

AGENDA

Meeting of the

CITY COUNCIL OF THE CITY OF TROY

SEPTEMBER 11, 2006

CONVENING AT 7:30 P.M.

**Submitted By
The City Manager**

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 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.

TO: The Honorable Mayor and City Council
Troy, Michigan

FROM: 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.

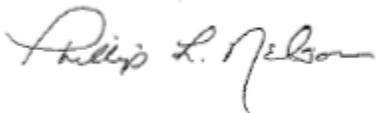
Identified below are goals for the City, which have been advanced by the governing body; and Agenda items submitted for your consideration are on course with these goals.

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



CITY COUNCIL

AGENDA

**September 11, 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: Pastor Dan Lewis – Troy Christian Chapel **1**

ROLL CALL: **1**

CERTIFICATES OF RECOGNITION: **1**

- A-1 Presentations: 1
 - a) Certificate of Recognition Awarded to Rachael Zelmanski for Winning the Gold Medal in the Standing Long Jump Event at the North American Final of the Hershey’s Track and Field Youth Program 1
 - b) Proclamation – National Alcohol and Drug Addiction Recovery Month – September, 2006 – Presented to Troy Community Coalition..... 1
 - c) Proclamation in Recognition of Constitution Week 2006 – September 17-23, 2006 – Presented to the Daughters of the American Revolution, Ezra Parker Chapter..... 1

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C-2 Rezoning Application (File No. Z 632-B) – Proposed Grand Troy Villas, West Side of Rochester Road, North of Wattles Road, Section 15 – CR-1 to R-1T 3

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 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.

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CALL TO ORDER:**INVOCATION & PLEDGE OF ALLEGIANCE: Pastor Dan Lewis – Troy Christian Chapel****ROLL CALL:**

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

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

- a) Certificate of Recognition Awarded to Rachael Zelmanski for Winning the Gold Medal in the Standing Long Jump Event at the North American Final of the Hershey's Track and Field Youth Program
- b) Proclamation – National Alcohol and Drug Addiction Recovery Month – September, 2006 – Presented to Troy Community Coalition
- c) Proclamation in Recognition of Constitution Week 2006 – September 17-23, 2006 – Presented to the Daughters of the American Revolution, Ezra Parker Chapter

CARRYOVER ITEMS:

B-1 No Carryover Items**PUBLIC HEARINGS:**

C-1 Parking Variance Request – 35 W. Square Lake Road

Suggested Resolution
Resolution #2006-09-
Moved by
Seconded by

Proposed Resolution A (for approval)

WHEREAS, Articles XLIII and XLIV (43.00.00 and 44.00.00) of the Zoning Ordinance provide that the City Council may grant variances from the off-street parking requirements of the Zoning Ordinance upon general findings that:

1. The variance would not be contrary to public interest or general purpose and intent of the Zoning Ordinance.

2. The variance does not permit the establishment of a prohibited use as a principal use within a zoning district.
3. The variance does not cause an adverse effect to properties in the immediate vicinity or zoning district.
4. The variance relates only to property described in the application for variance; and

WHEREAS, Article XLIII (43.00.00) requires that in granting, the City Council shall find that the practical difficulties justifying the variances are:

- A. That absent a variance, no reasonable use can be made of the property; or
- B. That absent a variance, a significant natural feature would be negatively affected or destroyed; or
- C. That absent a variance, public health, safety and welfare would be negatively affected; or
- D. That literal enforcement of the Zoning Ordinance precludes full enjoyment of the permitted use and makes conforming unnecessarily burdensome. In this regard, the City Council shall find that a lesser variance does not give substantial relief, and that the relief requested can be granted within the spirit of the Ordinance, and within the interests of public safety and welfare; and

WHEREAS, The City Council finds the above-stated general conditions to be present and finds the practical difficulty stated above to be operative in the appeal;

THEREFORE, BE IT RESOLVED, That the request from Voitek Malinowski for waiver of 13 additional parking spaces at the development at 35 West Square Lake Road be **APPROVED**.

OR

Proposed Resolution B (for denial)

WHEREAS, City Council has not found that the requirements of Articles XLIII and XLIV (43.00.00 and 44.00.00) of the Zoning Ordinance have been met;

THEREFORE, BE IT RESOLVED, That the request from Voitek Malinowski for waiver of 13 additional parking spaces at the development at 35 West Square Lake Road be **DENIED**.

Yes:

No:

C-2 Rezoning Application (File No. Z 632-B) – Proposed Grand Troy Villas, West Side of Rochester Road, North of Wattles Road, Section 15 – CR-1 to R-1T

Suggested Resolution

Resolution #2006-09-

Moved by

Seconded by

RESOLVED, That the CR-1 to R-1T rezoning request, located on the west side of Rochester Road, north of Wattles Road, Section 15, part of parcels 88-20-15-477-016 and 88-20-15-477-017, being approximately 2.27 acres in size, is described in the following legal descriptions and illustrated on the attached Exhibit drawing:

T2N, R11E, SE 1/4 of Section 15

Commencing at the southeast corner of said Section 15; thence N 00°16'21" W, 687.40 ft.; thence West, 75.00 ft. to the west right-of-way line of Rochester Rd. (150 ft. wide) being the Point of Beginning; thence west 250.00 ft.; thence N 00°16'21" W, 365.00 ft.; thence S 89°52'34" E, 282.01 ft.; thence S 00°16'21" E, 244.30 ft.; thence west 32.00 ft.; thence S 00°16'21" E, 120.00 ft to the Point of Beginning. Containing 2.27 ac., more or less, and subject to easements and restrictions of record.

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

Yes:

No:

C-3 Proposed Amendment to Planned Unit Development – Woodside Bible Church/Northwyck Condominium Planned Unit Development (PUD 1), Located on the East Side of Rochester Road, North of Square Lake Road and South of South Boulevard – Section 2

Suggested Resolution

Resolution #2006-09-

Moved by

Seconded by

RESOLVED, That the First Amendment to the Planned Unit Development Agreement for Woodside Bible Church/Northwyck Condominium Planned Unit Development (PUD 1), located on the east side of Rochester Road, north of Square Lake Road and south of South Boulevard, Section 2, being approximately 89.4 acres in size, is hereby **GRANTED**, as recommended by City Management and the Planning Commission.

Yes:

No:

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

Resolution #2006-09-

Moved by

Seconded by

RESOLVED, That the final action on the Zoning Ordinance Text Amendment (ZOTA 214) regarding regulations of Group Child Care Homes be **POSTPONED** until the first meeting in December, 2007.

Yes:

No:

CONSENT AGENDA:

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

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

Resolution #2006-09-

Moved by

Seconded by

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

Yes:

No:

E-1b Address of "E" Items Removed for Discussion by City Council and/or the Public**E-2 Approval of City Council Minutes**Suggested Resolution

Resolution #2006-09-

RESOLVED, That the Minutes of the 7:30 PM Regular City Council Meeting of August 28, 2006 be **APPROVED** as submitted.

E-3 Proposed City of Troy Proclamation(s):

Suggested Resolution

Resolution #2006-09-

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

- a) National Alcohol and Drug Addiction Recovery Month – September, 2006
- b) Constitution Week – September 17-23, 2006

E-4 Standard Purchasing Resolutions

- a) **Standard Purchasing Resolution 9: Approval to Expend Funds for Membership Dues and Membership Renewals Over \$10,000: Southeast Michigan Council of Governments (SEMCOG)**

Suggested Resolution

Resolution #2006-09-

RESOLVED, That approval is **GRANTED** to pay membership dues to the Southeast Michigan Council of Governments (SEMCOG) in the amount of \$11,290.00, which covers the time period of July 15, 2006 to July 15, 2007.

- b) **Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – HAVEN Program**

Suggested Resolution

Resolution #2006-09-

RESOLVED, That approval to expend funds budgeted in the 2006/2007 fiscal year to the HAVEN Program to provide community services to support victims of domestic assault for the residents of the City of Troy in the amount of \$4,500.00 is hereby **APPROVED**, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

- c) **Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – Avondale Youth Assistance**

Suggested Resolution

Resolution #2006-09-

RESOLVED, That approval to expend funds budgeted in the 2006/2007 fiscal year to the Avondale Youth Assistance to provide counseling and community services to prevent youth offender recidivism to the residents of Troy who reside in the Avondale School District at a cost of \$2,210.00, paid in one installment is hereby **APPROVED**, and the Mayor and City Clerk are

AUTHORIZED TO EXECUTE the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

d) Standard Purchasing Resolution 1: Award to Low Bidder – Lower Level Conference Room Remote Camera System

Suggested Resolution
Resolution #2006-09-

RESOLVED, That a contract to furnish a two-camera Remote Camera System in the Troy City Hall Lower Level Conference Room is hereby **AWARDED** to the low bidder, VPI – Visual Productions, Inc. of Southfield, MI, for an estimated total cost of \$25,355.00; 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; 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, at unit prices contained in the schedule of values opened July 19, 2006, a copy of which **SHALL BE ATTACHED** to the original Minutes of this meeting.

e) Standard Purchasing Resolution 1: Award to Low Bidder – Industrial Row Drive and Meijer Drive Reconstruction and Water Main Reconstruction

Suggested Resolution
Resolution #2006-09-

RESOLVED, That Contract No. 06-9 for Industrial Row Drive and Meijer Drive Reconstruction and Water Main Reconstruction, be **AWARDED** to Six-S, Inc., 2210 Scott Lake Road, Waterford, MI, 48328 for their low bid of \$3,283,950.40; and

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

f) Standard Purchasing Resolution 1: Award to Low Bidders – Snow Removal Services – Home Chore Program

Suggested Resolution
Resolution #2006-09-

RESOLVED, That contracts to provide for seasonal requirements of snow removal services for the Home Chore Program with an option to renew for one (1) additional year are hereby **AWARDED** to the low bidders, O'Neal Father & Sons of Clinton Township, as primary contractor, and Redburn's Snow Plowing and Lawn Maintenance, Inc., of Rochester Hills as secondary contractor, at unit prices contained in the bid tabulation opened August 23, 2006, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

E-5 Application for Transfer of Class C License for Troy, Inc.

(a) New License

Suggested Resolution
Resolution #2006-09-

RESOLVED, That the request from Troy, Inc., to transfer ownership of 2005 Class C licensed business located at 1129 E. Long Lake, Troy, MI 48098, Oakland County, from Ichibang Corporation, Inc., and the request for a new dance-entertainment permit, be **CONSIDERED** for **APPROVAL**; and

BE IT FURTHER RESOLVED, That it is the consensus of this legislative body that the application **BE RECOMMENDED** for issuance.

(b) Agreement

Suggested Resolution
Resolution #2006-09-

WHEREAS, The City Council of the City of Troy deems it necessary to enter agreements with applicants for liquor licenses for the purpose of providing civil remedies to the City of Troy in the event licensees fail to adhere to Troy Codes and Ordinances;

THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby **APPROVES** an agreement with Troy, Inc., to transfer ownership of 2005 Class C licensed business located at 1129 E. Long Lake, Troy, MI 48098, Oakland County, from Ichibang Corporation, Inc., and request a new dance-entertainment permit, and the Mayor and City Clerk are hereby **AUTHORIZED TO EXECUTE** the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-6 Request for Acceptance of a Permanent Easement for Watermain, Altair Bellingham, LLC – Sidwell #88-20-26-200-078 – Project No. 00.970.3

Suggested Resolution
Resolution #2006-09-

RESOLVED, That the Permanent Easement for Watermain from Altair Bellingham, LLC, owner of property having Sidwell #88-20-26-200-078, is hereby **ACCEPTED**; and

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

E-7 Proposed Vogt Drainage District Enlargement Briggs Park Condominiums, Project No. 05.949.3

Suggested Resolution
Resolution #2006-09-

RESOLVED, That the Vogt Drainage District be enlarged by 6.39 acres to accommodate the Briggs Park Condominium development in Section 14 of the city, is hereby **APPROVED**.

E-8 Sole Source – Truox Chlorine Companion

Suggested Resolution
Resolution #2006-09-

WHEREAS, B&B Pools and Spas of Livonia, MI, is the authorized dealer/distributor in Michigan for the Truox brand products; and

WHEREAS, Truox Chlorine Companion is compatible with the ECS System installed at the Community Center Indoor Pool, which maintains proper chemical balance without skin irritation;

NOW, THEREFORE, BE IT RESOLVED, That a contract to purchase Truox Chlorine Companion is hereby **APPROVED** with B&B Pools and Spas at \$15.00 off the warehouse price, currently at \$125.50 per 50lb pail.

E-9 Private Agreement for Retail Center 1422-1470 West Maple – Project No. 06.914.3

Suggested Resolution
Resolution #2006-09-

RESOLVED, That the Contract for Municipal Improvements (Private Agreement) between the City of Troy and D & K Hannawa, LLC is hereby **APPROVED** for the installation of sidewalk, water main and deceleration lane at 1422-1470 W. Maple, 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-10 Sole Source – East Jordan Iron Works – Complete Hydrant and Valve Repair Parts

Suggested Resolution
Resolution #2006-09-

WHEREAS, East Jordan Iron Works, the manufacturer, has agreed to provide East Jordan complete hydrants, as well as hydrant and valve repair parts directly to the City of Troy at discounts greater than those of distributors;

THEREFORE, BE IT RESOLVED, That a contract to provide East Jordan complete hydrants, and valve and hydrant repair parts is hereby **APPROVED** with East Jordan Iron Works at discounts of 49% and 46% respectively.

E-11 Request to Waive Parking Restrictions – Smith Middle SchoolSuggested Resolution

Resolution #2006-09-

RESOLVED, That the City Council of the City of Troy does hereby **WAIVE** the No Parking restrictions on the west side of Donaldson Street from Square Lake Road to Cotswold Street, on September 21, 2006, between the hours of 6:30 pm - 9:00 pm; November 15 and 16, 2006, between the hours of 11:30 am - 9:00 pm; March 8, 2007, between the hours of 11:30 am - 9:00 pm; March 30, 2007, between the hours of 5:30 pm - 9:30 pm; and June 14, 2007, between the hours of 9:00 am - 12:00 noon.

PUBLIC COMMENT: Limited to Items Not on the Agenda

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

REGULAR BUSINESS:

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

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

F-1 Appointments to Boards and Committees: a) Mayoral Appointments: Local Development Finance Authority (LDFA) b) City Council Appointments: Advisory Committee for Persons with Disabilities; Animal Control Appeal Board; Board of Canvassers; Cable Advisory Committee; Ethnic Issues Advisory Board; Historic District Commission; Municipal Building Authority; Parks & Recreation 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 #2006-09-

Moved by

Seconded by

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

Local Development Finance Authority (LDFA)

Appointed by Mayor (5) – 4 Year Terms

Unexpired Term 06/30/07

Yes:

No:

(b) City Council Appointments

Suggested Resolution

Resolution #2006-09-

Moved by

Seconded by

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

Advisory Committee for Persons with Disabilities

Appointed by Council (9 Regular Members; 3 Alternates) – 3 Year Terms

(Alternate) Unexpired Term Expires 11/01/06

Animal Control Appeal Board

Appointed by Council (5) – 3 Year Terms

Term Expires 09/30/09

Term Expires 09/30/09

Board of Canvassers

Appointed by Council (4) – 4 Year Terms

Unexpired Term 12/31/09

Cable Advisory Committee

Appointed by Council (7) – 3 Year Terms

Term Expires 09/30/09

Term Expires 07/01/07 (Student)

Ethnic Issues Advisory Board

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

Unexpired Term 09/30/07

Term Expires 07/01/07 (Student)

Term Expires 07/01/07 (Student)

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

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

NOTE: City Council Appointment

Term Expires 09/30/09

NOTE: City Council Appointment

Term Expires 09/30/09

NOTE: Troy Daze Committee to forward recommendation

Term Expires 11/30/06

Troy Daze Committee

Appointed by Council (9) – 3 Year Terms

Term Expires 07/01/07 (Student)

Unexpired Term 11/30/06

Yes:

No:

F-2 Proposed Amendment to Chapter 41 - Subdivision Control Ordinance**Suggested Resolution**

Resolution #2006-09-

Moved by

Seconded by

RESOLVED, That an ordinance amending Sections 2.00, 2.99, 3.00, 3.01, 3.02, 3.03, 3.04, 3.05, 4.06(A) and 6.00 of Chapter 41 of the Code of the City of Troy, the Subdivision Control Ordinance, is hereby **ADOPTED** as recommended by the City Attorney, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**G-1 Announcement of Public Hearings:**

- a) Michigan Zoning Enabling Act, Pa 110 of 2006, Zoning Ordinance Text Amendment (File No: ZOTA 224) – Articles II, III, X, XXXIV, XXXV, and XLIII – September 18, 2006

G-2 Green Memorandums: No Memorandums Submitted

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

H-1 No Council Referrals Advanced

COUNCIL COMMENTS:

I-1 No Council Comments Advanced

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

- a) Historic District Commission/Final – June 28, 2006
b) Troy Daze Committee/Final – July 24, 2006
c) Planning Commission Special-Study/Final – August 1, 2006
d) Planning Commission/Final – August 8, 2006
e) Troy Daze Committee/Draft – August 22, 2006

J-2 Department Reports: None Submitted

J-3 Letters of Appreciation:

- a) Letter of Appreciation from Ruth A. Johnson, Oakland County Clerk/Register of Deeds Thanking Tonni Bartholomew and Barbara Holmes for Their Assistance in Training Oakland County Poll Workers
 - b) Letter of Appreciation from Matthew Carpus, Ferris State University to Chief Craft for Allowing Him to Serve His Internship with the Troy Police Department
 - c) Letter of Appreciation from Louis C. Castle to Chief Craft for the Professionalism Displayed by PSA Jessica Morse
-

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

J-5 Calendar

J-6 Communication from Parks and Recreation Director Carol Anderson Regarding LERN Website Featuring the Troy Parks and Recreation Webpage

J-7 HAVEN Quarterly Report – April - June 2006

STUDY ITEMS:

K-1 No Study Items Submitted

PUBLIC COMMENT: Address of “K” Items

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

CLOSED SESSION:

L-1 Closed Session:

Suggested Resolution

Resolution #2006-09-

Moved by

Seconded by

BE IT RESOLVED, That the City of Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (e), Pending Litigation – Gerback v Troy.

Yes:

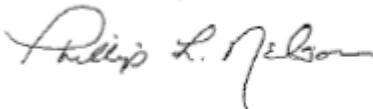
No:

RECESSED

RECONVENED

ADJOURNMENT

Respectfully submitted,



Phillip L. Nelson, City Manager

SCHEDULED CITY COUNCIL MEETINGS:

- 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
- Monday, November 13, 2006 Regular City Council
- Monday, November 20, 2006 Regular City Council
- Monday, November 27, 2006 Regular City Council
- Monday, December 4, 2006 Regular City Council
- Monday, December 18, 2006 Regular City Council

CERTIFICATE OF RECOGNITION

This certificate is awarded to

Rachael Zelmanski

In recognition of hard work and perseverance. You are to be commended for winning the Gold Medal in the Standing Long Jump event at this year's North American Final of the Hershey's Track and Field Youth Program on August 5, 2006 in Hershey, Pennsylvania. Your winning distance of 7 feet 4.75 inches beat your Regional distance of 7 feet 1 inch. You were an excellent representative for our entire community as well as the State of Michigan. On behalf of the City of Troy, the Troy City Council and our citizens we applaud you for a job well done.



Louise E. Schilling, Mayor

September 11, 2006

PROCLAMATION
National Alcohol and Drug Addiction Recovery Month
September 2006

WHEREAS, Seventy-four percent of Americans say that addiction to alcohol has had some impact on them at some point in their lives, whether it was their own personal addiction, that of a friend or family member, or any other experience with addiction; and

WHEREAS, A sixty-three percent majority of Americans also say that addiction to either drugs or alcohol has had a great deal or some impact on their lives; and

WHEREAS, Stigma and discrimination present obstacles and can be a mark of disgrace to those with substance use disorders who need access to treatment facilities, and for those who want to reestablish their place in the community by entering the workforce; and

WHEREAS, Educating our community about how substance use disorders affect children, families, and all community members is essential to overcoming stigma and discrimination; and

WHEREAS, We must recognize the achievement of those who seek out treatment services and ensure that such services are readily available to those who need assistance; and

WHEREAS, Substance use disorders are a treatable, yet serious health care problem, and we can take steps to address it and so build a stronger, healthier community; and

WHEREAS, To help achieve this goal, the U.S. Department of Health and Human Services, the Substance Abuse and Mental Health Services Administration, the White House Office of National Drug Control Policy, and the Troy Community Coalition for the Prevention of Drug and Alcohol Abuse invite all residents of Troy to participate in ***National Alcohol and Drug Addiction Recovery Month***.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Troy hereby proclaims the Month of September 2006 as ***National Alcohol and Drug Addiction Recovery Month***;

BE IT FURTHER RESOLVED, That we invite **all Troy residents** to recognize and participate in its observance with appropriate programs, activities, and ceremonies supporting this year's theme, ***"Join the Voices for Recovery: Build a Stronger, Healthier Community."***

Proclaimed this 11th day of September 2006.

**PROCLAMATION
IN RECOGNITION OF
CONSTITUTION WEEK 2006**

WHEREAS, We the People did ordain and establish a Constitution for the United States of America to secure the blessings of liberty for ourselves and our posterity; and

WHEREAS, It is important that all citizens fully understand the provisions, principles and meaning of the Constitution so they can support, preserve and defend it against encroachment; and

WHEREAS, The 219th anniversary of the Constitution provides an historic opportunity for all Americans to learn about and to reflect upon the rights and privileges of citizenship and its responsibilities; and

WHEREAS, The President and the Congress of the United States of America have designated the week of September 17–23 as Constitution Week; and

WHEREAS, The people of the City of Troy do enjoy the blessings of liberty, the guarantees of the Bill of Rights, equal protection of the law under the Constitution, and the freedoms derived from it; and

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby proclaims **the week of September 17–23 as Constitution Week**, and invites every citizen and institution to join the national commendation.

BE IT FURTHER RESOLVED, That the City Council of Troy joins with the citizens of this community to acknowledge and celebrate the magnificent document that acts as a guardian of our liberties and affords citizens their rights under a limited government in a Republic dedicated to rule by law.

Signed this 11th day of September 2006.

DATE: August 29, 2006

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Agenda Item - Public Hearing
Parking Variance Request
35 W. Square Lake Road

We have received an application from Voitek Malinowski of Quality Care Rehabilitation Professionals, Inc. to alter an existing commercial building at 35 W. Square Lake Road to convert it into medical offices. Applying the requirements for parking for medical offices of Section 40.21.73 of the Troy Zoning Ordinance we find that a minimum of 27 parking spaces are required for a building of this size. The site plan indicates that only 14 parking spaces are available on the site. As such, the permit application has been denied. In response to our denial, the applicants have filed a request for parking variance for the 13-space deficiency.

A Public Hearing has been scheduled for your meeting of September 11, 2006, in accordance with Section 44.01.00.

We have enclosed copies of the petitioner's application and supporting documentation as well as a copy of the site plan and floor plan of the facility for your reference. We will be happy to provide additional information regarding this request if you desire.

PARKING VARIANCE APPLICATION FOR PUBLIC HEARING BEFORE CITY COUNCIL CITY OF TROY	<div style="text-align: center; font-weight: bold; font-size: 1.2em;">RECEIVED</div> <div style="text-align: center;">AUG 03 2006</div> <div style="text-align: center; font-weight: bold;">BUILDING DEPT</div>
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TO TROY CITY COUNCIL

DATE: 8-1-06

Request is hereby made for a variance to modify the parking provisions of the Zoning Ordinance enacted by the City Council or contrary to a decision rendered by the Building Official in denying an application for a permit.

Applicant: Voitek MALINOWSKI Phone: (248) 515 7564

Address: 361 W. SQUARE LK RD. TROY MI 48098

Address of Property: 35 W. SQUARE LK Rd MI 48098

Lot # 88-20-09-229-002 Subdivision: _____

Zoning District: B-1 Sidwell # 8820 09 229 002

Owner of Property: CROCFENZI JOSEPH Phone: (248) 701 0423

Address: 2368 ULSTER ROCHESTER HILLS MI 48309

This appeal is made on a determination by the Director of Building & Zoning, in the enforcement of the Zoning Ordinance, in a letter dated: 08-01-06

Has there been a previous appeal involving this property? NO If Yes, state date _____ and particulars _____

REASON FOR VARIANCE:

Dimension of Stall? _____ Parking Spaces Required: 27

Number of Stalls? _____ Parking Spaces Provided: 14

Other Dimensions? _____ Variance Requested: 13

Outline your appeal, listing sections of the ordinance from which relief is sought and also outline your proposals, indicating your hardships. (continued on back of page)

see Mt. letter.

PLOT PLAN OF SITE ATTACHED HERETO

STATE OF MICHIGAN)
COUNTY OF Oakland)

I HEREBY DISPOSE AND SAY THAT ALL THE ABOVE STATEMENTS, AND INFORMATION IN THE ATTACHED PAPERS AND SITE PLANS SUBMITTED ARE TRUE AND CORRECT.

Date: 8-01-06 *[Signature]*
(Signature of Applicant)

Signed and Sworn to before me this 1st day of August 2006

[Signature]
Notary Public

My Commission Expires: 7-5-2012

Filing Fee \$200.00 Date Paid 8-3-06

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

QUALITY CARE REHABILITATION PROFESSIONALS, INC.

Tatjana Savich, MSA, OTR

42536 Hayes Road Suite 100

Fideliz Sayas, RPT

Administrator

Clinton Township, MI 48038

Voitek Malinowski, RPT

(586) 286-9644 FAX (586) 286-964

Clinical Program Directors

RECEIVED

AUG 03 2006

BUILDING DEPT.

TROY PARKING PROPOSAL

08/01/06

We are requesting an appeal for the parking as well as proposing the following solutions for the Quality Care Rehabilitation Professionals, Inc. 35 West Square Lake, Troy, MI. location:

The variance stated that 27 parking spaces are required for the building and we have 14 spaces currently available at the location. We only require 12 parking spaces for our business when it is run at full capacity.

We seeking relief from the ordinance due to the allocation of parking spaces that will not be occupied by certain members of our staff and due to the nature of our Thomas physical therapy scheduling. The aforementioned reasons are outlined in further detail under various headings.

Scheduling -

We have a physical therapy scheduling program that does not allow us to schedule more than 8 patients at a time. We will see patients by appointment only. There is a 30 minute space in between each patient's ending treatment time to the next patient's appointment start time. The therapist needs the time following each patient's visit to document the outcomes of therapy that day. Additionally, there will be enough time to have the rooms cleaned and to prepare for the next patient's treatment program. A copy of the Thomas physical therapy scheduling program is included with our appeal. With an 8 patient maximum caseload and 4 therapist/ personnel working with the patients, we only need 12 actual parking spaces. We have 14 parking spaces available to us now.

Billing - Our billing department is at our QCRP – Clinton Township location. Both of our billers will have emails forwarded to them from QCRP-Troy to QCRP-Clinton and all reimbursement and billing issues will be forwarded to Clinton township. This will save two parking spaces from being occupied.

CEO duties- The administration/CEO duties will take place in the Clinton Township location. Only one office is required for the Administrative duties and Tatjana Tina Savich's office is in Clinton Township.

CFO duties - All of the payroll and banking will be done by Chief Financial Officer, Fideliz Sayas. Her office is located at The Clinton Township location.

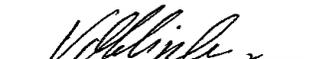
Summary of Resolution – We have resolved the City of Troy parking situation as requested.

Appeal – We are appealing the additional spaces the City of Troy has requested we have. Due to the nature of our business, physical therapy, and to the capacity of patient rooms we have in combination with the amount of staff required, we physically would only require 12 parking spaces and we already have 14.

Note - We are at a standstill with the opening of our company. We would like to facilitate the Troy small business economy and provide professional services to the Troy and its neighboring residents as soon as possible.


Tatjana T. Savich, OTR
C.E.O.


Fideliz Sayas, RPT
C.E.O.


Wittek Malinowski, RPT
C.O.O.

08/03/2006

BOOK 1
Appointment Totals

Room: 1, 2, 3, 4, 5, 6, 7, 8
For: Mon, 3/6/2006

Acct	Name	Unknown Time	Rm	Dr	Type	Phone
	NEW PATIENT A	8:00AM	1	2N	1/	
	NEW PATIENT B	8:00AM	2	2N	11	
	NEW PATIENT C	8:00AM	3	2N	14	
	NEW PATIENT D	8:00AM	4	2N	1H	
	NEW PATIENT E	8:00AM	5	2N	1M	
	NEW PATIENT F	8:00AM	6	2N	2/	
	NEW PATIENT G	8:00AM	7	2N	21	
	NEW PATIENT H	8:00AM	8	2N	24	
	NEW PATIENT L	9:30AM	4	2N	3H	
	NEW PATIENT J	9:45AM	2	2N	3	
	NEW PATIENT I	10:00AM	1	2N	2H	
	NEW PATIENT M	10:00AM	5	2N	4	
	NEW PATIENT K	10:15AM	3	2N	3/	
	NEW PATIENT R	10:45AM	2	2N	NM	
	NEW PATIENT O	10:45AM	7	2N	5H	
	NEW PATIENT N	11:00AM	6	2N	4/	
	NEW PATIENT S	11:15AM	5	2N	2/	
	NEW PATIENT P	11:15AM	8	2N	MT	
	NEW PATIENT Q	12:30PM	1	2N	NP	
	NEW PATIENT T	12:30PM	2	2N	3/	
	NEW PATIENT U	12:45PM	8	2N	14	
	NEW PATIENT W	1:00PM	4	2N	21	
	NEW PATIENT V	2:15PM	3	2N	1/	
	NEW PATIENT W	2:15PM	5	2N	4/	
	NEW PATIENT AD	3:00PM	8	2N	2H	
	NEW PATIENT AA	3:45PM	4	2N	2/	
	NEW PATIENT X	4:00PM	1	2N	14	
	NEW PATIENT AB	4:00PM	6	2N	NP	
	NEW PATIENT Z	4:15PM	3	2N	11	
	NEW PATIENT AC	4:15PM	7	2N	MT	
	NEW PATIENT Y	4:30PM	2	2N	2H	
	NEW PATIENT AE	5:00PM	8	2N	1/	

Number of Unknown Appointments: 32
Total Number of Appointments Scheduled: 32

RECEIVED

AUG 03 2006

BUILDING DEPT.

08/03/2006

BOOK 1
Appointment List
Doctor: All Doctors
Room: ROOM1, ROOM2, ROOM3, ROOM4, ROOM5, ROOM6, ROOM7, ROOM8
For: Mon, 3/6/2006

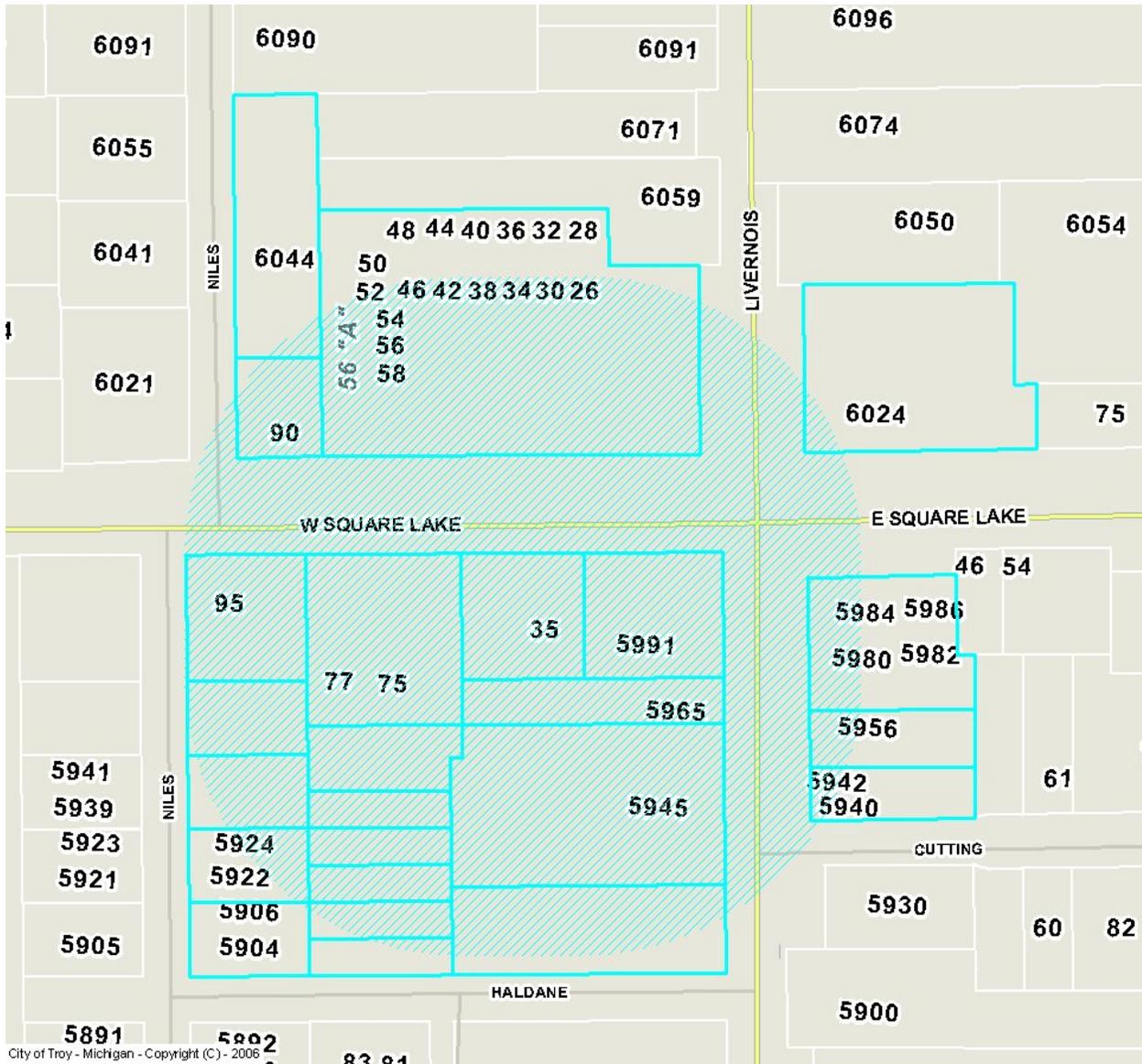
3/6/2006	Time	Acct	Name	Phone	Dr Room	T
	8:00AM		NEW PATIENT A		2N ROOM1	1/ - 1 1/2 HOUR THERAPY
	8:00AM		NEW PATIENT B		2N ROOM2	11 - 115 HOUR
	8:00AM		NEW PATIENT C		2N ROOM3	14 - 145 HOUR THERAPY
	8:00AM		NEW PATIENT D		2N ROOM4	1H - THERAPY 1HOUR
	8:00AM		NEW PATIENT E		2N ROOM5	1M - 1 1/2 HOUR MASSAGE ONLY
	8:00AM		NEW PATIENT F		2N ROOM6	2/ - 2 1/2 HOUR THERAPY
	8:00AM		NEW PATIENT G		2N ROOM7	21 - 215 HOUR THERAPY
	8:00AM		NEW PATIENT H		2N ROOM8	24 - 245 HOUR THERAPY
	9:30AM		NEW PATIENT L		2N ROOM4	3H - 3 HOUR THERAPY
	9:45AM		NEW PATIENT J		2N ROOM2	3 - 30 MINUTE THERAPY
	10:00AM		NEW PATIENT I		2N ROOM1	2H - 2HOUR THERAPY
	10:00AM		NEW PATIENT M		2N ROOM5	4 - 45 MINUTE THERAPY
	10:15AM		NEW PATIENT K		2N ROOM3	3/ - 3 1/2 HOUR
	10:45AM		NEW PATIENT R		2N ROOM2	NM - NEW MASSAGE PT
	10:45AM		NEW PATIENT O		2N ROOM7	5H - 5 HOUR THERAPY
	11:00AM		NEW PATIENT N		2N ROOM6	4/ - 4 1/2 HOUR THERAPY
	11:15AM		NEW PATIENT S		2N ROOM5	2/ - 2 1/2 HOUR THERAPY
	11:15AM		NEW PATIENT P		2N ROOM8	MT - MASSAGE ONLY PATIENT
	12:30PM		NEW PATIENT Q		2N ROOM1	NP - NEW PATIENT PT
	12:30PM		NEW PATIENT T		2N ROOM2	3/ - 3 1/2 HOUR
	12:45PM		NEW PATIENT U		2N ROOM8	14 - 145 HOUR THERAPY
	1:00PM		NEW PATIENT W		2N ROOM4	21 - 215 HOUR THERAPY
	2:15PM		NEW PATIENT V		2N ROOM3	1/ - 1 1/2 HOUR THERAPY
	2:15PM		NEW PATIENT W		2N ROOM5	4/ - 4 1/2 HOUR THERAPY
	3:00PM		NEW PATIENT AD		2N ROOM8	2H - 2HOUR THERAPY
	3:45PM		NEW PATIENT AA		2N ROOM4	2/ - 2 1/2 HOUR THERAPY
	4:00PM		NEW PATIENT X		2N ROOM1	14 - 145 HOUR THERAPY
	4:00PM		NEW PATIENT AB		2N ROOM6	NP - NEW PATIENT PT
	4:15PM		NEW PATIENT Z		2N ROOM3	11 - 115 HOUR
	4:15PM		NEW PATIENT AC		2N ROOM7	MT - MASSAGE ONLY PATIENT
	4:30PM		NEW PATIENT Y		2N ROOM2	2H - 2HOUR THERAPY
	5:00PM		NEW PATIENT AE		2N ROOM8	1/ - 1 1/2 HOUR THERAPY

Number of Appointments Scheduled: 32

RECEIVED

AUG 03 2006

BUILDING DEPT.



6091

6090

6091

6096

6055

6071

6074

6041

NILES

6044

6059

LIVERNOIS

6050

6054

6021

48 44 40 36 32 28
 50
 52 46 42 38 34 30 26
 54
 56
 58

6024

75

W SQUARE LAKE

E SQUARE LAKE

95

35

5991

46 54

5984 5986

5980 5982

77 75

5965

5956

5941

NILES

5939

5923

5921

5905

5924

5922

5906

5904

5945

5942

5940

61

CUTTING

5930

5891

5892

HALDANE

5900

60

82

83 81

**Donald R. Kacy, DDS
6463 Shagbark Dr.
Troy, Michigan 48098
248-879-2980 (w)
248-879-7164 (h)
248-879-2983 (fax)**

8/30/06

RECEIVED
AUG 31 2006
BUILDING DEPT.

To: Troy City Council
500 W. Big Beaver
Troy, MI 48084

Re: Variance to Parking Space Requirement for 35 W. Square Lake Rd.

To Whom It May Concern:

I am writing you this letter to protest the giving of any relief of the parking ordinance to the owner of the property at 35 W Square Lake Rd.

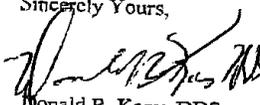
I am the president/owner of several companies which own most of properties that are directly adjacent to this particular parcel. These properties include 75-77 W. Square Lake Rd. (owner Troy Corners Land, LLC), 95 W. Square Lake Rd. (owner WBS Enterprises Inc.), 119 W. Square Lake Rd., and 5955 Niles.

The property directly affected by any change in the parking ordinance for 35 W. Square Lake Rd., is my office building at 75 & 77 W. Square Lake Rd. This building is occupied by my dental office (Donald R. Kacy DDS PC) and a tenant that is a counseling group (NeuroHealth, LLC). Both practices, that occupy this building, use of all the parking spaces available on a daily basis. This problem of parking does not allow the sharing of our parking lot with any other tenant from any other building.

Allowing any parking variance for 35 W. Square Lake Rd. will cause a direct overflow of cars at 35 W. Square Lake Rd. The overflow patients and employees of 35 W. Square Lake Rd. will attempt to park at 75-77 W. Square Lake Rd. This will causes tempers to flare, and immediate face to face confrontation will take place between the trespassers and the rightful tenants who now can't find a space to park.

This problem has happened many times before with the previous tenant of 35 W. Square Lake Rd. But since the previous business fell within the parking guidelines nothing could be done. This caused me several problems with all sorts of improper vehicles (semi w/ trailers, lawn mowers trucks w/ trailers, etc.) parking and blocking my lot. I have called the police many times about this issue.

Therefore, I am strongly advising you to not allow this variance to take place. If you have any questions about this letter, feel free to call me or speak to me at the hearing on 9/11. Thank you for your time.

Sincerely Yours,

Donald R. Kacy, DDS

DATE: August 29, 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 – Rezoning Application (File No: Z 632-B) – Proposed Grand Troy Villas, West side of Rochester Road, North of Wattles Road, Section 15 – CR-1 to R-1T

RECOMMENDATION

The application is consistent with the intent of the Future Land Use Plan and compatible with the existing zoning districts and land uses. The Planning Commission recommended approval of the rezoning request at the June 13, 2006 Regular meeting. City Management recommends approval of the rezoning application.

GENERAL INFORMATION

A valid rezoning protest petition was presented to the City Clerk’s Office on April 5, 2006. The petition was signed by 100% of property owners of land within 100 feet of the parcel boundary (excluding public property). The rezoning application can only be approved by a 2/3 vote of City Council.

Name of Owner / Applicant:
Jay Balan and Bala Murthy.

Location of Subject Property:
The property is located on the west side of Rochester Road, north of Wattles, in Section 15.

Size of Subject Parcel:
The parcel is approximately 2.27 net acres in area.

Current Use of Subject Property:
The property is presently vacant.

Current Zoning Classification:
CR-1 One Family Residential Cluster District.

Proposed Zoning of Subject Parcel:
R-1T One Family Attached Residential District.

Proposed Uses and Buildings on Subject Parcel:

The applicant proposes 8 attached townhouse condominiums.

Zoning Classification of Adjacent Parcels:

North: R-1C One Family Residential.

South: R-1C One Family Residential.

East: R-1T One Family Attached Residential District.

