, and Partlan

No: 0

**MOTION CARRIED**

**OLD BUSINESS**

**A. Plaque Program**

The drawing will be forwarded to Whitehall Products this week.

**B. Homeowners Packets**

The Commission will purchase copies of *The New Old House Starter Kit* and *A Guide to Tax Advantaged Rehabilitation for the Homeowners Packets*.

**C. Certified Local Government Application**

Allan Motzny reviewed the comments by State Historic Preservation Officer, Brian Conway, regarding compliance of the City of Troy Historic Preservation Ordinance with the State of Michigan Ordinance. City Attorney Lori Bluhm will contact Mr. Conway regarding this issue.

The Troy Historic District Commission Meeting was adjourned at 9:42 PM p.m. The next meeting will be held Thursday, June 8, 2006 at 7:30 p.m. at City Hall in Conference Room C.

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Barbara Chambers  
Chairperson

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Loraine Campbell  
Recording Secretary

A regular meeting of the Liquor Advisory Committee was held on Monday, June 12, 2006 in Conference Room C of Troy City Hall, 500 West Big Beaver Road. Committee member Henry W. Allemon called the meeting to order at 7:08 p.m.

ROLL CALL:

PRESENT: Henry W. Allemon  
W. Stan Godlewski  
Patrick C. Hall  
David S. Ogg  
Timothy P. Payne  
Bohdan L. Ukrainec  
Kelsey Brunette. Student Representative  
Christopher Forsyth, Assistant City Attorney  
Captain Gary Mayer  
Pat Gladysz

ABSENT: Max K. Ehlert, Chairman

**Resolution to Excuse Committee Member Ehlert**

Resolution #LC2006-06-007  
Moved by Ukrainec  
Seconded by Payne

RESOLVED, that the absence of Committee member Ehlert at the Liquor Advisory Committee meeting of June 12, 2006 BE EXCUSED.

Yes: 6  
No: 0  
Absent: Ehlert

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**Resolution to Approve Minutes of May 8, 2006 Meeting**

Resolution #LC2006-06-008  
Moved by Ogg  
Seconded by Hall

RESOLVED, that the Minutes of the May 8, 2006 meeting of the Liquor Advisory Committee be approved.

Yes: 6  
No: 0  
Absent: Ehlert

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**Agenda Items**

1. **TROY, INC.** requests to transfer ownership of 2005 Class C Licensed Business located at 1129 E. Long Lake, Troy, MI, 48085, Oakland County, from Ichibang Corporation, Inc.; and add new dance-entertainment permit. [MLCC REQ# 355382]

Present to answer questions from the Committee were Rachel Savaya, Saadi Manjo, and John Kallabat.

Captain Mayer stated that at this time the Police Department lacked sufficient information in order to give the Committee a recommendation to approve this request. The applicant has been very cooperative and has been informed of the current status. Also, in order for a dance-entertainment permit to be approved, the applicant must secure the approval of 51% of the business and residential neighbors within 500' of her business.

The Committee asked a few general questions about the new restaurant. They also asked for clarification of the 500' rule.

Assistant City Attorney Chris Forsyth read Chapter 67, section 7.149 of the Troy City Code that pertains to this issue.

Ms. Savaya briefly explained that she plans for a family restaurant serving American and middle eastern cuisine, with middle eastern music and dancing available on the weekends.

Resolution #LC2006-06-009  
Moved by Hall  
Seconded by Ogg

RESOLVED, that Item No. 1 on this agenda be tabled until the July 10, 2006 meeting of the Liquor Advisory Committee.

Yes: 6  
No: 0  
Absent: Ehlert

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The meeting adjourned at 7:29 p.m.

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Henry W. Allemon, Committee Member

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Patricia A. Gladysz, Secretary II

**LIBRARY ADVISORY BOARD MINUTES - DRAFT****JUNE 29, 2006**

A Regular Meeting of the Troy Library Board was held on Thursday June 29 , 2006 at the Office of the Library Director. Audre Zembrzuski, Vice-Chairman, called the meeting to order at 7:30 P.M.

**ROLL CALL**

PRESENT: Heather Eisenbacher  
Kul B. Gauri  
Lynne Gregory  
Nancy Weeler  
Audre Zembrzuski

Lauren Andreoff, Student Representative  
Cheng Chen, Student Representative

Brian Stoutenburg, Library Director

The Pledge of Allegiance to the Flag was given.

**Resolution #LB-2006-6-01**

Moved by Gregory

Seconded by Wheeler

**RESOLVED, That Minutes of May 11, 2006 be approved.**

**Yes: 5—Eisenbacher, Gauri, Gregory, Wheeler, Zembrzuski**

**No: 0**

Reviewed Agenda entries

**Resolution #LB-2006-06-02**

Moved by Eisenbacher

Seconded by Wheeler

**RESOLVED, That the Agenda be approved.**

**Yes: 5—Eisenbacher, Gauri, Gregory, Wheeler, Zembrzuski**

**No: 0**

**MOTION CARRIED****POSTPONED ITEMS**

Kul B. Gauri was introduced and welcomed to the Board.

Election of Officers

**Resolution #LB-2006-06-03**

Moved by Wheeler

Seconded by Gauri

**RESOLVED, That the Library Advisory Board Officers shall be: Lynne Gregory, Chairman; Heather Eisenbacher, Vice-Chairman; Nancy Wheeler, Secretary.**

**Yes: 5—Eisenbacher, Gauri, Gregory, Wheeler, Zembrzuski**

**No: 0**

### **REGULAR BUSINESS**

There was no Regular Business.

### **REPORTS & COMMUNICATIONS**

#### **Director's Report.**

The annual Public Library Trustee Association of Oakland County Spring Dinner was attended by Gauri, Gregory, Zembrzuski and Stoutenburg. L. Brooks Patterson spoke on the Wireless Oakland Project.

Meaghan Battle has been hired to replace Esther Cram who recently retired as Assistant Director for Public Services. She will start on August 14, 2006.

The Summer Reading Clubs for Youth, Teens and Adults are underway with a large number of signups during the first week.

#### **Board Member's Comments.**

Eisenbacher asked about the exhibit sign. A discussion about the exact language was held. The sign shall read: The Library cannot be involved in the sale of items on exhibit and no sales can take place within the Library. For more information contact the exhibitor.

Wheeler asked about the building expansion plans. A discussion was held about possible roles that the Board could play. The Friends of the Library was represented by Maria Hunciag and she outlined the intent of the Friends for an expansion or new facility and invited the Board to attend the Friends Building Committee meetings. Gauri suggested that the Board gather data to support increased space such as a survey of patrons. The Board decided to have this discussion continue at the September meeting.

Zembrzuski asked if the Outreach Services Flyer could be more widely distributed, particularly to Seniors. Gauri suggested distributing flyers also to the Advisory Committee for Persons with Disabilities.

#### **Student Representative's Comments**

Andreoff and Chen expressed their farewell wishes to the Board. Both are off to college in the fall and this would be their last meeting.

#### **Resolution #LB-2006-06-04**

Moved by Gauri

Seconded by Wheeler

**RESOLVED, That Student Representatives Andreoff and Cheng are recognized for their important service to the Library Advisory Board.**

**Yes: 5—Eisenbacher, Gauri, Gregory, Wheeler, Zembrzuski**  
**No: 0**

**Suburban Library Cooperative.**

Gregory reported that there was a major upgrade release of the Sirsi program in June. SLC had made application to the State to be part of the MelCat program. Minor changes in the Personnel Policy were made. Disposal of old PCs owned by SLC would take place according to policy.

**Friends of the Troy Public Library.**

Maria Hunciag talked about the Friend's master plan "The Library of the Future". The Building Committee includes Tammy Duszynski, Eve Parsons, Mary Kerwin and herself. It's a 5-10 year plan.

**Gifts.**

Two gifts totaling \$65.00 were received.

**Informational Items.**

June and July TPL Calendars

**Contacts and Correspondence.**

7 written comments from the public were reviewed.

**Public Participation.**

A public comment was made asking that benches be installed at the front of the building.

The Library Board meeting adjourned at 8:45 P.M.

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Audre Zembrzuski  
Vice-Chairman

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Brian Stoutenburg  
Recording Secretary

A meeting of the Troy Election Commission was held Friday, July 7, 2006, at City Hall, 500 W. Big Beaver Road. City Clerk Bartholomew called the Meeting to order at 8:17 AM.

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**ROLL CALL:**

PRESENT: David Anderson, City Clerk Tonni Bartholomew  
ABSENT: Timothy Dewan,  
ALSO PRESENT: Deputy City Clerk Barbara Holmes

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**Minutes: Regular Meeting of March 20, 2006**

Resolution #EC-2006-07-8  
Motion by Anderson  
Seconded by Bartholomew

RESOLVED, That the Minutes of Monday, March 20, 2006, are **APPROVED** as submitted.

Yes: All-2  
Absent: Dewan

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**Approval of Election Inspector Assignments for the August 8, 2006 Primary Election**

Resolution #EC-2006-07-9  
Motion by Anderson  
Seconded by Bartholomew

RESOLVED, That Election Inspectors be appointed for the Tuesday, August 8, 2006 Primary Election, as presented by the City Clerk, is hereby **APPROVED**.