West: R-1C One Family Residential.

Current Use of Adjacent Parcels:

North: Single family residential.

South: Single family residential.

East: Single family residential.

West: Single family residential.

ANALYSIS

Range of Uses Permitted in the Proposed R-1T One Family Attached Zoning District and Potential Build-out Scenario:

PRINCIPAL USES PERMITTED:

All principal uses permitted and as regulated in the nearest R-1A through R-1E One Family Residential Districts.

Two family dwellings developed in accordance with the provisions of the Condominium Act, MCL 559.1, et seq.

One family attached dwellings as defined in sub-Section 04.20.44 developed in accordance with the provisions of the Condominium Act, MCL 559.1, et seq.
Accessory buildings and uses customarily incidental to the above principal uses.

USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL:

Churches and other facilities normally incidental thereto.

Schools.

Child care centers.

Utility and public service buildings and uses.

Vehicular and Non-motorized Access:

The parcel fronts on Rochester Road.

Potential Storm Water and Utility Issues:

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

Natural Features and Floodplains:

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

Compliance with Future Land Use Plan:

The Future Land Use Plan classifies the parcel as Medium Density Residential. Medium Density Residential correlates with the R-1T One Family Attached Residential Zoning District in the Future Land Use Plan. The parcel has been classified as Medium Density Residential since 1999.

Compliance with Location Standards:

Article 12.40.01 states that the R-1T (One-family Attached Residential) District may be applied to property when one or more of the following conditions prevail:

- (A) When the application of such a classification is consistent with the intent of the Master Land Use Plan, and therefore involves areas indicated as medium density or high density residential.
- (B) When the application of such a classification would be an integral part of a planned residential development approach, such as a planned neighborhood development (34.50.00), wherein the overall density is consistent with the intent of the Master Land Use Plan.

The application meets the Location Standards of the R-1T District.

Attachments:

- 1. Maps.
- 2. Protest petition, submitted to Clerk's Office on April 5, 2006.
- 3. Letters from residents (7).

Prepared by RBS/MFM

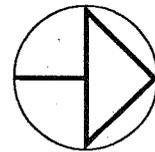
cc: Applicant
File (Z 632-B)

DRAFTED BY: D.K.	HOUSE #: 4161	CITY: Troy	CUSTOMER:
CHECKED BY: JVH	STREET: Rochester Road	COUNTY: Oakland	SDA Architects

CERTIFICATE OF SURVEY

BEARING REFERENCE:
THE EAST LINE OF SECTION
15 BEARING=N.00°16'21"W.

- LEGEND:**
- = SET CAPED IRON
 - = FOUND CAPED IRON
 - ⊙ = SET PK
 - = SET R.R. SPIKE
 - ✕ = FENCE
 - M. = MEASURED
 - CAL. = CALCULATED
 - FD = FOUND
 - FPOST = FENCE POST
 - MW = MONITORING WELL



NORTH

SURVEY NUMBER

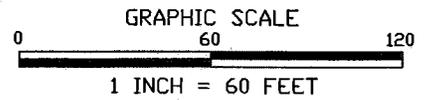
05056

PREL.:

FINAL: 4-20-06

SCALE: 1" = 60'

SHEET 1 OF 2



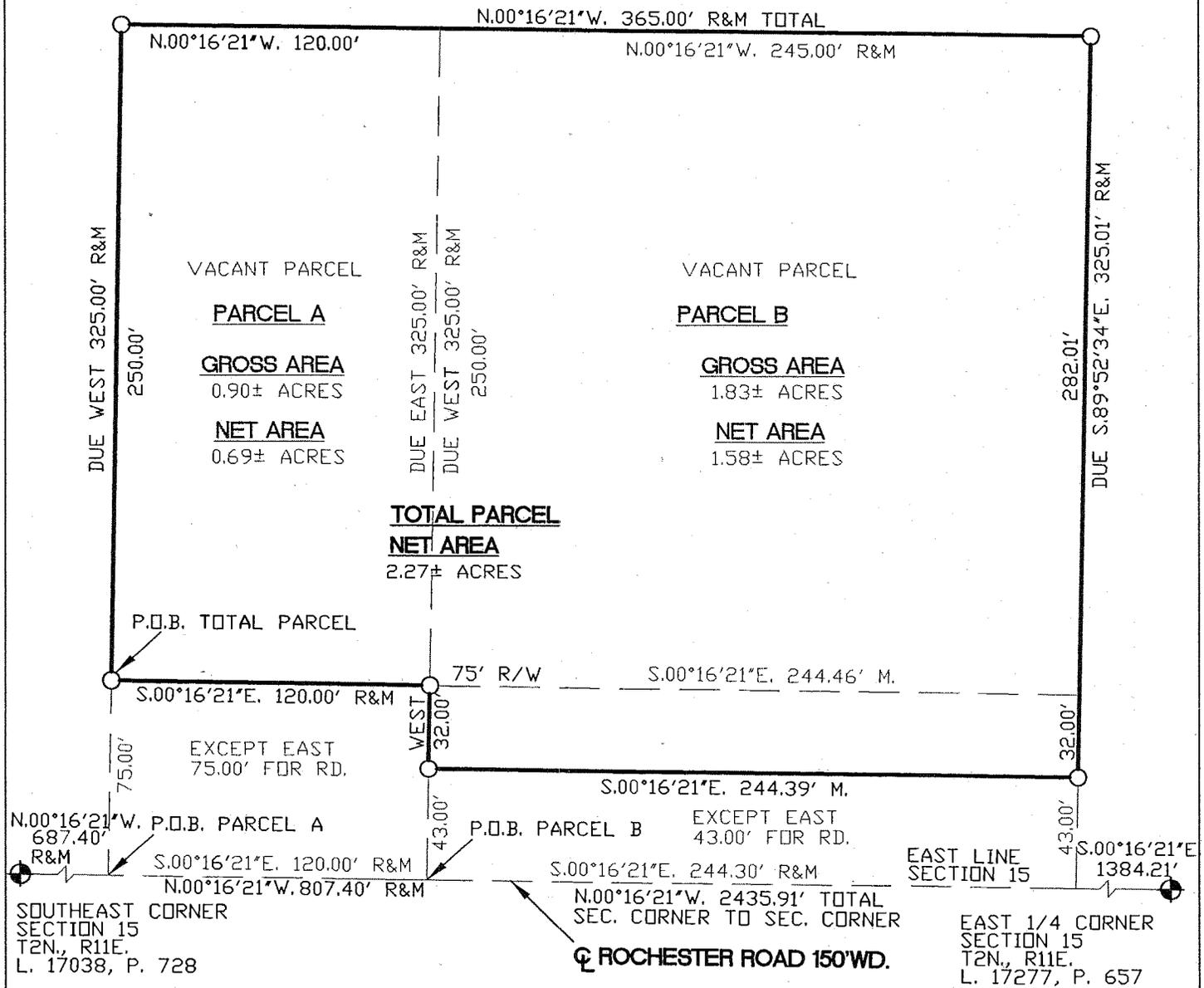
REC'D

MAY 15 2006

PLANNING DEPT.

NOTE

FOR LEGALS SEE SHEET 2 OF 2

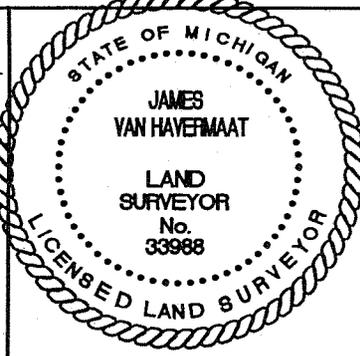


SURVEYOR'S CERTIFICATE:

THE ERROR OF CLOSURE IS NOT GREATER THAN 1 IN 5,000, WHICH IS WITHIN THE ACCURACY OF SURVEY AS REQUIRED IN ACT NO. 288 OF PUBLIC ACTS OF 1967. THIS SURVEY COMPLIES WITH THE REQUIREMENTS OF SECTION 3, PUBLIC ACT 132 OF 1970.

LAND ENGINEERING SERVICES, INC.
2201 12 MILE ROAD
WARREN, MI 48092
PHONE (586)582-9800
FAX (586)582-9866

Certified by
James Van Havermaat
JAMES VAN HAVERMAAT P.S. #33988
ORIGINAL: 4-20-06
REVISED: 5-2-06 PARCEL B AND COMBINED PARCEL



DRAFTED BY: D.K.	HOUSE #: 4161	CITY: Troy	CUSTOMER:
CHECKED BY: JVH	STREET: Rochester Road	COUNTY: Oakland	SDA Architects

CERTIFICATE OF SURVEY

SURVEY NUMBER

05056

PREL:

FINAL: 4-20-06

SCALE: 1" = N/A

SHEET 2 OF 2

LEGAL DESCRIPTION PARCEL A

PART OF S.E. 1/4 OF SECTION 15, T2N., R11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN. BEGINNING AT A POINT DISTANT N.00°16'21"W. 687.40 FEET FROM SOUTHEAST SECTION CORNER; THENCE WEST 325.00 FEET; THENCE N.00°16'21"W. 120.00 FEET; THENCE EAST 325.00 FEET; THENCE S.00°16'21"E. 120.00 FEET TO THE POINT OF BEGINNING. CONTAINING 0.90 GROSS ACRES OR 0.69 NET ACRES OF LAND MORE OR LESS AND SUBJECT TO THE EAST 75.00 FEET TAKEN FOR ROAD AND SUBJECT TO ALL EASEMENTS AND MATTERS OF RECORD.

LEGAL DESCRIPTION PARCEL B

PART OF S.E. 1/4 OF SECTION 15, T2N., R11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN. BEGINNING AT A POINT DISTANT N.00°16'21"W. 807.40 FEET FROM SOUTHEAST SECTION CORNER; THENCE WEST 325.00 FEET; THENCE N.00°16'21"W. 245.00 FEET; THENCE S.89°52'34"E. 325.01 FEET; THENCE S.00°16'21"E. 244.30 FEET TO THE POINT OF BEGINNING. CONTAINING 1.83 GROSS ACRES OR 1.58 NET ACRES OF LAND MORE OR LESS AND SUBJECT TO THE EAST 43.00 FEET TAKEN FOR ROAD AND SUBJECT TO ALL EASEMENTS AND MATTERS OF RECORD.

LEGAL DESCRIPTION COMBINED PARCEL

PART OF S.E. 1/4 OF SECTION 15, T2N., R11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN. COMMENCING AT SOUTHEAST CORNER OF SAID SECTION 15; THENCE N.00°16'21"W. 687.40 FEET; THENCE WEST 75.00 FEET TO THE WEST RIGHT OF WAY LINE OF ROCHESTER RD. (150' WD.) BEING THE POINT OF BEGINNING; THENCE WEST 250.00 FEET; THENCE N.00°16'21"W. 365.00 FEET; THENCE S.89°52'34"E. 282.01 FEET; THENCE S.00°16'21"E. 244.39 FEET; THENCE WEST 32.00 FEET; THENCE S.00°16'21"E. 120.00 FEET TO THE POINT OF BEGINNING. CONTAINING 2.27 ACRES OF LAND MORE OR LESS AND SUBJECT TO ALL EASEMENTS AND MATTERS OF RECORD.

REC'D

MAY 15 2006

PLANNING DEPT

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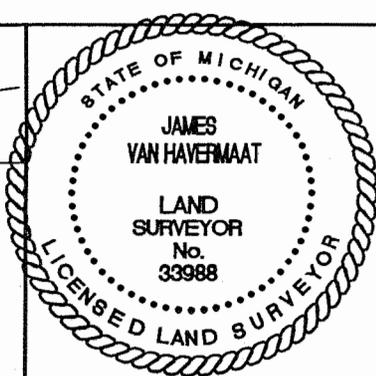
Certified by

James Van Havermaat

JAMES VAN HAVERMAAT P.S. #33988

ORIGINAL: 4-20-06

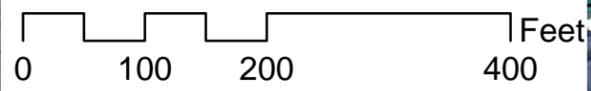
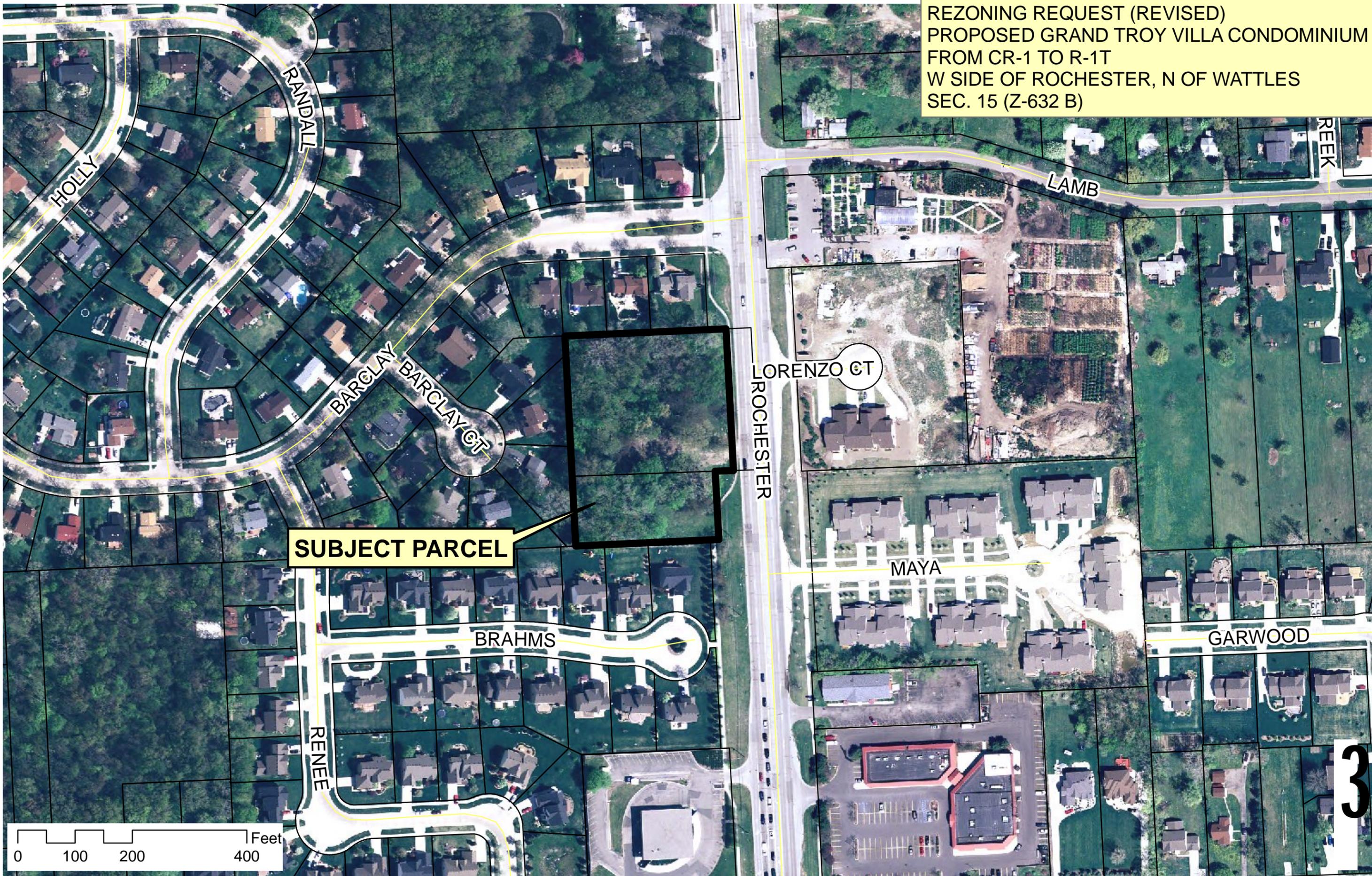
REVISED: 5-2-06 PARCEL B AND
COMBINED PARCEL



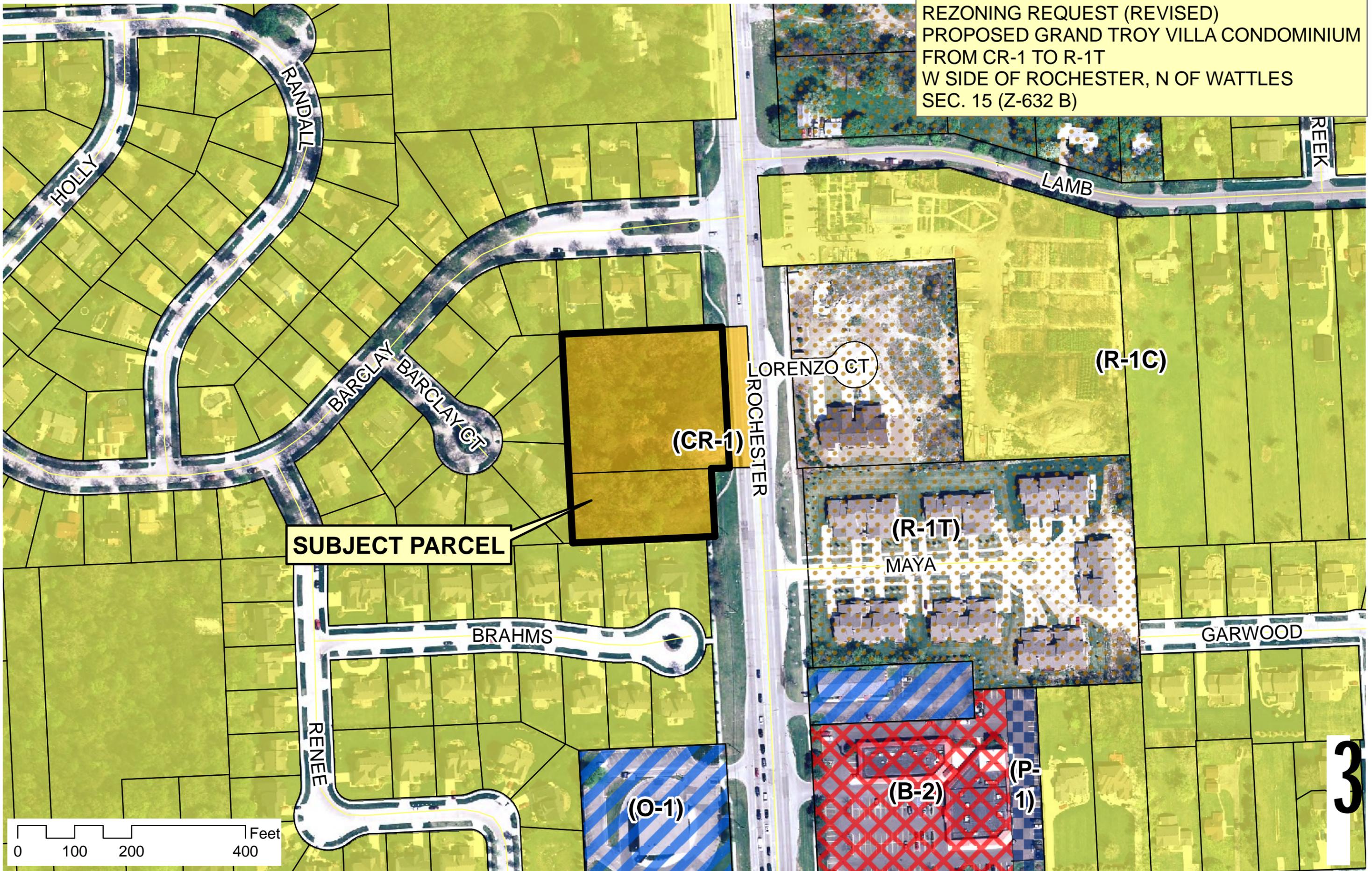
CITY OF TROY



REZONING REQUEST (REVISED)
PROPOSED GRAND TROY VILLA CONDOMINIUM
FROM CR-1 TO R-1T
W SIDE OF ROCHESTER, N OF WATTLES
SEC. 15 (Z-632 B)



REZONING REQUEST (REVISED)
PROPOSED GRAND TROY VILLA CONDOMINIUM
FROM CR-1 TO R-1T
W SIDE OF ROCHESTER, N OF WATTLES
SEC. 15 (Z-632 B)



SUBJECT PARCEL

(CR-1)

(R-1C)

(R-1T)

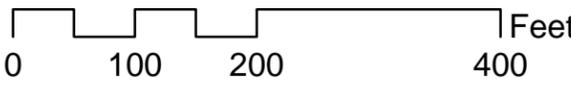
MAYA

GARWOOD

(O-1)

(B-2)

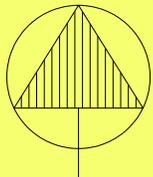
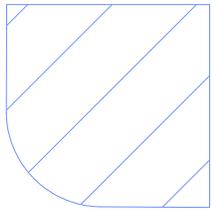
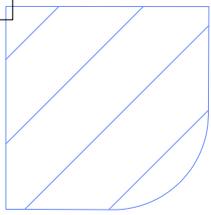
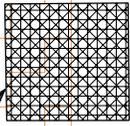
(P-1)



3

ROCHESTER

REZONING REQUEST
FROM CR-1 TO R-1T



NORTH



REC'D

Rezoning Protest Petition

PLANNING DEPT.

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2006 APR -5 PM 3:20
REC'D

APR - 6 2006

PLANNING DEPT.

Submit this form to: City Clerk's Office
City of Troy
500 W. Big Beaver
Troy, MI 48084

Date: April 3, 2006

Contact Person: Paul E. Woleben
Address: 880 Barclay Court
City: Troy State: MI Zip: 48085-4806
Telephone: 248 680 0119

Rezoning case being protested:

Case #: Z-632B Applicant Name: Sridhar Rajagopalan & Jay Balan

What is a valid rezoning protest petition?

If a valid rezoning protest petition is filed in opposition to a rezoning request, the City Council cannot approve the request unless it does so by a vote of two-thirds of all Council members. A simple majority can approve all other rezoning requests. To be considered valid, the protest petition must:

- (1) Be signed by the owner(s) of twenty percent (20%) or more of the area of land included in the proposed change **or** be signed by the owner(s) of twenty percent (20%) or more of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change. **Publicly owned land shall be excluded in the calculating the twenty percent (20%) land area requirement.**
- (2) Be signed by all persons having an ownership interest in the property as represented on the property deed - i.e., both spouses, the managing partner of a partnership, etc.
- (3) Include a statement of opposition on each page of signatures at the top of the petition. The statement should be simply and clearly worded.
- (4) Be submitted to the office of the City Clerk, 500 W. Big Beaver, at or before 12:00 p.m. on the date the Rezoning is scheduled for action by the City Council.

Attach signatures to this sheet on the form provided. The signature form may be duplicated if necessary.



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CITY OF TROY

2006 APR -5 PM 3: 20

Rezoning Protest Petition

Case #: Z-632-B

Statement of Opposition:

We, the undersigned property owners, hereby protest the proposed Rezoning from the CR-1 zoning district(s) to the R-1T zoning district(s) Rezoning case identified above, applicant name Sridhar Rajagopalan & Jay Balan

The Rezoning is scheduled for action by the City Council on April 11, 2006 (date)

The reason(s) for this protest is/are: Rezoning CR-1 (One family residential cluster = 3.1 units per acre) to R-1T (One family attached residential = 6.2 units per acre) would create the need for more/larger/higher units, additional parking areas, and less open space. This results in excessive removal of existing trees, bushes, and stockade style fencing severely impacting the privacy, view, harmonious appearance, and property values of adjacent single family homes.

Print Name (clearly): Prashant S. Chaudhari Date: 03/22/06
Description or Parcel # of Parcel(s) Owned: Lot # 124 Cypress Garden sub
Signature: [Signature]
Address: 992 Barclay Drive Troy MI 48085

Print Name (clearly): Purnima P. Chaudhari Date: 03/22/06
Description or Parcel # of Parcel(s) Owned: Lot # 124 Cypress Garden sub
Signature: [Signature]
Address: 992, Barclay Drive TROY MI 48085

Print Name (clearly): _____ Date: _____
Description or Parcel # of Parcel(s) Owned: _____
Signature: _____
Address: _____

Print Name (clearly): _____ Date: _____
Description or Parcel # of Parcel(s) Owned: _____
Signature: _____
Address: _____

Print Name (clearly): _____ Date: _____
Description or Parcel # of Parcel(s) Owned: _____
Signature: _____
Address: _____



RECEIVED
CITY OF TROY

2006 APR -5 PM 3:20

Rezoning Protest Petition

Case #: Z-632-B

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Print Name (clearly): Angus Finney Date: 3/22/06
Description or Parcel # of Parcel(s) Owned: LOT #123 Cypress Gardens Sub
Signature: Angus Finney
Address: 978 Barclay Dr, Troy, MI 48085

Print Name (clearly): Barbara Finney Date: 3/22/06
Description or Parcel # of Parcel(s) Owned: LOT #123 Cypress Gardens Sub
Signature: Barbara Finney
Address: 978 Barclay Dr, Troy, MI 48085

Print Name (clearly): _____ Date: _____
Description or Parcel # of Parcel(s) Owned: _____
Signature: _____
Address: _____

Print Name (clearly): _____ Date: _____
Description or Parcel # of Parcel(s) Owned: _____
Signature: _____
Address: _____

Print Name (clearly): _____ Date: _____
Description or Parcel # of Parcel(s) Owned: _____
Signature: _____
Address: _____

RECEIVED
CITY OF TROY

2006 APR -5 PM 3:21

Rezoning Protest Petition

Case #: Z-632-B



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1. Print Name (clearly): EDVIN HOTI Date: 3/22/2006
Description or Parcel # of Parcel(s) Owned: LOT 122; CYPRESS GARDENS SUB..
Signature: Edvin Hoti
Address: 964 BARCLAY DR, TROY, MI, 48085

2. Print Name (clearly): Xhuljeta Hoti Date: 3/22/2006
Description or Parcel # of Parcel(s) Owned: LOT 122; CYPRESS GARDENS SUB..
Signature: Xhuljeta Hoti
Address: 964 BARCLAY, DR. TROY, MI 48085

3. Print Name (clearly): MARK HOTI Date: 3/22/2006
Description or Parcel # of Parcel(s) Owned: LOT 122; CYPRESS GARDENS SUB..
Signature: Mark Hoti
Address: 964 BARCLAY DR TROY, MI. 48085

4. Print Name (clearly): LIZA HOTI Date: 3/22/06
Description or Parcel # of Parcel(s) Owned: LOT 122; CYPRESS GARDENS SUB..
Signature: Liza Hoti
Address: 964 Barclay DR TROY MI 48085

5. Print Name (clearly): MARIGLEN HOTI Date: 3/22/06
Description or Parcel # of Parcel(s) Owned: LOT 122; CYPRESS GARDENS SUB..
Signature: Mariglen Hoti
Address: 964 Barclay DR TROY MI 48085



RECEIVED
CITY OF TROY

Rezoning Protest Petition

Case #: Z-632-B

2006 APR -5 PM 3:21

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Print Name (clearly): KATHLEEN D. BOJANOWSKI Date: MARCH 30 2006
Description or Parcel # of Parcel(s) Owned: TRN RIE SEC 15 CYPRESS GARDENS SUB LOT 121
Signature: Kathleen D Bojanowski
Address: 1946 BARCLAY DRIVE TROY MI 48068-1909

Print Name (clearly): _____ Date: _____
Description or Parcel # of Parcel(s) Owned: _____
Signature: _____
Address: _____

Print Name (clearly): _____ Date: _____
Description or Parcel # of Parcel(s) Owned: _____
Signature: _____
Address: _____

Print Name (clearly): _____ Date: _____
Description or Parcel # of Parcel(s) Owned: _____
Signature: _____
Address: _____

Print Name (clearly): _____ Date: _____
Description or Parcel # of Parcel(s) Owned: _____
Signature: _____
Address: _____

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Rezoning Protest Petition

Case #: Z-632-B



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Print Name (clearly): FAIZI HAQUE Date: 3/25/06

Description or Parcel # of Parcel(s) Owned: 88-20-15-477-011

Signature: [Signature]

Address: 924 Barclay Dr Troy MI 48085

Print Name (clearly): NARMEEN HAQUE Date: 3/25/06

Description or Parcel # of Parcel(s) Owned: 88-20-15-477-011

Signature: [Signature]

Address: 924 Barclay Dr, Troy, MI 48085

Print Name (clearly): JAMES ARNOLD Date: 3/25/06

Description or Parcel # of Parcel(s) Owned: 88-20-15-477-010

Signature: [Signature]

Address: 912 BARCLAY DR. TROY, MI 48085

Print Name (clearly): JANICE ARNOLD Date: 3/25/06

Description or Parcel # of Parcel(s) Owned: 88-20-15-477-010

Signature: [Signature]

Address: 912 Barclay Dr, Troy, MI 48085

Print Name (clearly): _____ Date: _____

Description or Parcel # of Parcel(s) Owned: _____

Signature: _____

Address: _____



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Rezoning Protest Petition

Case #: Z-632-B

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Print Name (clearly): Scott T. Welborn Date: 3-23-06
Description or Parcel # of Parcel(s) Owned: 83-20-15-426-029
Signature: Scott T. Welborn
Address: 939 Barclay Dr. Troy, MI 48085

Print Name (clearly): Nacmi Welborn Date: 3-23-06
Description or Parcel # of Parcel(s) Owned: 88-20-15-426-029
Signature: Nacmi Welborn
Address: 939 Barclay Dr Troy, MI 48085

Print Name (clearly): Ahveali & Samantha Date: 3-23-06
Description or Parcel # of Parcel(s) Owned: 88-20-15-426-033
Signature: Ahveali & Samantha
Address: 991 Barclay Drive Troy MI 48085

Print Name (clearly): Bettie Jo Fuller Date: 3-23-06
Description or Parcel # of Parcel(s) Owned: 88-20-15-426-027
Signature: Bettie Jo Fuller
Address: 915 Barclay Dr. Troy MI 48085

Print Name (clearly): DELZA FULLER Date: 3-23-06
Description or Parcel # of Parcel(s) Owned: 0088-20-15-426-027
Signature: Delza Fuller
Address: 915 BARCLAY DR TROY MI 48085

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Rezoning Protest Petition
Case #: Z-632-B



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Print Name (clearly): KENNETH BURK Date: _____
Description or Parcel # of Parcel(s) Owned: 88-2015426031 T2N R11E SEC 15
Signature: [Signature]
Address: 963 BARCLAY DR

Print Name (clearly): PHYLLIS BURK Date: _____
Description or Parcel # of Parcel(s) Owned: 88-2015426031 T2N R11E SEC 15
Signature: [Signature]
Address: 963 BARCLAY DR

Print Name (clearly): _____ Date: _____
Description or Parcel # of Parcel(s) Owned: _____
Signature: _____
Address: _____

Print Name (clearly): _____ Date: _____
Description or Parcel # of Parcel(s) Owned: _____
Signature: _____
Address: _____

Print Name (clearly): _____ Date: _____
Description or Parcel # of Parcel(s) Owned: _____
Signature: _____
Address: _____

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2006 APR -5 PM 3: 21

Rezoning Protest Petition

Case #: Z-632-B



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Print Name (clearly): WOJCIECH SMUK Date: 23-Mar-06
Description or Parcel # of Parcel(s) Owned: T2N, R11E, SEC 15 CYPRES GARDENS SUB. LOT 28
Signature: [Signature]
Address: 951 BARCLAY DRIVE

Print Name (clearly): IWONA SMUK Date: 03-23-06
Description or Parcel # of Parcel(s) Owned: 88-20-15-426-030
Signature: [Signature]
Address: 951 BARCLAY DR, TROY MI 48085

Print Name (clearly): _____ Date: _____
Description or Parcel # of Parcel(s) Owned: _____
Signature: _____
Address: _____

Print Name (clearly): _____ Date: _____
Description or Parcel # of Parcel(s) Owned: _____
Signature: _____
Address: _____

Print Name (clearly): _____ Date: _____
Description or Parcel # of Parcel(s) Owned: _____
Signature: _____
Address: _____



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Rezoning Protest Petition

Case #: Z-632-B

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Print Name (clearly): Ching-Liang Lo Date: 3-27-06
Description or Parcel # of Parcel(s) Owned: 88-20-15-426-028
Signature: Ching-Liang Lo
Address: 927 Barclay Dr Troy, MI 48065

Print Name (clearly): _____ Date: _____
Description or Parcel # of Parcel(s) Owned: _____
Signature: _____
Address: _____

Print Name (clearly): _____ Date: _____
Description or Parcel # of Parcel(s) Owned: _____
Signature: _____
Address: _____

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Description or Parcel # of Parcel(s) Owned: _____
Signature: _____
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Print Name (clearly): _____ Date: _____
Description or Parcel # of Parcel(s) Owned: _____
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RECEIVED
CITY OF TROY

2006 APR -5 PM 3:21

Rezoning Protest Petition
Case #: Z-632-B



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Print Name (clearly): ROBERT HART Date: 3-28-06
Description or Parcel # of Parcel(s) Owned: Lot # 112 Cypress Gardens
Signature: [Signature]
Address: 832 BARCLAY CT TROY, MI

Print Name (clearly): LISA HART Date: 3-28-06
Description or Parcel # of Parcel(s) Owned: Lot # 112 Cypress Gardens
Signature: [Signature]
Address: 832 BARCLAY CT TROY, MI

Print Name (clearly): _____ Date: _____
Description or Parcel # of Parcel(s) Owned: _____
Signature: _____
Address: _____

Print Name (clearly): _____ Date: _____
Description or Parcel # of Parcel(s) Owned: _____
Signature: _____
Address: _____

Print Name (clearly): _____ Date: _____
Description or Parcel # of Parcel(s) Owned: _____
Signature: _____
Address: _____

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Print Name (clearly): BRIAN COUSINS Date: 3/27/06
Description or Parcel # of Parcel(s) Owned: 88-30-15-477-004
Signature: [Signature]
Address: 840 Barclay Ct Troy MI 48065

Print Name (clearly): _____ Date: _____
Description or Parcel # of Parcel(s) Owned: _____
Signature: _____
Address: _____

Print Name (clearly): _____ Date: _____
Description or Parcel # of Parcel(s) Owned: _____
Signature: _____
Address: _____

Print Name (clearly): _____ Date: _____
Description or Parcel # of Parcel(s) Owned: _____
Signature: _____
Address: _____

Print Name (clearly): _____ Date: _____
Description or Parcel # of Parcel(s) Owned: _____
Signature: _____
Address: _____

RECEIVED
CITY OF TROY

2006 APR -5 PM 3: 21

Rezoning Protest Petition

Case #: Z-632-B



Statement of Opposition:

We, the undersigned property owners, hereby protest the proposed Rezoning from the CR-1 zoning district(s) to the R-1T zoning district(s) Rezoning case identified above, applicant name Sridhar Rajagopalan & Jay Balan

The Rezoning is scheduled for action by the City Council on April 11, 2006 (date)

The reason(s) for this protest is/are: Rezoning CR-1 (One family residential cluster = 3.1 units per acre) to R-1T (One family attached residential = 6.2 units per acre) would create the need for more/larger/higher units, additional parking areas, and less open space. This results in excessive removal of existing trees, bushes, and stockade style fencing severely impacting the privacy, view, harmonious appearance, and property values of adjacent single family homes.

Print Name (clearly): SIMON & ACHARJEE Date: 3/29/2006
Description or Parcel # of Parcel(s) Owned: 848 BARCLAY COURT LOT #114
Signature: [Signature]
Address: 848 BARCLAY COURT, TROY, MI 48065

Print Name (clearly): DEBASHREE ACHARJEE Date: 03/29/06
Description or Parcel # of Parcel(s) Owned: 848 - BARCLAY CT LOT # 114
Signature: [Signature]
Address: 848 - BARCLAY CT, TROY, MI - 48065

Print Name (clearly): _____ Date: _____
Description or Parcel # of Parcel(s) Owned: _____
Signature: _____
Address: _____

Print Name (clearly): _____ Date: _____
Description or Parcel # of Parcel(s) Owned: _____
Signature: _____
Address: _____

Print Name (clearly): _____ Date: _____
Description or Parcel # of Parcel(s) Owned: _____
Signature: _____
Address: _____

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Rezoning Protest Petition

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Print Name (clearly): Dawn Aronoff Date: 3/18/06
Description or Parcel # of Parcel(s) Owned: 88-20-15-477-007 T2N, R11E SEC 15
Signature: Dawn Aronoff Cypress Gardens Sub Lot 116
Address: 844 Barclay Ct. Troy MI 48085

Print Name (clearly): Gary Jacobs, Marie Jacobs Date: 3/18/06
Description or Parcel # of Parcel(s) Owned: 882015477008 T2N, R11E Sec 15 Cypress Gardens
Signature: Gary Jacobs Marie-Jane Jacobs Sub. Lot 116
Address: 872 Barclay Court, Troy MI 48085

Print Name (clearly): GLENN R. ALVERSON Date: 3-22-06
Description or Parcel # of Parcel(s) Owned: 88-20-15-477-006
Signature: Glenn R. Alverson
Address: 856 Barclay Ct, Troy, MI 48085

Print Name (clearly): MARLIESE ALVERSON Date: 3-22-06
Description or Parcel # of Parcel(s) Owned: 88-20-15-477-006
Signature: Marliese Alverson
Address: 856 Barclay Ct, Troy, Mich, 48085

Print Name (clearly): Alan and Anne Carbajo Date: 3/22/06
Description or Parcel # of Parcel(s) Owned: 88-20-15-477-1033
Signature: Alan Carbajo Anne Carbajo
Address: 943 Graham Ct Troy, MI 48085

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CITY OF TROY

2006 APR -5 PM 3:21

Rezoning Protest Petition
Case #: Z-632-B



Statement of Opposition:

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The reason(s) for this protest is/are: Rezoning CR-1 (One family residential cluster = 3.1 units per acre) to R-1T (One family attached residential = 6.2 units per acre) would create the need for more/larger/higher units, additional parking areas, and less open space. This results in excessive removal of existing trees, bushes, and stockade style fencing severely impacting the privacy, view, harmonious appearance, and property values of adjacent single family homes.

Print Name (clearly): Baul E. Woleben Date: March 10, 2006
Description or Parcel # of Parcel(s) Owned: 88-20-15-477-009 T2N, R11E, SEC 15
Signature: [Signature] Cypress Gardens Sub. Lot 118
Address: 880 Barclay Ct. Troy, MI 48085

Print Name (clearly): Janet Viselli Date: 3/18/06
Description or Parcel # of Parcel(s) Owned: #15 88-20-15-477-034
Signature: [Signature]
Address: 957 Brahms Ct. Troy, MI 48085

Print Name (clearly): MARIO VISELLI Date: _____
Description or Parcel # of Parcel(s) Owned: #15 88-20-15-477-034
Signature: [Signature]
Address: 957 BRAHMS CT. TROY, MI 48085

Print Name (clearly): WILLIAM & DANA VALLAIRE Date: 3-24-06
Description or Parcel # of Parcel(s) Owned: #032
Signature: [Signature]
Address: 929 BRAHMS CT. TROY MI 48085

Print Name (clearly): _____ Date: _____
Description or Parcel # of Parcel(s) Owned: _____
Signature: _____
Address: _____

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CITY OF TROY

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Rezoning Protest Petition

Case #: Z-632-B



Statement of Opposition:

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Print Name (clearly): ~~Ravi~~ Ravi Singh Date: Mar 20, 2006
Description or Parcel # of Parcel(s) Owned: # 035
Signature: [Signature]
Address: 971 Brahms Ct. Troy, MI 48085

Print Name (clearly): CHITRA SINGH Date: MAR 20, 2006
Description or Parcel # of Parcel(s) Owned: # 035
Signature: [Signature]
Address: 971 BRAHMS CT, TROY MI 48085

Print Name (clearly): _____ Date: _____
Description or Parcel # of Parcel(s) Owned: _____
Signature: _____
Address: _____

Print Name (clearly): _____ Date: _____
Description or Parcel # of Parcel(s) Owned: _____
Signature: _____
Address: _____

Print Name (clearly): _____ Date: _____
Description or Parcel # of Parcel(s) Owned: _____
Signature: _____
Address: _____

RECEIVED
CITY OF TROY

2006 APR -5 PM 3: 22

Barclay Drive, Residents

- 992 Chaudhari, Prashant & Purnima
- 991 Samanta, Bharali
- 978 Finney, Angus & Barbara
- 977 Scorteanu, Cornel --- (ABSTAINED)
- 964 Hoti, Mark, Edvin, Xhuljeta, Liza & Mariglen
- 963 Burk, Ken & Phyllis
- 951 Smuk, Wojciech & Iwona
- 946 Bojanowski, Kathy
- 939 Welborn, Scott & Naomi
- 927 Nou, Ching
- 924 Hague, Faizi & Narmeen
- 915 Fuller, Delza & Bettie Jo
- 912 Arnold, James & Janice

Barclay Court, Residents

- 880 Woleben, Paul
- 872 Jacobs, Gary & Marie
- 864 Aronoff, Dawn
- 856 Alverson, Glenn & Marliese
- 848 Acharjee, Sumon & Debashree
- 840 Cousins, Brian
- 832 Hart, Bob & Lisa

Brahms Court, Residents

- 971 Singh, Ravi & Chitra
- 957 Viselli, Mario & Janet
- 943 Carbajo, Alan & Anne
- 929 Vallaire, William & Dana

Paula P Bratto

F4 Z 632-B

From: Barbara Finney [bbf1963@hotmail.com]
Sent: Tuesday, June 13, 2006 7:54 AM
To: Paula P Bratto
Subject: Rezoning T2N, R11E, SE 1/4 of Section 15

Dear Planning Committee,

Our nation was founded on the core democratic values. One of the main issues is the common good. This means that the needs of the many supercede the needs of the few. The issue of rezoning the area should not be an issue at all. The needs of the many, to continue living in an uncongested single family dwelling community, should not be superceded by the needs of the few..the new landowners who want to make more money by adding additional condo units.

Our family received a letter stating that the new landowners want to have a good relationship within the community. If this were true, they could easily alter their plans to build eight units and fit it into the current zoning allowance of six units. Our community should not compromise the needs of the many and allow an increase to a potential sixteen units. Six is a lot closer to eight than to sixteen. Let the builders make a compromise rather than the homeowners surrounding the proposed rezoning area.

Recently, Troy has been advertising itself as a great community to live in. Rather than buying advertising time to say that we are a great community, why don't we use action to show what a great community we are. For once, why don't we put the needs of the current residents first and so no to the builders' greed? Please vote for no rezoning.

Sincerely,

Barbara and Angus Finney
978 Barclay Drive
Troy, MI 48085
16 Year Troy Residents

Z 632-B
#4
P.C. 06-13-06 Grand Troy Villas

2632-B

To: Planning Commission of the City of Troy
500 W. Big Beaver
Troy, MI

Date: 10 February 2006

Subject: Proposed Rezoning of Property from CR-1 to R-1T

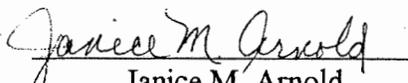
The purpose of this letter is to express our opposition to the proposed rezoning of 1.83 acres of property on the west side of Rochester Rd, just south of Barclay Drive. Rezoning of this property from One Family Residential Cluster to One Family Attached Residential will create a condition which will adversely impact the appearance of the area which includes the surrounding subdivisions on the west side of Rochester Rd. and make the surrounding properties less attractive for resale.

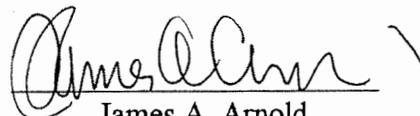
As we understand the information provided to the public for this rezoning request, the current CR-1 zoning for this property would permit the building of three one family UNATTACHED single family homes. Construction of three homes would conform to the structures on the adjacent Brahms Ct, and the structures on the adjacent Barclay Dr. However, the request is being made to construct six homes on a parcel in an area where the surrounding property owners could only construct three homes. It does not strain the imagination to conclude that relative to the adjacent properties, this addition will look like a "round peg in a square hole" or a "fish out of water". The adjacent property owners on Barclay Dr. and Barclay Ct. would have their property values diminished with these higher than normal structures virtually sitting in their back yards.

The owners of the parcel of land in question have every right to construct CR-1 type houses on the property. The owners of the parcel of land do not have the right to misuse the property by squeezing six ATTACHED single family homes in an area allocated for three homes. We believe that the financial gain to a few persons associated with a change in zoning requirements will destroy the value and appearance of the area for a large number of the surrounding neighbors.

We have lived on Barclay Dr. for 29 years. We have seen additions and improvements made to existing properties. We have seen other subdivisions built which conform to the zoning regulations of this area. We do not accept a plan which adds non-conforming structures into this neighborhood.

We request that the Planning Commission reject this rezoning request, and advise the property owners that any structure built on that parcel of land has to conform to a one family (unattached) residential cluster.


Janice M. Arnold
912 Barclay Dr.
Troy, MI 48085


James A. Arnold
912 Barclay Dr.
Troy, MI 48085

Paula P Bratto

Z 632-B

#6

2-14-06 P. C. MTG

From: Angus Finney [afinney60@hotmail.com]
Sent: Monday, February 13, 2006 9:56 AM
To: Paula P Bratto
Subject: Rezoning T2N, R11E SE 1/4 Section 15

Dear Planning Committee,

Our property backs onto the proposed re-zoned area. I am pleased to see that the property owners of the area have decided to take care of this property. My family and I have lived next to an abandoned house and had to repair our fence many times as large, dangerous tree limbs have fallen on our property. I cannot count how many times that I have had to remove and cut up large broken limbs. Thankfully, none of my family was injured.

While I am pleased that the current property owners plan on being responsible landowners, I am opposed to the rezoning request. Allowing up to eight units on the property will only clog Rochester Road even more than it is now. This property will have eight more FAMILIES entering Rochester Road in an area already cluttered with accesses - Barclay, Lamb, Tom's Landscaping and two condominium openings directly opposite from the property.

With the size of classrooms increasing at the local elementary and the bottleneck of traffic that occurs on Rochester Road, the planning committee needs to deny this rezoning. Allowing these condominiums to be placed in the backyards of single family dwellings only serves the interests of the builders, not the citizens who have lived in Troy. The current acreage allows for three dwellings-this is appropriate for the size of the land. Do not allow the greed of the developers who want to earn a few more dollars to make an eyesore that will be a stain on our city for years to come.

Sincerely,

Angus Finney
978 Barclay Dr
Troy, MI
248-689-9647

Don't just search. Find. Check out the new MSN Search!
<http://search.msn.click-url.com/go/onm00200636ave/direct/01/>

Z-632 B

Paula P Bratto

Z 632-B

#6

2-14-06 P.C.MTG

From: Angus Finney [afinney60@hotmail.com]
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978 Barclay Dr
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248-689-9647

Don't just search. Find. Check out the new MSN Search!
<http://search.msn.click-url.com/go/onm00200636ave/direct/01/>

Z-632 B

Paula P Bratto

From: Barbara Finney [bbf1963@hotmail.com]
Sent: Thursday, February 09, 2006 8:12 AM
To: Paula P Bratto
Subject: Rezoning T2N, R11E, SE 1/4 Section 15 (Rochester and Wattles)

Z 632-B
To P.C.
2/10/06

Dear Planning Department,

Tucking in a large cluster of condominiums into the backyards of single-family homes does not make Troy a better place to live. I am adamantly opposed to the proposed rezoning.

Increasing the potential family units that can be built on the property will almost triple the traffic coming out of the area onto Rochester Road. Rochester Road is very congested - it cannot accommodate an ever increasing supply of drivers. The proposed rezoning will allow eight families of drivers to flow onto Rochester Road. That particular section of Rochester is already extremely dangerous and the middle lane is overused by the following openings: Lamb, Tom's Landscaping, two different condominium developments on the West side of Rochester Road, and Barclay. The middle lane is made even more dangerous during rush hours by those drivers who travel south from above Lamb and drive illegally in the middle lane to turn left at Wattles. This section of Rochester cannot handle the extra traffic. I am adamantly opposed to the proposed rezoning.

My daughter is in the third grade at Leonard Elementary. This year, her class size has increased to 27. While this is acceptable under State law, this large class is not what we in Troy have had to accept in the past. Our local schools do not need additional families feeding into the school system. I am adamantly opposed to the proposed rezoning.

My family has lived in our Troy home for fifteen years. We have participated in the wonderful programs made available by our community. We have participated in school activities and taken advantage of our right to vote. We have paid taxes. Please put our wishes above those of land developers who wants to increase profits by squishing condominiums in among single family homes. Be the City of Tomorrow Today by putting citizens rather than big business first.

Thank you,

Barbara Finney
978 Barclay Drive
Troy, MI 48085
248-689-9647

Paula P Bratto

From: Vic Sandy [Vsandy@gccrisk.com]
Sent: Wednesday, May 31, 2006 10:36 AM
To: Paula P Bratto
Cc: Bill Eubanks; Deanna Jack; Ravi Singh; Jean Maki
Subject: Rezoning hearing for T2N R11E SE 1/4 Section 15

We are in receipt of a notice of public hearing on rezoning of the above captioned parcel from CR-1 to R-1T. As a representative of the homeowners association of Heritage Place Subdivision, the adjacent property, I'd like to voice our opposition to this request.

We believe that the rezoning of this parcel will result in the development of housing inconsistent with the adjacent single family homes. This will adversely impact not only the appearance and continuity of the area, but also the property values of the adjacent homes. Erecting a multi-family dwelling in that location is firmly opposed by the association board on behalf of the area homeowners.

It is in the best interest of the city to preserve the appearance of the community by maintaining consistent housing development and not allowing developers with no ties to the city to damage the city's esthetic and property values. Further, the development would result in the removal of most of the mature trees on the parcel, which currently serve as a noise and sight barrier between existing residents and Rochester Road.

The proposed development would be a negative for the city and area residents. It would adversely impact property values and erode the quality of life of adjacent homeowners. We do not believe these are results the planning commission can endorse.

We hope that the planning commission will give serious consideration to the opposition voiced by neighboring homeowners who are looking only to preserve the property values and appearance of the community. Ultimately, this is what will enhance the tax base for the city as well as supporting the quality of life local homeowners deserve.

Thank you for your time and consideration.

Victor Sandy
Global Commercial Credit

(248) 646-6900 ext. 107
(248) 646-0525 fax
vsandy@gccrisk.com

www.gccrisk.com

This e-mail and all attachments are private and confidential. This information is intended only for the designated recipients. Should this message have reached you in error, please delete it in its entirety and notify me by return e-mail or by phone at (877) GCC-RISK.

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5/31/2006

Paula P Bratto

From: Vic Sandy [Vsandy@gccrisk.com]
Sent: Wednesday, May 31, 2006 10:49 AM
To: Paula P Bratto
Subject: Rezoning hearing for T2N R11E SE 1/4 Section 15

Further to my prior email on the above rezoning request, I wanted to highlight a couple of additional concerns.

Area homeowners have reservations about the ability of the developers to complete the project. The last thing anyone wants is an unfinished project fronting a major road in the city. We know nothing of the reputation and financial capabilities of the developers. I would assume the city would have the same concerns.

Additionally, there is concern over the quality of the proposed development. Area homes in Heritage Place are in the \$400,000 range. It would be totally inappropriate to build much lower cost multi-family dwellings adjacent to homes of this value.

I hope you will take these additional concerns under consideration in addition to the prior email on this subject. Thank you.

Victor Sandy
Global Commercial Credit

(248) 646-6900 ext. 107
(248) 646-0525 fax
vsandy@gccrisk.com

www.gccrisk.com

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5/31/2006

Paula P Bratto

REC'D

From: Vic Sandy [Vsandy@gccrisk.com]
Sent: Monday, August 14, 2006 11:40 AM
To: Paula P Bratto
Subject: rezoning request for T2N, R11E, Se 1/4 of Section 15

AUG 14 2006

Z 632-B

PLANNING DEPT. To: CC #G1(a)
8-14-06

Tonni,

Good morning. Once again, I find myself writing to you on behalf of the Heritage Place Subdivision Association to voice strong opposition to the proposed rezoning requested by Mr. Balan and Mr. Rajagopalan.

We feel very strongly that the proposed use of the property is totally inconsistent with the surrounding single family homes, some of which are valued well over \$400,000. It would remove a substantial amount of trees that provide both noise and sight barriers for the adjacent homeowners, and would degrade the value of those properties and all nearby properties as well.

We already have a rather hodge podge mixed use in the area. We do not feel it is appropriate for speculators to throw up moderately priced condos next to established single family subdivisions. This request if granted, would have a negative impact on the area homeowners, and given the glut of available homes and condos, it is likely the would remain vacant for some time creating further risk of undesirable appearance in our part of the community.

Please note that the 32 homeowners at Heritage Place are strongly opposed to this rezoning request and hope that our voice matters and that our concerns are acknowledged in your decision process.

Thank you for your consideration in this matter.

Victor Sandy
Global Commercial Credit

(248) 646-6900 ext. 107
(248) 646-0525 fax
vsandy@gccrisk.com

www.gccrisk.com

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8/14/2006

DATE: September 5, 2006

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services
Mark S. Stimac, Building and Zoning Director
Mark F. Miller, Planning Director

SUBJECT: Agenda Item – Public Hearing – Proposed Amendment to Planned Unit Development – Woodside Bible Church/Northwyck Condominium Planned Unit Development (PUD 1), located on the east side of Rochester Road, north of Square Lake Road and south of South Boulevard, Section 2

RECOMMENDATION

Woodside Bible Church requested to amend PUD 1 to permit a freestanding sign for Woodside Bible Church along Rochester Road. The Planning Commission held a Public Hearing for this amendment at the October 11, 2005 Regular meeting and recommended approval of the amendment. City Council has the authority to approve the proposed amendment to PUD 1.

City Management determined that the placement and bulk of the sign is not a health and safety concern. The landscaping and retaining wall at the base of the sign soften its mass. In addition, the sheer size of the church and site diminishes the impact of the sign. The applicant has agreed to plant an additional 70 trees on the site as a public benefit. City Management recommends approval of the amendment to PUD 1 and that the Mayor and City Clerk be authorized to execute the First Amendment to the Development Agreement.

BACKGROUND

The sign was not included in the approved PUD document, but was constructed. The applicant submitted plans after construction (Sheet Number A-065). The V-shaped sign has two sign faces that measure collectively 276 square feet in area, and is located approximately 4 feet from the Rochester Road right-of-way. The property is zoned PUD 1. There are no specific sign standards for PUD's, as signage details are typically negotiated on a case-by-case basis during the PUD approval process. For comparison purposes, standards for signs in the C-F district include a minimum setback of 10 feet from the right-of-way and a maximum of one sign not to exceed 100 square feet in area.

Sheet A-065 includes landscape materials for the front and rear of the sign, including the area inside the V-shape of the sign. This assists in softening the relatively large space. In addition, the proposed block retaining wall and other plantings around the sign softens the mass of the sign. The applicant intends to plant 70 additional trees throughout the site as a public benefit, in addition to the trees required for Final PUD Approval. Representatives of the Planning Department walked a portion of the site and confirmed that at least 40 5-foot high to 6-foot high coniferous trees were planted south of the church. The applicant is required to plant the additional trees no later than October 1, 2006. Finally, the applicant is required to provide a Landscaping Plan indicating location, size and species of trees no later than October 21, 2006. The Landscape Analyst shall verify the plantings.

Reviewed as to Form and Legality:

Lori Grigg Bluhm
City Attorney

Date

Attachments

1. First Amendment to Development Agreement.
2. Letters of opposition (4).

Prepared by RBS, MFM

cc: File/PUD 1
Applicant

G:\PUD's\PUD-001 Woodside Bible Church PUD\CC Public Hearing PUD-1 9 11 06.doc

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF TROY

**FIRST AMENDMENT TO DEVELOPMENT AGREEMENT FOR
THE WOODSIDE BIBLE CHURCH/NORTHWYCK
PLANNED UNIT DEVELOPMENT**

This First Amendment to Development Agreement dates as of _____, 2006, is by and between **Robertson Northwyck, L.L.C.**, a Michigan Limited Liability Company, having its principal office at 6905 Telegraph Road, Bloomfield Hills, Michigan 48031 ("Robertson"), **Woodside Bible Church**, a Michigan Ecclesiastical Corporation, having its principal office at 6600 Rochester Road, Troy, Michigan 48085 ("Woodside") and the **City of Troy**, a Michigan Municipal Corporation, having its principal office at 500 W. Big Beaver Road, Troy, Michigan 48084 ("City").

RECITALS:

On or about May 28, 2003, Woodside and Robertson, as developers entered into a Development Agreement for the Woodside Bible Church/Northwyck Planned Unit Development ("Development Agreement") with the City, which Development Agreement is recorded at Liber 30358, Pages 562 through 582, Oakland County Records.

The Development Agreement was silent as to the precise location and size of an identification sign to be erected by Woodside along Rochester Road.

Woodside is in the process of constructing such an identification sign, which is located just south of the south entrance to the church property.

The parties now desire to amend the Development Agreement to allow and ratify the location and size of the Woodside Bible Church sign.

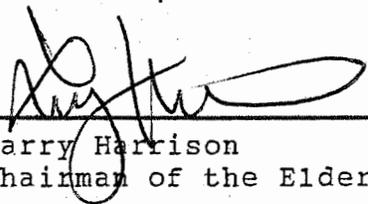
NOW, THEREFORE, in consideration of the foregoing and the mutual covenants and agreements hereinafter set forth, the parties agree as follows:

1. **Installation of Identification Sign.** Woodside has permission to have a "V" shaped sign as depicted in the Site Sign Plan and Detail Sheet, Number A-065, which bears the date stamp "November 16, 2005" of the Troy Planning Department which are attached hereto as Exhibit A, which is incorporated by reference as part of this Agreement.
2. **Sign Specifications.** The identification sign shall have the following dimensions: each side of the identification sign, including the face of the sign and all surrounding brick and masonry materials measures 138 square feet. Accordingly, the two (2) sides of the sign collectively measure 276 square feet, which exceeds by 176 square feet the 100 square feet limit for church signs in residential areas. The point of the "V" shaped sign is located approximately 3 feet from the right-of-way, which is 7 feet less than the required 10 feet set back from the right of way required for signs. These specifications are set out in Exhibit A.
3. **Public Benefit.** All proposed landscaping shown on Site Sign Plan and Detail Sheet Number A-065, attached as Exhibit A, shall be installed. In addition, Woodside has planted or shall plant seventy (70) trees, in addition to the trees approved in the original Development Agreement, throughout the Woodside Bible Church portion of the Planned Unit Development, in areas selected by Woodside. The type of trees planted shall be listed on the City's approved planting list. Plantings shall meet the requirements of the City's Landscape Design and Tree Preservation Standards. All trees must be planted no later than October 1, 2006. A Landscaping Plan showing "as planted" location, size and species of tree shall be presented to the City Planning Department no later than October 21, 2006. The City's Landscape Analyst will verify the planting provided for in Exhibit A and the landscaping plan and notify the City Planning Department as to whether or not Woodside has complied with the terms and conditions of this First Amendment to Development Agreement.
4. **Failure to Comply:** If the City's Landscape Analyst reports that in his/her opinion Woodside has not complied with the terms and

conditions of this First Amendment to Development Agreement to the City's satisfaction, the Planning Director shall notify Woodside of the details of the noncompliance. Woodside shall have thirty (30) days to correct the noncompliance to the City's satisfaction. If Woodside fails to correct the noncompliance, the City shall be allowed to go onto the Woodside property, correct the noncompliance and bill Woodside for the actual costs. If actual costs are not paid within thirty (30) days of the date of the billing for actual costs, the City shall be allowed to assess a lien against the property. The City make also take any action as provided for under the original Agreement for the Woodside Bible Church/Northwyck Planned Unit Development or to institute any legal proceedings as allowed under law.

5. The Site Sign Plan and Detail Sheet, Number A-065, which bears the date stamp "November 16, 2005" of the Troy Planning Department and the Landscaping Plan required under Paragraph 3, shall be incorporated into the Development Agreement for the Woodside Bible Church/Northwyck Planned Unit Development as part of the final planned unit development documents.
6. In all other respects, the parties reaffirm the provisions of the Development Agreement for Woodside Bible Church/Northwyck Planned Unit Development signed on May 28, 2003. The City shall not be precluded from using any enforcement provisions in the May 28, 2003 agreement which may be in addition to those set out herein.

**WOODSIDE BIBLE CHURCH (f/k/a
Troy Baptist Church), a Michigan
Ecclesiastical Corporation**

BY: 

Larry Harrison

ITS: Chairman of the Elder Board

STATE OF MICHIGAN)
)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledge before me this 14th day of August, 2006 by Larry Harrison, the Chairman of the Elder Board, Woodside Bible Church, a Michigan Ecclesiastical Corporation, on behalf of the Corporation

Brent A. Blankenship

, Notary Public
Oakland County, Michigan
My commission expires:

BRENT A. BLANKENSHIP
Notary Public, State of Michigan
County of Oakland
My Commission Expires Oct. 17, 2011
Acting in the County of Oakland

ROBERTSON NORTHWYCK, L.L.C.,
a Michigan Limited Liability Company

BY: Robertson Brothers Company,
a Michigan Corporation
ITS: Managing Member

BY: [Signature]
James V. Clarke
ITS: President

STATE OF MICHIGAN)
)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledge before me this _____ day
of August, 2006 by James V. Clarke, the President
_____, Robertson Brothers Company, a
Michigan Corporation, Manager of Robertson Northwyck, L.L.C., a Michigan
Limited Liability Company, on behalf of the Company

[Signature]

Edward J. Weber, Notary Public, County of Wayne
Acting in Oakland County, Michigan
My commission expires: 7/9/2010

Edward J. Weber, Notary Public
State of Michigan, County of Wayne
My Commission Expires 7/9/2010
Acting in the County of OAKLAND

CITY OF TROY, a Michigan
Municipal Corporation

BY: _____
Louise Schilling, Mayor

Paula P Bratto

From: Bejeir D. Brooks [bejeir@yahoo.com]
Sent: Tuesday, February 15, 2005 8:32 AM
To: Paula P Bratto
Subject: RE: T2N, R11E, E ½ of the NW ¼ of Section 2

Tonni Bartholomew, MMC (City of Troy Planning Department), per a letter you sent out regarding a request by the Woodside Bible Church for a variance to the zoning ordinance to waive a "screening of equipment" as well as a variance "in size and location of a sign" placed upon the roof of a non-residential building in accordance with the provisions of Article XXXV of the Zoning Ordinance for the following described property: T2N, R11E, E ½ of the NW ¼ of Section 2.

Anyway I'm against this proposal. I don't want a bigger sign, or a brighter sign or a sign in an unapproved location because it will further reduce the tranquility of my home, which is surprisingly high considering how close I am to M59. But I don't want bright lights or big signs for when I come home, 'zotting' me in the eye while I'm trying to sleep or glaring off my TV as I watch Artsy-Fartsy movies. I especially don't want to see there sign when I'm BBQ in the back yard. Now on the other hand if the church were to make it's sign into a giant bug zapper, I might be inclined. But until I see those plans in writing I'm firmly against this proposal.

B. Brooks
1422 Hartwig Drive
Troy, Mi 48085

It is not enough to always be prepared, one must be prepared for anything.

-Paranoia

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

2/21/2005

February 13, 2004

City of Troy
Planning Dept.
500 W. Big Beaver
Troy, MI. 48084

Re: Woodside Bible Church
Variance from Sign Ordinance (**size and location**)
Variance from Zoning Ordinance (**waive equipment placed on rooftop**)

Dear Members of the Planning Commission and City Council

We see **NO** logical reason why this already huge house of worship needs variances on the size and location of a sign, nor a variance on equipment to placed on the rooftop! A place of worship does not need to stand out like the local 24 hours Meijers Thrifty Acres from 3 miles off. Using of portion of the wasted dollars on the less fortunate would be far more beneficial then the gaudy materialistic show of money. Troy is not only become the city with the most churches, but quickly becoming the war of the churches-who can build bigger and use more land for tax free endeavors!!

If you allow these business variances then the Alibi, Peacocks, Nino's, Petruzzello's will be next in line. Where will it stop???? If you are going to allow this train of thought to continue, does that mean our billboard free expressway will soon have signs to?? There is the old song from the '70's "Signs, signs everywhere's a sign". Maybe you and the Woodside Bible Church ought to listen the words carefully, it is quite apropos.

PLEASE DENY THESE REQUESTS.

Sincerely,

Anthony, Lena, Paul Benedict
1490 Hartwig Drive
Troy, MI 48085

Paula P Bratto

From: Pepblk2@aol.com
Sent: Tuesday, March 22, 2005 2:12 PM
To: Paula P Bratto
Subject: Letters re sign at Woodside Bible Church.

Dear Planning Commission Members:

Maybe I am old-fashioned, but I feel that a letter delivered by the post office is the most dependable and least intrusive manner in which to communicate. However, as I sense some discomfort as evidenced by a comment made at the city council meeting of 3/21/05, I will utilize this method of contact, and I apologize if anyone felt uncomfortable in receiving a postal letter.

I would like to tone down my sense of urgency regarding public safety in regard to the sign at Woodside Bible Church. It was stated, several times, in the planning commission meeting, that the sign was, "Three feet from Rochester Road." I am positive that this is exactly how it was stated, word for word.

I visited the site on the weekend because I was so concerned about the safety hazard this would cause. To my surprise, the sign was more like ten to twelve feet from Rochester Road. It may be three feet from the sidewalk, and perhaps this is why its position to the road was stated this way.

I continue to think that it poses a safety hazard, but not close in severity to one that would have been created if the sign were, indeed, three feet from the road. I also noticed the Troy School District also has a solid brick structure, which is much smaller than the Woodside Bible sign, but appears closer to the road than the church's sign.

The mechanicals on the roof are really very unsightly, and I would agree with the chairman, that the entire site falls far below the customary standard of aesthetics which we see elsewhere in Troy.

Again, I apologize for any inconvenience in regard to my previous letter, but I do hope that you will address the issues of public safety and aesthetics at the site of the PUD.

Mary Ann Bernardi

REC'D

MAR 22 2005

PLANNING DEPT.

Paula P Bratto

From: Lena Benedict [Benedict@doeren.com]
Sent: Tuesday, November 08, 2005 11:20 AM
To: Paula P Bratto
Subject: Woodside Bible Church** AGAINST VARIANCES**
Importance: High

The request for ANY sign variance should be denied AGAIN!! We do not need more or bigger signs up and down our streets. How many times are these people allowed to keep pursuing a variance??? They knew when they bought the property, when they started construction, and as they progressed with the increase of traffic(and sure to be accidents from same) of the rules and regulations of our City. PLEASE PIT A STOP TO THE CONSTANT REQUEST FOR VARIANCES!!

Thank you!

***Anthony, Lena, Paul Benedict
1490, 1421, 1250 Hartwig
Troy, MI***

LEGAL NOTICE: OBLIGATION OF CONFIDENTIALITY

The information in this email is confidential and may be legally privileged. It is intended solely for the addressee. Any unauthorized use, dissemination of the information, or copying of this message is prohibited and unlawful. If you are not the intended addressee, please notify sender immediately and delete this message.

11/8/2005

RECEIVED

AUG 22 2006

CITY OF TROY
CITY MANAGER'S OFFICE

Alibi

REC'D

AUG 23 2006

PLANNING DEPT.

8-15-06

Att: Mayor and
Members of the
City Council:

This is in regard to the request by
the Woodside Bible Church for variance
on the sign location.

I would like to state personally
I'd like to see it pass. Not that I
approve - but - I've wanted exactly the
same thing. When we built the new Alibi
& I was not good on this matter I had
the present sign made not realizing it was
too small. The most complaints we hear is
they did not see our sign.

So if this passes for the Church
then as a Tax paying business we're
next in line. "This sets a precedent."

I'd also like to say with 70 trees
it would be impossible to see our present
sign.

Glynda Chries - President.

6700 Rochester Road
Troy, Michigan 48085

Phone: 248-879-0019
Fax: 248-879-9944

CHIRES FAMILY
LIMITED
PARTNERSHIP

6700 Rochester Road
Troy, Michigan 48098

Phone: 248-879-0019
Fax: 248-879-9944

RECEIVED

AUG 22 2006

CITY OF TROY
CITY MANAGER'S OFFICE

August 22, 2006

REC'D

AUG 23 2006

PLANNING DEPT.

Attention: City of Troy
Mayor & City Council

We are the owners of Lots 5 through 8 on Rochester Road. As for the sign variance requested by the Woodside Bible Church...

We believe the ordinance should apply to everyone—No exceptions—fair for all. Just because they are a Church may entitle them from paying city taxes, but they should have to abide by all other city ordinances.



Michael Chires

Chires Family Ltd. Partnership

DATE: September 5, 2006

TO: The Honorable Mayor and City Council

FROM: Phillip L. Nelson, City Manager

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

RECOMMENDATION

In light of the response from the State of Michigan, Bureau of Construction Codes, City Management recommends that City Council postpone final action regarding group child care homes and ZOTA 214 until the first meeting in December 2007. In essence, the State of Michigan will take approximately 14 to 18 months to review and potentially revise the Michigan Building Code regarding Group Child Care Homes.

BACKGROUND

On March 27, 2006, City Council recommended that group child care homes be permitted by right subject to special conditions. Furthermore, City Council directed City Administration to prepare draft ordinance language for group child care homes in the R-1A through R-1E districts that incorporates City Council, City staff and group child care home comments.

On April 24, 2006, City staff conducted a meeting with group and family child care home providers. The purpose of the meeting was to get input from the child care providers in the drafting of an ordinance that will permit group child care homes in the R-1A through R-1E districts within the City of Troy. On May 1, 2006, City staff conducted a meeting with neighbors of family and group child care homes to obtain their input.

On July 10, 2006, City Council postponed the item until the Regular City Council Meeting scheduled for Monday, September 11, 2006, for the purpose of addressing concerns raised by City Council.

Prepared by RBS/MFM

G:\ZOTAs\ZOTA 214 Group Day Care Homes\CC Memo ZOTA 214 09 11 06.doc

A Regular Meeting of the Troy City Council was held Monday, August 28, 2006, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:34 P.M.

Father Ron Jozwiak – St. Elizabeth Ann Seton Church gave the Invocation and the Pledge of Allegiance to the Flag was given.

ROLL CALL:

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

Vote on Resolution to Excuse Council Member Howrylak

Resolution #2006-08-337
 Moved by Beltramini
 Seconded by Lambert

RESOLVED, That Council Member Howrylak's absence at the Regular City Council and Closed Session meetings of August 28, 2006 is **EXCUSED** due to being out of the county.

Yes: All-6
 No: None
 Absent: Howrylak

CERTIFICATES OF RECOGNITION:

A-1 Presentations on the Big Beaver Corridor Study: a) Birchler Arroyo Associates, Inc.; b) City Manager Phil Nelson

Vote on Resolution to Suspend Rules of Procedure for the City Council, Rule #6 – Order of Business, Article 5 A.

Resolution #2006-08-338
 Moved by Stine
 Seconded by Beltramini

RESOLVED, That Troy City Council hereby **SUSPENDS** Rules of Procedure for the City Council, Rule #6 Order of Business, Article 5-A. Certificates of Recognition and **AUTHORIZES** City Council to receive a presentation from Birchler Arroyo Associates, Inc., and to discuss and take action on the Big Beaver Corridor Study.

Yes: All-6
 No: None
 Absent: Howrylak

Vote on Approval of Big Beaver Corridor Study

Resolution #2006-08-339
Moved by Beltramini
Seconded by Stine

WHEREAS, The Downtown Development Authority (DDA) has commissioned a complete study focused on the continued vitality of the Big Beaver corridor as a regional economic destination point and a world class boulevard;

WHEREAS, The City of Troy has a vested interest in continued development and increasing the quality of life and other opportunities for our community; and

WHEREAS, The City Council wishes to continue to determine the potential impact of the proposed Big Beaver development on the community and its investors;

NOW, THEREFORE, BE IT RESOLVED, That the key concepts included in the plan are hereby adopted by the City Council; and

THEREFORE, BE IT FURTHER RESOLVED, That staff be **DIRECTED** to complete a short-term Financial Plan complete with 5 to 6 year Capital Improvements Plan; **RECOMMEND** criteria to show who would pay for recommended plan features; **INVESTIGATE** any and all grant possibilities as well as potential financial partnerships; **INVESTIGATE** staffing or personnel needs including the City Attorney's Office and to formulate ideas and solutions for meeting possible extra time and other resource demands made on staff in the coming years; and

THEREFORE, BE IT FURTHER RESOLVED, That in concert with the Troy City Council, the Troy Planning Commission and City staff that the Troy Downtown Development Authority be **DESIGNATED** as the lead agency in the development and implementation of the principles and elements of the Big Beaver Corridor Study.

Yes: All-6
No: None
Absent: Howrylak

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 No Public Hearings

POSTPONED ITEMS:**D-1 Rezoning Application (File No. Z 717) – Proposed Medical/General Office Building, Northwest Corner of Lovell and Rochester Road, Section 3 – R-1C to O-1**

Resolution #2006-08-340
 Moved by Fleming
 Seconded by Broomfield

RESOLVED, That the R-1C to O-1 rezoning request, located on the northwest corner of Lovell and Rochester, in Section 3, part of parcel 88-20-03-226-104, being 0.994 acres in size, is described in the following legal description and illustrated on the attached Certificate of Survey drawing:

T2N, R11E, NE ¼ of the NE ¼ of Section 3

Commencing at the East ¼ Corner of said Section 3; thence N 01°46'00" W (Recorded as N 01°21'08" W) along the east line of Section 3, 1831.21 ft. and S 88°38'24" W, 80.00 ft. to the Point of Beginning being at the intersection of the west line of Rochester Rd. (M-150) and the north line of Lovell Ave.; thence continuing S 88°38'24" W, along the north line of Lovell Ave., 221.00 ft.; thence N 01°46'00" W, 195.90 ft.; thence N 88°38'24" E (Recorded as N 89°03'37" E), 221.00 ft. to the west line of Rochester Rd.; thence S 01°46'00" E along said west line, 195.90 ft. to the Point of Beginning. Containing 0.994 ac., more or less, and subject to easements and restrictions of record; and

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

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

MOTION CARRIED**CONSENT AGENDA:****E-1a Approval of "E" Items NOT Removed for Discussion**

Resolution #2006-08-341
 Moved by Lambert
 Seconded by Broomfield

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Items E-4a and E-13, which shall be considered after Consent Agenda (E) items, as printed.

Yes: All-6
No: None
Absent: Howrylak

E-2 Approval of City Council Minutes

Resolution #2006-08-341-E-2

RESOLVED, That the Minutes of the 7:30 PM Regular City Council Meeting of August 14, 2006 be **APPROVED** as submitted.

E-3 Proposed City of Troy Proclamation(s): None Submitted

E-4 Standard Purchasing Resolutions**b) Standard Purchasing Resolution 11: Rejection of Bids – Food Services**

Resolution #2006-08-341-E-4b

RESOLVED, That the proposal received to provide five (5) year requirements of food service at the Community Center and Sanctuary Lake Golf Course with an option to renew for five (5) additional years which opened August 14, 2006, is hereby **REJECTED**, and the contract will be re-bid under revised specifications.

c) Standard Purchasing Resolution 1: Award to Low Bidder – Annual Flowers and Bedding Plants

Resolution #2006-08-341-E-4c

RESOLVED, That a contract to provide seasonal requirements of annual flowers and bedding plants for 2007 is hereby **AWARDED** to the low bidder, Dinser's Greenhouse, Inc. of Novi, MI, at unit prices contained in the bid tabulation opened August 15, 2006, for an estimated total cost of \$9,360.00; and

BE IT FURTHER RESOLVED, If additional annuals or bedding plants are required, such additional materials are **AUTHORIZED** in an amount not to exceed 20% of the estimated total cost or \$1,872.00.

d) Standard Purchasing Resolution 10: Travel Authorization and Approval to Expend Funds for City Council Members' Travel Expenses – National League of Cities (NLC) 83rd Congress of Cities & Exposition

Resolution #2006-08-341-E-4d

RESOLVED, That those Council members interested are **AUTHORIZED** to attend the National League of Cities (NLC) 83rd Congress of Cities & Exposition in Reno, Nevada, December 5 - 9, 2006 in accordance with accounting procedures of the City of Troy.

e) **Standard Purchasing Resolution 10: Travel Authorization and Approval to Expend Funds for City Council Members' Travel Expenses – National League of Cities (NLC) Finance, Administration and Intergovernmental Relations (FAIR) Fall Steering Committee Meeting**

Resolution #2006-08-341-E-4e

RESOLVED, That Council Member Robin Beltramini is **AUTHORIZED** to attend the National League of Cities (NLC) Finance, Administration and Intergovernmental Relations (FAIR) Fall Steering Committee Meeting in San Antonio, Texas from October 12 - 14, 2006 in accordance with accounting procedures of the City of Troy.

E-5 City Manager Recruitment – Final Invoice Approval – The Mercer Group

Resolution #2006-08-341-E-5

WHEREAS, On January 23, 2006 City Council approved an amount not-to-exceed \$20,000.00 to The Mercer Group for executive recruitment services (Resolution #2006-01-030); and

WHEREAS, The final notification of interview dates created short notice for the consultants to purchase airline tickets and resulted in a 50% increase in airfare costs;

THEREFORE, BE IT RESOLVED, That a total of \$20,150.27 be **APPROVED** as final total payment to the Mercer Group.

E-6 Private Agreement for Kona Grill – Project No. 06.912.3

Resolution #2006-08-341-E-6

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

E-7 Private Agreement for Walsh College – Project No. 06.910.3

Resolution #2006-08-341-E-7

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Walsh College, is hereby **APPROVED** for the installation of a public water main, storm sewer, detention 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-8 Approval of Subcontract with Testing Engineers & Consultants, Inc. for Testing Services Provided for the Widening of Big Beaver from Rochester to Dequindre – Contract No. 05-4

Resolution #2006-08-341-E-8

RESOLVED, That Subcontract No. 05-5169/S1, between the City of Troy and Testing Engineers & Consultants, Inc. for testing services provided for the widening of Big Beaver from Rochester to Dequindre is hereby **APPROVED** at a cost to the City of Troy not to exceed \$31,961.34, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the subcontract, a copy of which shall be **ATTACHED** to the original Minutes of the meeting.

E-9 Approval to Waive Parking Restrictions – Congregation Shir Tikvah

Resolution #2006-08-341-E-9

RESOLVED, That the City Council of the City of Troy does hereby **WAIVE** the No Parking restrictions on the east side of Northfield Parkway from the parking lot entrance to Congregation Shir Tikvah to the entrance to Boulan Park, on September 22, 2006, 7:00 pm – 11:00 pm; September 23, 2006, 9:00 am – 5:00 pm; October 1, 2006, 7:00 pm – 11:00 pm; and October 2, 2006, 9:00 am – 9:00 pm.

E-10 Private Agreement for Carlton Villas Condominiums – Project No. 05.910.3

Resolution #2006-08-341-E-10

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

E-11 Private Agreement for Behr America – Project No. 06.916.3

Resolution #2006-08-341-E-11

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

E-12 Approval of Contract No. 06-5417 with MDOT for Right-of-Way Acquisition for the Reconstruction and Widening of Wattles Road, 1,000 Feet East and West of Rochester Road – Project No. 1.106.5

Resolution #2006-08-341-E-12

RESOLVED, That Contract No. 06-5417 between the City of Troy and the Michigan Department of Transportation for right-of-way acquisition for Wattles Road, 1,000 feet east and west of Rochester Road, Project No. 01.106.5, is hereby **APPROVED** and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-14 Fifth Amendment to Consent Judgment – K-Mart/Sheffield

Resolution #2006-08-341-E-14

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.

E-15 Approval of MDOT Intermodal Passenger Station Capital Contract No. 2006-0537

Resolution #2006-08-341-E-15

RESOLVED, That MDOT Contract No. 2006-0537 between the City of Troy and the Michigan Department of Transportation, for the planning and design of an intermodal transportation facility in the City of Troy, with participation from the MDOT in the amount of \$350,000.00, is hereby **APPROVED** and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-16 Approval of Contract No. 06-5418 with MDOT for Right-of-Way Acquisition for the Reconstruction and Widening of Rochester Road, Torpey to Barclay – Project No. 99.203.5

Resolution #2006-08-341-E-16

RESOLVED, That Contract No. 06-5418 between the City of Troy and the Michigan Department of Transportation for right-of-way acquisition for Rochester Road, Torpey to Barclay, Project No. 99.203.5, is hereby **APPROVED** and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

E-4 Standard Purchasing Resolutions**a) Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – Troy Youth Assistance**

Resolution #2006-08-342

Moved by Beltramini

Seconded by Broomfield

RESOLVED, That approval to expend funds budgeted in the 2006/2007 fiscal year to the Troy Youth Assistance to provide diversion programs and community services to the residents of the City of Troy at a cost of \$35,000.00, paid in quarterly installments is hereby **APPROVED**; and

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

Yes: All-6
No: None
Absent: Howrylak

E-13 Private Agreement for Briggs Park Condominiums – Project No. 05.949.3

Resolution #2006-08-343
Moved by Fleming
Seconded by Stine

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and APR Development LLC, is hereby **APPROVED** for the installation of public and private roads pursuant to Chapter 39 of the City Code, Section 12.50.04, water main, sanitary sewer, storm sewer, detention, sidewalks, soil erosion and landscaping on the site and in the adjacent right of way, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-6
No: None
Absent: Howrylak

PUBLIC COMMENT: Limited to Items Not on the Agenda

REGULAR BUSINESS:

F-1 Appointments to Boards and Committees: a) Mayoral Appointments: Downtown Development Authority and b) City Council Appointments: Advisory Committee for Senior Citizens

(a) Mayoral Appointments

Resolution #2006-08-344
Moved by Schilling
Seconded by Stine

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

Downtown Development Authority

Appointed by Mayor (13) – 4 Year Terms

Douglas J. Schroeder Term Expires 09/30/2010

William Kennis Term Expires 09/30/2010

Ernest C. Reschke Term Expires 09/30/2010

Yes: All-6
No: None
Absent: Howrylak

(b) City Council Appointments

Resolution #2006-08-345
Moved by Broomfield
Seconded by Fleming

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

Advisory Committee for Senior Citizens

Appointed by Council (9) – 3 Year Terms

Mary Sarossy Term Expires 04/30/09

Yes: All-6
No: None
Absent: Howrylak

F-2 Bid Waiver – HVAC Rooftop Replacements – Troy Public Library

Resolution #2006-08-346
Moved by Stine
Seconded by Lambert

WHEREAS, MCMI of Sterling Heights is an authorized, licensed installer in Michigan of the Andover Building Automation System; and

WHEREAS, The City of Troy is a direct distributor of Lennox equipment and purchases directly from the manufacturer, Lennox Industries of Troy, MI; and

WHEREAS, The City has standardized on Lennox rooftop units for its HVAC systems and the Andover system to control them;

THEREFORE, BE IT RESOLVED, That formal bidding procedures are hereby **WAIVED** and the City of Troy is **AUTHORIZED** to enter into contracts with Lennox Industries and MCMI to provide three (3) computer controlled rooftop heating and air conditioning units at the Troy

Public Library for an estimated total project cost of \$88,000.00, as outlined in Detailed Cost Estimates, Appendix A; and

THEREFORE, BE IT FINALLY RESOLVED, That the award is **CONTINGENT** upon contractor(s) submission of properly executed insurance certificate(s) and all other specified requirements.