Yes: All-2  
Absent: Dewan

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**Adjournment:**

The meeting was adjourned at 8:22 AM.

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Tonni L. Bartholomew, MMC  
City Clerk

A regular meeting of the Liquor Advisory Committee was held on Monday, July 10, 2006 in the Lower Level Conference Room of Troy City Hall, 500 West Big Beaver Road. Chairman Max K. Ehlert called the meeting to order at 7:00 p.m.

**ROLL CALL:**

**PRESENT:** Max K. Ehlert, Chairman  
Henry W. Allemon  
David S. Ogg  
Bohdan L. Ukrainec  
Kelsey Brunette, Student Representative  
Christopher Forsyth, Assistant City Attorney  
Lieutenant Michael Lyczkowski  
Pat Gladysz

**ABSENT:** W. Stan Godlewski  
Patrick C. Hall  
Timothy P. Payne

**Resolution to Excuse Committee Members Godlewski, Hall, and Payne**

Resolution #LC2006-07-010

Moved by Allemon

Seconded by Ukrainec

RESOLVED, that the absence of Committee members Godlewski, Hall, and Payne at the Liquor Advisory Committee meeting of July 10, 2006 BE EXCUSED.

Yes: 4  
No: 0  
Absent: Godlewski, Hall, and Payne

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**Resolution to Approve Minutes of June 12, 2006 Meeting**

Resolution #LC2006-07-011

Moved by Allemon

Seconded by Ukrainec

RESOLVED, that the Minutes of the June 12, 2006 meeting of the Liquor Advisory Committee be approved.

Yes: 4  
No: 0  
Absent: Godlewski, Hall, and Payne

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**Agenda Items**

1. **ZAKHO CHALDEAN SOCIAL CLUB, INC.**, requests a new club license with dance-entertainment permit to be located at 336 John R, Troy, MI 48083, Oakland County. [MLCC REQ# 330741]

Present to answer questions from the Committee were John Yarimian and Raad Marougi.

Mr. Marougi made the following statements to the Committee.

- The Troy Manor Restaurant is approximately 4,500 square feet and has a capacity of 236 patrons.
- They are requesting a club license to serve alcohol to members of their club.
- The facility is open to the public until 5:00 p.m. After 5:00 p.m., the club will be open only to members.

Lt. Lyczkowski spoke on behalf of the Police Department and raised several issues of concern.

- An inspection of the facility was performed by Sgt. Stout.
- There was no permanent barrier in the facility to separate the public patrons from the club patrons, only a temporary wall was in place.
- Public patrons would have to walk through club area to use restrooms.
- Mr. Marougi reported that the club will only meet one to two times per week, yet 75% of the restaurant was designated for the club. The Police Department questions how they expect to make a profit.
- Mr. Marougi has provided inconsistent information as to the purpose of the club license
  - Member meetings twice a week
  - Weddings, baby showers (which could include non-members who cannot be served alcoholic beverages with a club license)
- Mr. Margougi has provided inconsistent membership information
  - The Police Department does not yet have a resolution from club members requesting a club license from the MLCC
  - Conflicting information has been provided regarding membership dues. Mr. Marougi stated \$150 per member and his attorney stated \$100 per member. This information is required in Troy PD Liquor License Questionnaire.
- The building owner is delinquent on 2004 winter tax and 2005 summer and winter taxes.

- The following briefly summarizes police reports for incidents at Troy Manor:
  - 03/19/05
    - Assault & Battery; physical confrontation between waiter and patron of restaurant
  - 08/04/05
    - Domestic felonious assault; confrontation between an employee and his wife
  - 01/17/06
    - Felonious assault with a knife; 100-150 people in the parking lot; disturbance originated inside at a party and continued outside; two citations were issued for minor in possession/consumption of alcohol
- MLCC investigator confirmed that Troy Manor, Inc. applied for a Class C license in 2005. When told that none were available, the Zakho Social Club applied for a club license.
- An inspection of the outside trash was performed and an empty beer carton was found. This is a concern since the establishment currently holds no liquor license.
- The Police Department notes the disturbances that have occurred in the past with no liquor being served, and they have concerns about those increasing when liquor is available.

Mr. Yarimian responded with the following statements:

- He personally owes no property taxes since he is leasing the building.
- They chose to not erect a permanent wall or barrier to enable them to accommodate different size groups.
- Liquor will only be served to members of their private social club.
- Their membership dues are \$100 per person.
- Their membership is currently at 60-70 people, but they expect it to grow significantly after they obtain a liquor license due to the large Chaldean community.
- They anticipate constant parties which will earn large profits.
- The violent disturbances that the Police Department mentioned began outside of the building.
- The domestic violence incident had no direct connection to the club.
- The intoxicated minors consumed liquor before they arrived at the club.
- Patrons currently bring their own beer into the club.
- The food service is their main objective and results in a large income.

In response to questions by Committee members, Assistant Attorney Chris Forsyth made the following statements:

- According to the MLCC, in order to obtain a club license, all members of the club must be at least 21 years of age.
- There is no requirement that the applicant secure the approval of 51% of the business and residential neighbors within 500' of the business.
- Applicant must file with the MLCC a certified resolution at a club meeting where the members requested the club license. Since this has not been done, this is a basis for denial.
- There are several club licenses in Troy. This location is totally different since the restaurant and the club blend together.

The Committee members voiced the following concerns:

- The establishment needs a Class C liquor license not a club license.
- There are several procedural and structural issues.
- The building owner is delinquent in payment of the property taxes.

Resolution #LC2006-07-012

Moved by Ehlert

Seconded by Ukrainec

RESOLVED, that ZAKHO CHALDEAN SOCIAL CLUB, INC., be denied their request for a new club license with dance-entertainment permit located at 336 John R, Troy, MI 48083, Oakland County.

Yes: 4  
No: 0  
Absent: Godlewski, Hall, and Payne

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2. **CZARYD ENTERPRISES, INC.**, requests to transfer all stock in 2005 SDD and SDM licensed corporation by dropping John Czarnota as stockholder through transfer of 1000 shares of stock to existing stockholder, Stanley Rydzewski, sometime in 1986; and wherein sole stockholder, Stanley Rydzewski, transfers 2000 shares of stock to new stockholder, Daniel Rydzewski, to be located at 6990 John R, Troy, MI 48085, Oakland County. [MLCC REQ# 276253]

Present to answer questions from the Committee were Stanley Rydzewski, Daniel Rydzewski, and Joseph Ciaramitaro.

This business has been family owned and operated for 20 years. Because of health reasons, Stanley Rydzewski wishes to sell the business to his son, Daniel Rydzewski, who has always worked there. There are no non-family employees. All family members have been TIPS/TAMS trained. There is no seating in the establishment, but they do sell small food items.

Lt. Lyczkowski stated that the Police Department had no concerns with this transfer.

Resolution #LC2006-07-013

Moved by Ogg

Seconded by Ukrainec

RESOLVED, that CZARYD ENTERPRISES, INC., be allowed to transfer all stock in 2005 SDD and SDM licensed corporation by dropping John Czarnota as stockholder through transfer of 1000 shares of stock to existing stockholder, Stanley Rydzewski, sometime in 1986; and wherein sole stockholder, Stanley Rydzewski, be allowed to transfer 2000 shares of stock to new stockholder, Daniel Rydzewski, to be located at 6990 John R, Troy, MI 48085, Oakland County.

Yes: 4

No: 0

Absent: Godlewski, Hall, and Payne

3. **TROY, INC.** requests to transfer ownership of 2005 Class C Licensed Business located at 1129 E. Long Lake, Troy, MI, 48085, Oakland County, from Ichibang Corporation, Inc.; and add new dance-entertainment permit. [MLCC REQ# 355382]

Present to answer questions from the Committee were John Kallabat, Rachel Savaya, and Saadi Manjo.

This is an item that was tabled from the June 12, 2006 meeting.

Ms. Savaya stated:

- Pursuant to last month's discussion, she obtained signatures from over 50% of the businesses/residences within 500' of the restaurant.
- She also stated that she was interviewed by the Daily Tribune regarding her new establishment.

Lt. Lyczkowski spoke on behalf of the Police Department and raised several issues of concern.

- Ms. Savaya does not document any management experience in the liquor business on the Troy PD Liquor License Questionnaire.
- Regarding the opinion of local residents, City Council has received two Emails from residents of the adjacent subdivision voicing opposition to a dancing/entertainment/nightclub establishment so close to a residential neighborhood.
- An inspection of the outside and parking lot was performed by Lt. Lyczkowski and Sgt. Stout, and it was determined that there is a close proximity of the restaurant to homes on Mayberry and Abington; separated by only two rows of parking spaces and travel aisle of 75'-80', and a 5.5'-6' block wall.
- Ms. Savaya's husband has had several encounters with law enforcement
  - Felonious assault/MDOP; arrest
  - Felony weapon; arrest
  - Felony dangerous drugs; arrested for possession of 276 pounds of marijuana
    - Subsequent search of his home located several rifles, shotgun, bullet-proof vest, book entitled "Drug Smuggling, the Forbidden Book"
  - Suspect in three other assaults
- In Ms. Savaya's 05/13/06 letter to the MLCC, she addresses some of her husband's past contacts with police.
- The Savaya's filed a joint Federal Income Tax Return in 2005, showing a significant increase in income for Ms. Savaya. The Police Department questions if Mr. Savaya's money is being used for the

business. Also, it is reasonable to expect that Mr. Savaya will frequent the establishment.