Yes: All-6
No: None
Absent: Howrylak

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

- a) Michigan Zoning Enabling Act, Pa 110 of 2006, Zoning Ordinance Text Amendment (File No. ZOTA 224) – Articles II, III, X, XXXIV, XXXV and XLIII – September 18, 2006
- b) Rezoning Application (File No. Z 632-B) – Proposed Grand Troy Villas, West Side of Rochester Road, North of Wattles Road, Section 15 – CR-1 to R-1T – September 11, 2006
- c) Proposed Amendment to Planned Unit Development – Woodside Bible Church/Northwyck Condominium Planned Unit Development (PUD 1), Located on the East Side of Rochester Road, North of Square Lake Road and South of South Boulevard, Section 2 – September 11, 2006

Noted and Filed

G-2 Green Memorandums: No Memorandums Submitted

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

H-1 No Council Referrals Advanced

COUNCIL COMMENTS:

I-1 No Council Comments Advanced

REPORTS:

J-1 Minutes – Boards and Committees:

- a) Employees' Retirement System Board of Trustees/Final – June 13, 2006
- b) Employees' Retirement System Board of Trustees/Final – July 12, 2006
- c) Board of Zoning Appeals/Final – July 18, 2006
- d) Planning Commission Special/Study/Draft – August 1, 2006
- e) Planning Commission/Draft – August 8, 2006
- f) Board of Zoning Appeals/Draft – August 15, 2006

Noted and Filed

J-2 Department Reports: None Submitted

J-3 Letters of Appreciation:

- a) Letters of Appreciation to Tonni Bartholomew and Barbara Holmes from Angie Done, Advisory Committee for Persons with Disabilities, Regarding the Demonstration of the AutoMARK Voter Assist Terminal
- b) Letter of Thanks to the Parks and Recreation Department from Carol Kulish Regarding the Removal of the Trees and Vines
- c) Letter of Appreciation to Tonni Bartholomew from Mary Kerwin Commending the Efforts on Election Day

Noted and Filed

J-4 Proposed Proclamations/Resolutions from Other Organizations:

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

Noted and Filed

J-5 Calendar

Noted and Filed

J-6 Communication from City Attorney’s Office Regarding Appeal of Hooters Lawsuit

Noted and Filed

J-7 Communication from WOW Regarding Earning Top Carrier Position in the 2006 Cable/Satellite Satisfaction Survey and Acquisition of SIGECOM

Noted and Filed

J-8 Certificate of Appreciation Awarded to the City of Troy from Gleaners Community Food Bank of Southeastern Michigan for Joining the Food Fight on Big Beaver

Noted and Filed

STUDY ITEMS:

K-1 No Study Items Submitted

PUBLIC COMMENT: Address of “K” Items

CLOSED SESSION:

L-1 Closed Session

Resolution #2006-08-347
Moved by Broomfield
Seconded by Stine

BE IT RESOLVED, That the City of Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (e), Pending Litigation – Hooters v. Troy.

Yes: All-6
No: None
Absent: Howrylak

The meeting **RECESSED** at 9:43 P.M.

The meeting **RECONVENED** at 10:13 P.M.

The meeting **ADJOURNED** at 10:14 P.M.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk

PROCLAMATION
National Alcohol and Drug Addiction Recovery Month
September 2006

WHEREAS, Seventy-four percent of Americans say that addiction to alcohol has had some impact on them at some point in their lives, whether it was their own personal addiction, that of a friend or family member, or any other experience with addiction; and

WHEREAS, A sixty-three percent majority of Americans also say that addiction to either drugs or alcohol has had a great deal or some impact on their lives; and

WHEREAS, Stigma and discrimination present obstacles and can be a mark of disgrace to those with substance use disorders who need access to treatment facilities, and for those who want to reestablish their place in the community by entering the workforce; and

WHEREAS, Educating our community about how substance use disorders affect children, families, and all community members is essential to overcoming stigma and discrimination; and

WHEREAS, We must recognize the achievement of those who seek out treatment services and ensure that such services are readily available to those who need assistance; and

WHEREAS, Substance use disorders are a treatable, yet serious health care problem, and we can take steps to address it and so build a stronger, healthier community; and

WHEREAS, To help achieve this goal, the U.S. Department of Health and Human Services, the Substance Abuse and Mental Health Services Administration, the White House Office of National Drug Control Policy, and the Troy Community Coalition for the Prevention of Drug and Alcohol Abuse invite all residents of Troy to participate in ***National Alcohol and Drug Addiction Recovery Month***.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Troy hereby proclaims the Month of September 2006 as ***National Alcohol and Drug Addiction Recovery Month***;

BE IT FURTHER RESOLVED, That we invite **all Troy residents** to recognize and participate in its observance with appropriate programs, activities, and ceremonies supporting this year's theme, ***"Join the Voices for Recovery: Build a Stronger, Healthier Community."***

Proclaimed this 11th day of September 2006.

**PROCLAMATION
IN RECOGNITION OF
CONSTITUTION WEEK 2006**

WHEREAS, We the People did ordain and establish a Constitution for the United States of America to secure the blessings of liberty for ourselves and our posterity; and

WHEREAS, It is important that all citizens fully understand the provisions, principles and meaning of the Constitution so they can support, preserve and defend it against encroachment; and

WHEREAS, The 219th anniversary of the Constitution provides an historic opportunity for all Americans to learn about and to reflect upon the rights and privileges of citizenship and its responsibilities; and

WHEREAS, The President and the Congress of the United States of America have designated the week of September 17–23 as Constitution Week; and

WHEREAS, The people of the City of Troy do enjoy the blessings of liberty, the guarantees of the Bill of Rights, equal protection of the law under the Constitution, and the freedoms derived from it; and

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby proclaims **the week of September 17–23 as Constitution Week**, and invites every citizen and institution to join the national commendation.

BE IT FURTHER RESOLVED, That the City Council of Troy joins with the citizens of this community to acknowledge and celebrate the magnificent document that acts as a guardian of our liberties and affords citizens their rights under a limited government in a Republic dedicated to rule by law.

Signed this 11th day of September 2006.



CITY COUNCIL ACTION REPORT

TO: Phillip L. Nelson, City Manager

FROM: Mary Redden, Administrative Assistant to the City Manager

SUBJECT: Standard Purchasing Resolution 9: Approval to Expend Funds for Membership Dues and Membership Renewals Over \$10,000: Southeast Michigan Council of Governments (SEMCOG)

DATE: August 30, 2006

BACKGROUND

As southeast Michigan's regional planner, SEMCOG's essential functions include:

- Assisting local governments in planning for common needs and in recognizing regional opportunities.
- Facilitating cooperation among local governments, educational institutions, and state and federal agencies for mutual benefit.
- Advocating for changes in public policy when state or federal legislative action is necessary.

The City of Troy has been a member of SEMCOG since 1968.

FINANCIAL CONSIDERATIONS

Funds are available in Council's membership and dues account.

LEGAL CONSIDERATIONS

There are no legal considerations associated with this item.

POLICY CONSIDERATIONS

There are no policy considerations associated with this item.

RECOMMENDATION

Staff recommends authorization for the expenditure of funds for membership dues to SEMCOG for the period of July 15, 2006 - July 15, 2007.

070106

SEMCOG
Southeast Michigan Council of Governments
535 Griswold Street • Suite 300 • Detroit, Michigan 48226
(313) 961-4266 • FAX (313) 961-4869

Sales Order # :

2006

RECEIVED

MEMBERSHIP NOTICE

City Of Troy
 500 W. Big Beaver
 Troy, MI 48084

AUG 30 2006

CITY OF TROY
 CITY MANAGER'S OFFICE

Invoice Date

LOCAL-A

07/01/2006

07/01/2006

2006 Membership Dues

Invoice Amount **\$11,290.00**

SEMCOG, serving local units of government and education in the seven-county region of Livingston, Macomb, Monroe, Oakland, St. Clair, Washtenaw and Wayne

INVOICE
Annual Membership in
Southeast Michigan Council of Governments

For the Period From July 15, 2006
 To July 15, 2007

[The annual contribution is established by the by-laws and action of the General Assembly]

Membership Fee **\$11,290.00**

Balance Due **\$11,290.00**

Please enclose yellow copy with remittance to insure proper credit

AGREEMENT BETWEEN THE CITY OF TROY AND HAVEN, INC.

This Agreement, by and between the City of Troy, 500 W. Big Beaver Road, Troy, Michigan 48084 (hereinafter referred to as the “CITY”), and Haven, Inc., 92 Whittemore, Pontiac, Michigan 48342, a Michigan non-profit corporation, (hereinafter referred to as “HAVEN”),

RECITALS

WHEREAS, the CITY desires to provide crisis intervention, shelter, advocacy, individual, group and family counseling for victims of domestic violence, sexual assault and child abuse; and to further provide for counseling to the perpetrators of domestic violence in an attempt to prevent further violence from occurring; and

WHEREAS, the general purpose of the HAVEN is to provide available shelter to citizens who are forced to escape from the home where violence occurs; and to provide ongoing counseling to help heal the damage caused by these terrible crimes; and

WHEREAS, HAVEN also provides a 24-hour crisis line for immediate assistance for the citizens of the City,

NOW, THEREFORE, in consideration of the above in meeting the needs of the citizens of the CITY, and in consideration of the promises and mutual covenants hereinafter contained, the parties agree as follows:

HAVENS RESPONSIBILITIES.

1. General Project Summary. A general description of the community services to be provided by HAVEN is as follows:

A. A mental health worker, a licensed social worker, psychologist, or counselor on staff at HAVEN or available for consultation to HAVEN, shall supervise all activities ongoing under the HAVEN program consisting of, but not limited to, crisis intervention, shelter, advocacy, individual, group and family counseling for victims of domestic violence, sexual assault and child abuse. HAVEN shall also maintain a 24-hour crisis line to provide immediate assistance to the citizens of the City and others who are in need of such assistance.

B. Other project responsibilities include, but are not limited to, counseling for the perpetrators of domestic violence in an attempt to prevent further violence from occurring.

C. HAVEN will continue to provide service at the current level or greater.

2. Program Description. A detailed description of each program offered will be maintained on file at HAVEN and will be available for inspection by the CITY on request.
3. Location of Facility. HAVEN shall provide an office and/or treatment facility at 92 Whittemore, Pontiac, Michigan 48342. The CITY shall be notified immediately of any relocation or planned relocation of the facility. HAVEN shall maintain “safe houses: in the area for use by its citizens and that the locations of those “safe house” shall remain confidential for the protections of the residents.
4. Service Documentation. HAVEN shall provide a quarterly report which may be in the form of minutes from monthly HAVEN Board of Directors meetings to the CITY in October, January, April and July, including but not limited to the following information:
 - A. Data regarding HAVEN’s operation, including but not limited to, the number of persons serviced by HAVEN programs, attendance records for counseling and programs, duration of programs, etc.
 - B. Types of cases treated and referral source(s).
 - C. All community and special projects undertaken by HAVEN.
 - D. Other information that the CITY may deem necessary without jeopardizing the confidentiality of the HAVEN clientele.
5. Fiscal Requirements. HAVEN shall maintain an accounting system to identify and support all expenditures, i.e., all income and expenses for which services are provided under this Agreement. The accounting system, at a minimum, shall consist of a chart of accounts, cash receipts journal, cash disbursements journal, and general ledger. All expenditures and income must be supported by vouchers and receipts that detail the reason for the transaction.

HAVEN shall submit to the CITY a copy of its annual budget for any fiscal year, which falls within the twelve-month period covered by this Agreement. These budgets shall show the HAVEN budget, total expenditures, and expenditures funded and claimed to other funding sources.

HAVEN shall provide to the CITY a quarterly financial statement which may be in the form of Monthly Treasurer Reports as submitted to the HAVEN Board of Directors in October, January, April and July, including total income and expenditures for the previous three (3) months.

HAVEN agrees to retain at its costs all books, records or other documents relevant to this Agreement for six years after final payment.

6. Review of Programs by the City. Upon request, HAVEN will review with the CITY staff the programs funded by this Agreement to determine if there are appropriate shelter and counseling activities which may be utilized by citizens.

7. Confidentiality. The use or disclosure of information concerning applicants for services or recipients of services, obtained in connection with the performance of the Agreement, shall be restricted to purposes directly connected with the administration of the programs implemented by this Agreement and must be consistent with all statutory requirements.

8. Subcontracts. HAVEN shall not assign this Agreement or enter into any subcontracts for services under this Agreement without obtaining prior written approval of the CITY.

9. Indemnify and Hold Harmless. HAVEN shall indemnify, defend, pay on behalf of save and hold harmless the CITY, its elected and appointed officials, employees, volunteers, officers, agents, and affiliated entities against and from any losses, damages, judgments, claims, demands, suits, expenses, costs, and liabilities, personal injury or death and/or property damage, including attorney fees, interest and legal expenses, which may arise from or be caused directly or indirectly by any act or omission of HAVEN or its officers, directors, employees, agents or volunteers.

10. Insurance. HAVEN shall present to the CITY documentation that is satisfactory to the CITY that indicates that HAVEN is covered under a policy of insurance or self-insurance which is satisfactory to the CITY and which names the City as an additional insured.

11. Discrimination prohibited. HAVEN shall not discriminate against any employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, on a matter directly or indirectly related to employment, because of race, color, religion, national origin, age, sex, height, weight, or marital status pursuant to the Elliot Larsen Civil Rights Act, 1976, P.A. 453. HAVEN shall comply with the provisions of the Michigan Handicappers Civil Rights Act, 1976, P.A. 220 and the Federal Rehabilitations Act of 1973, P.A. 93-112, 87 Stat. 394 , which requires that no employee or client or otherwise, qualified handicapped individual shall, solely by reason of his handicap, be excluded from participation, be denied the benefits of or be subjected to, discrimination under any program or activity receiving Federal assistance. No person shall, on the grounds of race, creed, color, sex, age, national origin, height, weight, handicap, or marital status, be excluded from participation in, be denied the proceeds of, or be subject to discrimination in the performance of this contract. HAVEN shall comply with all applicable regulations promulgated pursuant to the Civil Rights Act of 1964, as amended.

12. Prohibition of Political and Religious Activity. There shall be no religious worship, instruction, or proselytization as part of, or in connection with the performance of this Agreement. None of the funds, materials, property or services under this Agreement shall be used in the performance of services under this Agreement for any partisan political activity, including lobbying, as specified in Federal Circular A-122, Cost Principles for Non-profit Organizations – lobbying revisions, or to further the election, defeat, recall, impeachment, appointment or dismissal of any candidate for or from any public office.

CITY'S RESPONSIBILITIES

The CITY hereby agrees to pay to HAVEN an amount not to exceed \$ 4,500.00 for services performed under this Agreement. Payment will be made in one payment in the fall of 2006.

Obligations incurred by HAVEN prior to or after the period covered by this Agreement shall be excluded.

MUTUAL COVENANTS

1. Cancellation of Agreement. If the CITY determines that HAVEN fails or has failed to comply with the conditions of this Agreement, or to fulfill its responsibility as indicated in the Agreement, or the CITY determines that the methods and techniques being utilized in accomplishing the goals of this Agreement are not acceptable or compatible with the CITY's policy, then the CITY reserves the right to cancel this Agreement by giving thirty (30) days written notice to HAVEN. If HAVEN becomes defunct, HAVEN will reimburse the CITY for all pre-payments based on the date of termination.
2. Employees of HAVEN. Representatives, employees and volunteers of HAVEN shall not be deemed to be employees or agents of the CITY for any purposes solely because of their participation with HAVEN.
3. Independent Contractors. HAVEN is an independent contractor, and its agents, employees, or servants are responsible for its own conduct. This Agreement is not a joint venture for the profit of either party.
4. Compliance with Laws. HAVEN shall be responsible for compliance with all Federal, State and City laws or ordinances. Any violation of the law or ordinance results in material breach of the Agreement.
5. Notices. Whenever under this Agreement provision is made for notice of any kind, unless otherwise herein expressly provided, it shall be in writing and shall be served personally or sent by registered or certified mail with postage prepaid, to the addresses stated below, or such other address as either of the parties may

subsequently designate in writing by notice to the other party in the manner required hereunder:

Notice to City: Tonni Bartholomew
City Clerk, City of Troy
500 W. Big Beaver Road
Troy, Michigan 48084

Notice to Haven: Beth Morrison, President & CEO
HAVEN, INC.
92 Whittemore Street
Pontiac, Michigan 48342

6. Entire Agreement. This Agreement constitutes the entire Agreement between HAVEN and the CITY with respect to the subject matter hereof; and there are no other further written or oral understandings or agreements with respect hereto.

7. Modification. No variation or modification of this Agreement and no waiver of its provisions shall be valid unless in writing and signed by the parties.

8. Terms of Agreement. This Agreement shall become effective as of July 1, 2006 and shall terminate on June 30, 2007 unless terminated under the provisions set forth in this Agreement.

IN WITNESS WHEREOF, the CITY and HAVEN have caused this Agreement to be executed by their respective authorized officers.

WITNESSES:

CITY OF TROY

Louise E. Schilling, Mayor

Tonni Bartholomew, City Clerk

WITNESSES:

HAVEN, INC.

Beth Morrison, President & CEO

August 24, 2006

TO: Phillip L. Nelson, City Manager

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

SUBJECT: **Agenda Item** - Standard Purchasing Resolution 5: Approval To Expend Budgeted Funds– Avondale Youth Assistance

APPROVAL TO EXPEND FUNDS

City management requests approval to provide funding to the Avondale Youth Assistance during the 2006/2007fiscal year at a cost to the City of Troy of \$2,210.00, to be paid in one installment.

HISTORY

The Avondale Youth Assistance will provide community services to Troy families residing within the Avondale School District in an effort to strengthen youth and families and reduce the incidence of delinquency, abuse and neglect.

BUDGET

The Police Department account #305.7802.104 has been designated for the funding of this program.

Reviewed as to Form and Legality: _____
Lori Grigg Bluhm, City Attorney Date

AGREEMENT BETWEEN THE CITY OF TROY AND AVONDALE YOUTH ASSISTANCE

This Agreement, by and between the City of Troy, 500 W. Big Beaver Road, Troy, Michigan 48084 (hereinafter referred to as the “CITY”), and the Avondale Youth Assistance, P.O. Box 214257, Auburn Hills, Michigan 48321, , a Michigan non-profit organization, (hereinafter referred to as “AYA”),

RECITALS

WHEREAS, the CITY desires to provide for a problem-solving service for youth and parents through individual, group, and family counseling to enable those served to cope with problems adversely affecting the ability of the youth to make optimal use of their world, i.e. social adjustment, work adjustment; and to provide free, on-site and off-site service for youth, especially those who cannot afford private services; and

WHEREAS, the CITY desires to provide youth residents of the City an opportunity to participate in the AYA program; and

WHEREAS, the general purpose of the AYA is to provide opportunities for mental, social and physical growth and development of youth; and

NOW, THEREFORE, in consideration of the above in meeting the needs of the youth of the CITY, and in consideration of the promises and mutual covenants hereinafter contained, the parties agree as follows:

AYA RESPONSIBILITIES.

1. General Project Summary. A general description of the community services to be provided by AYA is as follows:

A. A mental health worker, a licensed social worker, psychologist, or counselor, on staff at AYA shall be available to the youths of the community who are having difficulty in their personal and social adjustments. This person will work with youths, parents, schools and other community organizations, consistent with their professional training and licensing, in helping the youth grow towards a more satisfactory adjustment. The worker will act as a liaison for the youth, agencies, and family.

B. AYA shall also offer programs to resident youth which are designed to further the social and emotional needs of the youth.

C. AYA will continue to provide service at the current level or greater.

2. Program Description. A detailed description of each program offered will be provided to the CITY, will be maintained on file at AYA, and will be available for inspection by the CITY on request.
3. Location of Facility. AYA shall provide an office or treatment facility within a reasonable distance from the CITY. The CITY shall be notified immediately of any relocation or planned relocation of the facility.
4. Service Documentation. AYA shall provide a quarterly report which may be in the form of minutes from monthly AYA Board of Directors meetings to the CITY in October, January, April and July, including but not limited to the following information:
 - A. Data regarding AYA's operation, including but not limited to, the number of persons serviced by AYA programs, attendance records for counseling and programs, duration of programs, etc.
 - B. Types of cases treated and referral source(s).
 - C. All community and special projects undertaken by AYA.
 - D. Other information that the CITY may deem necessary without jeopardizing the confidentiality of the AYA clientele.
5. Fiscal Requirements. AYA shall maintain an accounting system to identify and support all expenditures, i.e., all income and expenses for which services are provided under this Agreement. The accounting system, at a minimum, shall consist of a chart of accounts, cash receipts journal, cash disbursements journal, and general ledger. All expenditures and income must be supported by vouchers and receipts that detail the reason for the transaction.

AYA shall submit to the CITY a copy of its annual budget for any fiscal year which falls within the twelve-month period covered by this Agreement. These budgets shall show the AYA budget, total expenditures, and expenditures funded and claimed to other funding sources.

AYA shall provide to the CITY a quarterly financial statement which may be in the form of Monthly Treasurer Reports as submitted to the AYA Board of Directors in October, January, April and July, including total income and expenditures for the previous three (3) months.

AYA agrees to retain at its costs all books, records or other documents relevant to this Agreement for six years after final payment.

6. Review of Programs by the City. Upon request, AYA will review with the CITY staff the programs funded by this Agreement to determine if there are

appropriate educational guidance and counseling activities which may be utilized by the youth.

7. Confidentiality. The use or disclosure of information concerning applicants for services or recipients of services, obtained in connection with the performance of the Agreement, shall be restricted to purposes directly connected with the administration of the programs implemented by this Agreement and must be consistent with all statutory requirements.

8. Subcontracts. AYA shall not assign this Agreement or enter into any subcontracts for services under this Agreement without obtaining prior written approval of the CITY.

9. Indemnify and Hold Harmless. AYA shall indemnify, save and hold harmless the CITY, its employees, officers, and agents, and affiliated entities from any losses, damages, judgments, claims, expenses, costs, and liabilities, including attorney fees, interest and legal expenses, which may arise from or be caused directly or indirectly by any act or omission of AYA or its officers, directors, employees, agents or volunteers.

10. Insurance. AYA shall present to the CITY documentation that is satisfactory to the CITY that indicates that AYA is covered under a policy of insurance or self-insurance with Oakland County, Michigan.

TROY'S RESPONSIBILITIES

The CITY hereby agrees to pay to AYA an amount not to exceed \$ 2,210.00 for services performed under this Agreement. Payment is to be made in a lump sum in September of 2006.

Obligations incurred by AYA prior to or after the period covered by this Agreement shall be excluded.

MUTUAL COVENANTS

1. Cancellation of Agreement. If the CITY determines that AYA fails to comply with the conditions of this Agreement, or to fulfill its responsibility as indicated in the Agreement, or the CITY determines that the methods and techniques being utilized in accomplishing the goals of this Agreement are not acceptable or compatible with the CITY's policy, then the CITY reserves the right to cancel this Agreement by giving thirty (30) days written notice to AYA. If AYA becomes defunct, AYA will reimburse the CITY for all pre-payments based on the date of termination.

2. Employees of AYA. Representatives, employees and volunteers of AYA shall not be deemed to be employees or agents of the CITY for any purposes solely because of their participation with AYA.
3. Independent Contractors. AYA is an independent contractor, and its agents, employees, or servants are responsible for its own conduct. This Agreement is not a joint venture for the profit of either party.
4. Compliance with Laws. AYA shall be responsible for compliance with all Federal, State and City laws or ordinances. Any violation of the law or ordinance results in material breach of the Agreement.
5. Terms of Agreement. This Agreement shall become effective as of August 1, 2006 and shall terminate on July 31, 2007 unless terminated under the provisions set forth in this Agreement.

IN WITNESS WHEREOF, the CITY and AYA have caused this Agreement to be executed by their respective authorized officers.

WITNESSES:

CITY OF TROY

Louise Schilling, Mayor

Tonni Bartholomew, City Clerk

WITNESSES:

AVONDALE YOUTH ASSISTANCE

John Dalton, AYA Chairperson

August 25, 2006

To: Phillip L. Nelson, City Manager

From: John M. Lamerato, Assistant City Manager/Finance and Administration
Jeanette Bennett, Purchasing Director
Cindy Stewart, Community Affairs Director

Subject: **Agenda Item** - Standard Purchasing Resolution 1: Award To Low Bidder – Lower Level Conference Room Remote Camera System

RECOMMENDATION

On July 19, 2006, bid proposals were opened to provide a two-camera Remote Camera System in the Troy City Hall Lower Level Conference Room in accordance with specifications. City management recommends the contract be awarded to the low bidder, VPI – Visual Productions, Inc. of Southfield, MI for an estimated total cost of \$25,355.00, at unit prices as contained in the schedule of values.

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

BACKGROUND

- The bid will provide for a two-camera Remote Camera System in the Troy City Hall Lower Level Conference Room to be utilized for taping various City meetings such as DDA, Planning Commission and Troy Youth Council.
- The bid includes Panasonic Cameras, Wall Mounts, Audio cords, Audio Mixer, installation and a one-year installation warranty.
- This equipment will utilize a portion of our PEG (Public, Education, Government) fees, which are to be spent on capital equipment for our government access cable channel. Our 1% PEG fees are split 50-50 between Public and Government Access.

BUDGET

Funds are available in the Community Affairs/CATV Capital Fund account number 401267.7978.010.

90 Vendors Notified via the MITN System

2 Bid Responses Received

- 6 No Bids:
- (2) Companies could not be competitive
 - (2) Companies schedules did not permit performance of the specifications
 - (1) Company could not gather the necessary information in time
 - (1) Company had a problem with the down payment clause

Opening Date -- 7/19/06
 Date Prepared -- 7/19/06

CITY OF TROY
 BID TABULATION
 REMOTE CAMERA SYSTEM

VENDOR NAME:

**	VPI - Visual	Troxell		
	Productions Inc.	Communications		
Check Number	473305243	0472447		
Check Amount	\$1,000.00	\$1,000.00		

PROPOSAL -- FURNISH ALL EQUIPMENT, MATERIAL, AND LABOR TO PROVIDE AND INSTALL A TWO-CAMERA REMOTE CONTROL CAMERA SYSTEM FOR LOWER LEVEL CONFERENCE ROOM

FURNISH AND INSTALL:

A Two-camera Remote Camera System in the Troy City Hall Lower Level Conference Room in accordance with the specifications

COMPLETE FOR THE SUM OF:

\$	25,355.00	\$	26,900.50	
-----------	------------------	-----------	-----------	--

SCHEDULE OF VALUES:

Yes	Yes		
-----	-----	--	--

PRE-BID MEETING: Y or N
 (Non-Mandatory)

Yes	Yes		
-----	-----	--	--

SITE INSPECTION: Y or N
 (Mandatory) Date

Yes	Yes		
July 6, 2006	July 6, 2006		

COMPLETION DATE:

W/I 7 business days			
---------------------	--	--	--

Can Meet
 Cannot Meet
 But Offers:

XX			
	XX		
	30 Days		

INSURANCE: Can Meet
 Cannot Meet

XX	XX		
----	----	--	--

TERMS:

Net 30	Net 30		
--------	--------	--	--

COMPLETION DATE:

7 days after DOM	1 wk ARE		
------------------	----------	--	--

WARRANTY:

1 year	1 year (Parts & Labor)		
--------	------------------------	--	--

EXCEPTIONS:

Item #3 - See Bid Panasonic Head & Cable been replaced by another	Item #3 - See Bid Current model is AW-PH360 that includes Item #5 AW-CA50T15-50		
---	--	--	--

ACKNOWLEDGEMENT: Y or N

Yes	Yes		
-----	-----	--	--

NO BIDS: **ADDENDUM #1** Y or N

- Absolute Security
- Advanced Lighting & Sound
- Advanced Wireless Telecom
- Computer Integrated Solutions
- ProVideo Systems Inc
- Roscor Michigan

**** DENOTES LOW BIDDER**

ATTEST:

Cheryl Stewart
Cindy Stewart
Linda Bockstanz

 Jeanette Bennett
 Purchasing Director



SCHEDULE OF VALUES

Your company **MUST** complete this form.

Quantity	Equipment List	Unit Cost	Unit Cost of Installation
2 Each	Panasonic AWE650 1/2" 3-CCD Convertible Camera, 850 TVL (Total Video Lines)	\$ 3,789.00	\$ 120.00
2 Each	Fujinon S16x7.3 MDBMD 1/2" 20x Motor Drive Lens	\$ 2,258.00	\$ 60.00
2 Each	Panasonic AW-PH300A(AW-PH360) Indoor Pan/ Tilt System	\$ 3,634.00	\$ 120.00
2 Each	Panasonic AW-PS300 Power Supply for Pan/ Tilt Head	\$ 588.00	\$ 60.00
2 Each	Panasonic AW-CA50T15 50 Pin to 15 Pin Camera to Pan/ Tilt Cable	Not Required	N/A
2 Each	Custom Wall Mount or Recessed Ceiling Box for Pan/ Tilt Heads & Cameras	\$ 80.00	\$ 180.00
7 Each	Audio Technica PRO 49Q Gooseneck Microphones	\$ 87.00	\$ 35.00
7 Each	Audio Technica AT8615 QM plug-in Desk Stand – XLR in, XLR out	\$ 47.00	\$ 35.00
1 Each	40' Audio Snake – 7 channel XLR M-F in 30' of Coflex	\$ 209.00	\$ N/C
1 Each	Wall Surface Mount XLR Connector Box with 7 XLR Connectors	\$ 66.00	\$ 200.00
1 Each	Shure SCM 800 8-channel Audio Mixer	\$ 573.00	\$ 240.00

Note: Individual equipment prices and labor costs to install those items are requested if the quantity changes during the project implementation.

OTHER:	
Installation: Wiring of video & audio cables approximately 50' from conference room to 2 nd Floor Control Room; engineering of the above specified system, and documentation of installed system including manuals and wiring diagrams is required.	\$ 2,852.00

August 29, 2006

TO: Phillip L. Nelson, City Manager

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

SUBJECT: **AGENDA ITEM** - Standard Purchasing Resolution #1: Award to Low Bidder
Contract 06-9 – Industrial Row Drive & Meijer Drive Reconstruction and
Water Main Reconstruction

RECOMMENDATION

It is recommended that City Council award a contract for the Industrial Row Drive & Meijer Drive Reconstruction and Water Main Reconstruction project to Six-S, Inc., 2210 Scott Lake Road, Waterford, MI, 48328 for their low bid of \$3,283,950.40 contingent upon submission of proper proposal and bid documents, including insurance certificates, bonds and all specified requirements.

In addition, we are requesting authorization to approve additional work, if needed, not to exceed 10% of the original project cost.

BACKGROUND INFORMATION

Bids were received and publicly read on August 29, 2006. The low bidder was Six-S, Inc., as can be seen in the attached tabulation of bids. The Engineer's estimate at the time of bidding was \$3,639,952.28. The low bid is therefore \$356,001.77 or 9.56% below the Engineer's estimate.

This project includes road and water main replacements on Industrial Row and Meijer Drive. The existing 12" water main will be replaced with a new 16" water main from Coolidge to Crooks Road. Temporary roads to maintain traffic will be constructed in the fall of 2006 to allow for water main construction throughout the winter of 2006/07. Once the water main is complete and as weather allows in the spring of 2007, Meijer Drive and Industrial Row will be completely reconstructed. The existing road on Industrial Row will be removed and replaced with a new concrete pavement section from Coolidge to the east end of Industrial Row and on Meijer from Crooks to the west city limits. Restoration and final project clean up will be completed in the fall of 2007.

FUNDING

Funds for this work are included in the 2006/07 Water Fund, account numbers 555.7972.065045 and 555.7972.065055. The budgeted amounts include funds for construction, inspection and contingencies.

19 - Bids Sent / 9 - Bids Rec'd

Prepared by: Steven J. Vandette, City Engineer

G:\Contracts\Contracts - 2006\06-09 Industrial Row and Meijer Reconstruction and Water Main\Correspondence\Bid Award.doc

ENGINEER'S ESTIMATE

Six-S, Inc.
2210 Scott Lake Road
Waterford, MI 48328

Angelo Iafrate Construction
26300 Sherwood
Warren, MI 48091

Pamar Enterprises, Inc.
58021 Gratiot Avenue
New Haven, MI 48048

Item	Quantity	Unit Price	Total Cost						
1. Mobilization, Max. \$167,000	1 LS	\$167,000.00	\$167,000.00	\$167,000.00	\$167,000.00	\$167,000.00	\$167,000.00	\$100,000.00	\$100,000.00
2. Tree Remove, 6" to 18"	80 ea	\$225.00	\$18,000.00	\$150.71	\$12,056.80	\$150.00	\$12,000.00	\$675.00	\$54,000.00
3. Tree Remove, 19" to 36"	2 ea	\$500.00	\$1,000.00	\$678.20	\$1,356.40	\$680.00	\$1,360.00	\$150.00	\$300.00
4. Dr Structure, Remove	20 ea	\$250.00	\$5,000.00	\$251.18	\$5,023.60	\$203.00	\$4,060.00	\$198.00	\$3,960.00
5. Sewer, Remove, Less than 24"	426 lft	\$18.00	\$7,668.00	\$14.07	\$5,993.82	\$10.80	\$4,600.80	\$13.85	\$5,900.10
6. Pavement, Remove	24,900 syd	\$4.50	\$112,050.00	\$5.30	\$131,970.00	\$5.00	\$124,500.00	\$3.60	\$89,640.00
7. Sidewalk, Remove	302 syd	\$5.00	\$1,510.00	\$2.49	\$751.98	\$5.25	\$1,585.50	\$1.50	\$453.00
8. Fence, Remove	155 lft	\$2.00	\$310.00	\$2.00	\$310.00	\$2.95	\$457.25	\$1.95	\$302.25
9. Guardrail, Remove	30 lft	\$3.00	\$90.00	\$4.54	\$136.20	\$5.65	\$169.50	\$5.00	\$150.00
10. Remove Curing Compound for Longitudinal Marking	7,949 lft	\$0.30	\$2,384.70	\$0.45	\$3,577.05	\$0.45	\$3,577.05	\$0.45	\$3,577.05
11. Property Protection Fence	5,800 lft	\$1.25	\$7,250.00	\$1.81	\$10,498.00	\$2.75	\$15,950.00	\$2.50	\$14,500.00
12. Remove Curing Compound for Spec Marking	714 sft	\$0.90	\$642.60	\$1.76	\$1,256.64	\$1.75	\$1,249.50	\$1.75	\$1,249.50
13. Exploration for Utility Location (if needed)	120 lft	\$18.00	\$2,160.00	\$20.09	\$2,410.80	\$8.75	\$1,050.00	\$13.00	\$1,560.00
14. Relocating Landscaping Boulders	1 LS	\$2,000.00	\$2,000.00	\$1,000.00	\$1,000.00	\$1,800.00	\$1,800.00	\$1,506.00	\$1,506.00
15. Road Ends Barricade	1 LS	\$1,500.00	\$1,500.00	\$1,255.92	\$1,255.92	\$5,050.00	\$5,050.00	\$1,670.00	\$1,670.00
16. Fence, Chain Link, 60 inch	155 lft	\$18.00	\$2,790.00	\$13.26	\$2,055.30	\$30.00	\$4,650.00	\$13.20	\$2,046.00
17. Ex. Meijer Road - Remove & Replace, Royal Oak	1 LS	\$5,000.00	\$5,000.00	\$10,000.00	\$10,000.00	\$3,290.00	\$3,290.00	\$2,476.00	\$2,476.00
18. Post, Mailbox	2 ea	\$150.00	\$300.00	\$74.85	\$149.70	\$100.00	\$200.00	\$108.05	\$216.10
19. Embankment, CIP	1,000 cyd	\$8.00	\$8,000.00	\$2.50	\$2,500.00	\$2.30	\$2,300.00	\$7.20	\$7,200.00
20. Excavation, Earth	20,300 cyd	\$7.00	\$142,100.00	\$6.80	\$138,040.00	\$4.00	\$81,200.00	\$6.30	\$127,890.00
21. Station Grading (For Temp. Road)	81 sta	\$600.00	\$48,600.00	\$200.00	\$16,200.00	\$560.00	\$45,360.00	\$659.00	\$53,379.00
22. Granular Material, CI II	25 cyd	\$15.00	\$375.00	\$35.00	\$875.00	\$40.10	\$1,002.50	\$30.10	\$752.50
23. Subgrade Undercutting, 1" x 3"	4,000 cyd	\$25.00	\$100,000.00	\$22.00	\$88,000.00	\$23.00	\$92,000.00	\$26.45	\$105,800.00
24. Subgrade Undercutting, 21AA	1,000 cyd	\$22.00	\$22,000.00	\$33.18	\$33,180.00	\$24.50	\$24,500.00	\$27.30	\$27,300.00
25. Geotextile Grid	13,200 syd	\$6.00	\$79,200.00	\$1.97	\$26,004.00	\$3.90	\$51,480.00	\$3.70	\$48,840.00
26. Erosion Control, Inlet Protection, Fabric Drop	45 ea	\$65.00	\$2,925.00	\$45.21	\$2,034.45	\$36.20	\$1,629.00	\$38.50	\$1,732.50
27. Erosion Control, Silt Fence	10,125 lft	\$1.00	\$10,125.00	\$0.85	\$8,606.25	\$1.15	\$11,643.75	\$0.90	\$9,112.50
28. Aggregate Base, 8", CIP, 21AA, Modified	31,482 syd	\$6.00	\$188,892.00	\$3.50	\$110,187.00	\$6.40	\$201,484.80	\$5.70	\$179,447.40

ENGINEER'S ESTIMATE

Six-S, Inc.
2210 Scott Lake Road
Waterford, MI 48328

Angelo Iafate Construction
26300 Sherwood
Warren, MI 48091

Pamar Enterprises, Inc.
58021 Gratiot Avenue
New Haven, MI 48048

Item	Quantity	Unit Price	Total Cost						
29. Temporary Aggregate Base, 4", CIP	9,969 syd	\$8.00	\$79,752.00	\$3.35	\$33,396.15	\$4.30	\$42,866.70	\$3.10	\$30,903.90
30. HMA Mixture 36A (2")	66 ton	\$60.00	\$3,960.00	\$150.71	\$9,946.86	\$150.00	\$9,900.00	\$94.30	\$6,223.80
31. HMA Mixture 13A (4" in 2 lifts)	132 ton	\$60.00	\$7,920.00	\$150.71	\$19,893.72	\$150.00	\$19,800.00	\$120.25	\$15,873.00
32. Maintenance Aggregate	12,000 ton	\$14.00	\$168,000.00	\$0.01	\$120.00	\$5.00	\$60,000.00	\$15.50	\$186,000.00
33. Cold Patch	300 ton	\$100.00	\$30,000.00	\$70.00	\$21,000.00	\$45.00	\$13,500.00	\$170.90	\$51,270.00
34. Cement	60 ton	\$125.00	\$7,500.00	\$150.00	\$9,000.00	\$133.00	\$7,980.00	\$122.00	\$7,320.00
35. Open Graded Drainage Course, 6", 5G	20,766 syd	\$6.00	\$124,596.00	\$4.90	\$101,753.40	\$4.80	\$99,676.80	\$5.10	\$105,906.60
36. Geotextile Fabric, Type NW8	22,374 syd	\$1.50	\$33,561.00	\$3.50	\$78,309.00	\$2.50	\$55,935.00	\$1.25	\$27,967.50
37. Temporary HMA	2,194 ton	\$60.00	\$131,640.00	\$55.90	\$122,644.60	\$55.70	\$122,205.80	\$59.50	\$130,543.00
38. Driveway, Nonreinf Conc, 8 inch	5,576 syd	\$40.00	\$223,040.00	\$31.15	\$173,692.40	\$32.00	\$178,432.00	\$31.00	\$172,856.00
39. Curb and Gutter, Conc, Det F3	6,971 lft	\$11.00	\$76,681.00	\$9.04	\$63,017.84	\$9.55	\$66,573.05	\$10.75	\$74,938.25
40. Driveway Opening, Conc, Det M	3,792 lft	\$12.00	\$45,504.00	\$9.55	\$36,213.60	\$12.20	\$46,262.40	\$12.00	\$45,504.00
41. Sidewalk, Conc, 4 inch	2,234 sft	\$3.20	\$7,148.80	\$3.00	\$6,702.00	\$2.45	\$5,473.30	\$3.00	\$6,702.00
42. Sidewalk Ramp	386 sft	\$5.00	\$1,930.00	\$6.03	\$2,327.58	\$3.95	\$1,524.70	\$4.50	\$1,737.00
43. Conc. Pvmt, Misc, Nonreinf, 9 inch	1,100 syd	\$34.00	\$37,400.00	\$32.00	\$35,200.00	\$32.90	\$36,190.00	\$26.85	\$29,535.00
44. Conc. Pvmt, Nonreinf, 9 inch	7,836 syd	\$27.00	\$211,572.00	\$30.65	\$240,173.40	\$28.00	\$219,408.00	\$26.85	\$210,396.60
45. Conc. Pvmt, Misc, Nonreinf, 10 inch	860 syd	\$38.00	\$32,680.00	\$34.00	\$29,240.00	\$36.50	\$31,390.00	\$30.10	\$25,886.00
46. Conc. Pvmt, Nonreinf, 10 inch	8,428 syd	\$29.50	\$248,626.00	\$31.75	\$267,589.00	\$31.00	\$261,268.00	\$30.10	\$253,682.80
47. Transverse Contraction Joint,	10,864 lft	\$2.60	\$28,246.40	\$1.50	\$16,296.00	\$2.05	\$22,271.20	\$1.75	\$19,012.00
48. Joint, Expansion, E3	555 lft	\$5.00	\$2,775.00	\$2.00	\$1,110.00	\$4.05	\$2,247.75	\$2.70	\$1,498.50
49. Pavement Gapping	480 lft	\$15.00	\$7,200.00	\$9.00	\$4,320.00	\$6.25	\$3,000.00	\$27.25	\$13,080.00
50. Lane Tie, Epoxy Anchored	178 ea	\$8.00	\$1,424.00	\$4.66	\$829.48	\$6.35	\$1,130.30	\$6.50	\$1,157.00
51. Sprinkler Head, Relocate	25 ea	\$100.00	\$2,500.00	\$50.24	\$1,256.00	\$35.00	\$875.00	\$35.00	\$875.00
52. Sprinkler Head, Replace	35 ea	\$200.00	\$7,000.00	\$50.24	\$1,758.40	\$50.00	\$1,750.00	\$50.00	\$1,750.00
53. Sprinkler Line	1,200 lft	\$12.00	\$14,400.00	\$1.00	\$1,200.00	\$1.00	\$1,200.00	\$1.00	\$1,200.00
54. Sanitary Lead Relocation (if needed)	10 ea	\$800.00	\$8,000.00	\$1,507.11	\$15,071.10	\$380.00	\$3,800.00	\$1,336.30	\$13,363.00
55. Sewer, C76 CI-IV, 12", Tr Det B (C.S.B.)	600 lft	\$60.00	\$36,000.00	\$47.22	\$28,332.00	\$38.30	\$22,980.00	\$22.30	\$13,380.00
56. Trench Undercut and Backfill	400 cyd	\$30.00	\$12,000.00	\$30.14	\$12,056.00	\$25.80	\$10,320.00	\$19.60	\$7,840.00
57. Dr Structure Tap, 12"	8 ea	\$300.00	\$2,400.00	\$1,093.15	\$8,745.20	\$270.00	\$2,160.00	\$385.90	\$3,087.20
58. Dr Structure, 24" (if needed)	1 ea	\$1,200.00	\$1,200.00	\$920.34	\$920.34	\$850.00	\$850.00	\$438.00	\$438.00
59. Dr Structure, 48"	23 ea	\$1,400.00	\$32,200.00	\$1,117.27	\$25,697.21	\$1,040.00	\$23,920.00	\$806.60	\$18,551.80
60. Dr Structure, 48", Over Existin	2 ea	\$1,800.00	\$3,600.00	\$1,464.91	\$2,929.82	\$1,700.00	\$3,400.00	\$1,459.65	\$2,919.30

ENGINEER'S ESTIMATE

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Waterford, MI 48328

Angelo Iafate Construction
26300 Sherwood
Warren, MI 48091

Pamar Enterprises, Inc.
58021 Gratiot Avenue
New Haven, MI 48048

Item	Quantity	Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost
61. Dr Structure Cover	14,450 lbs	\$1.10	\$15,895.00	\$1.00	\$14,450.00	\$0.80	\$11,560.00	\$1.19	\$17,195.50
62. Dr Structure Cover, Adj	18 ea	\$220.00	\$3,960.00	\$350.00	\$6,300.00	\$310.00	\$5,580.00	\$102.60	\$1,846.80
63. Dr Structure Cover, Adj, Add Depth	4 lft	\$200.00	\$800.00	\$200.00	\$800.00	\$203.00	\$812.00	\$282.85	\$1,131.40
64. Rebuild Structure(if needed)	4 ea	\$250.00	\$1,000.00	\$1,089.14	\$4,356.56	\$730.00	\$2,920.00	\$630.65	\$2,522.60
65. Reconstructing Structures, Special	24 lft	\$125.00	\$3,000.00	\$128.61	\$3,086.64	\$163.00	\$3,912.00	\$138.55	\$3,325.20
66. Underdrain, Subgrade, 6"	10,700 lft	\$8.00	\$85,600.00	\$9.87	\$105,609.00	\$9.35	\$100,045.00	\$11.60	\$124,120.00
67. Sewer Bulkhead, 12"	3 ea	\$500.00	\$1,500.00	\$145.69	\$437.07	\$118.00	\$354.00	\$102.60	\$307.80
68. Sign, Type IIIB	124 sft	\$12.00	\$1,488.00	\$18.09	\$2,243.16	\$19.00	\$2,356.00	\$16.00	\$1,984.00
69. Sign, Type III, Rem	33 ea	\$15.00	\$495.00	\$30.14	\$994.62	\$25.00	\$825.00	\$10.00	\$330.00
70. Sign, Type III, Rem, Salvage	3 ea	\$50.00	\$150.00	\$50.24	\$150.72	\$85.00	\$255.00	\$50.00	\$150.00
71. Post, Steel, 3 lb	456 lft	\$5.00	\$2,280.00	\$5.27	\$2,403.12	\$6.00	\$2,736.00	\$6.00	\$2,736.00
72. Pavt Mrkg, Ovly Cold Plastic, 6", Crosswalk	90 lft	\$2.00	\$180.00	\$2.96	\$266.40	\$2.95	\$265.50	\$2.95	\$265.50
73. Pavt Mrkg, Ovly Cold Plastic, 24" Stop Bar	48 lft	\$8.00	\$384.00	\$10.55	\$506.40	\$10.50	\$504.00	\$10.50	\$504.00
74. Pavt Mrkg, Ovly Cold Plastic, Left Turn Arrow Sym	4 ea	\$80.00	\$320.00	\$135.64	\$542.56	\$135.00	\$540.00	\$135.00	\$540.00
75. Pavt Mrkg, Ovly Cold Plastic, Only	4 ea	\$82.00	\$328.00	\$145.69	\$582.76	\$145.00	\$580.00	\$145.00	\$580.00
76. Pavt Mrkg, Ovly Cold Plastic, Rt Turn Arrow Sym	2 ea	\$82.00	\$164.00	\$135.64	\$271.28	\$135.00	\$270.00	\$135.00	\$270.00
77. Pavt Mrkg, Sprayable Thermoplastic, 4", White	287 lft	\$0.40	\$114.80	\$0.47	\$134.89	\$0.45	\$129.15	\$0.50	\$143.50
78. Pavt Mrkg, Sprayable Thermoplastic, 4", Yellow	7,662 lft	\$0.40	\$3,064.80	\$0.47	\$3,601.14	\$0.45	\$3,447.90	\$0.50	\$3,831.00
79. Barricade, Type III, High Intensity, Lighted, Furn	4 ea	\$80.00	\$320.00	\$200.00	\$800.00	\$125.00	\$500.00	\$125.00	\$500.00
80. Barricade, Type III, High Intensity, Lighted, Oper	4 ea	\$80.00	\$320.00	\$1.01	\$4.04	\$0.01	\$0.04	\$0.01	\$0.04
81. Flag Control	1 LS	\$12,000.00	\$12,000.00	\$46,000.00	\$46,000.00	\$40,700.00	\$40,700.00	\$24,580.72	\$24,580.72
82. Lighted Arrow, Type A, Furn	2 ea	\$800.00	\$1,600.00	\$361.71	\$723.42	\$950.00	\$1,900.00	\$950.00	\$1,900.00
83. Lighted Arrow, Type A, Oper	2 ea	\$800.00	\$1,600.00	\$1.01	\$2.02	\$0.01	\$0.02	\$0.01	\$0.02
84. Minor Traf Devices	1 LS	\$8,000.00	\$8,000.00	\$47,000.00	\$47,000.00	\$60,000.00	\$60,000.00	\$3,605.70	\$3,605.70
85. Pavt Mrkg, Type R, 4", White, Temp	4,485 ft	\$1.20	\$5,382.00	\$1.46	\$6,548.10	\$1.45	\$6,503.25	\$1.45	\$6,503.25
86. Pavt Mrkg, Type R, 4", Yellow, Temp	400 ft	\$1.20	\$480.00	\$1.46	\$584.00	\$1.45	\$580.00	\$1.45	\$580.00

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Item	Quantity	Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost
87. Plastic Drum, High Intensity, Lighted, Furn	238 ea	\$33.00	\$7,854.00	\$15.07	\$3,586.66	\$55.00	\$13,090.00	\$55.00	\$13,090.00
88. Plastic Drum, High Intensity, Lighted, Oper	238 ea	\$1.00	\$238.00	\$1.00	\$238.00	\$0.01	\$2.38	\$0.01	\$2.38
89. Sign, Type B, Temp, Furn	1,056 sft	\$3.00	\$3,168.00	\$2.01	\$2,122.56	\$4.00	\$4,224.00	\$4.00	\$4,224.00
90. Sign, Type B, Temp, Oper	1,056 sft	\$1.00	\$1,056.00	\$1.00	\$1,056.00	\$0.01	\$10.56	\$0.01	\$10.56
91. Class A Sodding	18,950 syd	\$3.00	\$56,850.00	\$1.81	\$34,299.50	\$1.80	\$34,110.00	\$1.80	\$34,110.00
92. Sod Replacement	1,600 syd	\$4.30	\$6,880.00	\$2.01	\$3,216.00	\$2.00	\$3,200.00	\$2.00	\$3,200.00
93. Mowing, Sod Replacement Areas	1,600 syd	\$2.00	\$3,200.00	\$0.15	\$240.00	\$0.15	\$240.00	\$0.15	\$240.00
94. Watering Sod Replacement Areas, 1000 gal./unit	60 unit	\$8.00	\$480.00	\$20.09	\$1,205.40	\$20.00	\$1,200.00	\$20.00	\$1,200.00
95. Hydroseeding	1,650 syd	\$2.00	\$3,300.00	\$0.75	\$1,237.50	\$0.75	\$1,237.50	\$0.75	\$1,237.50
96. Topsoil Surface Furnished, 4"	20,600 syd	\$2.00	\$41,200.00	\$2.01	\$41,406.00	\$2.50	\$51,500.00	\$2.00	\$41,200.00
97. Weed Killer, Special	18,000 syd	\$0.15	\$2,700.00	\$0.10	\$1,800.00	\$0.10	\$1,800.00	\$0.10	\$1,800.00
98. Watering Sod, 1000 Gallon Ur	640 unit	\$8.00	\$5,120.00	\$10.05	\$6,432.00	\$10.00	\$6,400.00	\$10.00	\$6,400.00
99. Hydrant, Remove	11 ea	\$800.00	\$8,800.00	\$502.37	\$5,526.07	\$440.00	\$4,840.00	\$389.55	\$4,285.05
100. Remove Gate Valve & Well	14 ea	\$600.00	\$8,400.00	\$502.37	\$7,033.18	\$560.00	\$7,840.00	\$404.85	\$5,667.90
101. Temporary Blowoff Valve, 2"	14 ea	\$500.00	\$7,000.00	\$502.37	\$7,033.18	\$540.00	\$7,560.00	\$314.40	\$4,401.60
102. Temporary Hydrant Relocation	7 ea	\$3,200.00	\$22,400.00	\$2,394.29	\$16,760.03	\$1,540.00	\$10,780.00	\$1,111.00	\$7,777.00
103. 4" WM, Abandoned in Place, Grouted	50 lft	\$5.00	\$250.00	\$10.05	\$502.50	\$3.50	\$175.00	\$3.35	\$167.50
104. 6" WM, Abandoned in Place, Grouted	84 lft	\$6.00	\$504.00	\$12.06	\$1,013.04	\$3.65	\$306.60	\$4.00	\$336.00
105. 12" WM, Abandoned in Place, Grouted	636 lft	\$12.00	\$7,632.00	\$14.07	\$8,948.52	\$3.95	\$2,512.20	\$6.00	\$3,816.00
106. Cut and Cap Exist WM, 4"	3 ea	\$320.00	\$960.00	\$122.58	\$367.74	\$260.00	\$780.00	\$230.30	\$690.90
107. Cut and Cap Exist WM, 6"	4 ea	\$360.00	\$1,440.00	\$130.62	\$522.48	\$380.00	\$1,520.00	\$256.50	\$1,026.00
108. Cut and Cap Exist WM, 8"	3 ea	\$400.00	\$1,200.00	\$144.68	\$434.04	\$430.00	\$1,290.00	\$265.25	\$795.75
109. Cut and Cap Exist WM, 12"	42 ea	\$540.00	\$22,680.00	\$177.84	\$7,469.28	\$450.00	\$18,900.00	\$392.70	\$16,493.40
110. Water Main Connection, 4"	1 ea	\$1,000.00	\$1,000.00	\$681.21	\$681.21	\$950.00	\$950.00	\$2,082.40	\$2,082.40
111. Water Main Connection, 6"	3 ea	\$1,200.00	\$3,600.00	\$703.32	\$2,109.96	\$1,260.00	\$3,780.00	\$2,152.30	\$6,456.90
112. Water Main Connection, 8"	2 ea	\$1,600.00	\$3,200.00	\$719.39	\$1,438.78	\$1,360.00	\$2,720.00	\$1,916.40	\$3,832.80
113. Water Main Connection, 12"	8 ea	\$2,400.00	\$19,200.00	\$766.62	\$6,132.96	\$2,160.00	\$17,280.00	\$2,631.70	\$21,053.60
114. Fire Hydrant, 6" Assembly	14 ea	\$3,200.00	\$44,800.00	\$3,297.55	\$46,165.70	\$2,980.00	\$41,720.00	\$2,496.50	\$34,951.00
115. 4" Gate Valve & Well	1 ea	\$2,700.00	\$2,700.00	\$2,612.32	\$2,612.32	\$2,220.00	\$2,220.00	\$2,276.90	\$2,276.90
116. 6" Gate Valve & Well	3 ea	\$3,300.00	\$9,900.00	\$2,618.35	\$7,855.05	\$2,300.00	\$6,900.00	\$2,343.50	\$7,030.50
117. 8" Gate Valve & Well	2 ea	\$3,500.00	\$7,000.00	\$2,788.15	\$5,576.30	\$2,570.00	\$5,140.00	\$2,565.15	\$5,130.30
118. 12" Gate Valve & Well	4 ea	\$4,000.00	\$16,000.00	\$3,280.47	\$13,121.88	\$3,320.00	\$13,280.00	\$2,831.60	\$11,326.40
119. 16" Gate Valve & Well	15 ea	\$4,800.00	\$72,000.00	\$5,308.03	\$79,620.45	\$7,550.00	\$113,250.00	\$3,347.00	\$50,205.00
120. 4" D.I.W.M., CI-54, TR G w/Polywrap	37 lft	\$48.00	\$1,776.00	\$47.73	\$1,766.01	\$60.00	\$2,220.00	\$49.70	\$1,838.90
121. 6" D.I.W.M., CI-54, TR G w/Polywrap	65 lft	\$50.00	\$3,250.00	\$48.73	\$3,167.45	\$82.00	\$5,330.00	\$50.55	\$3,285.75

ENGINEER'S ESTIMATE

Six-S, Inc.
2210 Scott Lake Road
Waterford, MI 48328

Angelo Iafrate Construction
26300 Sherwood
Warren, MI 48091

Pamar Enterprises, Inc.
58021 Gratiot Avenue
New Haven, MI 48048

Item	Quantity	Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost	
122. 8" D.I.W.M., CI-54, TR G w/Polywrap	179	ft	\$54.00	\$9,666.00	\$53.25	\$9,531.75	\$72.00	\$12,888.00	\$55.55	\$9,943.45
123. 12" D.I.W.M., CI-54, TR G w/Polywrap	239	ft	\$62.00	\$14,818.00	\$66.56	\$15,907.84	\$95.00	\$22,705.00	\$69.30	\$16,562.70
124. 16" D.I.W.M., CI-54, TR G w/Polywrap	4,741	ft	\$76.00	\$360,316.00	\$83.39	\$395,351.99	\$79.80	\$378,331.80	\$78.40	\$371,694.40
125. Water, Dust Control (1,000 gallon units)	540	unit	\$8.00	\$4,320.00	\$9.99	\$5,394.60	\$10.00	\$5,400.00	\$160.20	\$86,508.00
126. Field Office	14	mo	\$1,200.00	\$16,800.00	\$1,001.05	\$14,014.70	\$1,000.00	\$14,000.00	\$1,074.00	\$15,036.00
127. Color Audio/Video Route Survey	1	LS	\$2,000.00	\$2,000.00	\$1,883.88	\$1,883.88	\$3,000.00	\$3,000.00	\$1,935.00	\$1,935.00
128. Inspection Crew Days	\$480	day	280	\$134,400.00	245	\$117,600.00	150	\$72,000.00	258	\$123,840.00
TOTAL AMOUNT OF BID				\$3,659,812.10		\$3,283,950.42		\$3,387,347.55 *		\$3,452,971.72 *

* Corrected By Engineer
Additional Bidders:

Tyger Excavating, Inc.	\$3,573,263.25 *
Major Cement Co.	\$3,595,594.98 *
John Carlo, Inc.	\$3,618,836.53
DiLisio Contracting Inc.	\$3,702,419.74
Florence Cement Co.	\$3,764,737.83
Dalessandro Contracting	\$3,953,600.00

ENGINEER:
Hubbell, Roth & Clark, Inc.
555 Hulet Drive
P.O. Box 824
Bloomfield Hills, MI 48083-0824

August 29, 2006

To: Phillip L. Nelson, City Manager

From: Brian P. Murphy, Assistant City Manager/Services
Jeanette Bennett, Purchasing Director
Timothy L. Richnak, Public Works Director

Re: **Agenda Item:** Standard Purchasing Resolution 1: Award to Low Bidders-
Snow Removal Services – Home Chore Program

RECOMMENDATION

Bid proposals were opened August 23, 2006, for seasonal requirements of snow removal services for the Home Chore Program with an option to renew for one (1) additional year. After reviewing the bid proposals, City management recommends awarding contracts for this proposal to the low bidders, O'Neal Father & Sons as primary contractor and Redburn's Snow Plowing and Lawn Maintenance, Inc. as secondary contractor, for an estimated total cost of \$8,700.00 per season, at unit prices as contained on the attached bid tabulation. Based on historical data, we anticipate four (4) call-outs for snow removal and salting per season.

In addition, the awards are contingent upon contractors' submission of properly executed bid and contract documents, including insurance certificates and all other specified requirements.

SUMMARY

The City expects to qualify approximately 70 residents. The successful bidder will clear snow from driveways, sidewalks, porches and walkways and will salt as needed. The number of service calls is dependent on the weather. The successful contractor is called out to plow when at least 3" of snow has fallen, but may be called out to salt more frequently. We do not have a waiting list for this program. The program is publicized several times throughout the year, with the most recent notice being placed in the November/December 2006 City of Troy Senior Citizen News.

BUDGET

Funds for these services are reimbursed through the Oakland County Community Development Block Grant Program.

118 Vendors notified via the MITN System
5 Bid Responses Rec'd

Prepared by: Vicki Richardson, Solid Waste Coordinator

Opening Date -- 8/23/06
 Date Prepared -- 8/24/06

CITY OF TROY
 BID TABULATION
 SNOW REMOVAL SERVICES/HOME CHORE PROGRAM

VENDOR NAME:		O'Neal Father & Sons		Redburns's Snow Plowing & Lawn Maintenance		Exclusive Property Mgt LLC	
		<i>(Primary Supplier)</i>		<i>(Secondary Supplier)</i>			
EST NO.		\$ SNOW REMOVAL/ SERVICE CALL	\$ SALTING/ SERVICE CALL	\$ SNOW REMOVAL/ SERVICE CALL	\$ SALTING/ SERVICE CALL	\$ SNOW REMOVAL/ SERVICE CALL	\$ SALTING/ SERVICE CALL
70	Snow removal and/or salting at residential City of Troy Homes	\$ 20.00 \$ 1,400.00	\$ 10.00 \$ 700.00	\$ 21.00 \$ 21.00	\$ 11.00 \$ 11.00	\$ 24.55	\$ 15.35
	ESTIMATED GRAND TOTAL: (based on four call-outs per year)	\$ 5,600.00	\$ 2,800.00	\$ 5,880.00	\$ 3,080.00	\$ 6,874.00	\$ 4,298.00
		\$ 8,400.00		\$ 8,960.00		\$ 11,172.00	
	DAYTIME PHONE #	586-791-7986		248-852-4754		248-391-8118	
	24- HR PHONE #	586-634-6181		248-909-0259		810-223-5554	
	SITE VISIT:						
	Visited sites on:	Yes - August 21, 2006		Current Contractor for			
	Did not visited sites			Lawn Services		XX	
	EQUIPMENT: Listed Yes or No	Yes		Attached to bid		Yes	
	EMPLOYEES: FULL-TIME	7		5 - 7		4	
	PART-TIME	6		2 - 4		4	
	TERMS:	Blank		14 Days		2%- 10, 30 days Net	
	EXCEPTIONS:	Blank		None		Listed in bid	
	ACKNOWLEDGEMENT:	Yes		Yes		Yes	

PROPOSAL: Seasonal Requirements of Snow Removal Services for the Home Chore Program with an Option to Renew for One (1) Additional Year

BOLDFACE TYPE DENOTES LOWEST BIDDERS

ATTEST:

Vicki Richardson
Cheryl Stewart
Susan Leirstein

 Jeanette Bennett
 Purchasing Director

Opening Date -- 8/23/06
 Date Prepared -- 8/24/06

CITY OF TROY
 BID TABULATION
 SNOW REMOVAL SERVICES/HOME CHORE PROGRAM

VENDOR NAME:		Sankofa Housing		Advanced Services			
				Landscape LLC			
EST NO.		\$ SNOW REMOVAL/ SERVICE CALL	\$ SALTING/ SERVICE CALL	\$ SNOW REMOVAL/ SERVICE CALL	\$ SALTING/ SERVICE CALL		
70	Snow removal and/or salting at residential City of Troy Homes	\$ 25.00	\$ 12.50	\$ 26.95	\$ 14.00		
ESTIMATED GRAND TOTAL: (based on four call-outs per year)		\$ 7,000.00	\$ 3,500.00	\$ 7,546.00	\$ 3,920.00		
		<u>\$ 10,500.00</u>		<u>\$ 11,466.00</u>			
DAYTIME PHONE #		313-218-8195		586-264-7669			
24- HR PHONE #		313-525-1300		248-521-2456			
				248-521-2459			
SITE VISIT:							
Visited sites on:		Yes - August 21, 2006		Yes - Last Season			
Did not visited sites							
EQUIPMENT: Listed Yes or No		Yes		Attached to Bid			
EMPLOYEES:							
FULL-TIME		10		10			
PART-TIME		5		40			
TERMS:		Blank		Blank			
EXCEPTIONS:		Listed in bid		None			
ACKNOWLEDGEMENT:		Yes		Yes			

August 30, 2006

TO: Mr. Phillip L. Nelson, City Manager

FROM: Charles Craft, Chief of Police *CC*
Gary Mayer, Police Captain *GM*
Chris Stout, Police Sergeant *CS*

SUBJECT: Agenda Item - Application for Transfer of Class C License for
Troy, Inc.

Troy, Inc., requests to transfer ownership of a 2005 Class C licensed business located at 1129 E. Long Lake, Troy, MI 48085, Oakland County, from Ichibang Corporation, Inc.; and requests a new dance-entertainment permit.

At its July 10th meeting, the Liquor Advisory Committee entertained this request. Present to answer questions from the Committee were owners Rachel Savaya, Saadi Manjo, and Attorney John Kallabat. Ms. Savaya explained she plans to turn the restaurant into a family restaurant that serves American and Middle Eastern cuisine, with Middle Eastern music and dancing on weekend nights. The establishment will employ three to four servers and one cook. Ms. Savaya will serve as host/manager and will have each employee TIPS/TAMS trained.

The Committee unanimously approved the request with the following restrictions. First, the restaurant will have to close at 1:00 am each night. Next, that Ms. Savaya's husband, Simen Savaya is not allowed on the premises, and finally, the sound will not carry into the adjoining neighborhood.

The Police Department has concerns about the proposed restaurant for several reasons. Ms. Savaya's application listed no prior management experience in the liquor business. Second, that based on past experience, dance clubs have caused numerous problems and increased police calls for service in the City of Troy. The third reason is the business's close proximity to the residential neighborhood. The final reason is Mr. Savaya's numerous criminal contacts and arrests. Also, to date, Ms. Savaya has not yet submitted to the City Clerk's Office, a valid petition signed by at least 51 percent of persons living or doing businesses within 500 feet of the establishment, as required by city ordinance for a dance hall.

POLICE INSPECTION REPORT ON LICENSE OR LICENSE REQUEST

Req ID #355382

(Authorized by MCL 436.1217)

Michigan Department of Labor & Economic Growth

MICHIGAN LIQUOR CONTROL COMMISSION

7150 Harris Drive

P.O. Box 30005

Lansing, Michigan 48909-7505

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

BUSINESS NAME AND ADDRESS: (include zip code)

TROY, INC., 1129 E. LONG LAKE, TROY, MI 48098, OAKLAND COUNTY

REQUEST FOR:

REQUEST TO TRANSFER OWNERSHIP OF 2005 CLASS C LICENSED BUSINESS FROM ICHIBANG CORPORATION, INC. *FIELD REQUEST TO AMEND APPLICATION TO INCLUDE NEW DANCE-ENTERTAINMENT PERMIT.*

Section 1. APPLICANT INFORMATION

APPLICANT #1: RACHEL SAVAYA - STOCKHOLDER	APPLICANT #2:
HOME ADDRESS AND AREA CODE/PHONE NUMBER: 6677 CHIMNEY SWEEP COURT WEST BLOOMFIELD, MI 48322 H(248)755-0554	HOME ADDRESS AND AREA CODE/PHONE NUMBER:
DATE OF BIRTH: If the applicant is not a U.S. Citizen: <input type="radio"/> Does the applicant have permanent Resident Alien status? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="radio"/> Does the applicant have a Visa? Enter status: Date fingerprinted:	DATE OF BIRTH: If the applicant is not a U.S. Citizen: <input type="radio"/> Does the applicant have permanent Resident Alien status? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="radio"/> Does the applicant have a Visa? Enter status: Date fingerprinted:

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

ARREST RECORD: <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)	ARREST RECORD: <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)
---	---

Section 2. Investigation of Business and Address to be Licensed

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

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

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

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

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

Section 4. Recommendation

From your investigation:

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

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

3. Should the Commission grant this request? Yes No

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

Signature (Sheriff or Chief of Police)

Date

TROY POLICE DEPARTMENT



LOCAL LAW ENFORCEMENT AGENCY REPORT

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

Troy, Inc.

APPLICANT/LICENSEE

PHONE NUMBER

STREET ADDRESS

CITY

TOWNSHIP

COUNTY

ZIP

PERMIT(S) REQUESTED: DANCE ENTERTAINMENT TOPLESS ACTIVITY

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

LAW ENFORCEMENT RECOMMENDATION

DANCE PERMIT	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
ENTERTAINMENT PERMIT	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
TOPLESS ACTIVITY PERMIT	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>

REMARKS:

DATE SUBMITTED

OFFICER=S SIGNATURE

DEPARTMENT NAME

PHONE NUMBER

ADDRESS

CITY

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

RESOLUTION

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

called to order by _____ on _____ at _____ P.M.

The following resolution was offered:

Moved by _____ and supported by _____

That the request from TROY, INC. TO TRANSFER OWNERSHIP OF 2005 CLASS C LICENSED BUSINESS, LOCATED AT 1129 E. LONG LAKE, TROY, MI 48098, OAKLAND COUNTY, FROM ICHIBANG CORPORATION, INC. *FIELD REQUEST RECEIVED TO AMEND APPLICATION TO INCLUDE NEW DANCE-ENTERTAINMENT PERMIT.*

be considered for _____
(Approval or Disapproval)

APPROVAL

DISAPPROVAL

Yeas: _____

Yeas: _____

Nays: _____

Nays: _____

Absent: _____

Absent: _____

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

_____ for issuance
(Recommended or not Recommended)

State of Michigan _____)

County of _____)

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

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

meeting held on _____
(Date)

SEAL

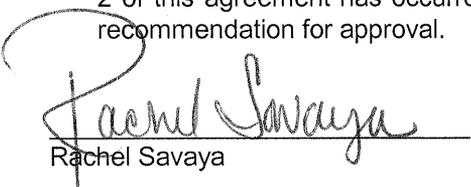
(Signed) _____
(Township, City or Village Clerk)

(Mailing address of Township, City or Village)

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

This Agreement, made this 28 day of April, 20005, by and between the CITY OF TROY, MICHIGAN, a municipal corporation, with offices located at 500 W. Big Beaver Road, Troy, Michigan, 48084, hereinafter known as THE CITY, and TROY, INC. whose address is 1129 E. Long Lake, the Applicant, hereinafter known as APPLICANT.

1. The City Council of the City of Troy, for and in consideration of the following covenants and conditions, agrees to recommend to the Michigan Liquor Control Commission Approval of the request for a transfer Class C licensed business located at 1129 E. Long Lake, Troy, by TROY, INC.
2. In consideration of the City of Troy's recommendation for approval of the request, the applicant hereby agrees that:
 - (a) It has read and is aware of the provisions of City of Troy Ordinances, Chapter No. 67, Chapter No. 68 and Chapter No. 98, and agrees that it shall be deemed to have knowledge of any subsequent amendments to said Chapters which may become effective during the term of this agreement.
 - (b) It has read and is in receipt of copies of the provisions of the City of Troy, City Council Resolution No. 93-1028 regarding Entertainment Permits, and agrees that it shall be deemed to have knowledge of any subsequent amendments to the Resolution which may become effective during the term of this agreement.
 - (c) It agrees to observe and comply with all laws, statutes, ordinances, rules, regulations or resolutions of the United States government, State of Michigan, and the City of Troy, or any department or agency of the governmental entities, as well as the rules and regulations of the Michigan Liquor Control Commission as they pertain to the operation of a liquor licensed business in the City of Troy.
 - (d) It agrees to immediately require all employees who serve/sell alcohol to attend a recognized alcohol awareness program, and forward the names of each certified employee to the Troy Police Department. The alcohol awareness program must either be recognized by the Troy Police Department (i.e. TIPS, TAMS), or the program must be reviewed by the Troy Police Department to insure that the program is comparable to the recognized programs.
3. Applicant agrees that the recommendation for Approval agreed upon by the City Council is not a property right and is approved upon the express and continuing condition that no violation as set forth in paragraph 2 of this agreement shall occur.
4. Applicant agrees that the recommendation for Approval agreed upon by the City Council is approved upon the express and continuing condition that the physical characteristics (including but not limited to the inside layout, building design and engineering, seating capacity, parking space allocations, fire exits, and other physical attributes); and also the nature and type of business intended to be conducted remain virtually the same.
5. Applicant agrees that upon such violation, after full investigation and an opportunity for said applicant to be heard, upon a finding by the City Council that a violation as set forth in paragraph 2 of this agreement has occurred, the City Council shall have just cause for revocation of said recommendation for approval.


Rachel Savaya

TROY, INC.

Witnesses:



MAUREEN LAFONTAINE
Notary Public, Oakland County, Michigan
Acting in Oakland County
My Commission Expires July 2, 2007

Subscribed and sworn to before me
this 28 day of April, 2006

Notary Public, Maureen Lafontaine
County, Oakland
My commission expires:

CITY OF TROY

By: _____
Louise Schilling, Mayor

By: _____
Tonni Bartholomew, City Clerk

Witnesses:

Angela Mandy
Juan Mandy

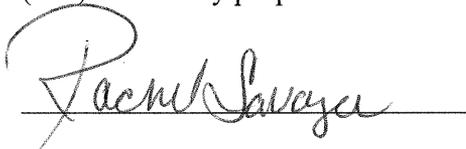
Subscribed and sworn to before me
this _____ day of _____, 200__

Notary Public, Oakland
County, Michigan
My commission expires:

7.149. Neighbors Consent.

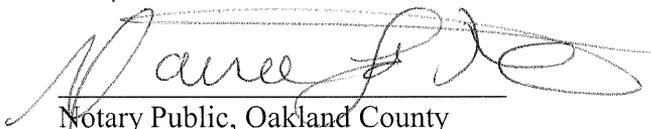
- (1) No license to operate a public dance hall shall be issued until the applicant for such license has filed a petition signed by at least fifty-one per cent (51%) of the persons living or doing business within a radius of five hundred (500) feet of any proposed location or any part thereof.
- (2) There shall be attached to said petition an affidavit signed by the party circulating said petition, which affidavit shall be in the following form:

State of Michigan, County of Oakland, ss: The undersigned, first being duly sworn, deposes and says that the signatures upon the foregoing petition were obtained by him (or her): that the signatures are the signatures of the persons purporting to sign the same: and that he (or she) verily believes that the signers of such petition are persons living or doing business within a radius of five hundred (500) feet of any proposed location or any part thereof.



Subscribed and sworn to before me this 28th

April, 19 2006



Notary Public, Oakland County
Michigan

MAUREEN LAFONTAINE
Notary Public, Oakland County, Michigan
Acting in Oakland County
My Commission Expires July 2, 2007

My commission expires _____

- (3) No license shall be granted until the City Council shall have referred the petition to the City Clerk and the Council shall have secured from the City Clerk a certificate certifying that an investigation has been made of the said petition and that the said petition contains the signatures of fifty-one per cent (51%) of persons living or doing business within a radius of five hundred (500) feet of the proposed new location.

(Rev. 3-26-79)

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

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

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

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 Ukrainec

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.

Max K. Ehlert, Chairman

Patricia A. Gladysz, Secretary II

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

From: Marla Wills [mailto:mpgwills@yahoo.com]

Sent: Saturday, August 26, 2006 10:08 PM

To: Louise Schilling; dave@lambert.net; rebeltram@wideopenwest.com;

talk2cristina@aol.com; Wade Fleming; Mfhowryl@umich.edu;

stinejm@wwnet.net; Cynthia A Stewart

Subject: Proposed liquor license and dance/entertainment permit 1129

East Long Lake Road

When my husband and I chose to move into our house in the East Long Lake estates subdivision, in Troy, we felt it was the perfect place to raise our family. We carefully researched Troy, and were influenced to move here for many reputable reasons such as the safety of the city, the excellent schools and recreation programs available, the diversity, and most importantly the testimonies of Troy residents who spoke so highly of the city.

In the three years that we have lived here, we have enjoyed a safe and quiet neighborhood with friendly neighbors. Troy has surpassed our expectations as a wonderful community. We appreciate the careful decisions made by the city to uphold the high standards that support the well being of the city and its residents, which include the placement of establishments. As a resident in the subdivision that abuts the East Long Lake Plaza, we have grave concern regarding the consequences of allowing the establishment of a nightclub to reside at the Ichibang restaurant, as described in the Oakland Press on June 22, 2006. Although Rachel Savaya states in the article that her customers will be mature adults and family people, can she guarantee who her customers will be? When we read her statements from the article about having music AND entertainment on Friday, Saturday, and some Sundays, and plans for having a disc jockey and sometimes a live band, we can't help but consider that the atmosphere may attract significantly more than just mature adults and family people. We have serious safety concerns for our family and neighbors, which might include a rise in crime from burglary, home invasion, drug activity, drunken driving, or possibly drunken or unruly patrons roaming our neighborhood. Our neighborhood has worked hard to preserve a sense of community and safety. Our children are thriving here, and we are proud of our subdivision. Please help us preserve what we have worked so hard to obtain. Please do NOT approve this type of establishment next door to our families. Thank you.

Sincerely,
Phillip and Marla Wills
5226 Abington Drive
Troy, MI 48085

email Marla or Phil at mpgwills@yahoo.com

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From: 3xjpongprac@netscape.com [mailto:3xjpongprac@netscape.com]

Sent: Friday, July 14, 2006 10:22 PM

To: Louise Schilling; dave@lambert.net; rbeltram@wideopenwest.com; talk2cristina@aol.com; Wade Fleming; Mfhowryl@umich.edu; stinejm@wwnet.net

Cc: Cynthia A Stewart

Subject: Concerns for proposed club

Dear Mayor and City Council members,

I live at 1280 E. Long Lake Rd. less than a block from the Long Lake Plaza. I have a real concern about allowing the Ichibang Restaurant to operate as a night club. I don't believe it is in the best interest of the residential community to allow this to happen. There is enough traffic on Long Lake during the day and the only time we get any quiet time is in the evening. I have a seven year old and in the evening when our family spends time outside, I don't want to have to worry about added traffic or added people in our area. We are always walking and riding bikes and I'm concerned about the type of people a night club may attract.

I want to thank you for your hard work and again express my disapproval for this type of establishment.

Joe Pongrac

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9/1/2006

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

From: Steve Voiles [mailto:svoiles@comcast.net]

Sent: Sunday, August 27, 2006 7:58 PM

To: Cynthia A Stewart

Subject: Dance club

Dear Troy City Council,

I live in East Long Lake Estates and I DO NOT want to have a dance club at the entrance of my sub-division. This is a quiet residential neighborhood and as such is no place for a dance club.

Steve Voiles

5330 Abington Dr

Troy, MI 48085

248-528-0001

svoiles@comcast.net

9/1/2006

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

From: The Van Proeyens [mailto:vanproeyen@wowway.com]

Sent: Saturday, August 26, 2006 1:11 AM

To: dave@lambert.net; rbeltram@wideopenspace.com; talk2cristina@aol.com;
wadefleming@ci.troy.mi.us; mfhowryl@umich.edu; stinejm@wwnet.net;
louiseschilling@ci.troy.mi.us

Subject: Proposed liquor license and dance/entertainment permit 1129 East Long Lake Road

Troy Leaders,

We live in East Long Lake Estates and have learned that Rachel Savaya is requesting a transfer of the liquor license from the Ichibsnng Restaurant located at 1129 East Long Lake Road and is also requesting a dance/entertainment permit. As you know, the restaurant abuts to our subdivision and many of our close neighbors can look out the back window and see the restaurant. We have read the article in the Oakland Press and have heard the opinion of Lt. Lyczkowski of the Troy Police. We are fervently opposed to granting the request for the liquor license transfer and dance/entertainment permit.

We believe that Lt. Lyczkowski makes a very clear case that granting this request will result in increased noise, late night traffic, and crime such as burglary, home invasion, drug activity, and drunken driving. There are many young families in this subdivision with children. This is especially unwelcome when children may be put at risk. To us, it just does NOT make sense to approve this request at this location.

Please reject any and all variations of the request for the liquor license transfer and dance/entertainment permit, including requests for 1 year trial permits.

We speak for our family and also many older neighbors who do not have email capability as Bob is current President of the East Long Lake Estates Subdivision Homeowners Association Board of Directors.

Thank you for your attention to this matter,
Bob and Margaret Van Proeyen
5152 Abington Drive
Troy, MI 48085
(586) 925-5512 cell

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

From: jpoholsky [mailto:jpoholsky1483@wowway.com]

Sent: Wednesday, August 30, 2006 8:49 AM

To: Cynthia A Stewart; dave@lambert.net; rbeltram@wideopenwest.com; talk2cristina@aol.com; Mfhowryl@umich.edu; stinejm@wwnet.net; Czyznik, Mary Jane

Subject: Ichibang Restaurant

As residents of the East Long Lake Estates Subdivision, we are very concerned about the proposed dancing and entertainment permit for the Ichibang Restaurant. We strongly urge you to vote against this permit. Please vote NO!

John and Suzanne Poholsky
5279 Church Hill (Residents for 35 yrs)
Troy, MI 48085

9/1/2006

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

From: Linda Welc/Destaco [mailto:lwelc@destaco.com]
Sent: Thursday, August 31, 2006 9:27 AM
To: Cynthia A Stewart
Subject: Proposed Club Located at Long Lake & Rochester Roads

I am sending this email in reference to the request for a permit to open a dance-entertainment venue at the current location of the Ichibang Restaurant. As residents of East Long Lake Estates, my husband and I are opposed to this permit. In the article from The Oakland Press, Ms. Savaya states that the club would be geared toward older people and that Middle-Eastern dancing would be the venue. The article then states that she would have live music and a DJ on some occasions. Due to concerns about noise, safety, and other issues related to this request, my husband and I are very much opposed to having a venue of this type so close to our neighborhood. We just don't believe this particular location is suitable for the kind of establishment being proposed.

Please consider our objections when reviewing the proposal for this venue.

Sincerely,

John & Linda Welc
1135 Ashley Drive
Troy, MI 48085

From: Gerry Toso [mailto:gtoso8086@wowway.com]

Sent: Sunday, June 25, 2006 7:49 PM

To: Louise Schilling; dave@lambert.net; rbeltram@wideopenwest.com; talk2cristina@aol.com; Wade Fleming; mfhowery@umich.edu; stinejm@wwnet.net; Cynthia A Stewart

Subject: Savaya - 1129 East Long Lake Road

I'm writing to express my strong opposition to the establishment of a dancing/entertainment club at the subject address.

As a long time resident of the East Long Lake subdivision, I am concerned that such an establishment may pose a threat to the nearby residents, particularly the children. While I am not opposed to entertainment businesses, specifically, I am of the belief they should be located as far from residential neighborhoods as possible. The strip mall in which 1129 East Long Lake Road is located shares a property line with residential homes and this is unacceptable to me.

I have confidence that Troy's city council will exercise good judgment and disallow any license applications for such an enterprise.

Thank you for your attention.

Gerald B.Toso
5151 Abington Drive
Troy, Mi 48085

9/1/2006

From: Jennifer Halucha [mailto:jhalucha@yahoo.com]

Sent: Sunday, September 03, 2006 11:07 AM

To: Louise Schilling; dave@lambert.net; rbeltram@wideopenwest.com; talk2cristina@aol.com; Wade Fleming; Mfhowryl@umich.edu; stinejm@wwnet.net; Cynthia A Stewart

Subject: Proposed night club

Dear City council members,

I am writing you regarding the proposed night club at the Ichibang Restaurant. My Husband and I, along with everyone in the neighborhood of East Long Lake Estates oppose this request. This is a Residential area and to have a night club so close to homes would be detrimental to our safety, security and the value to our homes.

I have read the Advisory committee minutes-draft and would like to make a few rebuttals on the comments and responses of Ms. Savaya.

1. She had mentioned that Her husband would not be allowed on the premises and have no part in the business. As a married couple I find this hard to believe. Their finances are combined in one way or another and who can really keep him from coming on to the property!

2. considering both Mr. and Mrs. Savaya background is a very important issue. Even though she has a "clean Record" I feel her involvement and ties with her husband makes her values and morals one in the same. If she is keeping with such company she is aware of his criminal behavior(drugs, felonies, fire arms, fighting, gambling and etc) and in the eyes of this residential area is condoning it. With such actions I feel you are who you "hang out" with.

3. Ms. Savaya has not had enough management experience in alcohol and the bar business to fully operate a functional business.

4. Ms. Savaya said she wants to target older crowds but in a bar atmosphere you will be targeting anyone. There will be drinking, drugs, fighting, assaults, threats, weapons, larcenies, disorderly conduct, destruction of property and etc. I am certain she is not prepared to handle such issues that are associated with a bar business.

5. Ms. Savaya said she has talked to neighbors about the proposal and they agreed with her. I am on the neighborhood committee and all the neighbors I talked to never spoke with her or didn't even know what she is proposing to open. I know that my neighbors are not in favor of a business like this near their homes, children, families and city.