- In previous years, our Department has responded to numerous calls at similar type establishments that no longer exist in the City of Troy. Calls for service included assaults, threats, weapons offenses, larcenies, destruction of property, disorderly conduct, LCC violations, and other liquor offenses.

Mr. John Kallabat, Ms. Savaya's attorney, responded as follows:

- Ms. Savaya has been married for less than one year.
- Mr. Savaya has his own businesses (scrap yard, gas stations, grocery stores, record producer) and will have no part in this business.
- Money for start up of this venture came from savings accounts and gifts.

Ms. Savaya had the following comments:

- Her management experience comes from being involved in her father's beer and wine sales business since she was a young girl.
- Her husband will not be connected to her restaurant/nightclub in any way.
- She will employ one cook and three to four servers (TIPS/TAMS trained). She will act as manager/owner/hostess and will look to her father for guidance.
- On Friday and Saturday nights, she plans to have live entertainment with dancing. The music will be targeted to older people.
- She will perform a sound study to confirm that music will not be too loud.
- She stated that the music will not be very loud since there will be food served and conversation among the patrons.
- She plans to open for lunch and dinner, with the kitchen closing at 11:00 p.m.

In response to questions by Committee members, Assistant Attorney Chris Forsyth made the following statements:

- Mr. Savaya's history is definitely of concern to the City.
- He cited Pease v City Council of St. Clair Shores, 1978 Michigan Court of Appeals decision. Case discusses factors a city should consider in approving an application of liquor license. One factor is the moral character of applicant and the possibility of greater vices (gambling, fighting, drugs) existing on property.

Mr. Kallabat responded as follows:

- Ms. Savaya is a good citizen.
- Her husband's background should not be considered; this is unfair since he was not convicted.
- The joint tax return should not be an issue.

Lt. Lyczkowski spoke again to reinforce the position of the Police Department that the following issues need to be considered:

- Possession of Taser and guns
- Possession of marijuana
- Felonious assaults

Also, Lt. Lyczkowski stated that:

- While the sound study will confirm the volume of music, the police will more than likely be called by neighbors for unruly activity outside.
- While an older crowd may be the target, similar businesses attract younger crowds.
- While there are other such establishments in Troy, no others are in such close proximity to neighborhoods.

Mr. Kallabat responded with the following comments:

- Ms. Savaya will be targeting an older Chaldean crowd.
- They are familiar with similar establishments in other cities and there are no problems.
- Mr. Savaya's background and history should not be taken into consideration as he will have no management connection with the business.
- It is unfair to bring his history into the discussion.

In response to questions by Committee members, Assistant Attorney Chris Forsyth made the following statements:

- Ms. Savaya's lack of management experience, both alcohol and general in nature, is of concern.
- We must consider the business reputation, moral character, and neighborhood reaction.

Committee members had the following comments/questions:

- Would it be possible to approve the license transfer without the dance-entertainment permit? Perhaps this would be a good option.
- Why does the restaurant/club need to stay open until 2:00?

- Members are trying to be open-minded and allow a new entrepreneur to make an attempt at a new business, but issues are of a concern.

Mr. Kallabat responded with the following comments:

- Without the dance-entertainment permit Ms. Savaya could not possibly hit the target market.
- Regarding the neighbors, everyone she spoke with agreed to her business.
- Ms. Savaya will handle all the business matters with her father's help.

In response to questions by Committee member David Ogg, Assistant Attorney Chris Forsyth made the following statements:

- The Committee cannot approve on a temporary basis, but could approve the Class C license transfer without the dance-entertainment permit, or could approve the Class C license transfer with the dance-entertainment permit with conditions:
  - Review in one year before City Council for renewal or revocation
  - Husband, Simen Savaya, not allowed on premises

Committee members proposed and discussed these further conditions:

- Closing time will be 1:00 a.m.
- Sound will not be carried to the neighborhood

Lt. Lyczkowski again stated:

- From past experience, late hours of operation result in more calls for service.
- From the position of the Police Department, the business operation as described by Ms. Savaya has all of the elements that could result in problems experienced in other similar establishments. Of course, the Police Department is in the position to respond to any problems, but this is an opportunity to prevent them in the first place.

In response to questions by Committee members, Assistant Attorney Chris Forsyth made the following statements:

- If City Council votes to revoke after one year, there will be a due process hearing.

- The matter will then be referred to the MLCC and they will follow the local legislative recommendations.

Resolution #LC2006-07-014

Moved by Allemon

Seconded by Ukraineec

RESOLVED, that TROY, INC. be allowed to transfer ownership of 2005 Class C Licensed Business located at 1129 E. Long Lake, Troy, MI, 48085, Oakland County, from Ichibang Corporation, Inc.; and add new dance-entertainment permit, with the following conditions:

- Review in one year before City Council for renewal or revocation
- Husband, Simen Savaya, not allowed on premises
- Closing time will be 1:00 a.m.
- Sound will not be carried to the neighborhood

Yes: 4

No: 0

Absent: Godlewski, Hall, and Payne



Chris Forsyth stated that the function of this Committee was that of advisory or buffer. He informed the Committee that by our next meeting he would have a model ordinance for review. Then, this ordinance will go to City Council for approval or rejection.

Mr. Ukrainec questioned the Hooters issue. Mr. Forsyth explained that after City Council rejected the license transfer, Hooters filed suit against the City.

The meeting adjourned at 8:55 p.m.

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Max K. Ehlert, Chairman

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Patricia A. Gladysz, Secretary II

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, July 12, 2006, at Troy City Hall, 500 W. Big Beaver Rd., Troy, MI. The meeting was called to order at 12:20 p.m.

TRUSTEES PRESENT:           Mark Calice  
                                  Michael Geise  
                                  Thomas Houghton, Chair  
                                  Martin F. Howrylak  
                                  William R. Need (Ex-Officio)  
                                  Steven A. Pallotta

ABSENT:                         John M. Lamerato

ALSO PRESENT:                 Steve Gasper, UBS Financial Services

**OTHER BUSINESS – EXCUSE ABSENT MEMBERS**

***Resolution # ER – 2006 – 07 - 026***

Moved by Pallotta  
Seconded by Calice

*RESOLVED*, That John M. Lamerato be excused.

Yeas:             All 5  
Absent:          Lamerato

**MINUTES**

***Resolution # ER – 2006 – 07 - 027***

Moved by Calice  
Seconded by Pallotta

*RESOLVED*, That the minutes of the June 13, 2006 meeting be approved.

Yeas:             All 5  
Absent:          Lamerato

**OTHER BUSINESS – RETIREMENT REQUESTS**

***Resolution # ER – 2006 – 07 - 028***

Moved by Geise  
Seconded by Calice

*RESOLVED*, That the board approve the following retirement request(s):

David R. Williams, DC, 7/22/06, Public Works, 34 years, 2 months  
Phillip Steele, DB, 7/22/06, Police, 40 years, 1 month

Yeas: All 5  
Absent: Lamerato

**OTHER BUSINESS – MARCH 31, 2006 INVESTMENT PERFORMANCE RESULTS**

Steve Gasper, UBS Financial Services, reviewed the 3/31/06 investment performance results with the board.

**INVESTMENTS**

***Resolution # ER – 2006 – 07 - 029***

Moved by Geise  
Seconded by Calice

*RESOLVED*, That the Board buy and sell the following securities:

***Buy:*** 3,000 Emerson Electric

***Sell:*** 10,000 Eaton Vance and 10,000 Affiliated Computer Services

Yeas: All 5  
Absent: Lamerato

The next meeting is August 9, 2006 at 12:00 p.m. at City Hall, Conference Room C, 500 W Big Beaver, Troy, MI.

The meeting adjourned at 1:24 p.m.

July 7, 2006

TO: Phillip L. Nelson, City Manager  
 FROM: Jeanette Bennett, Purchasing Director  
 SUBJECT: **Agenda Item** – Final Reporting – Auction Services – June 2006

**SUMMARY**

In compliance with Resolution #2004-02-075, final reporting is being presented for one (1) iron fence, which was auctioned on-line through BidNet, the City's e-procurement website, posted on June 1, 2006 and closed on June 15, 2006.

Final sale amounts and fees are listed below:

DESCRIPTION	PROCEEDS	SUB-TOTAL	NET INCOME
1 Iron Fence	1,009.00		
<b>SUB-TOTAL:</b>		<b>\$ 1,009.00</b>	
	<b>FEES:</b>		
5% Fee (Iron Fence)	(50.45)		
<b>SUB-TOTAL:</b>		<b>(\$ 50.45)</b>	
	<b>TAXES:</b>		
Sales Tax +6%: (Tax Exmpt) - Church	0.00		
<b>SUB-TOTAL:</b>		<b>\$ 958.55</b>	
			<b>\$ 958.55</b>

**BACKGROUND**

Resolution #2004-02-075 established the on-line auction fee of 5% and provided approval to use BidCorp with the provision that other on-line auction service options would be considered. BidNet moved forward and implemented the on-line surplus auction service for MITN (Michigan Inter-governmental Trade Network), which can be accessed through the City of Troy home web page. MITN is Purchasing's official e-procurement website used for posting bids, tabulations, quotations, and award information. It was a Purchasing goal that one e-procurement site would be operational for all functions.