If she wants to open a bar/restaurant that stays open til 2am and brings such problems, she should consider opening a business in west Bloomfield(where she lives) or in the business district of Troy(Big Beaver area near the Mall). There are no businesses that stay open that late in this area(maybe fast food) so I feel this gives people nothing to do but hang out and cause trouble not to mention brings attention to the residential areas which will be targets for crime.

To continue to have just the restaurant is a great thing. The food is good and it gives variety in food choices in the area, but to change it to a bar is unacceptable in this area!

Any questions please contact me.

Thank You,

Jennifer Halucha

5219 Abington

troy, MI 48085

248-763-6611

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John and Donna

From: "John and Donna" <dungvarsky@wowway.com>
To: <dave@lambert.net>; <rbeltram@wideopenspace.com>; <talk2cristina@aol.com>;
<wade Fleming@ci.troy.mi.us>; <Mfhowryl@umich.edu>; <stinejm@wwnet.net>
Cc: <Louise Schilling@ci.troy.mi.us>
Sent: Monday, June 26, 2006 2:36 PM
Subject: PROPOSED LIQUOR LICENSE AND DANCE/ENTERTAINMENT PERMIT 1129 EAST LONG LAKE ROAD

AN ARTICLE IN THE OAKLAND PRESS, JUNE 22, 2006 ADVISED THAT RACHEL SAVAYA IS REQUESTING THE TRANSFER OF THE LIQUOR LICENSE FROM ICHIBSNG RESTAURANT, AND ALSO IS REQUESTING A DANCE-ENTERTAINMENT PERMIT. THIS PROPERTY 1129 EAST LONG LAKE ROAD ABUTS THE EAST LONG LAKE ESTATES SUBDIVISION. AS A RESIDENT OF ELLE WHOSE PROPERTY ABUTS THE PARKING LOT OF THE EAST LONG LAKE PLAZA, WE ARE VEHEMENTLY OPPOSED TO THIS PROPOSED CLUB.

WE FEEL THAT, IN SPITE OF THE GOOD INTENTIONS, WE WILL EXPERIENCE, NOISE, INCREASED LATE NIGHT TRAFFIC, A RISE IN CRIME SUCH AS BURGLARY, HOME INVASION, DRUG ACTIVITY, DRUNKEN DRIVING AMONG OTHER THINGS.

THIS TYPE OF CLUB, BASICALLY IN OUR BACK YARDS SHOULD NOT BE APPROVED.

THANK YOU
JOHN & DONNA UNGVASKY
5063 ABINGTON DR
TROY, MI 48085

(248.680.0038)

6/26/2006

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

From: laura weidle [mailto:llweidle@hotmail.com]

Sent: Thursday, July 06, 2006 10:02 AM

To: Louise Schilling; dave@lambert.net; rbeltram@wideopenwest.com; talk2cristina@aol.com; Wade Fleming; Mfhowryl@umich.edu; stinejm@wwnet.net; Cynthia A Stewart

Subject: Ichibang proposed nightclub

Hello,

I am a resident of the subdivision that is immediately behind the Ichibang restaurant. Our home is actually situated behind the adjoining strip mall that fronts Rochester Rd. I am not sure if our home is within the 500 ft distance of Ichibang or not, but it is very close.

Having lived here ten years I feel I can make a judgement as to whether or not a nightclub would impact the residential atmosphere of our homes. Of course it would. Cars would be driving behind the buildings which abut our backyards lat at night, voices would be raised in early morning hours, glass would be broken etc. Arguments would arise as seems inevitable at times when you have people drinking for long hours in the nightclub atmosphere. These things have occurred already behind our home, just with a pizza shop that closes at 11 pm. We have addressed these problems as they occurred or became a continuing problem, and currently do not have a problem. However, a night club that stays open late three nights a week presents even more issues.

Therefore, I believe the nightclub would have a negative impact and request that the council deny this request due to the very close proximity to our homes , children and neighborhood.

Thank you for your time and concern,

Sincerely,

Laura L. Weidle

9/1/2006

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

From: gorkymae1@juno.com [mailto:gorkymae1@juno.com]

Sent: Friday, September 01, 2006 3:46 PM

To: Louise Schilling; dave@lambert.net; rbeltram@wideopenwest.com; talk2cristina@aol.com; Wade Fleming; Mfhowry@umich.edu; stinejm@wwnet.net; Cynthia A Stewart

Subject:

To all at Troy City Hall and anyone who has the authority to vote no

Re: Proposed Night Club at the Ichibang Restaurant in the Long Lake Plaza

We are very upset that Ms. Savaya is even contemplating putting such an establishment right next to and all around homeowners in East Long Lake Estates as well as all the others that are very close by.

Please do the right thing and VOTE NO on their proposal for the night club and a Liquor License. There is enough crime in every area without making it easier for that to come about by placing it right in our midst.

Also, for the background that Mr. Savaya has, doesn't sound good and you know full well that he would be in the establishment. He is her husband, for heavens sake. This kind of establishment should never be allowed here or anywhere in the City of Troy.

We were under the impression that Ms. Savaya was going to talk to each resident in the 500' of the establishment. We have yet to find ONE person that she has spoken to. She has never been to any homeowner that we know of, to discuss this with us. Where she gets that 50% of the people agreed that it was okay for her to open this establishment, is beyond my comprehension.

Please consider our urging that you vote no on this proposal. Thank you for reading this and thank you for voting NO.

Sincerely and with much concern,

Rini and Gloria L. Buoncompagni

5086 Babbit Drive

Troy, MI 48085 248/689-0999

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

From: Joseph Yuhasz [mailto:jmy57@comcast.net]

Sent: Monday, September 04, 2006 5:23 PM

To: Louise Schilling; dave@lambert.net; rbeltram@wideopenwest.com; talk2cristina@aol.com; Wade Fleming; Mfhowryl@umich.edu; stinejm@wwnet.net; Cynthia A Stewart

Subject: Proposed Liquor license and Dance/Entertainment Permit 1129 East Long Lake Road

My wife and I are opposed to Rachel Savaya receiving a permit for dancing, entertainment and a liquor license transfer from Ichibang Restaurant located at 1129 East Long lake road; in the Long Lake Plaza east of Rochester Rd in Troy.

This type of facility does not belong so close to a residential neighborhood with families and children. We are concerned about the noise, traffic and inappropriate behavior.

Joseph & Nancy Yuhasz
5292 Abington Dr.
Troy, Michigan 48085

9/5/2006

August 28, 06

Troy City Council,

Subject: Proposal Liquor
License and Dance/Entertainment
Permit 1129 East Long Lake Road.

As a resident of East Long Lake
Estates, I am totally against
this type of club!

Joann Arizer
5054 Carnaby Dr.
Troy, MI 48065

RECEIVED

AUG 29 2006

CITY OF TROY
CITY MANAGER'S OFFICE

Troy, Michigan
August 30, 2006.

Dear Troy City Council:

We are writing in regard to the proposed liquor license and dance/entertainment permit for the establishment at 1129 East Long Lake Road. We are original residents of 1185 Mayberry Dr. which is the street just north of the Ichibang restaurant. We are in complete agreement with the position taken by the Troy police department in this matter. We are absolutely opposed to such an establishment anywhere in Troy, — much less in our own "front yard". We truly hope that you will deny said license and permit. Thank you for your consideration of this matter.

Sincerely,
Libel and Daniela Casagrande.

Troy City Council
500 W. Big Beaver Rd.
Troy, MI 48084

RECEIVED

AUG 29 2006

**CITY OF TROY
CITY MANAGER'S OFFICE**

August 27, 2006

Re: PROPOSED LIQUOR LICENSE & DANCE CLUB/ENTERTAINMENT PERMIT FOR
1129 E. LONG LAKE ROAD

Dear Troy City Council Members,

I am a resident of the East Long Lake Estates subdivision. This subdivision abuts the parking lot of the Long Lake Plaza where Troy, Inc. wishes to establish a restaurant/dance club/entertainment business.

I learned of the Liquor Advisory Committee's recommendation to approve of transfer ownership of the 2005 Class C Licensed Business located at 1129 E. Long Lake and add a new dance-entertainment permit.

I wish to voice my concern and my opposition of the establishment of such a business close to our subdivision. My concerns and opposition mirror Troy Police Lieutenant Lyczkowski's concerns, specifically the

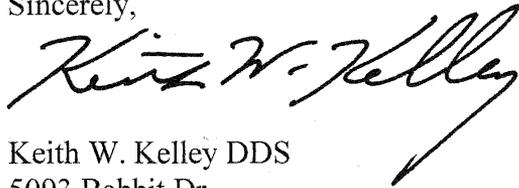
- 1) historical basis for noise problems arising from similar establishments in the past;
- 2) potential for unruly and potentially dangerous behavior associated with nightclubs;
- 3) spillover of such behavior into our subdivision and surrounding environs;
- 4) potential for increased potential for intoxicated driving incidents endangering our families;
- 5) potential for increased illegal substance use/abuse associated with young adult nightclubs;
- 6) likelihood that Mr. Savaya will indeed be associated with the business in some capacity. The Advisory Committee has recommended he not be allowed on the premises, but how will that be insured? Given his "arrested but not convicted" background, I am concerned that his wife's business would allow increased security risk to our neighborhood and the businesses in proximity to the proposed.

Additionally, I request a verification of local business and neighbor signatures to any petition to allow such a business. I understand from the Oakland Press article of 6/22/2006 that Asst. City Attorney Forsyth has indicated that 51% of the business' neighbors within 500 feet of the establishment must endorse the proposed nightclub. I personally do not know of any subdivision's homeowners who have endorsed or even seen such a petition.

Given the potential security concerns, potential unruly behavior concerns, potential for increased incidences of intoxicated driving associated with nightclubs, I sincerely hope the Council denies the application for a dance-entertainment/nightclub permit to Troy, Inc. or any other business entity at this location or any other location approximating our subdivision.

Thank you for your attention.

Sincerely,

A handwritten signature in black ink that reads "Keith W. Kelley". The signature is written in a cursive style with a long, sweeping tail on the letter "y".

Keith W. Kelley DDS
5093 Babbit Dr.
Troy, MI 48085
248-689-6909

MARCMAS ORIANO (Deborah Nieri)
5070 Babbitt
TROY MI 48065

WE DO NOT APPROVE FOR THE NIGHT CLUB MENTIONED IN
THIS LETTER. WE HAVE LIVED HERE 36 YEARS AND WE HAVE TO
MANY KIDS. WE ~~DO~~ DO NOT WANT TO INCREASE CRIME IN THIS
AREA. Think you

**IMPORTANT
PLEASE READ**

Mrs. Deborah Nieri - Oriano Nieri

**THE ATTACHED TROY LIQUOR ADVISORY BOARD
MINUTES ARE OF GREAT IMPORTANCE TO EAST
LONG LAKE ESTATES RESIDENTS**

**ATTACHED ALSO IS ONE EXAMPLE OF E-MAIL
THAT WAS SENT TO THE TROY CITY COUNCIL
MEMBERS**

**THE COUNCIL NEEDS TO HEAR YOUR
OPINIONS.**

**LT. LYCZKOWSKI OF THE TROY POLICE
DEPARTMENT ADVISED THAT THIS ISSUE WILL
BE SCHEDULED FOR ACTION IN SEPTEMBER**

August 29, 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, Altair Bellingham, LLC
Sidwell #88-20-26-200-078 – Project No. 00.970.3

In connection with the recent construction of the building at 1820 East Big Beaver Road, the Real Estate and Development Department has received a permanent easement for watermain from the property owner Altair Bellingham, LLC. This parcel is located on the south side of Big Beaver between Bellingham and John R in the northeast ¼ of Section 26. The consideration on this document is \$1.00.

Staff recommends that City Council accept this easement.

PERMANENT EASEMENT

Project # 00.970.3
Sidwell # 88-20-26-200-078
Res. #

Altair Bellingham, L.L.C., a Michigan limited liability company, Grantor, whose address is 1757 Mapletawn, Troy, MI, 48083 for and in consideration of the sum of 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, 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 AND BY REFERENCE MADE A PART HEREOF

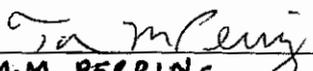
and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

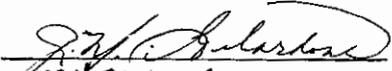
The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

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.

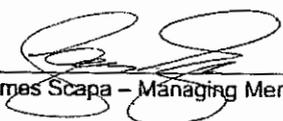
IN WITNESS WHEREOF, the undersigned hereunto affixed, his signature(s) this 27TH day of APRIL, A.D. 2001

In presence of:
WITNESS


TOM. M. PERRING


JANELL M. GILARDONE

Altair Bellingham LLC,
a Michigan limited liability company

By: 
James Scapa - Managing Member

STATE OF MICHIGAN
COUNTY OF OAKLAND

Subscribed & sworn to before me this 27TH day of APRIL, 2001, by James Scapa, Managing Member of Altair Bellingham L.L.C., a Michigan Limited Liability company, on behalf of the company.


JANELL M. GILARDONE
Notary Public, OAKLAND County, Michigan

(L.L.C.)

My Commission Expires 25TH JULY 2004

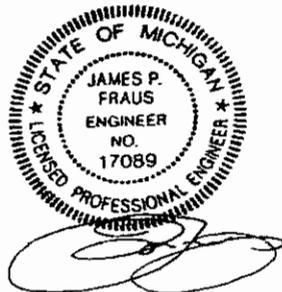
Prepared by:
Dennis C. Stephens
500 West Big Beaver
Troy, Michigan 48084

Return to:
City Clerk, City of Troy
500 West Big Beaver Road
Troy, Michigan 48084

EXHIBIT A
On-Site Water Main Easement

Legal Description:

A Twenty (20.00) foot wide easement for Water Main being part of the N.E. 1/4 of Section 26, T. 2 N., R. 11 E., City of Troy, Oakland County, Michigan, whose centerline is described as beginning at a point distant S. 89° 42' 00" W., 720.60 feet along the N. line of said Section 26; thence S. 00° 29' 22" E., 102.00 feet; thence S. 89° 42' 00" W., 395.72 feet to the point of beginning; thence S. 00° 29' 18" E., 167.03 feet; thence N. 89° 39' 16" E., 329.45 feet; thence S. 89° 39' 16" W., 329.45 feet; thence S. 00° 29' 18" E., 412.88 feet; thence N. 89° 43' 36" E., 334.45 feet; thence S. 89° 43' 36" W., 334.45 feet; thence S. 00° 29' 18" E., 123.78 feet; thence S. 44° 25' 58" W., 36.35 feet; thence S. 89° 21' 14" W., 60.82 feet to the point of ending.



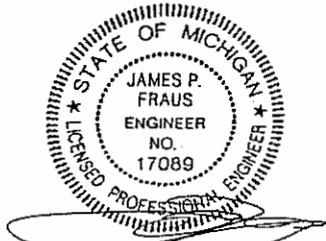
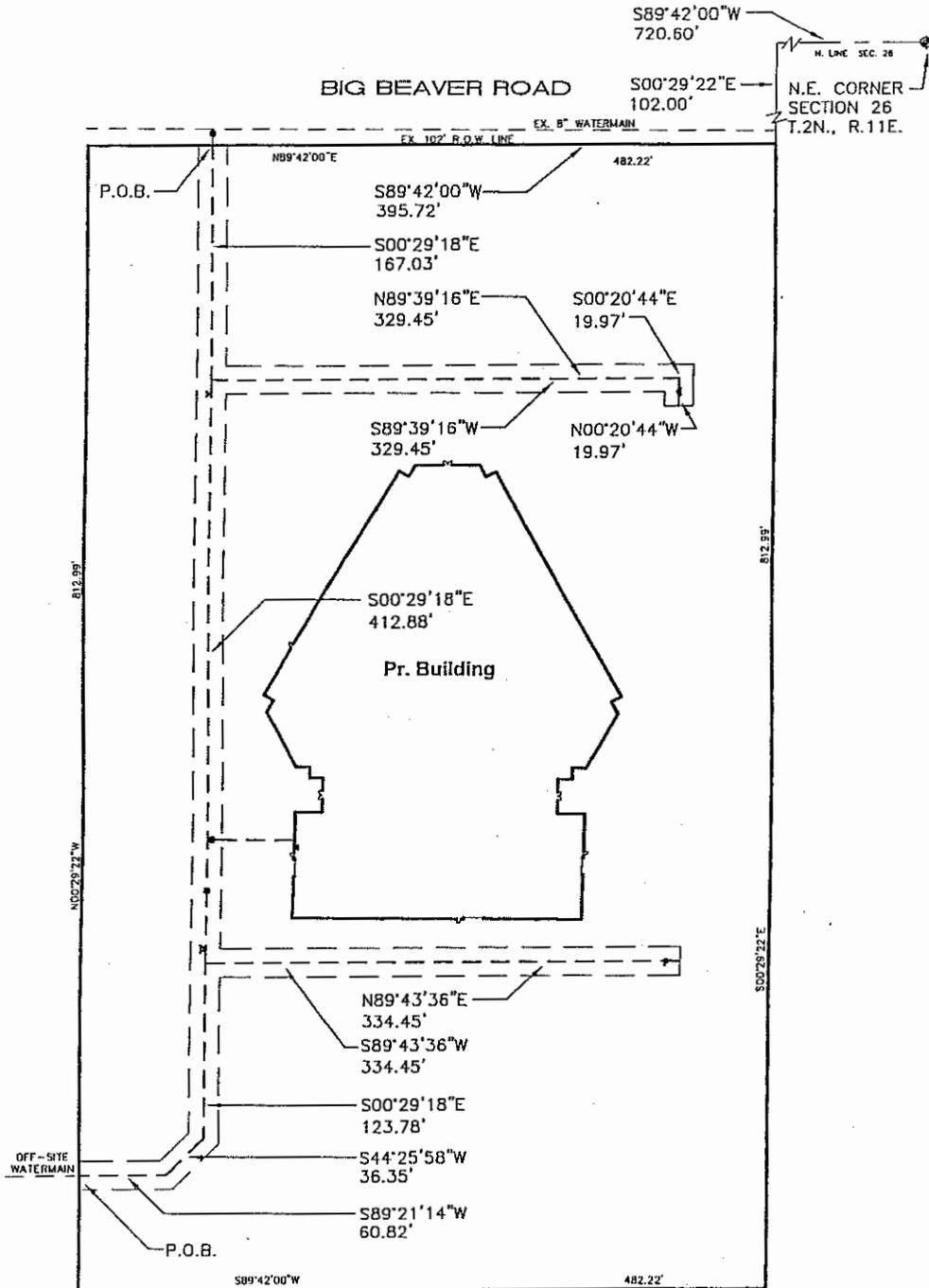
1310 N. Stephenson Highway
Royal Oak, Michigan 48067-1508

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

SCALE: 1" = 100' DATE ISSUED: 03-28-01 DRAWN: A.P.W. JOB No. 1-B819 SHEET: 2 of 2

EXHIBIT A

On-Site Water Main Easement



NOWAK & FRAUS

Civil Engineers Land Surveyors

1310 N. Stephenson Highway Tel. (248) 399-0886
 Royal Oak, Michigan 48067-1508 Fax. (248) 399-0805

SCALE: DATE ISSUED: DRAWN: JOB No. SHEET:
 1" = 100' 03-28-01 A P W 1-RR19 1 of 2

August 30, 2006

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Agenda Item - Proposed Vogt Drainage District Enlargement
Briggs Park Condominiums, Project No. 05.949.3

RECOMMENDATION

It is recommended that Council approve a resolution to enlarge the Vogt Drainage District by 6.39 acres and forward it for processing to the Oakland County Drain Commission (OCDC). The OCDC has already reviewed and approved the drainage district enlargement, but requires concurrence by the City prior to acting on the developer's request.

BACKGROUND INFORMATION

The proposed storm sewer outlet for the Briggs Park Condominium site is the Oakland County Drain Commission's Vogt Drain, however; the property itself lies within two drainage districts, the Vogt and the Moxley districts. Currently, the drainage district boundary traverses through the middle of the development, with 5.73 acres within the Vogt Drain District and 6.39 acres within the Moxley Drain District.

Due to the elevation of the site relative to the Moxley Drain, it is not feasible to use the Moxley Drain as an outlet for the site. Since the entire Briggs Park development will be tributary to the Vogt Drain, an enlargement of the Vogt Drain drainage district is needed.

It should be noted that while the Vogt district also contains the Shallowdale detention basin, engineering staff research has determined that this existing basin was not designed to include any portion of the Briggs Park property.

August 14, 2006

John McCulloch
Oakland County Drain Commissioner
One Public Works Drive
Building 95 West
Waterford, MI 48328

**RE: Vogt Drain, City of Troy
Chapter 20 Drainage District Enlargement Request**

Dear Mr. McCulloch,

We hereby request to enlarge the Vogt Drain Drainage District to accommodate our proposed development of the Briggs Park Condominium located within the City of Troy.

The proposed Briggs Park Development contains approximately 12.12 acres of land. Of that total, 5.73 acres are currently located within the Vogt Drain Drainage District. The remaining 6.39 acres are within the Moxley Drain Drainage District.

The hydraulic gradient of the Moxley Drain, which is located adjacent to the site, is as much as five (5) feet above the existing ground elevations on-site. If discharge were directed to this system, we would anticipate a flooding potential. The hydraulic gradient of the Vogt Drain is approximately 10' lower than the Moxley at our site. As such, we request authorization to utilize the Vogt system for discharge, and to add the above noted 6.39 acres to the Vogt Drainage District.

In addition to certifications/legal descriptions from our Engineer, please find enclosed a copy of the title/deed noting Michigan Home Builders/APR Development as the current parcel owner.

Thank you for considering this request, and feel free to contact our office for any further required information.

Sincerely,



Brad Byarski
Michigan Home Builders

August 21, 2006

Oakland County Drain Commissioner
Building 95 West
One Public Works Drive
Waterford, MI 48328

Attn: Mr. Eugene Snowden, P.E.

Re: Briggs Park Condominiums
Rochester Road and Lamb Road
Vogt Drain District Enlargement certification

Dear Mr. Snowden:

As required in the outlined procedures for drainage district enlargements, we have provided a certification / response to item 5.2, of the aforementioned procedure:

- A. Currently, the drainage district boundary traverses through the middle of the development site, with 5.73 acres within the Vogt District and 6.39 acres being within the Moxley Drain District. The upper terminus of the Moxley Drain is adjacent to the southwest corner of the site, within the Rochester Road right-of-way. The hydraulic gradient of this pipe is, in some areas, five (5) feet above existing finish grades. The available outlet for the Vogt Drain is adjacent to the northeast corner of the parcel, and has a hydraulic gradient approximately ten (10) feet lower than the Moxley. Rather than elevate roughly half the site to an unreasonable level, the Vogt Drain becomes the much more practical outlet for the entire site.
- B. The allowable discharge into the Vogt District is 0.20 cfs / acre. The system proposed for this development, consisting of two (2) interconnected ponds, has been designed such that the developed discharge will be limited to only the original acreage into the Vogt District, at the allowable discharge rate noted above. Essentially, the pre-development and post-development discharge into the Vogt will be equivalent, and thus, the development does not pose a detriment or diminution to the drainage service presently provided.

We have provided the following items, in conjunction with the above certification, for your review and processing:

1. Written request from the developer to enlarge the Vogt District.
2. Recorded copies of the property title work identifying the developer as the current owner.
3. Legal description and sketch of the entire parcel, with district enlargement area superimposed.

If you have any questions, please give me a call, or if you feel a meeting would be beneficial, I would be happy to meet with you at your office.

Sincerely,

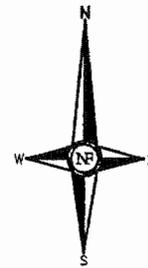


Steven Sutton, P.E.
Associate

Enclosures

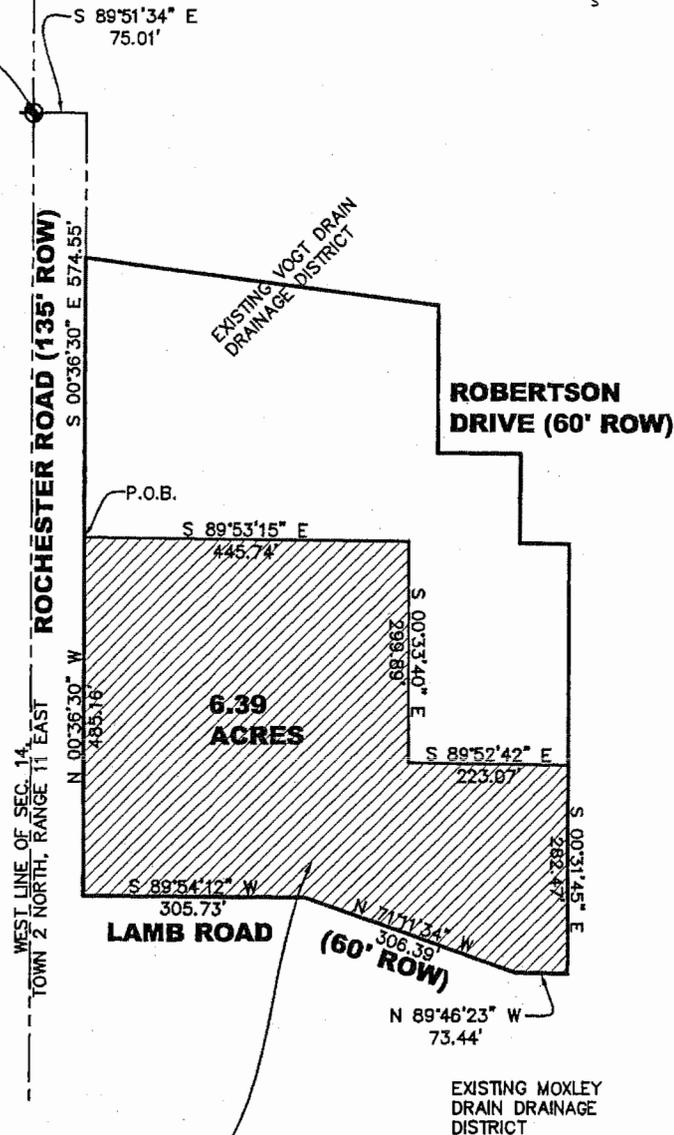
NOWAK & FRAUS, PLLC

WEST ¼ CORNER OF SECTION 14, TOWNSHIP 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN



LEGAL DESCRIPTION OF AREA TO BE ADDED TO THE VOGT DRAIN DRAINAGE DISTRICT

Land in the Southwest ¼ of Section 14, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan being more particularly described as: Commencing from the West ¼ corner of said Section 14 along the East-West ¼ line of said Section 14 S.89° 51' 34"E., 75.01 feet to a point on the Easterly 75 foot right-of-way line of Rochester Road (135 feet wide); Thence along said right-of-way line S.00° 36' 30"E., 574.55 feet to the point of beginning; Thence S.89° 53' 15"E., 445.74 feet; thence S.00° 33' 40"E., 299.89 feet; Thence S.89° 52' 42"E., 223.07 feet to a point on the Westerly line of "Shallowbrook Subdivision" recorded in Liber 144, Page 20-22 of Plats, Oakland County records; Thence along said line S.00° 31' 45"E., (Recorded as S.00° 35' 30"E.), 282.47 feet to a point on the Northerly right-of-way line of Lamb Road (60 feet wide); Thence commencing along said line in the following three (3) courses, N.89° 46' 23"W., 73.44 feet (Recorded as N.89° 53' 15"W., 73.92 feet); Thence N.71° 11' 34"W., 306.39 feet (Recorded as N.71° 14' 00"W., 306.45 feet); Thence S.89° 54' 12"W., (Recorded as S.89° 58' 00"W.), 305.73 feet to a point on said Easterly right-of-way line of Rochester Road; Thence along said line N.00° 36' 30"W., 485.16 feet to the Point of Beginning. Containing 6.39 acres or 278,348 square feet.



AREA TO BE ADDED TO THE VOGT DRAIN DRAINAGE DISTRICT, WHICH IS SERVED BY THE VOGT DRAIN, A LEGALLY ESTABLISHED COUNTY DRAIN. (CURRENTLY WITHIN THE MOXLEY DRAIN DRAINAGE DISTRICT.)

NF NOWAK & FRAUS

Civil Engineering • Land Surveying • Land Planning

46777 Woodward Avenue Pontiac, MI. 48342
Phone (248) 332-7931

DATED 08-10-06 JOB NO. D622 SCALE 1" = 200'
SHEET NO. 1 OF 1

August 25, 2006

TO: Phillip L. Nelson, City Manager

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

SUBJECT: **Agenda Item** - Sole Source – Truox Chlorine Companion

RECOMMENDATION

City management requests approval to purchase Truox Chlorine Companion for the Community Center Indoor Pool, from B & B Pools and Spas of Livonia, MI. B and B Pools and Spas is the authorized distributor for the Truox Chlorine Companion in Michigan. The current price is \$125.50 per 50lb pail, which is \$15.00 off the warehouse price.

BACKGROUND

The Truox Chlorine Companion is an Oxidizer compatible with the ECS system currently in use at the Community Center. Currently, the US Filter Enhancer is used as the oxidizer, but the product causes skin irritation. The Community Center ran a trial for two weeks using the Truox Chlorine Companion and found it to be an equal oxidizer without skin irritation. In addition, other municipalities have tested the Truox product and confirm that it enhances the effectiveness of the chlorine without any skin irritation. By maintaining proper chemical balance, the pool will consistently remain efficient and safe. In addition, the Truox brand is less expensive and would create a savings for the City.

BUDGET

The Community Center Operating Supplies Account #755.7740.010 has been designated for the funding of this purchase.

Prepared by: Brian Goul, Aquatics Coordinator

August 31, 2006

TO: Philip L. Nelson, City Manager

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

SUBJECT: Agenda Item – Private Agreement for Retail Center
1422-1470 West Maple
Project No. 06.914.3

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

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

Approval is recommended.

Prepared by: A. Singh Bhatia, P.E.
Civil Engineer

ASB/ln

Enclosed: Private Agreement.

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

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

PROJECT NO. **06.914.3**

PROJECT LOCATION:

Section 29

RESOLUTION NO.

DATE OF COUNCIL APPROVAL:

KNOW ALL MEN BY THESE PRESENT: That the City of Troy, a Michigan Municipal Corporation of the County of Oakland, State of Michigan, hereinafter referred to as "City" and **D & K Hannawa, LLC** whose address is **1065 E. Maple Rd., Birmingham, MI 48009** and whose telephone number is **248-258-2000** hereinafter referred to as "Owners".

WITNESSETH, FIRST: That the City agrees to allow the installation of **sidewalk, water main and deceleration lane at 1422-1470 W. Maple, Retail Center** in accordance with plans prepared by **A.R. Decker & Assoc.** whose address is **920 E. Long Lake Rd., Suite 200, Troy, MI 48085** and whose telephone number is **248-528-3779**, and approved by the City of Troy Engineering Department.

SECOND: That the Owners agree to contribute the approximate contract price of **\$32,092.00**. This amount will be transmitted to the City Clerk for installation of said improvements in the form of (check one):

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

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

* Plan Review and Construction Inspection Fee (Public Improvements)	\$	2,599.45
Engineering Review Fee (Private Improvements)	\$	2,627.84
Water Main Testing Fee	\$	650.00
Street Cleaning/Road Maintenance (Refundable)	\$	2,500.00
Soil Erosion Permit Fee	\$	375.75
TOTAL:	\$	\$8753.04

* 8.1% of approximate contract price

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

PROJECT NO. **06.914.3**

PROJECT LOCATION:

Section 29

RESOLUTION NO.

DATE OF COUNCIL APPROVAL:

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

FOURTH: Owners hereby acknowledge the benefit to their property conferred by the construction of the aforementioned and agree and consent to pay the total sum of \$ 40,845.04 for the construction of said public utilities in lieu of the establishments of any special district by the City. Further, owners acknowledge that the benefit to their property conferred by the improvement is equal to, or in excess of, the aforementioned amount.

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

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

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

PROJECT NO. 06.914.3

PROJECT LOCATION:

Section 29

RESOLUTION NO.

DATE OF COUNCIL APPROVAL:

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed in duplicate on this 31 day of AUGUST, 2006.

OWNERS

CITY OF TROY

By:

[Handwritten signature]

By:

TOM HANNAWA

Please Print or Type

Louise E. Schilling, Mayor

Please Print or Type

Tonni Bartholomew, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 31st day of August, A.D. 2006, before me personally appeared Tom Hannawa known by me to be the same person(s) who executed this instrument and who acknowledged this to be his/her/their free act and deed.

NOTARY PUBLIC, Oakland County, Michigan

NICOLE A. RANDALL
NOTARY PUBLIC, STATE OF MI
COUNTY OF OAKLAND
MY COMMISSION EXPIRES Jun 9, 2012
ACTING IN COUNTY OF

My commission expires: 6-9-12

August 30, 2006

TO: Phillip L. Nelson, City Manager

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

SUBJECT: **Agenda Item:** Sole Source – East Jordan Iron Works –
Complete Hydrant and Valve Repair Parts

RECOMMENDATION

On March 15, 2004, City Council approved a contract with East Jordan Iron Works for East Jordan complete hydrants; as well as hydrant and valve repair parts at a discount off list prices (CC resolution #2002-08-459-E5, and #2004-03-144-E10). Since the City has standardized on East Jordan hydrants and valves, City management recommends an ongoing contract be established with East Jordan Iron Works to provide the needed hydrants and repair parts at list prices, with various discount structures currently established as follows:

Discount %	Hydrants: <u>46%</u>
	Valves: <u>49%</u>
Current Complete Hydrant Cost w/46% Discount	5BR250 <u>\$ 969.30</u>

SOLE SOURCE EXPLANATION

The City of Troy standardized all fire hydrants in the City to those manufactured by East Jordan Iron Works many years ago. Standardization has alleviated many problems with employee training, inventory and maintenance issues. By purchasing directly from the manufacturer, the City is receiving a greater discount than a distributor.

MARKET SURVEY

A market survey was not deemed necessary, as the City has standardized on the East Jordan hydrants and valve parts, and the City is purchasing directly from the manufacturer.

BUDGET

Funds are available in the Water Division Operating Budget.



500 West Big Beaver
Troy, Michigan 48064
Fax: (248) 524-0851
www.ci.troy.mi.us

July 12, 2006

Area code (248)

Assessing
524-3311

Bldg. Inspections
524-3344

Bldg. Maintenance
524-3368

City Clerk
524-3316

City Manager
524-3330

Community Affairs
524-1147

Engineering
524-3383

Finance
524-3411

Fire-Administration
524-3419

Human Resources
524-3339

Information Services
619-7279

Law
524-3320

Library
524-3545

Parks & Recreation
524-3484

Planning
524-3364

Police-Administration
524-3443

Public Works
524-3370

Purchasing
524-3338

Real Estate & Development
524-3498

Treasurer
524-3334

General Information
524-3300

East Jordan Iron Works
13001 Northend
Oak Park, MI 48237

The City of Troy entered into contract #20200168-OB with East Jordan Iron Works to provide two additional year requirements of complete hydrants, and valve and hydrant repair parts, which is due to expire October 31, 2006, at discounts of 48% and 45% off list prices respectively.

Please fax this letter back indicating if East Jordan Iron Works wishes to continue with the above contract and indicate the term and discount structure below. Our fax number is 248-524-3520.

Thank you,
Emily Frontera
Administrative Aide
Department of Public Works

X 
Stephen E Terry
Company Representative

East Jordan DOES wish to enter into the above contract.

Term of contract October 1, 2007

% Discount – Hydrants: 46 %
Valves: 49 %

Cost for complete hydrant – 6BR \$ NOT AVAILABLE
5BR250 \$ 969.30

X _____ East Jordan does not wish to enter into the above contract.
Stephen E Terry
Company Representative

Date _____

September 5, 2006

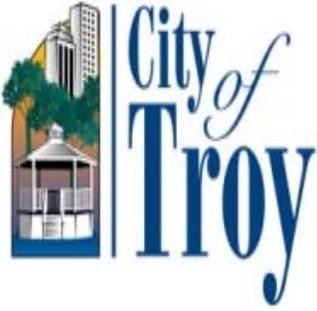
TO: Phil Nelson, City Manager
FROM: Charles T. Craft, Chief of Police
SUBJECT: Agenda Item - Request To Waive Parking Restrictions

Smith Middle School requests that the parking restrictions be waived on Donaldson street from Square Lake Road to Cotswald street, so that they may host school activities on the following dates:

- September 21, 2006, between the hours of 6:30 pm and 9:30 pm (Open House)
- November 15 and 16, 2006, between the hours of 11:30 am and 9:00 pm (Parent Teacher Conferences)
- March 8, 2007, between the hours of 11:30 am and 9:00 pm (Parent Teacher Conferences)
- March 30, 2007, between the hours of 5:30 pm and 9:30 pm (Family Fun Friday)
- June 14, 2007, between the hours of 9:00 am and 12:00 noon (8th Grade Promotion)

Both sides of Donaldson are posted no parking areas and parking at Smith Middle School is limited.

Smith Middle School makes these requests each year; given the width on Donaldson, police and fire staff do not object to the granting of this waiver. Therefore, it is recommended that parking restrictions on the non-hydrant side of the street (the west side) be waived on the dates and times requested. Waiving the restrictions on the non-hydrant side will provide additional parking while still allowing for the passage of emergency vehicles.



TO: Mayor and Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
Allan T. Motzny, Assistant City Attorney
DATE: August 24, 2006
SUBJECT: Amendment to Subdivision Control Ordinance

With the availability of the site condominium process, the City of Troy does not currently have many subdivision plats to consider. However, since developers are still able to submit subdivision plats for the City of Troy, Troy's ordinance should be consistent with the current state law. Troy has not yet incorporated Public Act No. 525 of 2004 into its ordinance. For this reason, we have prepared a proposed amendment to Chapter 41, Troy's Subdivision Control Ordinance. These amendments are limited to those portions of the ordinance that are inconsistent with state law. A comprehensive review will be done of the entire Chapter 41, and additional changes and modifications (including re-formatting), will be submitted at a future date. The immediate concern was to update the ordinance to be consistent with the current state law.

The most significant change proposed in the amendment to Chapter 41 is the new subsection 3.00C, which provides prospective developers an opportunity to have a pre-application review meeting. If requested, this pre-application review meeting provides the developer with an opportunity to meet with City representatives and also possibly representatives of the other agencies that are required to review a subdivision plat under state law. If such a pre-application review meeting is requested, the City's time frame for review is shortened to 60 days after submission (Section 3.01E (2)(A)). Those developers who do not request a pre-application review meeting could wait up to 90 days for action on their proposed subdivision plat.

The proposed amendment also includes clerical and some other minor revisions as suggested by City staff. Only those sections affected by the new legislation have been changed. These sections include sections 2.00, 2.99, 3.00, 3.01, 3.02, 3.03, 3.04, 3.05, 4.06(A) and 6.00. The amendment to section 4.06 (A) would change the width requirement for sidewalks along major thoroughfares from five feet to eight feet.

The Planning Commission reviewed the proposed amendment to Chapter 41. At its meeting on July 25, 2006, the Planning Commission recommended approval of the proposed amendment. City Administration also recommends approval of the proposed ordinance revisions.

Please let us know if you have any questions or comments concerning the proposed ordinance amendment.

Red line version of sections with proposed amendments

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 41 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 41 of the Code of the City of Troy.

Section 2. Amendment

Sections 2.00, 2.99, 3.00, 3.01, 3.02, 3.03, 3.04, 3.05, 4.06(A) and 6.00 of Chapter 41, Subdivision Control, are hereby amended or added to read as follows: (Underlining and strikethrough denotes additions and changes to the various sections).

2.00 Definitions. For the purpose of this chapter, certain terms, words and phrases shall, wherever used in this chapter, have the meaning herewith defined as follows:

- A. Block. Subdivided property surrounded by, but not separated by, one or more of the following barriers: streets, unsubdivided acreage, rivers or live streams, or by any of the foregoing and any other barriers to the continuity of development.
- B. Cul-De-Sac. A minor street of short length, having one end open to traffic and being permanently terminated at the other end by a vehicular turn-around.
- C. Easement. A quantity of land set aside or over which a liberty, privilege or advantage is granted by the owner to the public, a corporation, or some particular person or part of the public for specific uses and purposes, and shall be designated a "public" or "private" easement depending on the nature of the user.
- D. Final Plat. A map on approved material of all or part of a subdivision prepared and certified as to its accuracy by a registered ~~Civil~~ Professional Engineer or a registered ~~Land~~ Professional Surveyor. Such maps must meet the requirements of this chapter and Act 288, Public Acts, 1967-, as amended. The final plat shall conform to the approved preliminary plat.
- E. Governing Body. The City Council of the City of Troy.

- F. Improvements. Grading, street surfacing, curb and gutter, sidewalks, crosswalks, water mains and lines, sanitary sewers, storm sewers, culverts, bridges, utilities, landscaping, streams, lakes, improvements, and other additions to the natural state of land which increase its value, utility, or habitability.
- G. Industrial Street. A street intended to serve primarily as a means of access from within industrial subdivisions or industrial districts to major thoroughfares and not intended to serve residential properties or carry residential traffic.
- H. Major Thoroughfare. An arterial street of great continuity which is intended to serve as a large volume trafficway for both the immediate area and region beyond, and may be designated in the ~~major thoroughfare~~ master plan as a major thoroughfare, parkway, freeway, expressway or equivalent term to identify those streets comprising the basic structure of the street plan.
- I. Marginal Access Street. A minor street parallel and adjacent to a major thoroughfare which provides access to abutting properties and protection from through traffic.
- J. Master Plan. ~~The comprehensive plan whether officially adopted or adopted in principle, including graphic and written proposals indicating the general locations recommended for the streets, parks, schools, public buildings, zoning districts, and all physical developments of the City of Troy and including any unit or part of such plan separately adopted, and any amendments to such plan or parts thereof adopted by the Planning Commission.~~ A Master Plan as defined in the Municipal Planning Act No. 285 of 1931, as amended, being Section 125.31 et seq. of the Michigan Compiled Laws.
- K. Minor Street. A street supplementary to a major or secondary thoroughfare intended to serve the local needs of the neighborhood, ~~and of limited continuity,~~ low pedestrian and vehicular volumes, and used primarily as access to abutting residential properties.
- L. Multiple-Family Residential Streets. A street intended to serve primarily the greater traffic demands of multiple family residential developments. Such streets may or may not have continuity within the over-all thoroughfare system.
- M. Municipality. The City of Troy.
- N. Plan Commission. The ~~Plan~~ Planning Commission of the City of Troy.

- Q. Preliminary Plat. A map indicating the proposed layout of the subdivision in sufficient detail to provide adequate basis for review and to meet the requirements and procedures set forth in this ordinance.
- P. Public Reservation. A portion of a subdivision which is set aside for public use and made available for public use and acquisition.
- R. Registered Professional Engineer. An Civil Engineer who is registered a Professional Engineer licensed under Article 20 of the Occupational Code, Act No. 299 of the Public Acts of 1980, being sections 339.2001 to 339.2014 of the Michigan Compiled Laws. ~~in the State Michigan as a Registered Professional Engineer.~~

Registered Professional Surveyor. A Professional Surveyor licensed under Article 20 of the Occupational Code, Act No. 299 of the Public Acts of 1980, being sections 339.2001 to 339.2014 of the Michigan Compiled Laws.

Survey. A survey map and/or report prepared by a Registered Professional Surveyor.
- S. Secondary Thoroughfare or Collector Street. A street intended to serve as a major means of access from minor streets to major thoroughfares which has considerable continuity within the framework of the Master Thoroughfare Plan.
- T. Street. A right-of-way dedicated to public use, which provides vehicular and pedestrian access to adjacent properties whether designated as a street, highway, thoroughfare, parkway, road, avenue, lane, or however otherwise designated, and includes the land between the right-of-way lines whether improved or unimproved, and may comprise pavement, curbs and gutters, shoulders, sidewalks, parking areas, lawn areas, and other areas within the right-of-way lines.
- U. Subdivider. Shall be deemed to include the plural as well as the singular and may mean a person, firm, association, partnership, corporation, or any legal combination of them or any other legal entity proceeding under these regulations to effect a subdivision of land for himself/herself or for another. The word "subdivider" shall include the word "proprietor" as used in Act 288, Public Acts of Michigan, 1967, MCL 560.101 et seq., as amended.
- V. Turn-Around. A minor street or short length with two openings to traffic with a median strip in the center, beginning from the same street, and projecting parallel to each other and connecting at their termination by a loop.
- W. Walkway. An area and improvement, either dedicated to the public or on private property, which is intended to provide for pedestrian access and movement.

X. ~~Words. Single words shall include the plural, and masculine words shall include the feminine and neuter.~~

2.99. The review and approval of subdivision development plats shall be in accordance with this chapter and the Michigan Subdivision Control Land Division Act, Act 288, Public Acts of 1967, MCL 560.101, et seq., as amended, (M.S.A. 26.430) and shall follow the steps as listed below:

Section 3.00. Preliminary investigation

Section 3.01. Preliminary Plat - Tentative approval

Section 3.02. Improvement Design - Review and approval

Section 3.03. Preliminary Plat - Final approval

Section 3.04. Final Plat Approval

Section 3.05. Fees

3.00. Preliminary Investigation.

A. Prior to the preparation of a preliminary plat, the subdivider should meet informally with the Planning and Engineering Departments to investigate the procedures and standards of the City of Troy, and the ecological impact of the proposed development.

B. It is the responsibility of the subdivider to:

1. Familiarize himself/herself with the Zoning Ordinance, Subdivision Regulations, Tree Regulations, Master Land Use Plan, Master Thoroughfare Plan, Engineering Design Standards, Landscape Design and Tree Preservation Standards, Soil Removal and Filling Regulations, and Soil Erosion and Sedimentation Control Regulations relative to the subdivision and improvement of land, so as to make himself/herself aware of the requirements of the City of Troy.
2. Review the existing zoning of the proposed subdivision to determine if it is zoned for the intended use.
3. Review the development options of the Zoning Ordinance to determine the feasibility of utilizing one of these approaches.

4. Investigate the standards of sewage disposal, water supply and drainage of the City of Troy and other reviewing agencies, which may include the State of Michigan, Oakland County and the Detroit Metropolitan Water and Sewerage Department.
5. Investigate the adequacy of existing schools and public open spaces including parks and playgrounds to serve the proposed subdivision.
6. Review Act 288, Public Acts, 1967, as amended, and the requirements of those State and County Agencies which are required by said Public Act to review and approve the plat.

C. In addition to meeting informally with the Planning and Engineering Departments as suggested in subsection A, the subdivider may request a pre-application review meeting by submitting a written request to the chairperson of the County Plat Board and submitting copies of a concept plan for the Preliminary Plat to the City of Troy and to each officer or agency entitled to review the Preliminary Plat under Sections 113 to 118 of Michigan's Land Division Act, MCL 560.113 to MCL 560.118. If this process is followed, then a pre-application review meeting shall take place not later than 30 days after the written request and concept plan are received. The meeting shall be attended by the subdivider, representatives of each officer or agency entitled to review the Preliminary Plat under Sections 113, 114, and 118 of Michigan's Land Division Act, and a representative of the municipality. Representatives of each agency entitled to review the Preliminary Plat under Sections 115 to 117 of Michigan's Land Division Act, MCL 560.115 to MCL 560.117, shall be informed of the meeting and may attend. The purpose of the meeting is to conduct an informal review of the subdivider's concept plan for the Preliminary Plat.

3.01. Preliminary Plat - Tentative Approval.

A. Plat Preparation and Contents:

1. The Preliminary Plat shall be designed and drawn by a ~~Registered Professional Engineer~~ or a ~~licensed land Surveyor~~ Registered Professional Surveyor to a scale of no smaller than 100 feet to an inch.
2. Identification and Description - The Preliminary Plat shall include:
 - (A) All items as required by Act 288, Public Acts, 1967, MCL 560.101 et seq., and by the administrative rules of all State of Michigan Departments and Agencies that are required to review the plat under said Act. ~~the Departments of Commerce, Transportation, Natural Resources and Public Health as they relate to this Act.~~

- (B) Location by section, town and range, including legal description.
- (C) Date of preparation.
- (D) North arrow.
- (E) Scale of Plat, ~~100 feet to an inch.~~

3. Existing Conditions - The Preliminary Plat shall include:

- (A) A location map showing the relationship of the proposed subdivision to the surrounding area, including schools, shopping areas, parks and other community facilities. The location map shall be drawn to a minimum scale of 800 feet to an inch, and shall include all areas which lie within one-half of the subdivision boundaries in all directions.
- (B) The location of significant natural features such as natural water courses, bodies of water, flood plain areas, wetland areas, and tree information for determination of buildable land area, water resource management and as required for the preparation of a Tree Preservation Plan in accordance with the provisions of the Landscape Design and Tree Preservation Standards. This information shall be confirmed by a report from the City's environmental staff prior to submittal of the Preliminary Plat to the Planning Commission.
- (C) Boundary line of proposed subdivision and Section or corporation lines within or adjacent to the proposed subdivision.
- (D) Adjacent tracts of subdivided and un-subdivided land shown in relation to the tract being proposed for subdivision.
- (E) Location, width, and names of existing or prior platted public and private streets, and public easements within or adjacent to the tract being proposed for subdivision.
- (F) Location of existing sewers, water mains, storm drains and other underground facilities within and, if necessary, adjacent to the tract being proposed for subdivision.
- (G) Location of all easements within and if necessary, adjacent to the tract being proposed for subdivision.
- (H) Topography drawn at two (2) foot contour intervals, except where the average grade exceeds 5%, the contour interval shall be 5'. Topography to be based on U.S.G.S. Datum.

- (I) Location of severe variations in topography, and other areas having difficult or potentially unbuildable physical conditions.

4. Proposed Conditions - The Preliminary Plat shall include:

- (A) Layout of streets, right-of-way widths, connections with adjoining platted streets and also the widths and locations of alleys, easements and public walkways.
- (B) Layout, numbers and dimensions of lots, including building setback lines showing dimensions.
- (C) Identification of parcels of land intended to be dedicated or set aside for public use or for the use of property owners within the subdivision, or land set aside for future street connections to adjacent tracts.
- (D) Identification of all major easements, as determined to be necessary by the City Engineer. Minimum lot areas and dimensions shall be computed excluding such easements.
- (E) Indication of how all parcels either identified on the plat or by the Planning Department as "outlots", or "excepted", or "unplatted", and as determined by the Planning Director, could be developed in accordance with the requirements of the existing zoning district while maintaining an acceptable relationship to the layout of the proposed Preliminary Plat.
- (F) A Tree Preservation Plan developed in accordance with the City of Troy Landscape Design and Tree Preservation Standards.
- (G) An indication of the means by which significant natural features such as water course, bodies of water, flood plain areas and wetland areas are to be preserved or treated in conjunction with the development of the proposed subdivision.

B Submission

- 1. At least twenty (20) days prior to a regular meeting of the Planning Commission, the subdivider shall submit to the City Clerk ~~twenty-six (26)~~ 16 copies of the Preliminary plat and other data as requested by the Planning Department.

2. In addition, the subdivider shall file an application in duplicate, and two copies of the receipt from acknowledging the applicable school district verifying that has received a copy of the preliminary plat, ~~has been received,~~ and pay all plat review fees as specified in Article III, Section 3.05 of this ordinance.

~~3. The subdivider shall file plans indicating the improvements intended within proposed park or open space areas intended to be dedicated or set aside for the public use or for the use of property owners within the subdivision. This submittal shall be accompanied by proposed agreements, private restrictions, and subdivision association by laws showing the manner in which such areas and facilities are to be maintained.~~

C. Department Review

1. The City Clerk shall retain one copy of the plat for his or her records and forward the balance of the plats to the Planning Director.

2. The Planning Director shall check for completeness of the preliminary plat. Should any of the data required in this section of this chapter be omitted, the Planning Director shall notify the subdivider of the additional data required and further action shall be delayed until the required data is received.

3. The Planning Director shall forward copies of the preliminary plat to all affected City departments for their review and recommendation. The Planning Director shall contact the subdivider to explain any recommendations of the City departments and seek his or her cooperation in amending the plat, if necessary.

4. When the plat has been revised to based on the review and recommendation of the affected City departments, the Planning Director's ~~satisfaction,~~ he shall place the plat on the agenda of the next regular Planning Commission meeting.

5. The ~~City Clerk~~ Planning Department shall notify the subdivider and the owners of land immediately abutting the property to be platted of the submission of the preliminary plat and the time, place and date of the meeting of the Planning Commission to consider said preliminary plat.

D. Planning Commission Review

1. The Planning Commission shall review the preliminary plat and determine if it complies with the Zoning Ordinance, Subdivision regulations, Master Land Use Plan and Master Thoroughfare Plan.
2. The Planning Commission, upon completion of this review, and within 45 days of the date of submission by the subdivider, shall make one of the following recommendations:
 - (A) Tentative approval of the preliminary plat.
 - (B) Disapproval of the preliminary plat, with the reasons for the disapproval to be recorded in the minutes of the meeting, and a copy of the minutes ~~to-~~will be sent to the subdivider by the Planning Department.
 - (C) Provisional approval conditioned upon specified conditions which shall be recorded in the minutes of the meeting. If provisional approval is given to a subdivision plat, the subdivider shall submit amended plans containing the specified revisions within ten (10) days of the date of this approval. If revised plans are timely submitted and the revisions meet the approval of the Planning Director as conforming to the conditions ~~laid down~~ imposed by the Planning Commission, the plat shall be submitted to the City Manager for presentation to the City Council with the recommendation for tentative approval. If revised plans are not received within ten (10) days, the plat shall be submitted to the City Council with the recommendation for disapproval.

E. City Council Review

1. ~~Within twenty five days of~~ After the receipt of the recommendations of the Planning Commission from the Planning Director, and receipt of the recommendation of the City Engineer and such other officials deemed necessary by the City Manager, the City Manager shall place the preliminary plat on the City Council agenda.
2. ~~Within ninety (90) days from the date of filing, the City Council shall:~~ The City Council shall take one of the following actions with respect to the preliminary plat:
 - a) Tentatively approve the preliminary plat and make a note of its approval on the copy of the preliminary plat;

b) Tentatively approve it subject to conditions and make a note of its approval and conditions on the copy of the preliminary plat, which shall be returned to the subdivider.

c) Set forth in writing its reasons for rejection and requirements for tentative approval.

(A) Tentatively approve and note its approval on a copy of the preliminary plat to be returned to the subdivider, or (B) Reject the plat and instruct the City Clerk to so advise the subdivider and explain the reasons for the rejection.

3. Action on the plat shall be taken within 60 days after it was submitted to the clerk, if a pre-application review meeting was conducted under section 3.0.

4. Action on the plat shall be taken within 90 days after it was submitted to the clerk, if a pre-application review meeting was not conducted under section 3.00C.

35. Tentative approval shall confer on the subdivider for a period of one year from the date of approval, approval of lot sizes, lot orientation and street layout, and permission to submit improvement plans for Engineering Division Design Review. This approval shall be valid for one year from the date of approval. Such approval may be extended by City Council if the Subdivider files a written request and after if applied for, in writing, by the subdivider and granted by the City Council a review and a report by City staff on any conditions that may have changed.

F. Proposed Names of New Streets

After tentative approval of the preliminary plat, the subdivider shall submit proposed names for all streets within the subdivision, ~~providing that a~~ All names shall comply with the Troy Street Naming Ordinance, Chapter Two of the Troy City Code, and ~~are~~ shall be reviewed by the appropriate City departments in a manner prescribed by the City Manager.

G. Traffic Control Orders

After tentative approval of the ~~p~~ Preliminary p ~~Plat~~, the City Engineer and the Traffic and ~~Safety~~ Committee shall review the tentatively approved preliminary plat and send copies of their recommendations for signing and traffic regulations to the City Manager. The City Manager shall place the Traffic Control Orders on the City Council agenda for approval after when the Preliminary Plat has received recommended final approval.

3.02 Improvement Design – Review and Approval

A. Submission

1. After tentative approval, but before submission of the Preliminary Plat for final approval, the subdivider shall submit his ~~or her~~ improvement plans for review and approval. The subdivider shall file the following with the City Clerk: an application for design review, plans for all improvements to be installed within the proposed subdivision, and all plan review fees, as specified in Section 3.05 of this chapter.
2. The City Clerk shall forward all plans received to the Engineering ~~d~~Division.
3. Said improvement plans shall be held for review by the City for a period not to exceed a total of sixty (60) days. ~~Said sixty (60) days shall include only those days in which the improvement plans are in the possession of the City.~~

B. Plan Contents

1. All improvement plans shall be prepared by a ~~registered~~ **Registered** professional ~~Professional~~ **engineer** **Engineer**.
2. Design standards for all improvements shall be as established in Article IV of this ordinance and as established by the Engineering Division and all other public agencies having jurisdiction:
 - (A) The water supply system must be acceptable to the Michigan Department of ~~Public~~ **Community** Health, the Detroit ~~Metropolitan~~ Water **and Sewerage** Department and Oakland County Health Department.
 - (B) The storm drainage system, if involving County drains, must be acceptable to the County Drain Commissioner.
 - (C) The sanitary sewer system must be acceptable to the Oakland County Health Department, Oakland County Department of Public Works, Oakland County Drain Commissioner and the Michigan Department of ~~Public~~ **Community** Health.

C. Plan Review

1. The Engineering Division shall initially review all plans submitted to determine their conformance to the City's ~~Engineering Design~~ **Development** Standards and Article IV of this chapter.
2. The improvement plans shall then be reviewed by the other appropriate City departments in a manner prescribed by the City Manager.

3. After the improvement plans have received final approval, the City Engineer shall issue a eCertificate of iImprovement dDesign aApproval to the subdivider's engineer, with copies to the subdivider and the City Clerk.
4. The subdivider's engineer shall submit to the Engineering Division cost estimates for all approved improvements.
5. The City Engineer shall then prepare and submit a detailed summary of required deposits of cash and bonds or escrow deposits in an amount sufficient to insure construction of the required subdivision and public improvements that shall be set forth in an agreement. Copies of the detailed summary and agreement shall be sent to the City Manager, the subdivider, and the City Clerk, for approval by City Council of the agreement.

3.03. Preliminary Plat - Final Approval

A Submission

1. A ~~subdivision~~ subdivider desiring final approval of a preliminary plat shall file 2 copies of an application for final approval ~~in duplicate~~ with the City Clerk.
2. With the application, the subdivider shall submit the following items:
 - (A) Fourteen copies of the preliminary plat as approved by all authorities ~~as~~ required by Section 1123 through 1189 inclusive of Act 288, Public Acts of 1967, as amended.
 - (B) A certification identifying all authorities required to review the preliminary plat, as set forth in Sections 113 to 119 of the Land Division Act, MCL 560.113 to MCL 560.119.
 - (C) Copies of all resolutions and writings granting approval.
 - ~~(B)~~(D). Copies of agreements, covenants or other documents showing the manner in which areas or facilities intended to be dedicated or set aside for the public use or for the use of the property owners within the subdivision are to be maintained. Such areas or facilities include, but are not limited to, park or open space areas, and storm water retention areas. Said documents shall include Articles of Incorporation and By-Laws of the subdivision

association or organization which is to be responsible for the maintenance of such public use areas or facilities for the use of property owners within the subdivision, where applicable. Such documents shall be recorded simultaneously with the recording of the subject subdivision plat.

(C)(E). Cash, escrow deposits, certified check or irrevocable bank letter of credit; all review and inspection fees and other fees outlined in the detailed summary as required by the agreement approved by City Council.

B. Department Review

1. The City Clerk shall forward copies of the plat to the City Engineer, the Planning Director, and the Director of Parks and Recreation.
2. The City Engineer, the Planning Director, and the Director of Parks and Recreation and/or their designees shall review the plat as submitted, to determine compliance with the tentatively approved preliminary plat. If, in their opinion, the submitted plat conforms to the tentatively approved preliminary plat, they shall so indicate and forward the plat to the City Manager. If the plat does not conform to the tentatively approved preliminary plat, the Planning Director shall ~~return~~ reject the plat and return it to the subdivider, ~~stating~~ with a statement of the reasons for the rejection.
3. When the preliminary plat has been approved by the Planning Director, the City Engineer, and the Director of Parks and Recreation, the City Manager shall place it on the agenda of the next City Council meeting.

C. City Council Review

1. At its next meeting or Wwithin twenty (20) days from the date of submission of the preliminary plat for final approval, the City Council shall:
 - (A) Grant final approval of the preliminary plat and note its approval on a copy of the preliminary plat to be returned to the subdivider, ~~;~~ or
 - (B) Reject the plat and instruct the City Clerk to so advise the subdivider and explain the reasons for the rejection.

2. Final approval of the preliminary plat shall confer upon the subdivider for a period of two (2) years from the date of City Council approval, the conditional right that the general terms and conditions under which this final approval of the preliminary plat was granted will not be changed. The two-year period may be extended by City Council if the subdivider files a written request and after, ~~if applied for in writing by the subdivider and granted by the City Council~~ a review and report from City staff on any conditions that may have changed.

D. Construction of Improvements

No construction of improvements shall begin until the subdivider has:

1. Received notice from the City Clerk of the final approval of the preliminary plat by the City Council.
2. Entered into a subdivision agreement with the City for construction of all required subdivision improvements.

3.04. Final Plat Approval

A. Submission

1. The final plat shall conform to the approved final preliminary plat, shall constitute only that portion of the approved final preliminary plat which the subdivider proposes to record and develop at that time, and shall conform in all respects to the requirements of Act 288, Public Acts of 1967, MCL 560.101 et seq., as amended.
2. The subdivider shall file 2 copies of an application for final approval ~~in duplicate~~ with the City Clerk, together with:
 - (A) ~~All official copies~~ One (1) true copy of the plat together with an additional twelve (12) paper prints of the final plat; and
 - (B) The County Plat Board filing and recording fee required by Sections 241 and ~~241a~~ of Act 288, Public Acts of 1967, MCL 560.241, as amended.
 - (C) ~~An abstract of title, certified to date of the proprietor's certificate, to establish recordable ownership interest and other information deemed necessary for the purpose of ascertaining whether the~~

~~proper parties have signed the plat; or a policy of title insurance~~ **A current abstract of title that sets forth the recordable interests in the property to allow for a determination that all proper parties have signed the plat. In the alternative, a policy of title insurance** currently in force covering all the land included within the boundaries of the proposed subdivision **shall be provided**. The City Council, in lieu of an abstract of title, may accept on its own responsibility, an attorney's opinion as to the ownership and marketability of title to the land.

- (D) A certification from the ~~proprietor~~ **subdivider** that the construction of subdivision improvements has begun in the area covered by the Final Plat.
- (E) Documentation indicating that current property taxes on the property covered by **that are part of** the Final Plat are paid and that there are no outstanding Special Assessments **on the property**.

B. Department Review

1. The City Clerk shall forward copies of the final plat to the City Engineer and the Planning Director.
2. The City Engineer and the Planning Director shall review the final plat to determine its conformance with the approved preliminary plat. If the final plat does conform, they shall so indicate and forward the approved plat to the City Manager. If the plat does not conform, the Planning Director shall return the plat to the subdivider together with reasons for its rejection.
3. ~~When~~ **if** approved, the City Manager shall place the final plat on the agenda of the next **regular** City Council meeting.

C. City Council Review

1. **At its next regular meeting or a meeting called** ~~W~~ within twenty (20) days of the date of submission **required under Section 3.04**, the City Council shall:
 - (A) Approve the plat if it conforms to all provisions of this chapter and instruct the City Clerk to certify on the plat the City Council approval and date

thereof; the approval of the Oakland County Health Department, when required, and the date thereof as shown on the approved preliminary plat, or

(B) Reject the plat and instruct the City Clerk to advise the subdivider, explain of the rejection and the reasons for the rejection, and return the plat to the subdivider.

~~(C) Instruct the City Clerk to record all proceedings in the minutes of the meeting which shall be open for inspection.~~

2. The City Clerk shall send a copy of the minutes of the meeting(s) where action is taken on a final plat to the County Plat Board.

23. The City Clerk shall transcribe a certificate of approval of the City Council on the Plat and deliver all copies to the clerk of the County Plat Board together with the filing and recording fee required by the State ~~Subdivision Control~~ Land Division Act.

3.05 Fees

The following schedule of fees is adopted as authorized by Sections 241, 241a, 246 and 188 of Act 288, Public Acts of 1967, MCL 560.241 and MCL 560.246, as amended.

1. A plat review fee in accordance with Chapter 60, Fees and Bonds of the City of ~~Troy~~ Troy Code of Ordinances, to be paid at the time of application for tentative approval of the preliminary plat.
2. Plan Review and inspection fees, as established by the ~~City Council~~ Planning and/or Building Departments, to be paid with the application for improvement design review.
3. All cash, escrow deposits, certified check, or irrevocable bank letter of credit; all review and inspection fees and other fees outlined in the "Detailed Summary of Required Deposits" and/or the agreement approved by City Council, along with a Plat Review Fee in accordance with Chapter 60, Fees and Bonds of the City of Troy Code of Ordinances, to be paid at the time of submission of the preliminary plat for ~~f~~ Final ~~a~~ Approval.
4. A Plat Review Fee in accordance with as set forth in Chapter 60, Fees and Bonds of the City of Troy Code of Ordinances to be paid at the time of application for ~~f~~ Final ~~a~~ Approval.

5. ~~The~~ County Plat Board filing and recording fee, of \$20.00 to be paid in the amount established by MCL 560.241 as amended. This fee shall be paid at the time of application for ~~Final a~~ Approval.
6. ~~The~~ State Plat Review Fee of \$150.00, plus \$15.00 for each lot over 4 lots included in the plat, in the amount established by MCL 560.241 as amended. This fee shall be paid at the time of application for Final Approval.

4.06 Sidewalks and Walkways

- A. Concrete sidewalks shall be constructed along those sides of all streets which lie within or abut the plat. Sidewalks along Major Thoroughfares shall be five ~~eight~~ feet (58') in width, with the following exceptions:

~~Sidewalks shall be eight feet (8') in width in those locations along Major Thoroughfares which are indicated as Bikeways on the Parks and Recreation Master Plan, or along Major Thoroughfares so indicated on any succeeding Plan adopted by the City Council for the purpose of establishing Bikeway locations. Sidewalks along all other categories of streets and thoroughfares shall be five feet (5') in width. Sidewalks shall generally be placed one foot (1') off property lines, except in those instances where the City Engineer determines that an alternate location will be equally or more physically feasible or desirable, while serving the same access function.~~

(Subsections 4.06 B – E are unchanged)

6.00. Splitting Procedure and Requirements

- A. Submittal and Review: Any person wishing to split a platted lot or acreage parcel shall submit to the City Assessor written application for parcel splitting, and two (2) copies of the proposed split.
- B. Duties of City Assessor: The City Assessor shall review the proposed parcel split to determine its compliance with the applicable City Ordinances, and with Michigan's Land Division Act, Act 288, Public Acts, 1967, as amended. If the resultant split is in conformance with these conditions, the City Assessor shall have the authority to authorize the requested split.
- C. No lot or acreage parcel shall be split until all taxes have been paid. A receipt of payment must be submitted with the proposed split plan.

- D. Splitting of a lot or acreage parcel or changing any tax parcel description in a one-family residential or two-family residential zoning district is prohibited, unless the resultant parcels meet the requirements of Section 30.10.00 of the Zoning Ordinance, including frontage on a public street, minimum lot area and setbacks from existing buildings. In recorded subdivisions utilizing the Averaged Lot Sizes option, these requirements may be reduced to the minimum standards of Section 35.10.00 of the Zoning Ordinance if all requirements of Section 35.10.00 through 35.10.04 are met.
- E. In the case of applications for splits of non-residential property, the City Assessor may require the submittal of a site plan, conforming to the standards of the Zoning Ordinance, indicating the potential development of the subject property as it is presently zoned. Such plans shall indicate potential development of the parcel, either as an independent parcel or in conjunction with abutting land under the applicant's ownership, in a manner conforming to Zoning Ordinance requirements. Failure to provide such a plan when required by the City Assessor shall constitute grounds for denial of the parcel split application.
- F. Applicants for a lot split shall, except on waiver as for minor lot line adjustments, provide the City Assessor with a certified architectural survey of the property proposed to be split, which shall show existing buildings, existing City utility lines, including sewer leads, serving said property, drainage courses, easements and such other pertinent data as he may request, in addition to showing the proposed lot split and the dimensions of the new lots to be created thereby. Said survey shall upon approval of the proposed lot split by the assessor be recorded with the Oakland County Register of Deeds by the applicant.

Section 3. Savings

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

Section 4. Severability Clause

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

Section 5. Effective Date

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

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

Louise E. Schilling, Mayor

Tonni Bartholomew, City Clerk

DATE: August 29, 2006

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Agenda Item – Announcement of Public Hearing (September 18, 2006) – Michigan Zoning Enabling Act, Pa 110 Of 2006, Zoning Ordinance Text Amendment (File No: ZOTA 224) – Articles II, III, X, XXXIV, XXXV and XLIII

RECOMMENDATION

The Planning Commission recommended approval of ZOTA 224 at the August 8, 2006 Regular Meeting. City Management concurs with the Planning Commission and recommends approval of ZOTA 224.

BACKGROUND

Public Act 110 of 2006, the new Michigan Zoning Enabling Act, became effective on July 1, 2006. The purpose of the law is to establish consistent zoning procedures in all local units of government. There were three (3) separate acts governing zoning in Michigan – the City and Village Zoning Act, the County Zoning Act and the Township Zoning Act. The new law repeals the three (3) existing zoning acts and consolidates them into one single act.

The new law retains many of the existing provisions of the City and Village Zoning Act. The attached memorandum, which was prepared by the City Attorney's Office, analyzes the changes from the requirements of the City and Village Zoning Act. While there are no substantial changes from the requirements of the City and Village Zoning Act required, some minor revisions to the Zoning Ordinance are required. The most significant change is for increased public hearing notification requirements.

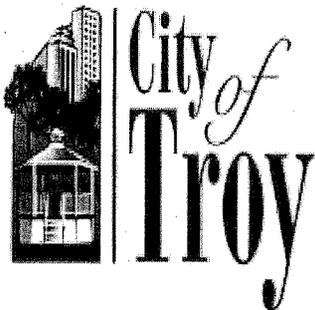
Reviewed as to Form and Legality:

Lori Grigg Bluhm Date
City Attorney

Attachments:

1. Memo from City Attorney's office, dated July 17, 2006.
2. Draft ZOTA 224.

Prepared by RBS/MFM



TO: Members of the City of Troy Planning Commission, Members of the City of Troy Board of Zoning Appeals, Mark Miller, Planning Director and Mark Stimac, Director of Building and Zoning.

FROM: Lori Grigg Bluhm, City Attorney
Allan T. Motzny, Assistant City Attorney

DATE: July 17, 2006

SUBJECT: New Michigan Zoning Enabling Act

On April 7, 2006, Governor, Jennifer Granholm signed Public Act 110 of 2006, the new Michigan Zoning Enabling Act, MCL125.3101-MCL 125.3702. The purpose of the law is to establish consistent zoning procedures in all local units of government. Currently, there are three (3) separate acts governing zoning in Michigan – the City and Village Zoning Act, the County Zoning Act and the Township Zoning Act. The new law repeals the three (3) existing zoning acts and replaces them with one new single act. The effective date of the new law is July 1, 2006.

The new law retains many of the existing provisions of the City and Village Zoning Act. However, there are some changes, which are discussed below. The act is divided into seven (7) different articles. In this memorandum, we analyze each article and point out the provisions that require an amendment to Troy's Zoning Ordinance. We have also prepared a proposed amendment to the zoning ordinance to implement the changes required by the new law. We have attached a copy of the proposed amendment for your review and comment.

ARTICLE I: GENERAL PROVISIONS

Section 101, MCL 125.3101, indicates the new act will be known as the "Michigan Zoning Enabling Act".

Section 102, MCL 125.3102, provides definitions of various terms as used in the act. Many of the definitions are the same as those set forth in the City and Village Zoning Act. However, the new act also includes definitions for the following terms: "Improvements", "Legislative Body", "Local Unit of Government", "Population", "Site Plan", "State Licensed Residential Facility", "Zoning Board", "Zoning Commission", and "Zoning Jurisdiction".

Section 103, MCL 125.3103, establishes the most significant variation from the City and Village Zoning Act. Under this section, all public hearings that must be held with respect to the zoning ordinance require a notice to be published in a newspaper of general circulation in the unit of local government at least 15 days before the date of the hearing. Additionally, the notice must be sent by mail or personal delivery to the owners of the property for which approval is being considered, all persons to whom real property is assessed within 300 feet of the subject property, and to the occupants of all the structures within 300 feet of the property, regardless of whether the property or occupant is located in the zoning jurisdiction. There is an exception to the 300-foot requirement for zoning

amendments involving 11 or more adjacent properties. Each notice of public hearing must also contain specific information, depending upon the type of approval being sought. We have included the specific notice provisions as required under the act in the proposed amendment to Troy's Zoning Ordinance. For public hearings that have already been scheduled for a date after July 1, 2006, there is no need to comply with the new notice provisions as long as the notice was provided before July 1, 2006 in accordance with the current law. However, all notices of a public hearing provided after July 1, 2006 must comply with the new act, even if the proposed amendment to Troy's Zoning Ordinance has not yet taken effect by that date.

ARTICLE II: ZONING AUTHORIZATION AND INITIATION

Sections 201 –211 (MCL 125.3201-MCL 125.3211) are provisions that may appear to be a change in existing law because of the way they are worded. However, a close review of these sections reveals there is no significant change from the requirements of the City and Village Zoning Act.

Section 201, MCL 125.3201, authorizes local units of government to provide by zoning ordinance for the regulation of land and development and the establishment of one or more zoning districts within its zoning jurisdiction. Under this section, a local unit of government may adopt land development regulations limiting the locations, height, bulk, number of stories, uses and size of dwellings, buildings, and structures that may be erected or altered, including tents and recreational vehicles. Section 201 provides regulations substantially similar to those included in sections 1 & 2 (MCL 125.581 and MCL 125.582) of the City and Village Zoning Act.

Section 202, MCL 125.3202, provides a legislative body of a local unit of government may provide by ordinance for the manner in which regulations and boundaries of districts and zones shall be determined and enforced or amended, supplemented or changed. This language is similar to the language set forth in section 4, MCL 125.584, of the City and Village Zoning Act. Section 202 also provides that if more than ten (10) adjacent properties are proposed for re-zoning, the requirement to send notice to all properties within 300 feet of the subject property is not applicable. This section also provides that amendments to the zoning ordinance in cities and villages are subject to a protest petition. Additionally, under section 201, a legislative body may adopt amendments for the purpose of conforming to a court order without referring the amendments to any other board or agency. The foregoing provisions are not a change from the requirements of the City and Village Zoning Act, and therefore, no amendment to Troy's Zoning Ordinance is required.

Section 203, MCL 125.3203, incorporates provisions similar to those set forth in section 1 (MCL 125.581) and section 1a (MCL 125.581a) of the City and Village Zoning Act regarding the requirement a zoning ordinance shall be based upon a plan and requiring the incorporation of an airport layout plan, if an airport approach plan has been filed with the local unit of government. Since these provisions are not new regulations for cities and villages, there is no reason to amend the City of Troy Zoning Ordinance based upon Section 203.

Section 204, MCL 125.3204, requires that a zoning ordinance provide for the use of a single-family residence by an occupant of that residence for a home occupation to give instruction in a craft or fine art within the residence. This provision is the same as the current Section 3c, MCL 125.583c, of the City and Village Zoning Act.

Section 205, MCL 125.3205, provides a zoning ordinance is subject to the electric transmission lines certification act, MCL 460.561 to 460.575. Additionally, this section indicates counties and townships shall not regulate or control the operation of oil or gas wells. There is no reason to amend Troy's Zoning Ordinance based on section 205.

Section 206, MCL 125.3206, provides that a state licensed residential facility shall be considered a residential use of property for the purposes of zoning and a permitted use in all residential zones. A residential facility is defined under Section 102, MCL 125.3102, as a facility providing residential services for six (6) or fewer persons. Section 206 also requires counties and townships to allow group daycare homes (up to 12 children) by special use permit in residentially zoned areas. Cities and villages may provide for group daycare homes by special use permit or other such permit. Licensed or registered family or group daycare homes that operated before March 30, 1989 are not required to comply with requirements of Section 206. However, this section of the statute also indicates that it shall not be construed to prevent a local unit of government from inspecting and enforcing a family or group daycare home for the home's compliance with the zoning ordinance. In counties and townships, a zoning ordinance shall not be more restrictive with respect to family or group daycare homes than as provided under MCL 722.111 to 722.128. The provisions of the new act have not changed with respect to licensed residential facilities serving six (6) or fewer persons. Troy is in the process of amending its zoning ordinance with respect to group daycare homes. The proposed amendments are in compliance with the new act.

Section 207, MCL 125.3207, prohibits exclusionary zoning. A zoning ordinance or zoning decision shall not have the effect of totally prohibiting the establishment of land use within a local unit of government in the presence of a demonstrated need for such land use. This provision is the same as that set forth in section 12 of the City and Village Zoning Act, MCL 125.592.

Section 208, MCL 125.3208, sets forth regulations with respect to non-conforming uses or structures. These provisions are substantially similar to those set forth in Section 3a of the City and Village Zoning Act, MCL 125.583a. Therefore, there is no reason to amend Troy's Zoning Ordinance with respect to non-conforming uses and structures.

Section 209, MCL 125.3209, is not applicable to cities. This section provides that a township that has enacted a zoning ordinance is not subject to any zoning regulations adopted by a county.

Section 210, MCL 125.3210, provides that that an ordinance adopted under the new Michigan Zoning Enabling Act is controlling in the case of any inconsistency between the zoning ordinance and an ordinance adopted under any other law. This provision is

somewhat similar to Section 6 of the City and Village Zoning Act, MCL 125.586 that specifically indicates the situations in which a zoning ordinance prevails over other ordinances in the event of a conflict. In any event, there is no reason to amend Troy's Zoning Ordinances as a result of section 210.

Section 211, MCL 125.3211, provides for the appointment of a zoning commission for the purpose of formulating a zoning ordinance. However, since Troy already has a zoning ordinance, this section is not applicable to Troy.

ARTICLE III: ZONING COMMISSION

Article III of the new act, MCL 125.3301 through MCL 125.3308, are provisions regulating the establishment, powers, and duty of a zoning commission (planning commission). Although Section 301, MCL 125.3301, addresses the creation of a "zoning commission", this section also indicates a "planning commission" exercising the authority of a zoning board before the effective date of the act may continue to exercise that authority subject to the act. Additionally, the legislative body of all local units of government must transfer the powers of a zoning commission to the planning commission within five years of the effective date of the new act. The intent of 301 is to eliminate some of the confusion that has resulted based upon the various names given to different boards and commissions under various state laws that were initially charged with the duties of being the planning body for a municipality. Depending on the municipality (township, county, city or village) and the statute relied upon by the municipality when such commission was initially organized, the planning body of a municipality may have been called a zoning commission, a zoning board, or a planning commission. Since the City of Troy has established a planning commission, there is no need to create a zoning commission just for the purpose of transferring the duties of that commission to the planning commission within five (5) years.

With regard to powers, duties, membership, and removal of members and officers of the zoning commission, section 301 includes provisions similar to those set forth in the Municipal Planning Act, MCL 125.301 et seq. Since our present zoning ordinance provisions relating to the planning commission are based upon the Municipal Planning Act, and since the new act indicates a previously established planning commission may continue as the zoning commission, there are only a few changes, in our opinion, that need to be made to the zoning ordinance with respect to the planning commission.

Section 301(9), MCL 125.3301(9), states the legislative body "shall provide for the removal of a member of the zoning commission (planning commission) for misfeasance, malfeasance or nonfeasance in office upon written charges and after public hearing". This language differs slightly from the language set forth in the Municipal Planning Act and our current zoning ordinance. Although the current language in our zoning ordinance is consistent with the Municipal Planning Act, we recommend changing the ordinance with respect to removal of planning commissioners to that set forth in the Michigan Zoning Enabling Act. We make this recommendation because the new act, as will be discussed below, has similar requirements with respect to removal of members of a zoning board of

appeals. Thus, the attached proposed amendment to the zoning ordinance has provisions with regard to removal of members of the Troy's Planning Commission that are identical to those proposed for removal of members of Troy's Board of Zoning Appeals.

Section 306, MCL 125.3306, requires the planning commission to comply with the new notice requirements with respect public hearings. The new notice requirements are set forth in the proposed amendment to Troy's Zoning Ordinance.

Under section 308, MCL 125.3308, the zoning commission (planning commission) "shall at least one per year prepare for a legislative body a report on the administration and enforcement of the zoning ordinance and recommendations for amendments or supplements to the ordinance". Presently section 02.20.00 of Troy's Zoning Ordinance provides the Troy City Council may, from time to time, on recommendation from the Planning Commission, amend the zoning ordinance. Since the new act requires a yearly report from the planning commission, the proposed amendment to Troy's Zoning Ordinance includes language to meet this requirement.

ARTICLE IV: ZONING ADOPTION AND ENFORCEMENT

Sections 401-407, MCL 125.3401 through MCL 125.3407, provide regulations for adoption of a zoning ordinance and amendments. Under Section 401, MCL 125.3401, the procedure to approve a rezoning request or a zoning ordinance text amendment is essentially the same as that provided in the City and Village Zoning Act. After the planning commission holds at least one public hearing (section 306, MCL 125.3306) on a proposed amendment, the legislative body "may" hold another public hearing if it considers it necessary or as may otherwise be required. Section 3.21.06 of Troy's Zoning Ordinance now requires City Council to hold a public hearing on a rezoning request, and this procedure has been followed with regard to text amendments. The legislative body, under section 401, may refer any proposed amendment to the proposed text amendment or rezoning back to the planning commission for consideration and comment within a time period specified by the legislative body. Once again, this is not a change from the current requirements of the City and Village Act. Section 401 also requires the legislative body to grant a hearing on a proposed amendment to a property owner who makes a request for a hearing by certified mail. Since Troy's City Council already holds a public hearing with respect to all zoning amendments (including rezoning requests), it is our opinion there is no need to amend the procedural provisions of Troy's zoning ordinance with respect to hearings requested by a property owner.

Under Sections 401(6) and (7), MCL 125.3401 (6) and (7), once a zoning ordinance text amendment or rezoning is approved, the amendment must be published in a newspaper of general circulation within 15 days after adoption (this is not a new requirement) and it shall take effect upon the expiration of seven (7) days after publication or at such later date after publication as may be specified by the legislative body (this is a new requirement). Presently, chapter 5 of the City of Troy Charter requires that all ordinance amendments be published within ten (10) days after enactment and the effective date shall be set forth in the ordinance, but it shall not be earlier that ten (10) days after enactment nor before publication thereof. Section 401(10), MCL 125.3401(10), states the filing and publication

requirements of section 401 supersede any other statutory requirements relating to filing and publication of ordinances. Thus, the provisions of the new act would prevail over conflicting provisions of the Home Rule Cities Act. However, in our opinion, there is no need to amend the zoning ordinance based on the new provisions regarding the effective date for zoning ordinance amendments. Rather, we suggest all amendments to the zoning ordinance approved by City Council include a provision stating the amendment shall take effect seven days after publication or on a specific date to occur sometime more than seven (7) days after publication. All other requirements under section 401 are the same as those set forth under Section 4 of the City and Village Zoning Act, MCL 125.584.

Thus, with respect to the procedure for zoning ordinance text amendments and rezoning, there is no reason to amend Troy's Zoning Ordinance except with regard to the public hearing notice requirements. The proposed amendment attached to this memorandum includes the necessary provisions to comply with the public hearing notice requirements.