<a href="#">MITN Auctions</a>	<a href="#">National Auctions</a>	<a href="#">Auctions Main Menu</a>	<a href="#">HELP/FAQ</a>	<a href="#">Contact Support</a>	<a href="#">MITN Admin Menu</a>
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**Report For The City Of Troy, MI**

**Detailed Report For Seller: ALL**

**Reported On 7/17/2006**

**From: 6/1/2006 To: 6/30/2006**

Item ID	Date	Sale Amount	Tax Collected	Charge	Type of Fee	Auction Description	Seller
1382	6/15/2006	1,009.00	60.54	50.45	Sale	IRON FENCE	Bockstanz
0	6/30/2006	0	0.00	78.74	Payment		Bockstanz

Total Sales Amount	Total Tax Collected	Total Amount Charged	Total Payments	Total Balance Due for the selected date range	Total Balance Due
\$1,009.00	\$60.54	\$50.45	\$78.74	(\$28.29)	\$53.95

[Return to Reports Menu](#)

DATE: July 3, 2006  
 TO: Phillip L. Nelson, City Manager  
 FROM: Mark Stimac, Director of Building & Zoning  
 SUBJECT: Permits issued during the Month of June 2006

	NO.	VALUATION	PERMIT FEE
<b><u>INDUSTRIAL</u></b>			
Add/Alter	9	\$440,950.00	\$4,289.00
Parking Lot	1	\$7,500.00	\$175.00
<b>Sub Total</b>	<b>10</b>	<b>\$448,450.00</b>	<b>\$4,464.00</b>
<b><u>COMMERCIAL</u></b>			
New	1	\$1,189,000.00	\$8,090.00
Tenant Completion	1	\$10,000.00	\$215.00
Add/Alter	20	\$2,920,684.00	\$23,199.00
Wreck	1	\$0.00	\$100.00
Repair	1	\$10,000.00	\$215.00
<b>Sub Total</b>	<b>24</b>	<b>\$4,129,684.00</b>	<b>\$31,819.00</b>
<b><u>RESIDENTIAL</u></b>			
New	9	\$1,566,377.00	\$12,309.00
Add/Alter	46	\$1,219,542.00	\$13,676.00
Garage/Acc. Structure	9	\$45,713.00	\$946.00
Pool/Spa/Hot Tub	12	\$150,630.00	\$2,285.00
Repair	1	\$10,000.00	\$215.00
Temporary Sales Trailer	1	\$3,200.00	\$95.00
Wreck	3	\$0.00	\$170.00
<b>Sub Total</b>	<b>81</b>	<b>\$2,995,462.00</b>	<b>\$29,696.00</b>
<b><u>TOWN HOUSE/CONDO</u></b>			
New	32	\$2,249,216.00	\$20,544.00
Add/Alter	3	\$28,540.00	\$495.00
<b>Sub Total</b>	<b>35</b>	<b>\$2,277,756.00</b>	<b>\$21,039.00</b>
<b><u>RELIGIOUS</u></b>			
Add/Alter	1	\$750,000.00	\$5,395.00
<b>Sub Total</b>	<b>1</b>	<b>\$750,000.00</b>	<b>\$5,395.00</b>
<b><u>MISCELLANEOUS</u></b>			
Satellite/Antennas	4	\$80,000.00	\$1,075.00
Signs	29	\$0.00	\$2,845.00
Fences	34	\$0.00	\$530.00
<b>Sub Total</b>	<b>67</b>	<b>\$80,000.00</b>	<b>\$4,450.00</b>
<b>TOTAL</b>	<b>218</b>	<b>\$10,681,352.00</b>	<b>\$96,863.00</b>

**PERMITS ISSUED DURING JUNE 2006**

	NO.	PERMIT FEE
Mul. Dwel. Insp.	305	\$3,050.00
Cert. of Occupancy	65	\$3,547.85
Plan Review	250	\$9,739.00
Microfilm	40	\$524.00
Building Permits	218	\$96,863.00
Electrical Permits	206	\$11,679.00
Heating Permits	120	\$6,280.00
Air Cond. Permits	70	\$3,060.00
Refrigeration Permits	1	\$50.00
Plumbing Permits	160	\$10,125.00
Storm Sewer Permits	15	\$1,776.00
Sanitary Sewer Permits	21	\$697.00
Sewer Taps	45	\$8,924.00
<b>TOTAL</b>	<b>1516</b>	<b>\$156,314.85</b>

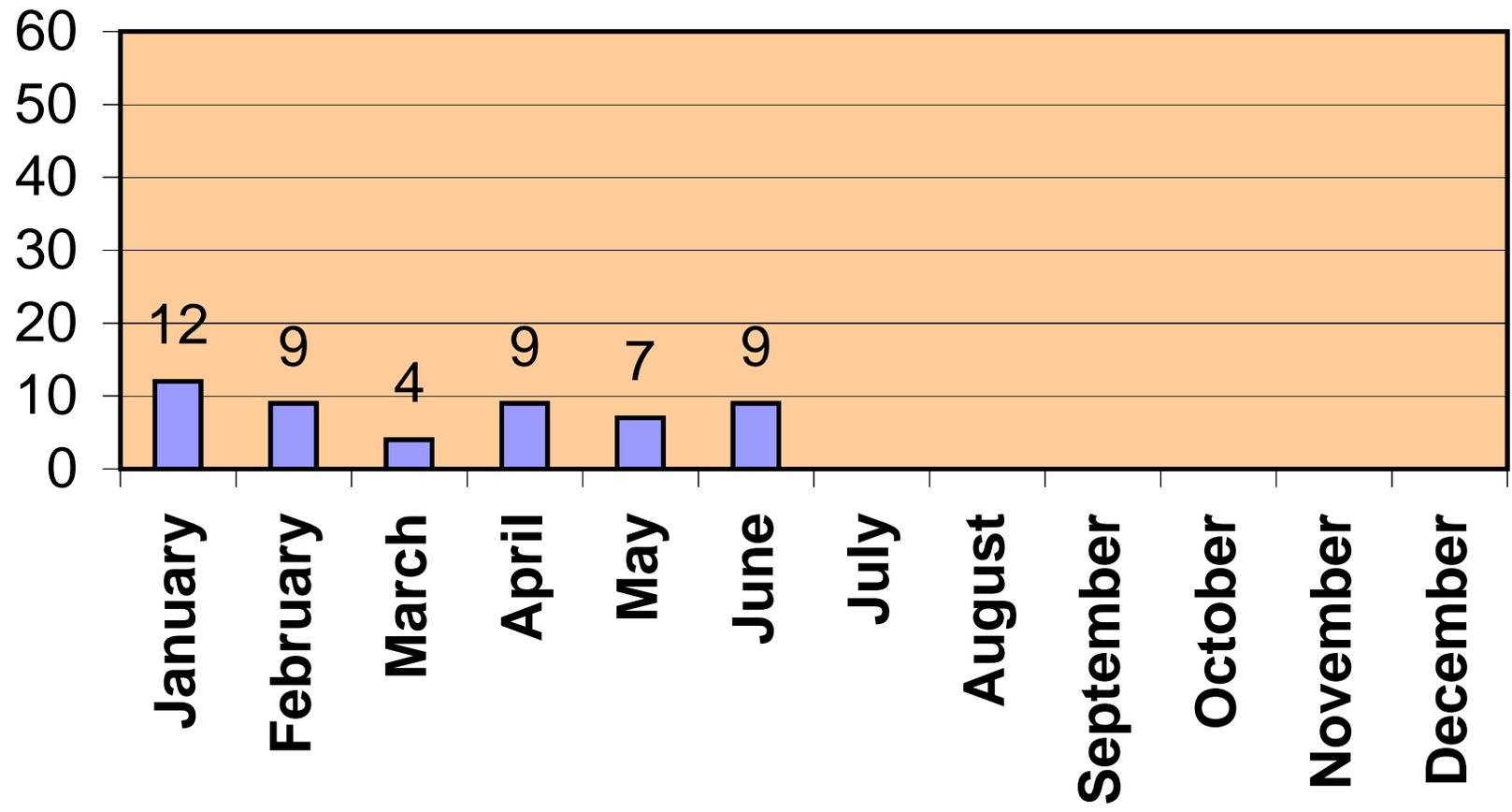
**LICENSES & REGISTRATIONS ISSUED DURING JUNE 2006**

	NO.	LICENSE FEE
Mech. Contr.-Reg.	32	\$160.00
Elec. Contr.-Reg.	32	\$480.00
Master Plmb.-Reg.	48	\$48.00
Sewer Inst.-Reg.	7	\$350.00
Sign Inst. - Reg.	12	\$115.00
E. Sign Contr.-Reg.	4	\$60.00
Fence Inst.-Reg.	10	\$100.00
Bldg. Contr.-Reg.	43	\$430.00
F.Alarm Contr.-Reg.	1	\$15.00
<b>TOTAL</b>	<b>25</b>	<b>\$1,758.00</b>

## 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	216	\$11,290,598.00
JUNE	207	\$14,432,280.00	218	\$10,681,352.00
JULY	176	\$4,879,398.00	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
<b>TOTAL</b>	<b>2021</b>	<b>\$138,603,492.00</b>	<b>945</b>	<b>\$47,301,225.00</b>

# SINGLE FAMILY DWELLING PERMITS 2006



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

Type of Construction	Builder or Company	Address of Job	Valuation
Commercial, Add/Alter	MAXX, ANDREW CONSTRUCTION	2800 W BIG BEAVER Q-107	599,022
Commercial, Add/Alter	SACHSE CONSTRUCTION	2800 W BIG BEAVER T-249	309,539
Commercial, Add/Alter	KIRBY CONSTRUCTION CO	6050 LIVERNOIS	155,440
Commercial, Add/Alter	FISHER DEVELOPMENT INC	2800 W BIG BEAVER S-222	230,000
Commercial, Add/Alter	PWI CONSTRUCTION INC	2801 W BIG BEAVER E-136	268,730
Commercial, Add/Alter	KIRCO CONSTRUCTION LLC	201 W BIG BEAVER 900	150,000
Commercial, Add/Alter	CRANE CONSTRUCTION CO LLC	2801 W BIG BEAVER C-111	727,526
Commercial, Add/Alter	HARDESTY, MATT & ASSOCIATES, INC.	470 W FOURTEEN MILE	165,000
Total Commercial, Add/Alter			2,605,257
Commercial, New Building	WHEELER BUILDING LLC	734 W LONG LAKE	1,189,000
Total Commercial, New Building			1,189,000
Industrial, Add/Alter	ALLEGRA CONSTRUCTION	977 E FOURTEEN MILE	150,000
Total Industrial, Add/Alter			150,000
Religious, Add/Alter	CASLG CIA, JOE	37635 DEQUINDRE -37675	750,000
Total Religious, Add/Alter			750,000
Records 12			Total Valuation: 4,694,257

DATE: July 3, 2006  
 TO: Phillip L. Nelson, City Manager  
 FROM: Mark Stimac, Director of Building & Zoning  
 SUBJECT: Permits issued January through June 2006

	NO.	VALUATION	PERMIT FEE
<b><u>INDUSTRIAL</u></b>			
Fnd./Shell New	1	\$180,000.00	\$1,010.00
Accessory Structure	2	\$52,500.00	\$661.00
Add/Alter	40	\$3,224,050.00	\$27,551.00
Parking Lot	2	\$102,550.00	\$992.00
<b>Sub Total</b>	<b>45</b>	<b>\$3,559,100.00</b>	<b>\$30,214.00</b>
<b><u>COMMERCIAL</u></b>			
New	4	\$4,944,870.00	\$32,817.00
Completion (New)	1	\$500,000.00	\$3,645.00
Tenant Completion	8	\$708,000.00	\$6,116.00
Add/Alter	114	\$16,018,931.00	\$126,061.00
Wreck	4	\$0.00	\$400.00
Wall	1	\$50,000.00	\$495.00
Repair	6	\$600,400.00	\$3,750.00
<b>Sub Total</b>	<b>138</b>	<b>\$22,822,201.00</b>	<b>\$173,284.00</b>
<b><u>RESIDENTIAL</u></b>			
New	50	\$9,345,285.00	\$72,486.00
Add/Alter	175	\$3,305,365.00	\$41,475.00
Garage/Acc. Structure	33	\$312,877.00	\$5,130.00
Pool/Spa/Hot Tub	26	\$420,091.00	\$5,719.00
Ent. Wall/Masonry Fence	1	\$5,000.00	\$85.00
Repair	9	\$203,687.00	\$2,559.00
Fire Repair	4	\$333,306.00	\$2,918.00
Temporary Sales Trailer	1	\$3,200.00	\$95.00
Wreck	16	\$15,000.00	\$860.00
<b>Sub Total</b>	<b>315</b>	<b>\$13,943,811.00</b>	<b>\$131,327.00</b>
<b><u>TOWN HOUSE/CONDO</u></b>			
New	36	\$2,833,816.00	\$25,240.00
Add/Alter	29	\$280,519.00	\$4,330.00
Temporary Sales Trailer	1	\$250,000.00	\$1,895.00
<b>Sub Total</b>	<b>66</b>	<b>\$3,364,335.00</b>	<b>\$31,465.00</b>
<b><u>MULTIPLE</u></b>			
Add/Alter	1	\$8,268.00	\$145.00
Garage/Acc. Structure	1	\$10,000.00	\$215.00
Parking Lot		\$0.00	\$0.00
<b>Sub Total</b>	<b>2</b>	<b>\$18,268.00</b>	<b>\$360.00</b>

**INSTITUTIONAL/HOSPITAL**

Add/Alter	14	\$1,439,610.00	\$12,124.00
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<b>Sub Total</b>	<b>14</b>	<b>\$1,439,610.00</b>	<b>\$12,124.00</b>
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**RELIGIOUS**

Add/Alter	4	\$1,915,000.00	\$13,885.00
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Parking Lot	1	\$5,400.00	\$135.00
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<b>Sub Total</b>	<b>5</b>	<b>\$1,920,400.00</b>	<b>\$14,020.00</b>
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**MISCELLANEOUS**

Satellite/Antennas	12	\$233,500.00	\$2,890.00
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Signs	240	\$0.00	\$27,020.00
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Fences	108	\$0.00	\$1,685.00
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<b>Sub Total</b>	<b>360</b>	<b>\$233,500.00</b>	<b>\$31,595.00</b>
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<b>TOTAL</b>	<b>945</b>	<b>\$47,301,225.00</b>	<b>\$424,389.00</b>
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**PERMITS ISSUED JANUARY THROUGH JUNE 2006**

	NO.	PERMIT FEE
Mul. Dwel. Insp.	849	\$8,490.00
Cert. of Occupancy	249	\$15,492.30
Plan Review	869	\$44,649.34
Microfilm	206	\$2,091.00
Building Permits	945	\$424,389.00
Electrical Permits	1020	\$69,084.00
Heating Permits	717	\$41,573.00
Air Cond. Permits	297	\$15,725.00
Refrigeration Permits	10	\$530.00
Plumbing Permits	620	\$50,123.00
Storm Sewer Permits	94	\$4,017.00
Sanitary Sewer Permits	88	\$2,990.00
Sewer Taps	111	\$25,624.00

<b>TOTAL</b>	<b>6075</b>	<b>\$704,777.64</b>
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**LICENSES & REGISTRATIONS ISSUED DURING THE MONTH OF JANUARY THROUGH JUNE 2006**

	NO.	LICENCE FEE
Mech. Contr.-Reg.	139	\$695.00
Elec. Contr.-Reg.	201	\$3,015.00
Master Plmb.-Reg.	154	\$154.00
Sewer Inst.-Reg.	23	\$1,150.00
Sign Inst. - Reg.	44	\$435.00
E. Sign Contr-Reg.	27	\$405.00
Fence Inst.-Reg.	18	\$180.00
Bldg. Contr.-Reg.	110	\$1,100.00
F.Alarm Contr.-Reg.	16	\$240.00

<b>TOTAL</b>	<b>25</b>	<b>\$7,374.00</b>
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DATE: July 3, 2006  
 TO: Phillip L. Nelson, City Manager  
 FROM: Mark Stimac, Director of Building & Zoning  
 SUBJECT: Permits issued July 2005 through June 2006

	NO.	VALUATION	PERMIT FEE
<b><u>INDUSTRIAL</u></b>			
New	4	\$2,171,950.00	\$15,191.00
Fnd./Shell New	1	\$180,000.00	\$1,010.00
Accessory Structure	2	\$52,500.00	\$661.00
Add/Alter	66	\$5,507,950.00	\$44,929.00
Wreck	1	\$0.00	\$100.00
Parking Lot	4	\$111,550.00	\$1,222.00
<b>Sub Total</b>	<b>78</b>	<b>\$8,023,950.00</b>	<b>\$63,113.00</b>
<b><u>COMMERCIAL</u></b>			
New	8	\$7,727,996.00	\$52,885.00
Fnd. New	1	\$299,000.00	\$2,238.00
Shell New	1	\$100,000.00	\$845.00
Fnd./Shell New	2	\$1,450,000.00	\$10,440.00
Completion (New)	2	\$600,000.00	\$4,490.00
Completion Less Tenant	2	\$801,000.00	\$5,897.00
Tenant Completion	22	\$3,352,000.00	\$25,229.00
Add/Alter	225	\$32,987,604.00	\$258,455.00
Wreck	9	\$0.00	\$900.00
Wall	1	\$50,000.00	\$495.00
Parking Lot	2	\$178,408.00	\$1,543.00
Repair	7	\$623,884.00	\$4,063.00
Fire Repair	1	\$60,000.00	\$565.00
<b>Sub Total</b>	<b>283</b>	<b>\$48,229,892.00</b>	<b>\$368,045.00</b>
<b><u>RESIDENTIAL</u></b>			
New	129	\$24,969,898.00	\$190,407.00
Add/Alter	356	\$8,040,069.00	\$94,708.00
Garage/Acc. Structure	76	\$617,697.00	\$11,019.00
Pool/Spa/Hot Tub	49	\$1,004,960.00	\$11,963.00
Ent. Wall/Masonry Fence	1	\$5,000.00	\$85.00
Repair	11	\$410,387.00	\$4,298.00
Fire Repair	6	\$607,520.00	\$4,818.00
Temporary Sales Trailer	1	\$3,200.00	\$95.00
Wreck	41	\$15,000.00	\$2,190.00
Fnd./Slab/Rat Wall	2	\$2,275.00	\$145.00
Fnd./Slab/Footing	2	\$17,000.00	\$305.00
<b>Sub Total</b>	<b>674</b>	<b>\$35,693,006.00</b>	<b>\$320,033.00</b>

**TOWN HOUSE/CONDO**

New	67	\$7,846,331.00	\$64,889.00
Add/Alter	61	\$507,780.00	\$8,443.00
Temporary Sales Trailer	1	\$250,000.00	\$1,895.00

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<b>Sub Total</b>	<b>129</b>	<b>\$8,604,111.00</b>	<b>\$75,227.00</b>
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**MULTIPLE**

Add/Alter	3	\$85,268.00	\$974.00
Garage/Acc. Structure	2	\$18,400.00	\$410.00
Repair	1	\$975.00	\$230.00

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<b>Sub Total</b>	<b>6</b>	<b>\$104,643.00</b>	<b>\$1,614.00</b>
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**INSTITUTIONAL/HOSPITAL**

New	1	\$6,500,000.00	\$34,645.00
Add/Alter	19	\$3,569,610.00	\$27,759.00

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<b>Sub Total</b>	<b>20</b>	<b>\$10,069,610.00</b>	<b>\$62,404.00</b>
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**RELIGIOUS**

New		\$0.00	\$0.00
Add/Alter	5	\$2,790,000.00	\$20,155.00
Parking Lot	2	\$675,605.00	\$4,977.00

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<b>Sub Total</b>	<b>7</b>	<b>\$3,465,605.00</b>	<b>\$25,132.00</b>
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**MISCELLANEOUS**

Satellite/Antennas	14	\$268,500.00	\$3,360.00
Signs	533	\$0.00	\$57,425.00
Fences	183	\$0.00	\$2,900.00

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<b>Sub Total</b>	<b>730</b>	<b>\$268,500.00</b>	<b>\$63,685.00</b>
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<b>TOTAL</b>	<b>1927</b>	<b>\$114,459,317.00</b>	<b>\$979,253.00</b>
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**PERMITS ISSUED JULY 2005 THROUGH JUNE 2006**

	NO.	PERMIT FEE
Mul. Dwel. Insp.	936	\$9,360.00
Cert. of Occupancy	517	\$36,896.75
Plan Review	1788	\$104,681.14
Microfilm	389	\$4,460.00
Building Permits	1927	\$979,253.00
Electrical Permits	2308	\$158,853.00
Heating Permits	1733	\$96,582.00
Air Cond. Permits	794	\$38,333.00
Refrigeration Permits	12	\$710.00
Plumbing Permits	1338	\$120,849.00
Storm Sewer Permits	239	\$11,871.00
Sanitary Sewer Permits	223	\$7,731.00
Sewer Taps	242	\$72,416.00
<b>TOTAL</b>	<b>12446</b>	<b>\$1,641,995.89</b>

**LICENSES & REGISTRATIONS ISSUED JULY 2005 THROUGH JUNE 2006**

	NO.	LICENSE FEE
Mech. Contr.-Reg.	447	\$2,235.00
Elec. Contr.-Reg.	342	\$5,130.00
Master Plmb.-Reg.	263	\$263.00
Sewer Inst.-Reg.	47	\$2,350.00
Sign Inst. - Reg.	80	\$795.00
E. Sign Contr-Reg.	38	\$570.00
Fence Inst.-Reg.	36	\$360.00
Bldg. Contr.-Reg.	234	\$2,340.00
F.Alarm Contr.-Reg.	25	\$375.00
<b>TOTAL</b>	<b>1512</b>	<b>\$14,418.00</b>



HURON COUNTY

J-03a

# OFFICE OF THE SHERIFF

120 SOUTH HEISTERMAN ST. • BAD AXE, MICHIGAN 48413-1399  
TELEPHONE 989/269-9910 • FAX 989/269-9811

## KENT D. TIBBITS, SHERIFF

TYLER RAMSEY  
UNDERSHERIFF

LT. ARLIN HERFORD  
JAIL ADMINISTRATOR

LT. DAVE DROSSOS  
ROAD PATROL SUPERVISOR

June 28, 2006

Troy Police Department  
Chief Charles Craft  
500 W. Beaver  
Troy, Michigan 48084

Dear Chief Craft,

On June 8, 2006, two of our firearms instructors and myself attended a firearms training put on at your facility. I would like to express my appreciation to your department and especially Sgt. Mike Bjork for the great training, which was provided.

You have a very dedicated and knowledgeable staff of instructors. The information and hands on experience they shared with us provided a new prospective on firearms training that we will be using to improve our program in the future.

So once again, thank you for the outstanding program provided to us. If at any time there is anything that our office can do for you up here, please don't hesitate to give us a call.

Sincerely,

Lt. Dave Drossos  
Huron County Sheriffs Office

cc: City Mgr  
Capt. Meyer  
Sgt Bjork  
Sgt Bjork's Dept File

**RECEIVED**  
Chief of Police  
6/30/2006 CTJ

**Charles T Craft**

---

**From:** Edward J Murphy  
**Sent:** Monday, June 26, 2006 9:11 AM  
**To:** Charles T Craft; Dane M Slater; Gary G Mayer  
**Cc:** Colleen A Mott; Thomas J Gordon; Justin A Novak; Peter C Minton  
**Subject:** FW: A job well done

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

**From:** Cathy A Brandimore  
**Sent:** Monday, June 26, 2006 8:46 AM  
**To:** Edward J Murphy  
**Subject:** FW: A job well done

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

**From:** Angela Abernathy [mailto:  
**Sent:** Friday, June 23, 2006 8:45 PM  
**To:** Cathy A Brandimore  
**Cc:** \_\_\_\_\_  
**Subject:** A job well done

My Name is Ms Carole Abernathy and I would like to commend one of your officers, Officer Minton. On Saturday June 17th at approx 3:30 pm.. my car stopped on Long Lake road near Crooks. I was not near anywhere that I could make a phone call and my cell phone battery was very low. Officer Minton pulled behind me and asked if he could be of assistance. He was a godsend. He pushed my car out of the way of traffic...took my daughter to the nearest gas station for anti-freeze, assuming that the car was overheated in the hot weather, and when that was not the case He then took both of us to Somerset Mall where there were pay phones so that I could call for assistance. Officer Minton was very courteous and helpful to two women who were stuck in a car with very little idea what was wrong and more importantly no visible way to get help. This might not arrive at the correct department to receive this commendation..if not could you please forward this email to the correct department so that Officer Minton can get the recognition that he deserves. Thank you very much.

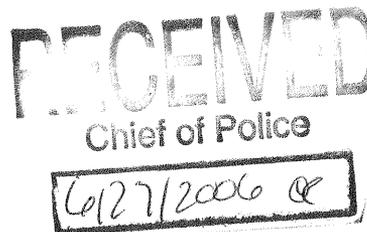
**RECEIVED**  
**Chief of Police**  
6/26/06. CT

cc: City Mgr.  
Off. Minton  
dept. files  
BB

*Cynthia J Centers Gordish*

June 12, 2006

City of Troy  
Police Department  
500 W. Big Beaver Rd  
Troy, MI 48084



*To Whom It May Concern:*

*In this world today it sometimes seems only the negative is found in most things. We sometimes forget to reward our employees or recognize them for jobs well done. As a retired employee, of a couple of large corporations, I know what it means to work hard, do my job to the best of my ability, only to have it go unnoticed at times. Hence, the purpose of this letter.*

*I had the occasion to meet two of your officers, Officer Minton and Officer Shuler, and some of your Paramedic Staff. The Officers were the most extremely kind, courteous, helpful and professional law enforcement individuals I have ever met. They were very considerate to my mother and myself and other members of our family. They took care of the all the necessary details for us, although, this may be their job, they did it respectfully, thoroughly and as quickly as possible. You see my father had had a massive heart attack in his home and in the end passed away.*

*My father would have appreciated these men very much, as he was a stickler for detail, and for individuals who did their jobs well. Through his life he demanded that things be done now, and they be done right. From the clothes on his back to the work at hand, whatever it was and to any part of his life he could control. My Father was many things, a gifted artist, salesman, a sportsman and a veteran to mention a few. Most importantly a loving Dad, Husband, Grandpa, and Great grandpa. He served his country well. He was a Captain in the US Army. He led an Artillery unit during World War II. A Memorial Service was held for him at Our Shepard Lutheran Church on June 7, 2006, with Full Military Honors.*

*So our family would like to thank these men, and would hope that the City of Troy will in some way be able to, in turn, not only thank these men for us, but show them how much they are appreciated in their work force for the great jobs they do everyday.*

*Sincerely*

*Cindy Centers Gordish*  
*For the Family of:*  
*(Capt) Hoyt S. Centers*

CC: City Mgr.  
Capt. Murphy  
Off. Minton/Files  
Off. Scudly/Files

July 14, 2006

John:

Although we spoke briefly yesterday I wanted to take just a moment to tell you just how pleased I have been with your leadership and guidance of Troy as Acting City Manager. I am one citizen who thinks you have done an outstanding job.

Everyone who is familiar with Troy knows that being its City Manager is an extremely challenging job. You performed the delicate 'balancing act' that is required very well. It takes incredible skill to remain diplomatic and still get messages delivered and occasionally having to defend either your staff or yourself. You did a great job.

Financial guys, or 'beaners' as I often call them, are frequently highly skilled at their assigned duties, but don't adapt well to change or new challenges. You have clearly debunked that theory. I have long respected your abilities as the financial leader of our city. Based upon your performance during the last few months I am confident that you also have what it takes to be an outstanding City Manager. However, I sincerely hope that you remain on Troy's management team for many years to come.



July 10, 2006

Chief Charles Craft  
Troy Police Department  
500 West Big Beaver Road  
Troy, Michigan 48084

Chief Craft,

I would like to express my sincere appreciation to you and your officers for all of the valuable insight and experience I obtained during the course of my internship with the Troy Police Department. I know from interns at other departments, and past experience, that often it can be tedious for officers to have someone ride along with them. Despite this fact, not once did any officer from Troy make me feel like I was a burden to them, nor did they make me feel unwelcome. In fact, I found the opposite often true. Many officers seemed very open to offer advice and were more than willing to share from their own experiences, offering both positive and negative examples of situations and decisions they made in their careers. Their honesty and openness were more than I expected when I began the process to seek an internship.

The internship experience was vital in my education and very revealing of what real-life police work is like. Being at Troy helped me understand just what being an officer is about more so than any text book or class lecture could have. By offering student interns the opportunity to observe your department's operations, combined with the candor and professionalism of your officers, you have shown that Troy PD is a forward-thinking organization that is concerned and interested in the future of the law enforcement profession. I feel that I was very fortunate to have the opportunity to be a small part of your department for the month I was there.

Once again you, your organization and your officers all have my sincere gratitude. I know that when I begin the quest to start my career in law enforcement, the City of Troy will definitely be one of the first places in which I will seek a position. I wish you and your officers continued success.

Regards,



Patrick M. Reinke  
Grand Valley State University

Cc: Lieutenant Keith Frye  
Lieutenant Thomas Houghton  
Lieutenant David Livingston  
Lieutenant Scott McWilliams  
Lieutenant Colleen Mott  
Mr. Wendell Moore



CC: City Mgr.  
Hester personnel's files  
BB

# CITY OF FARMINGTON HILLS

CITY CLERK'S OFFICE

31555 W. 11 Mile Road, Farmington Hills, MI 48336-1165  
(248) 871-2410

R-108-06

## RESOLUTION

IT IS RESOLVED, that City Council hereby adopts the attached resolution opposing PA 110 of the Public Acts of 2006, known as the Michigan Zoning Enabling Act (MZEA), which would have significant and negative impacts upon the City's current zoning procedures, administration, etc.; and further directs staff to forward copies of this resolution to the Governor of Michigan, the Attorney General of Michigan, State Senator Gilda Jacobs, State Representative Aldo Vagnozzi, Oakland County Commissioners Mike Rogers and Jim Nash, all Oakland County Mayors, the Michigan Municipal League and SEMCOG.

Motion by: BRICKNER  
Support by: MASSEY

Roll Call Vote:

Yeas: BARNETT, BATES, BRICKNER, BRUCE, MASSEY AND  
OLIVERIO

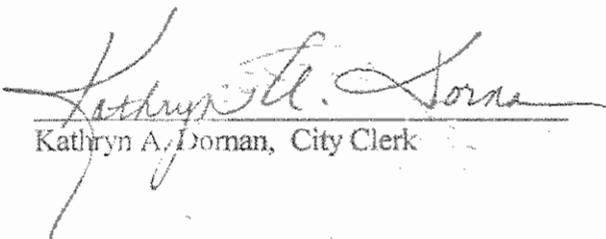
Nays: NONE

Absent: ELLIS

Abstentions: NONE

MOTION CARRIED 6-0.

I, Kathryn A. Dorman, the duly authorized City Clerk of the City of Farmington Hills, Oakland County, Michigan, do hereby certify that the foregoing is a true copy of a resolution adopted by the City Council of the City of Farmington Hills on July 10, 2006.

  
Kathryn A. Dorman, City Clerk

DATE: July 11, 2006

STATE OF MICHIGAN  
COUNTY OF OAKLAND  
CITY OF FARMINGTON HILLS

RESOLUTION

At a regular meeting of the City Council of the City of Farmington Hills, Oakland County, Michigan, held in the Farmington Hills City Council Chambers at 31555 Eleven Mile Road, Farmington Hills, Michigan, on July 10, 2006, at 7:30 P.M., with those present and absent being,

PRESENT: BARNETT, BATES, BRICKNER, BRUCE, MASSEY AND OLIVERIO

ABSENT: ELLIS

the following resolution was offered by Councilperson Brickner and supported by Councilperson Massey:

**WHEREAS**, Public Act 110 of 2006, known as the Michigan Zoning Enabling Act (MZEA), was signed into law in April of this year and became effective on July 1, 2006, and

**WHEREAS**, the stated primary objective of the MZEA was to repeal the City and Village Zoning Act, the Township Zoning Act, and the County Zoning Act, and consolidate them into a single zoning enabling act applicable to all municipalities, and

**WHEREAS**, the language of the MZEA, as enacted, does more than just consolidate the prior three enabling acts into one statute – it contains several substantive changes that have several significant and negative impacts upon the City's current zoning procedures and administration, appointed Planning Commissioners and ZBA members, fees charged to property owners, charter provisions adopted by the electorate, and zoning ordinance provisions enacted by City Council, and

**WHEREAS**, it is understood that these impacts from the MZEA may not have been foreseen or understood at the time of enactment, but that corrective legislation can remedy the issues, and

**WHEREAS**, the Farmington Hills City Council desires to communicate its concerns and issues with the MZEA, and urge the enactment of corrective legislation, and

**NOW, THEREFORE, IT IS HEREBY RESOLVED** that the City Council of the City of Farmington Hills hereby requests that the Michigan legislature enact and Governor Granholm signs appropriate legislation to address the concerns and issues described below with respect to PA 110 of the Public Acts of 2006, known as the Michigan Zoning Enabling Act (MZEA):

- **ZBA Membership.** The MZEA contains a new requirement that a Planning Commissioner must also serve on the Zoning Board of Appeals (ZBA). A joint

position of planning commissioner and ZBA member in most cities, including Farmington Hills, is likely to amount to 6-8 evening meetings a month. This is an unreasonable and unnecessary burden, and it may have a chilling effect on the willingness of residents to serve on the Planning Commission. Moreover, it will unnecessarily raise a possible conflict of interest in the many cases where the matter being appealed to the ZBA is an action of the planning commission — an action on which the planning commission member will no doubt have already participated as an initial decision maker in the decision being appealed to the ZBA.

Compounding the difficulties created by this new provision, the MZEA is silent on when the membership change must be completed. If it was to be completed by the July 1, 2006, effective date of the Act, then it would require removal of one of the currently sitting members of the ZBA in the middle of his/her term of office, but the MZEA does not allow for the removal of an existing ZBA member to make room for the new Planning Commission member. Instead, the MZEA only states that ZBA members can be removed for “misfeasance, malfeasance, or nonfeasance.” As such, the MZEA seems to have conflicting provisions -- i.e., implementation of one part of the MZEA effectively requires removal of a ZBA member to make room for the new PC member, but another section of PA 110 states that a ZBA member cannot be removed from office unless he/she has done something seriously wrong. Add to this, the fact that many city ordinances and charters (including Farmington Hills), adopted by the electorate of the city, also do not allow for removal of an official on these grounds. Based on the above, this new mandate should be eliminated for cities and villages, as it was before; or, at a minimum, it should be made optional for cities and villages.

- **ZBA Appointments upon Expired Terms.** Under the MZEA, upon the expiration of a ZBA member’s term, a successor must be appointed within 30 days. Previously, in cities and villages, there was no time limit for appointments of successors – it only existed for townships. There does not appear to be a reason or need for this requirement. Accordingly, instead of adding it as a new mandate for cities and villages, it should be eliminated altogether. If there is found to be a strong reason mandating such a provision in the MZEA, then 30 days is much too short for the whole process of application, qualification, deliberation and approval of a new appointee.
- **Appeal of ZBA Decisions.** The MZEA increases the time for filing an appeal of a ZBA decision from 21 to 30 days. The MZEA also now provides for an appeal as of right from the Circuit Court to the Michigan Court of Appeals. Previously, it was clear that further review by the Court of Appeals was by application to the Court. For many years, the foregoing matters have been successfully governed by Michigan’s Rules of Court, as applied by the courts in well settled case law. It appears that the MZEA changes have unnecessarily muddied these waters – for both municipal governments and the general public trying to navigate the procedures in this area of law. Accordingly, these changes should either be

eliminated, or adjusted to reflect the current law of 21-days to appeal and only an appeal by leave of the court.

- **Publication of Public Hearing Notices.** Under the MZEA, a notice of the public hearing must be published in a newspaper of general circulation in all instances where a public hearing is required. This publication procedure now also applies to applications for decisions by the ZBA. The ZBA currently holds public hearings on all appeals that come before it with a notice delivered to all residents within 300' of the subject property, but it was not previously required to also publish a notice for each such matter. The MZEA change in this regard will result in increased administrative burdens, expenses and fees.
- **Delivery of Notice of Public Hearing.** In addition to providing public hearing notifications to all owners of property within 300' feet, the MZEA now also requires notification to all occupants (e.g., tenants) of all structures within 300' of the property that is the subject of the application. The term "occupants" is not defined, and the MZEA is silent as to the method the City is to use in determining how many occupants exist in a given structure, what address to use for the notices, whether it includes only persons in homes or apartments, or tenants of commercial, office, industrial and assisted living buildings as well. The three prior enabling acts did contain some specifics in these regards, which has been removed and could be helpful if reinserted by way of corrective legislation.

Furthermore, the MZEA also now specifically provides that the 300' radius does not stop at the City boundaries, i.e., notice must be provided outside the City limits within the 300' radius, to all persons listed above. The MZEA does not specify how the City is to obtain reliable information about property in another community. It is also silent on addressing funding for any of the above enhanced notice requirements.

- **Effective Date of Zoning Ordinance Amendments.** Previously, the City and Village Zoning Act did not specifically identify an effective date for zoning ordinance amendments, presumably leaving it to home rule city charter authority. The MZEA now provides that a notice of zoning ordinance amendments must be published within 15 days after adoption and the ordinance becomes effective on the 8th day after such publication. This directly conflicts with city charter provisions adopted by vote of the electorate that require publication within 10 days and provide for all ordinances to "take effect 21 days after their enactment, or on such date thereafter as the Council shall declare." As a result of this conflict, it could be argued that every zoning ordinance adopted by the City will take effect 18 or less days after enactment (absent a referendum), which conflicts with the charter language quoted above and has the effect of reducing the number of days the public will have to get a referendum petition together. While this provision of the MZEA may be necessary for townships since they have no charter (other than the state charter for charter townships), there is no good reason to extend its applicability to cities without deference to their charters.

Accordingly, these provisions should be changed to apply only to townships, which will preserve the electorate's voted upon rights under their home rule charters (especially where, as in Farmington Hills, the referendum timing decided upon by the city electors in the charter is more liberal than under the statute).

**IT IS FURTHER RESOLVED** that copies of this resolution be directed to the Governor of Michigan, the Attorney General of Michigan, State Senator Gilda Jacobs, State Representative Aldo Vagnozzi, Oakland County Commissioners Mike Rogers and Jim Nash, all Oakland County Mayors, the Michigan Municipal League and SEMCOG.

AYES:                   BARNETT, BATES, BRICKNER, BRUCE, MASSEY AND OLIVERIO  
NAYS:                   NONE  
ABSENT:                ELLIS  
ABSTENTIONS:        NONE

The resolution was adopted.

STATE OF MICHIGAN    )  
                                  )ss.  
COUNTY OF OAKLAND  )

I, the undersigned, the duly qualified and appointed City Clerk of the City of Farmington Hills, Oakland County, Michigan do hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council held on July 11, 2006, the original of which is on file in my office.

IN WITNESS WHEREOF, I have hereunto affixed my official signature on this 11<sup>th</sup> day of July, 2006.

  
KATHRYN A. DORNAN, City Clerk  
City of Farmington Hills

# July 2006

July 2006							August 2006						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
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 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
6:00pm City Council-Special Meeting (Council Chambers) 7:30pm City Council Meeting (Council Chambers)	7:30pm Planning Commission Special/Study (Council Boardroom)				30
31					

# August 2006

August 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		

September 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
	August 1	2	3	4	5
	7:30pm Planning Commission Special/Study (Council Boardroom)	8:30am BUILDING CODE BOARD OF APPEALS (Conference Room LL)			6
7	8	9	10	11	12
	7:30pm Planning Commission Regular Meeting (Council Chambers)				13
14	15	16	17	18	19
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)			20
21	22	23	24	25	26
	7:30pm Planning Commission Special/Study (Council Boardroom)				27
28	29	30	31		
7:30pm City Council Meeting (Council Chambers)					

# September 2006

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

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



JUL 10 2006

Jennifer M. Granholm  
GOVERNOR

STATE OF MICHIGAN  
PUBLIC SERVICE COMMISSION  
DEPARTMENT OF LABOR & ECONOMIC GROWTH  
ROBERT W. SWANSON  
DIRECTOR

CITY OF TROY  
CITY MANAGER'S OFFICE  
Peter Lark  
CHAIR

Robert B. Nelson  
COMMISSIONER

Laura Chappelle  
COMMISSIONER

STATE OF MICHIGAN

*RW*

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

\* \* \* \*

NOTICE OF HEARING  
FOR THE CUSTOMERS OF  
THE DETROIT EDISON COMPANY

CASE NO. U-14907

- The Detroit Edison Company will use certain accounts and accounting practices to track implementation costs related to its Performance Excellence Process, if the Michigan Public Service Commission approves its request.
- The information below describes how a person may participate in this case.
- You may call or write The Detroit Edison Company, Rates and Regulatory Affairs, 2000 Second Avenue, Detroit, Michigan 48226, (313) 235-9512 for a free copy of its application. Any person may review the application at the offices of The Detroit Edison Company.
- A public hearing in this matter will be held:

**DATE:** July 27, 2006  
This will be a prehearing conference to determine future hearing dates and other procedural matters.

**TIME:** 9:00 a.m.

**PRESIDING OFFICER:** Administrative Law Judge James N. Rigas

**LOCATION:** Michigan Public Service Commission  
6545 Mercantile Way, Suite 7  
Lansing, Michigan

**PARTICIPATION:** Any interested person may attend and participate. The

hearing site is accessible, including handicapped parking. Persons needing any accommodation to participate should contact the Commission's Executive Secretary at (517) 241-6160 a week in advance to request mobility, visual, hearing or other assistance.

The Michigan Public Service Commission (Commission) will hold a public hearing to consider the May 31, 2006 application of The Detroit Edison Company (Detroit Edison), which seeks the Commission's approval to use certain accounts and accounting practices to track implementation costs associated with its Performance Excellence Process (PEP). Detroit Edison estimates that the costs to attain the intended PEP efficiencies and savings will be approximately \$160 million to \$190 million.

Detroit Edison also states that the accounting authority requested in this application will not result in any increase in rates or charges for electric service.

All documents filed in this case shall be submitted electronically through the Commission's Electronic Case Filings Web site at: <https://efile.mpsc.cis.state.mi.us/cgi-bin/efile/login.pl>. Requirements and instructions for filing electronic documents can be found in the Electronic Case Filings Users Manual at: <http://efile.mpsc.cis.state.mi.us/efile/pdfs/usersmanual.pdf>.

An application for account and letter of assurance, required of all first-time users, are located at: <http://efile.mpsc.cis.state.mi.us/efile/pdfs/assurance.pdf>. Documents may also be submitted, in Word format, as an attachment to an email sent to [mpscefilecases@michigan.gov](mailto:mpscefilecases@michigan.gov). If you require assistance prior to e-filing, contact Commission staff at 517-241-6170 or by e-mail at: [mpscefilecases@michigan.gov](mailto:mpscefilecases@michigan.gov).

Any person wishing to intervene and become a party to the case shall file a petition to intervene with this Commission by July 20, 2006. The proof of service shall indicate service

upon Detroit Edison's attorney, Richard P. Middleton, 2000 Second Avenue 688 WCB, Detroit, Michigan 48226.

Any person wishing to make a statement of position without becoming a party to a case may participate by filing an appearance. To file the appearance, the individual must attend the hearing and advise the presiding administrative law judge of his or her wish to make a statement of position.

A copy of Detroit Edison's request may be reviewed on the Commission's Web site at <http://efile.mpsc.cis.state.mi.us/efile>, or at the office of the Commission's Executive Secretary, 6545 Mercantile Way, Suite 7, Lansing, MI, and at the office of The Detroit Edison Company, 2000 Second Avenue, Detroit, MI. For more information on how to participate in a case, you may contact the Commission at the above address or by telephone at (517) 241-6170.

Jurisdiction is pursuant to 1909 PA 106, as amended, MCL 460.551 et seq.; 1919 PA 419, as amended, MCL 460.51 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1999 AC, R 460.17101 et seq.

June 28, 2006  
Lansing, Michigan