Section 402, MCL 125.3402, is only applicable to townships and counties. This section authorizes a referendum requiring a zoning ordinance to be submitted to the voters for approval or rejection if a petition is filed meeting certain time limitation and signature requirements. The provisions in this section are similar to current provisions of the township and county zoning acts. Although the Michigan Zoning Enabling Act does not provide for a right of referendum in cities and villages, home rule cities are authorized to include referendum provisions in their charters, and those provisions have been held applicable to zoning ordinance amendments.

Under section 403, MCL 125.3403, zoning ordinance amendments in cities and villages are subject to a protest petition. The provisions set forth in this section are the same as those set forth in Section 4(5) of the City and Village Zoning Act, MCL 125.584(5). Since Section 403 does not represent a change from existing provisions of the City and Village Zoning Act, there is no reason to amend the protest requirements of Troy's Zoning Ordinance.

Section 404, MCL 125.3404, provides for an interim zoning ordinance in those units of local government that are in the process of preparing the enactment of an initial zoning ordinance. Thus, section 404 is not applicable to Troy.

Section 405, MCL 125.3405, provides for conditional rezoning. The language set forth in this section is the same language that was added last year to the City and Village Zoning Act with regard to conditional rezoning. Troy is presently in the process of adopting an amendment to its zoning ordinance to allow for conditional rezoning. The proposed amendment complies with section 405.

Section 406, MCL 125.3406, authorizes a legislative body to require payment of fees for zoning permits as a condition to the granting of authority to use, erect, alter, or locate dwellings, buildings, and structures within a zoning district as established under the act. Since Troy's Zoning Ordinance already provides for the submission of the appropriate fee

with various zoning approval applications, there is no need to amend Troy's Zoning Ordinance as a result of Section 406.

Section 407, MCL 125.3407, provides that a violation of a zoning ordinance is a nuisance per se, entitling a unit of local government to a court order to abate such nuisance. This section also authorizes local units of government to establish a penalty for a violation or designate that violations are municipal civil infractions. Section 407 is similar to Section 7 of the City and Village Zoning Act, MCL 125.587. There is no need to amend Troy's Zoning Ordinance based on Section 407.

ARTICLE V: SPECIAL ZONING PROVISIONS

Article V establishes provisions applicable to several types of zoning approvals. Section 501, MCL 125.3501, establishes the procedure with respect to approval of site plans. Section 502, MCL 125.3502, establishes regulations governing special land uses. Section 503, MCL 125.3503, governs planned unit developments. Section 504, MCL 125.3504, is concerned with regulations, standards, and conditions that may be imposed with respect to special land uses and planned unit developments. Section 505, MCL 125.3505, provides that a local unit of government may require a performance guarantee to insure compliance with a zoning ordinance. Section 506, MCL 125.3506, establishes open space preservation requirements and regulations that must be provided in a zoning ordinance. Section 507-509, MCL 125.3507 through MCL 125.3509, provide regulations with respect to purchase of development rights.

All of the foregoing provisions are substantially similar to those now included in the City and Village Zoning Act. The only difference is the public hearing notice requirements with respect to certain types of land use approvals. Accordingly, there is no need to amend Troy's Zoning Ordinance with respect to the matters addressed in Article V, except the public hearing notice requirements. The proposed amendment to Troy's Zoning Ordinance includes those public hearing notice requirements for all zoning approvals.

ARTICLE VI: ZONING BOARD OF APPEALS

Article VI of the new act, MCL 125.3601 through MCL 125.3607, provides regulations with respect to the appointment and duties of the zoning board appeals.

Section 601, MCL 125.3601, establishes regulations regarding the appointment of a zoning board of appeals. The new act now mandates that one member of the zoning board of appeals also be a member of the planning commission. However, Troy's Zoning Ordinance already provides that one member of its Board of Zoning Appeals shall be a member of the Planning Commission. Section 601 also allows a member of the legislative body to serve as a member of the zoning board of appeals as long as he/she is not chairperson of the board. Under the new act, a member of the board may be removed by the legislative body for misfeasance, malfeasance, or nonfeasance in office upon "written charges" and after public hearing. The proposed amendment to Troy's Zoning Ordinance reflects this new requirement. Additionally, any vacancy on the board must be filled within one (1) month. The proposed amendment to Troy's Zoning Ordinance also reflects this new requirement.

The provisions set forth in sections 602, 603, and 604, of the act, MCL 125.3602, MCL 125.3603 and MCL 125.3604, govern the meetings of the zoning board of appeals and its power with respect to deciding questions that arise in the administration of a zoning ordinance. The provisions are essentially the same as those set forth in Section 5 of the City and Village Zoning Act, MCL 125.585. Accordingly, there is no immediate need to amend Troy's Zoning Ordinance with regard to the powers and duties of Troy's Board of Zoning Appeals. Section 604(9), MCL 125.3604(9), clarifies that cities and villages may grant use variances, but in townships and counties, a use variance may only be granted if the zoning ordinance for the township or county expressly authorized the granting of use variances as of February 15, 2006. Section 604(11), MCL 125.3604(11), makes it clear the authority to grant use variances is permissive. Troy's Zoning Ordinance currently does not allow use variances.

Section 605, MCL 125.3605, varies slightly from the comparable provisions of the City and Village Zoning Act. Under that section, only a party "aggrieved" by a decision of the zoning board of appeals may appeal to Circuit Court. Under the current City and Village Zoning Act, a person affected by the zoning ordinance may appeal to Circuit Court. Troy's Zoning Ordinance also indicates that a person "affected by the Zoning Ordinance may appeal" to Circuit Court. Troy's Zoning Ordinance should be amended to reflect the change in State Law. The proposed amendment includes language to carry out this requirement.

The remaining sections in Article VI govern Circuit Court procedure. It is not necessary to include the circuit court procedures in Troy's Zoning Ordinance.

Finally, all notices of public hearings of the zoning board of appeals are required to comply with the previously discussed notice requirements of the new act. The proposed amendment to Troy's Zoning Ordinance includes the new notice provisions as required.

ARTICLE VII: STATUTORY COMPLIANCE AND REPEALER

Section 701, MCL 125.3701, merely indicates all meetings under the act are subject to the Open Meetings Act, and all writings prepared as required under the act are subject to the Freedom of Information Act. This is not a change from previous law and therefore no amendment to the Troy's Zoning Ordinance is required based on Section 701.

Section 702, MCL 125.3702, repeals the City and Village Zoning Act, the County Zoning Act, and the Township Zoning Act. Accordingly, as of July 1, 2006, the foregoing acts will be repealed and the Michigan Zoning Enabling Act will govern all zoning matters. Since some of the provisions of Troy's Zoning Ordinance specifically refer to the City and Village Zoning Act, the proposed amendment to the ordinance revise those provisions as appropriate.

SUMMARY

The new Michigan Zoning Enabling Act represents the state legislature's attempt to consolidate all zoning laws into one statute as opposed to three. There is no substantial

change from the requirements of the City and Village Zoning Act. Some minor revisions to Troy's Zoning Ordinance are required, and those changes are included in the attached proposed amendment to the ordinance. We recommend submitting the proposed amendment to the Planning Commission as soon as possible for review and recommendation to City Council. The new provisions with respect to public hearing notices must be followed as of July 1, 2006, regardless of whether or not the amendment to the zoning ordinance is approved by that date.

Please let us know if you should have any questions.

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 39 OF THE CODE
OF THE CITY OF TROY

CITY COUNCIL PUBLIC HEARING DRAFT

The City of Troy ordains:

Section 1. Short Title

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

(Underlining, except existing section titles, and Strikeout denotes changes).

Section 2. Amendment

Chapter 39 of the Code of the City of Troy is amended by amending sections 02.10.00, 02.10.01, 02.20.00, 10.20.08, 10.25.03, 34.60.05, 43.10.00, 43.45.00, and 43.65.00, and by adding new sections 03.25.00, 03.34.00, 35.60.03, and 43.46.00, as follows:

02.10.00 PLANNING COMMISSION:

The City Planning Commission heretofore created pursuant to Public Act 285 of 1931, MCL 125.31, et. seq., as amended, and the City Charter, is hereby continued. Pursuant to section 301(2) of Act 110 of the Public Acts of 2006, MCL 125.3301(2), all powers and duties of a zoning commission are hereby transferred to the City Planning Commission, which is hereby designated as the Commission specified in Section 4, of Act 207 of the Public Acts of 1921, MCL 125.584, as amended, and shall perform the duties of said Commission as provided in the Statute in connection with the amendment of this Chapter.

02.10.01 MEMBERS, TERMS

The City Planning Commission shall consist of nine (9) members who shall represent insofar as possible different professions or occupations and who shall be appointed by the Mayor subject to the approval by a majority vote of the City Council. No member shall hold any other municipal office except that one of such members may be a member of the Board of Zoning Appeals. Each member shall receive as compensation for his services a sum to be determined by City Council (Resolution #2004-10-537-E14). The term of each member shall be three (3) years, except that three (3) members of the first commission so appointed shall serve for the term of one (1) year, three (3) for a term of two (2) years and three for a term of three (3) years. All members shall hold office until their successors are appointed. Members may, upon written charges and after a public hearing, be removed by the Mayor for inefficiency, neglect of duty, misfeasance, nonfeasance or malfeasance in office. Vacancies occurring

otherwise than through the expiration of term shall be filled for the unexpired term by the Mayor, subject to the approval by a majority vote of City Council.

02.20.00 CHANGES AND AMENDMENTS

The Troy City Council may from time to time, on recommendation from the City Planning Commission, or on petition amend, supplement or change the District boundaries or the regulations herein, or subsequently established herein pursuant to the authority and procedure established in Act 207110 of the Public Acts of 1921-2006 as amended. The City Planning Commission shall at least once per year prepare for the Troy City Council a report on the administration and enforcement of the zoning ordinance and recommendations for amendments or supplements to the ordinance.

03.25.00 PUBLIC NOTICE OF PROPOSED REZONINGS AND TEXT AMENDMENTS:

A. If an application for rezoning or a zoning ordinance text amendment is complete and the matter is ready to proceed to a public hearing in accordance with Act 110 of the Public Acts Of 2006, notice shall be given not less than 15 days before each public hearing at which the application will be considered. Notice shall be given by publication in a newspaper that circulates in the City of Troy, and by personal delivery or mailing to the following:

1. The applicant.
2. The owner(s) of the property, if the applicant is not the owner.
3. If the rezoning or zoning amendment involves less than 11 adjacent properties: the owners of all real property within 300 feet of the boundary for the property for which approval has been requested, as shown by the latest assessment roll, regardless of whether the owner and property is located within the City of Troy.
4. If the rezoning or zoning amendment involves less than 11 adjacent properties: occupants of any structures within 300 feet of the boundary for the property for which the approval has been requested, regardless of whether the owner and property is located within the City of Troy.

B. The notice shall include:

1. The nature of the rezoning or zoning amendment being requested.
2. The property(ies) for which the zoning amendment has been proposed.
3. If the rezoning or zoning amendment involves less than 11 adjacent properties, a listing of all existing street addresses within the property(ies) which is(are) the subject of the rezoning or zoning amendment. Street addresses do not need to be created and listed if

no such addresses exist. If there are no street addresses, another means of identification may be used.

4. The location where the application documents can be viewed and copied prior to the date the application will be considered.

5. The date, time and location of when the hearing on the application will take place.

6. The address at which written comments should be directed prior to the consideration.

03.34.00

PUBLIC NOTICE FOR SPECIAL USE APPROVALS:

A. If the application for Special Use Approval is complete, notice shall be given not less than 15 days before each public hearing at which the application will be considered. Notice shall be given by publication in a newspaper that circulates in the City of Troy, and by personal delivery or mailing to the following:

1. The applicant.

2. The owner(s) of the property, if the applicant is not the owner.

3. The owners of all real property within 300 feet of the boundary for the property for which approval has been requested, as shown by the latest assessment roll, regardless of whether the owner and property is located within the City of Troy.

4. The occupants of any structures within 300 feet of the boundary for the property for which the approval has been requested, regardless of whether the owner and property is located within the City of Troy.

B. The notice shall include:

1. The nature of the special use being requested.

2. The property(ies) for which the request has been made.

3. A listing of all existing street addresses within the property(ies) which is(are) the subject of the special use. Street addresses do not need to be created and listed if no such addresses exist. If there are no street addresses, another means of identification may be used.

4. The location where the application documents can be viewed and copied prior to the date the application will be considered.

5. The date, time and location of when the hearing on the application will take place.

6. The address at which written comments should be directed prior to the consideration.

10.20.08 The Open Space Preservation Option may be utilized in the R-1A and R-1B districts, to comply with PA 179 of 2001 (amendment to City and Village Zoning Act)MCL 125.3506, as amended, subject to the requirements of Section 34.60.00.

10.25.03 Adult Foster Care Facilities, as defined by Section 400.70~~23~~ (4) of Act 218, of 1979 of the State of Michigan, as provided for by said Act and to the extent exempted from local regulation by Section 400.733 (Sec. 33) thereof, and by Section ~~3206 (b)~~ of Act ~~207110~~ of ~~49212006~~ as amended (the Michigan Zoning Enabling Act).

34.60.05 Regulatory Flexibility: To comply with the “open space preservation” provisions of the City and Village Michigan Zoning Enabling Act, the City may permit specific departures from the requirements of the Zoning Ordinance for yards and lots as a part of the approval process. The applicant may cluster the dwellings on smaller lots, provided the following:

- A. Overall density shall not exceed the number determined in the parallel plan.
- B. Setback provisions shall be as follows:
 - 1. Setback requirements for main buildings at the perimeter of the development shall be equal to existing, underlying zoning.
 - 2. Setback requirements for main buildings on the interior of the development shall be provided to newly created streets, an interior property line, or from the open space preservation area. If property lines do not exist between buildings, the setbacks shall be measured to an imaginary line between the buildings. The minimum setbacks shall be as follows:

Front	25'
Rear	35'
Sides	10'
- C. All regulations applicable to parking and loading, general provisions, and other requirements shall be met.
- D. The permitted uses shall be restricted to single family detached residential development, residential accessory structures, and non-commercial recreation uses.

35.60.03

PUBLIC NOTICE FOR PLANNED UNIT DEVELOPMENT PUBLIC HEARINGS:

A. For public hearings required with respect to a Planned Unit Development, notice shall be given not less than 15 days before each public hearing at which the Planned Unit Development will be considered. Notice shall be given by publication in a newspaper that circulates in the City of Troy, and by personal delivery or mailing to the following:

1. The applicant.
2. The owner(s) of the property, if the applicant is not the owner.
3. The owners of all real property within 300 feet of the boundary for the property for which approval has been requested, as shown by the latest assessment roll, regardless of whether the owner and property is located within the City of Troy.
4. The occupants of any structures within 300 feet of the boundary for the property for which the approval has been requested, regardless of whether the owner and property is located within the City of Troy.

B. The notice shall include:

1. The nature of the Planned Unit Development being proposed.
2. The property(ies) for which the request has been made.
3. A listing of all existing street addresses within the property(ies) which is(are) the subject of the proposed Planned Unit Development. Street addresses do not need to be created and listed if no such addresses exist. If there are no street addresses, another means of identification may be used.
4. The location where the application documents can be viewed and copied prior to the date the application will be considered.
5. The date, time and location of when the hearing on the application will take place.
6. The address at which written comments should be directed prior to the consideration.

43.10.00

CREATION AND MEMBERSHIP

There is hereby established a Board of Zoning Appeals, which shall perform its duties and exercise its powers as provided in Section 5-Article VI of Act 207110 of Public Acts of 19242006, as amended, and in a way that the objectives of this chapter shall be observed, public safety secured, and substantial justice done. The Board shall consist of seven (7) members appointed by the City Council, one (1) of whom shall be a member of the City Planning Commission with appointment

occurring annually. The City Council may also, at its discretion, appoint not more than two (2) alternate members, for the same term as regular members of the Board of Appeals, and one (1) alternate to the Planning Commission representative who shall serve for the same (1) year term as the Planning Commission representative. Alternate members shall function in accordance with the procedures established by Section 5 Article VI of Act 207110 of Public Acts of 19212006, as amended. The Board shall annually elect a Chairperson and Vice Chairperson. The compensation of the appointed members of the Board may be fixed by the City Council. A member of the Board of Zoning Appeals may be removed by City Council for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office. Whenever a vacancy occurs, a successor shall be appointed not more than one month from the date of the vacancy or the last date of the term of the preceding member. Vacancies for unexpired terms shall be filled for the remainder of the term.

43.45.00

NOTICE OF HEARING ON APPEALS AND REQUESTS FOR VARIANCES:

The Board of Zoning Appeals shall schedule ~~the~~ hearing of the on all appeals and requests for variances and give notice of the appeal to persons to whom real property within 300 feet of the premises in question is assessed, and to the occupants of single and two-family dwellings within 300 feet as set forth below. The notice shall be delivered personally or by mail addressed to the respective owners and tenants at the address given on the last assessment roll. ~~If the tenant's name is not know, the term occupant may be used.~~ The Board of Zoning Appeals shall ~~make a decision~~ decide on the appeal and/or variance request within a reasonable time. ~~The A~~ party may appear at the hearing in person or by a representative. The Board of Zoning Appeals may reverse, affirm or modify the decision of the Director of Building and Zoning. The Board of Appeals may grant or deny a request for a variance, or grant a lesser variance than requested. The Board of Appeals may impose conditions allowed by this ordinance and the Michigan Zoning Enabling Act.

43.46.00

PUBLIC NOTICE FOR HEARINGS ON APPEALS AND VARIANCES:

A. If the application for an appeal or variance is complete, notice shall be given not less than 15 days before each public hearing at which the application will be considered. Notice shall be given by publication in a newspaper that circulates in the City of Troy, and by personal delivery or mailing to the following:

1. The applicant.

2. The owner(s) of the property, if the applicant is not the owner.

3. The owners of all real property within 300 feet of the boundary for the property for which an appeal or variance has been requested, as shown by the latest assessment roll, regardless of whether the owner and property is located within the City of Troy.

4. The occupants of any structures within 300 feet of the boundary for the property for which an appeal or variance has been requested, regardless of whether the owner and property is located within the City of Troy.

B. The notice shall include:

1. The nature of the appeal or variance being requested.

2. The property(ies) for which the request has been made.

3. A listing of all existing street addresses within the property(ies) which is(are) the subject of the appeal or variance. Street addresses do not need to be created and listed if no such addresses exist. If there are no street addresses, another means of identification may be used.

4. The location where the application documents can be viewed and copied prior to the date the application will be considered.

5. The date, time and location of when the hearing on the application will take place.

6. The address at which written comments should be directed prior to the consideration.

43.65.00 REVIEW BY CIRCUIT COURT

A person ~~affected by the Zoning Ordinance may aggrieved by a decision of the Board of Zoning Appeals may~~ appeal the decision ~~of the Board~~ to Circuit Court, as provided by law. An appeal to Circuit Court shall be filed within 30 days after the Board of Zoning Appeals certifies its decision in writing or approves the minutes of its decision.

Section 3. Savings

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

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

Section 4. Severability Clause

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

Section 5. Effective Date

This Ordinance shall become effective October 1, 2006 ~~July 1, 2006~~ or seven days after the date of publication, whichever shall later occur.

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

Louise E. Schilling, Mayor

Tonni Bartholomew, City Clerk

TROY HISTORIC DISTRICT COMMISSION MINUTES – FINAL

JUNE 28, 2006

A special meeting of the Troy Historic District Commission was held Wednesday, June 28, 2006 at the Troy Museum. Barbara Chambers called the meeting to order at 6:30 P.M.

ROLL CALL	PRESENT	Barbara Chambers Muriel Rounds Marjorie Biglin Ann Partlan Loraine Campbell, Museum Manager
	ABSENT	Sabah Jihad Paul Lin Robert Hudson

Resolution #HDC-2006-06-001

Moved by Biglin

Seconded by Partlan

RESOLVED, That the absence of Jihad, Lin and Hudson be excused.

Yes: 4— Chambers, Rounds, Biglin, and Partlan

No: 0

MOTION CARRIED

Resolution #HDC-2006-06-002

Moved by Rounds

Seconded by Partlan

RESOLVED, That the minutes of the May 16, 2006 meeting be approved.

Yes: 4— Chambers, Rounds, Biglin, and Partlan

No: 0

MOTION CARRIED

NEW BUSINESS

A. Request by the Troy Historical Society

1. The commission received a request from Cheryl Barnard, President of the Troy Historical Society to apply the fund balance in the FY 2005/06 budget to two historic preservation projects at the Troy Museum and Historic Village including:

- A. \$5,000 towards completion of a new site plan for the Troy Museum which is an historic district

- B. \$4,500 for UV filters for the Caswell House, which is on the National Historic Place list.

Resolution #HDC-2006-06-003

Moved by Partlan

Seconded by Biglin

RESOLVED, That the request by the Troy Historical Society for financial support of two historic preservation projects at the Troy Museum be approved.

Yes: 4— Chambers, Rounds, Biglin, and Partlan

No: 0

MOTION CARRIED

The Troy Historic District Commission Meeting was adjourned at 6:45 PM p.m. The next meeting will be held Tuesday, August 15, 2006 at 7:00 p.m. at City Hall in Conference Room C.

Barbara Chambers
Chairperson

Loraine Campbell
Recording Secretary

A. CALL TO ORDER

A regular meeting of the Troy Daze Advisory Committee was held Tuesday, July 24, 2006 at the Troy Community Center. Meeting was called to order at 7:32 pm.

B. ROLL CALL

Bob Berk
Cele Dilley
Bill Hall
Cheryl Whitton
Marilyn Musick

Kessie Kaltsounis
Connie Huang, Student Rep
Mike Gonda
Bob Preston

City Staff:

Cindy Stewart
Bob Matlick
Jeff Biegler

Festival Chairman:

Tom Kaszubski

Absent:

Jeff Stewart
Kasey Wang, Student Rep

Resolution #TD-2006-07-88

Motion to excuse absent members: by Bill Hall, seconded by Bob Preston.

RESOLVED that Jeff Stewart and Kasey Wang are excused from the July meeting.

Yeas: All

Nays: None

MOTION CARRIED

C. ADDITION/DELETIONS TO AGENDA

New Business

2. Leadership Troy outstanding volunteer
3. Police Honor Guard Proposal
4. Troy Jaycee Proposal
5. Update on Arnold's Amusement

D. APPROVAL OF MINUTES

Resolution #TD-2006-07-89

Moved by Mike Gonda

Seconded by Cheryl Whitton

to approve the June 27, 2006 minutes with corrections

pg 6 – 2nd bullet: accepts = accepted

pg 9 – one = on

- sated = stated

pg 4 – to approve written twice

pg 11 – remove sentence (all 3 companies will quote on both)

RESOLVED that the minutes of the June 27, 2006 advisory committee meeting are approved with corrections.

Yeas: All

Nays: None

MOTION CARRIED

E. TREASURER’S REPORT

Deposits \$ 23,395.00 City

4,500.00 Community Foundation

\$27,895.00

No June statement from the City yet

Resolution #TD-2006-07-89

Moved by Kessie Kaltsounis

Seconded by Mike Gonda

to accept the Treasurer’s Report of June 30, 2006.

RESOLVED that the Treasurer’s Report of June 30, 2006 is approved.

Yeas: All

Nays: None

MOTION CARRIED

F. NEW BUSINESS

1. Appointment of Troy Daze Festival Activity Chairpersons – NONE

2. Leadership Troy Outstanding Volunteer –

Names needed by August meeting. Also business nominations.

3. Police Honor Guard Proposal –

They would like an outside booth for a dunk tank. Normal size for outside booth area is 25' x 20'. Would City Council approve a dunk tank? City will add the request onto August 14 report to Council. Is space sufficient? They will need access to water.

Resolution #TD-2006-07-90

Moved by Bob Berk

Seconded by Mike Gonda

Motion to send the proposal for Police Honor Guard dunk tank to City Council for the August 14th agenda.

RESOLVED that the proposal for Police Honor Guard dunk tank is sent to City Council for the August 14th agenda.

Yeas: All

Nays: None

MOTION CARRIED

4. Troy Jaycee Proposal

Cutest Pet Contest – Fundraiser for Jaycees. Picture of animals to be placed on jars. \$10 entry fee. People vote by putting money in the jars. They need to rent booth space in main tent. If they rent a booth they can do this. Cele will call them.

5. Update on Arnold Amusements –

Cheryl, Tom and Cele met with the Arnold's regarding reduced hours. There are a few suggestions and minor changes.

There will be a meeting with the Police, the Troy Daze Board, Tom Kaszubski and Arnold's on Thursday morning regarding the logistics on closing the festival in the evening.

Wristbands:

Sat: 11 am – 5 pm (same as 2005)

Sun 12 – 5 pm (change from 2005)

Price increase from \$18 to \$20

Thursday special

1 less ticket per ride (example: 3 tickets/ride; special = 2 tickets)

Layout discussed. They will come back with a drawing of changes.

Eliminate rides for Senior Sensation. Last year no one took advantage of rides.

The changes will be in a memo to Council for the August 14th meeting. They met with Brian Murphy and he doesn't anticipate any problems. He will make the recommendation to Council.

Arnold's is not in favor of selling pre-sale ride bracelets. What if it rains? How would they handle refunds? We will re-look at this for 2007.

The need for more ticket booths was discussed with Arnold's and they will comply.

G. OLD BUSINESS

1. Committee Manual – Lori Bluhm, City Attorney

Gave an overview of changes/editions/edits to manual. Discussion was held.

Resolution #TD-2006-07-91

Moved by Mike Gonda

Seconded by Kessie Kaltsounis

Motion to approve the Committee Operations Manual with changes & corrections per the City Attorney.

RESOLVED that the Committee Operations Manual is approved with changes & corrections per the City Attorney.

Yeas: All

Nays: None

Approved unanimously

Discussion to have more clarity with bid procedures. Bob Berk said we can modify as needed.

2. Demographics

Suggestion: make household income question optional. If they don't want to fill out, they will leave blank.

Remove Ability Expo and Parade. Add Miss Troy, Petting Zoo.

Send suggestions to Bob Preston.

3. Update on Contracts

- a. Shirts – decide quantity. Color is jade and they will have the wizard logo and Comcast logo on the sleeves.
- b. Pony Rides/Petting Zoo – No info received
- c. Golf Carts - Info in JDE
- d. Stage/Lighting/Platforms/Flooring - Waiting for one more quote.
- e. Porta-Johns - Info entered
- f. Portable Lights/Generators - Jeff W looking at specs from 2005. Info entered in JDE.
- g. Tents - Formal bid to be opened July 28.
- h. Electric Message Boards – Jeff spoke with vendor.
- i. Trailers - Info entered in JDE
- j. Electrical - No info received from Jeff Winiarski re: price
- k. Tables/Chairs - Info entered into JDE
- l. Fireworks - Approved by Council on July 10, 2006.
- m. Lawn Signs - Double the order from 2005
- n. Sound - Quote sent based on what Bob Broquet provided as well as update for new bands.

Low bid is Advance Lighting and Sound \$2,400. Plus \$2,800 for the upgraded system the bands require. If using both systems, there would be a \$500 deduction from the total price.

In the past, Bob Broquet quoted the equipment with the work done by volunteers in the past.

Discussion:

Radios – what is included? Exactly what Bob Broquet listed in his spec
Other prices:

Advanced \$2400 and \$2800 for Option 2

Jeff Winiarski \$4000 – quoted Option 1 only

Visionary \$6325

Reinforcements \$9800

O + A \$22,000

Midwest Visual \$43,000

Will there be someone on site? What if there is a problem?

Cheryl Whitton: They will set up all systems but provide no one to run it?

Tom Kaszubski : Tie them into a 3-year contract since next year we'll lose Bob Broquet.

Mike Gonda: Can we ask Advanced Lighting & Sound if they are going to provide someone?

Tom Kaszubski: Or will we need more than one person?
Are they are insured? Yes.

Cheryl Whitton – Do we need this equipment?

Jeff Biegler: Some bands do need this equipment. There is additional money in the entertainment budget to make up the difference.

Cele Dilley: Have we gone out with electrical contracts?

Jeff Biegler: No

Tom Kaszubski: Is electrical an extended contract?

Jeff Biegler: No, it is year to year. There is no time now.

Lori Bluhm: You should get informal quotes at a minimum for \$8000 electrical contract.

Cheryl Whitton: In the past, quotes came back two or three times this amount.

Lori Bluhm: I recommend you get 3 quotes on electrical to protect yourself.

Kessie Kaltsounis: In past we took a low bid on an amusement vendor and then they went out of business. Can we override?

Lori Bluhm: You could get criticized for not going with low bidder if they are qualified.

Kessie Kaltsounis: I would feel better if the low bidder would supply a person to operate the equipment.

Mike Gonda: Have the Entertainment Chair man the equipment. We could approve with Entertainment Chair and Co-Chair being responsible for all sound equipment.

Cheryl Whitton: What if there are other problems elsewhere?

Jeff Biegler: Quotes opened Monday, July 24, 2006. Prices held for 60 days. Quotes include set up and tear down.

Bob Berk: Equipment was leased in the past with guaranteed volunteer.

Kessie Kaltsounis: Motion we go with bid that guarantees us a volunteer.

Lori Bluhm: There is no bid that offers a volunteer.

Bob Bishop: Call Troy Schools, do they have volunteers that could operate the equipment?

Lori Bluhm: Now you have no choice but to approve the low bid. You are resourceful, you can find volunteers. You can go back and ask them if they'd provide staffing.

Cele Dilley: Can we go out and get a quote for manpower? We have so much that's new this year. Can we contact the companies and get prices on manpower to run the equipment?

Bob Berk: If they operate the equipment, do they need to be insured?

Lori Bluhm: Yes

Mike Gonda: Can we vote on this or will City tell us who is low bid? How can we tell who is a qualified technician?

Kessie Kaltsounis: Can Jeff get quotes for manpower within a week so Troy Daze can meet at a special meeting?

Resolution #TD-2006-07-92

Moved by Mike Gonda

Seconded by Kessie Kaltsounis that Jeff Biegler goes out for quotes for manpower for the sound equipment.

RESOLVED that Jeff Biegler gets new quotes for manpower for the sound equipment.

Yeas: All

Nays: None

MOTION CARRIED

Jeff will let the Board know what quotes are received and if a special meeting needs to be called.

Public Comment

Laura McCall: Upset at Board's decision related to Junior Miss pageants. It has been a classy event. Where will the girls get changed? Will there be enough room for this event? She does not believe there will be as many contestants and it will not be as professional as it has been in the past. They do pay an entry fee to be in it.

Member Comment - None

MOTION TO ADJOURN

Resolution #TD-2006-07-93

Moved by Mike Gonda

Seconded by Kessie Kaltsounis

RESOLVED that the Troy Daze Advisory Committee Meeting be adjourned at 9:32 p.m.

Yeas: All

Nays: None

MOTION CARRIED

Committee Meeting

Call to order 9:33 pm

Attendance:

Mike Gonda

Bill Hall

Tom Kaszubski

Marilyn Musick

Doris Schuchter

Tarcisi Massaini

Jeffrey Super

Bob Berk

Tom Duszynski

Darcel Connors

Diane Mitchell

Kathie Troshynski

Dan O'Brien

Jim Hattan

Cele Dilley

Cheryl Whitton-Kaszubski

Robert Preston

Susan Regina

Tom Tighe

Connie Huang

Tammy Duszynski

Padma Kuppa

Reuben Ellis

Kessie Kaltsounis

Danielle Cheli

City Staff

Bob Matlick

Cindy Stewart

Jeff Biegler

Lori Bluhm

Motion by Kessie Kaltsounis, seconded by Cheryl Whitton to approve the April 25, 2006 meeting minutes. Approved unanimously.

Request Reminders

Please turn them in to Cheryl Whitton asap. Certificates for prizes will be in the festival headquarters. Chairpersons please pick them up.

General Chairman's Report

Rosters – Keep them when included with your packet. They will only be added to packet when there are new changes.

Classic Auto Show – cancelled due to tennis court resurfacing.

Time Schedules for evening events – Mr. Troy, Miss Troy, Talent Show, etc. please note, Festival will close at 10 pm. General public will adhere to this rule. Police will strictly enforce. Be sure you have enough time for your event to end on time. Tight scheduling.

Checks – if received they must go through the Festival Treasurer first and she will turn them into the Finance Department

Communications – Call Cele Dilley and Tom Kaszubski.

Event Chairperson Reports

Talent Show - Diane Mitchell: 8 applications submitted to date. Still looking for an emcee. Diane will call Jeff Stewart, Entertainment Chair.

New Car – same as last year with face parking at entrance.

Cutest Toddler – same as last year.

Magic Cauldron - Marilyn Musick: same

Shuttles - Jeff Super: all set

Photography Show - Tom and Tammy Duszynski: free portraits will be done by high school students. Additional lighting is needed under the tent. Flats have been painted. Tent will be moved north-south for equal exposure for both photography and student art.

EthniCity – Padma Kuppa: Three booth applications in with 4 - 6 in process.

Student Volunteers: Send info re: time slots and jobs needing students to Sandy Macknis.

Volunteer shirts to be ordered = 250

Shuttle drivers shirts = 95

Senior Sensation shirts = 20

Demographics – Bob Preston: plan to use seniors for 4-hour time blocks on Saturday and Sunday in the food court and the Magic Cauldron area from approx. 1 – 5 pm.

Magic Cauldron Crafts – all set

Student Art -Kathy T: Stress that more lighting is important in the evening. Hope to get sponsor involved re: judging, etc.

Junior Miss Troy - Danielle Cheli: Most concerned with electricity for pageant in dressing room tent. 27 applicants - all age groups but the 5-7 year old category are closed. August 4 deadline for Little Miss Pageant. They only have 2 applications. Flooring in the tent – no vendors found yet. Program – send info to Cindy Stewart for printing.

Microphones – need 3 on the stage. Chairs in tent need to be reorganized audience style. Miss Troy currently has one contestant. Danielle will send out the info on the pageant to help. If there are only 3 contestants what about combining with other pageants? Miss Troy is scheduled 7:30 – 9:30 pm on Friday.

Motion by Cheryl Whitton, seconded by Mike Gonda that if it is acceptable to Susan Regina, Miss Troy Chair and if her Miss Troy contestants number is under 8, we will combine the Miss Troy and Junior Miss pageants for Friday evening 7:30 – 9:30 pm.

Yeas: All

Nays: None

MOTION CARRIED

Naturalization Ceremony - Cindy Stewart, Dan O'Brien: All set. Federal Judge Lawson all set. Judge Martone spoke with INS – Jack Linn is coordinating new citizens.

Fire Dept. – Bob Matlick: Tentative Water Battle

Sponsors – Cindy Stewart: Listed below are the sponsors in to date.

Comcast	\$8,000	Entertainment Tent
Henry Ford Hospital	\$3,000 inkind	Medical Services
Tringali Sanitation	\$2,500	Fireworks
National City Bank	\$2,500	Magic Cauldron Entertainment
WOW	\$2,500	Special Childrens/Special Adults
MI School/Govt CU	\$2,000	Shuttles
President Tuxedo	\$2,000 inkind	Mr. Troy
Beaumont Hospital	\$1,500	Senior Sensation
International Transmission	\$1,000	Magic Cauldron
Garry Carley	\$ 200	Special Childrens/Special Adults
Zumba's Mexican Grill	\$100	Mr. Troy (10 \$10 gift certificates)

Need logos from sponsors for golf carts. Also volunteer shuttle drivers

Petting Zoo & pony rides - need contract/ins from Wilson

Radios from the school district.

Mr. Troy – Bill Hall: 2 applications turned in to date. Will need two Miss Troy winners for escorting contestants.

Info Booth – Can they get electricity this year? Yes. 6 helium tanks are on order. Balloons are in.

Booths – Cele Dilley: 15 food, 50 under the tent and 5 outside.

Special Children – Linda Hannan is going to limit the number to 600 including children and chaperones.

Senior Sensation – need tables for breakfast

Alliance Mobile Health – ok for free booth

Outside Stage – 27 entertainers scheduled.

MOTION TO ADJOURN

Moved by Bill Hall

Seconded by Kessie Kaltsounis

RESOLVED that the Troy Daze Festival Committee Meeting be adjourned at 10:30 pm.

Yeas: All

Nays: None

MOTION CARRIED

Cele Dilley, Chairperson

Cindy Stewart, Recording Secretary

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:32 p.m. on August 1, 2006 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Mary Kerwin
Fazal Khan
Lawrence Littman
Robert Schultz
Thomas Strat
Mark J. Vleck
David T. Waller

Absent:

Lynn Drake-Batts
Wayne Wright

Also Present:

Mark F. Miller, Planning Director
R. Brent Savidant, Principal Planner
Allan Motzny, Assistant City Attorney
Jonathan Shin, Student Representative (arrived 8:10 p.m.)

Resolution # PC-2006-08-125

Moved by: Littman
Seconded by: Khan

RESOLVED, That Members Drake-Batts and Wright are excused from attendance at this meeting for personal reasons.

Yes: All present (7)
No: None
Absent: Drake-Batts, Wright

MOTION CARRIED

2. APPROVAL OF AGENDA

Resolution # PC-2006-08-126

Moved by: Khan
Seconded by: Schultz

RESOLVED, To approve the Agenda as published.

Yes: All present (7)
No: None
Absent: Drake-Batts, Wright

MOTION CARRIED

3. MINUTES

Resolution # PC-2006-08-127

Moved by: Schultz

Seconded by: Khan

RESOLVED, To approve the July 25, 2006 Special/Study meeting minutes as published.

Yes: Kerwin, Khan, Littman, Schultz, Strat, Vleck

No: None

Abstain: Waller

Absent: Drake-Batts, Wright

MOTION CARRIED

4. PUBLIC COMMENT (Items Not on the Agenda)

There was no one present who wished to speak.

5. BOARD OF ZONING (BZA) APPEALS REPORT

Mr. Littman reminded members that he emailed the report to all Planning Commissioners. There were no questions regarding his report.

6. DISCUSSION OF POSSIBLE ZONING ORDINANCE TEXT AMENDMENT – Optional Process for Planned Unit Development (PUD) Review and Approval

Mr. Miller presented an overview of this issue. The existing PUD approval process is cumbersome, particularly for large projects that require phasing over a period of many years. An optional PUD review and process is proposed. The owner of the former K-Mart property assisted the Planning Department in creating the optional approval process.

Rick Rattner of 380 N. Old Woodward Avenue, Birmingham, was present. Mr. Rattner, an attorney representing the developer of the K-Mart property, summarized the proposed process.

Hunter Richardson, Richardson Development Company, Reston, Virginia, summarized the proposed project and expressed concern with the existing PUD provisions. Specifically, the provisions require high up-front costs and limits flexibility in use and design for phased projects.

General discussion followed. Some members expressed concern that developers could construct the most valuable components and then abandon the remainder of the project.

A sub-committee was formed to develop an optional PUD review and approval process. The sub-committee consists of members Strat, Littman and Schultz.

7. PLANNING CONFERENCES – MAP CONFERENCE AND APA CONFERENCE

Mr. Miller reported the Michigan Association of Planning (MAP) annual conference is October 11-14, 2006 at the Marriott Renaissance Center, Detroit, Michigan, and the annual conference of the American Planning Association (APA) is April 14-18, 2007 in Philadelphia, Pennsylvania. Mr. Miller indicated costs for the MAP conference would be reduced because overnight accommodations are not necessary. He asked members to indicate their interest in attending the MAP conference, so budget monies could be addressed for attendance at the APA conference.

Members interested in attending the MAP conference: Kerwin (single day), Khan (single day), Littman, Schultz, Strat, Vleck, Waller.

Members interested in attending the APA conference: Kerwin, Littman, Schultz, Strat.

Mr. Waller suggested that a member of the Planning Commission should attend the Greenbuild Conference in Denver, Colorado.

Ms. Kerwin expressed her interest in attending the October Citizens Planner Workshop.

Chair Strat requested a recess at 9:20 p.m.

The meeting reconvened at 9:25 p.m.

8. SUB-COMMITTEE PROGRESS REPORTS AND DISCUSSION

A. *Tracking of Planning and Zoning Projects – Schultz*

Mr. Schultz described the process of creating a draft tracking document. Mr. Savidant presented the draft document. General discussion followed and some changes were suggested.

- B. *By-Laws – Kerwin / Waller*
Ms. Kerwin presented draft By-Laws. General discussion followed and some changes were suggested.
- C. *Complete Update of Ordinance - Time Line and Milestones - Mark Miller*
Mr. Miller discussed timelines for preparation of an RFQ and selection of a firm to assist in the preparation of a revised Zoning Ordinance.
- D. *Sustainable Development Standards - Khan / Waller*
Mr. Waller and Chair Strat will work together in the future to define the terms used in “C” and “D”.
- E. *Design Standards and Examples - Khan / Waller*
Mr. Khan indicated he would be unable to participate as a sub-committee member due to work commitments.
- F. *Promotion of Ingenuity - Mark Miller*
Chair Strat went around the table asking how each member would create ingenuity. General discussion followed.
- G. *Educational - Speakers and Presentations to Planning Commission – Strat*
Chair Strat indicated there would be an educational speaker at a future meeting to discuss design standards in general and the use of brick in particular.

9. PUBLIC COMMENTS – Items on Current Agenda

There was no one present who wished to speak.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 10:15 p.m.

Respectfully submitted,

Thomas Strat, Chair

R. Brent Savidant, Principal Planner

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:30 p.m. on August 8, 2006, in the Library Meeting Room at the Troy Public Library.

1. ROLL CALL

Present:

Lynn Drake-Batts
Mary Kerwin
Fazal Khan
Lawrence Littman (arrived 7:40 p.m.)
Robert Schultz
Thomas Strat
Mark J. Vleck
David T. Waller

Absent:

Wayne Wright

Also Present:

Mark M. Miller, Planning Director
R. Brent Savidant, Principal Planner
Allan Motzny, Assistant City Attorney
Kathy Czarnecki, Recording Secretary
Jonathan Shin, Student Representative

2. APPROVAL OF AGENDA

Resolution # PC-2006-08-128

Moved by: Khan
Seconded by: Kerwin

RESOLVED, To approve the Agenda as published.

Yes: All present (7)
No: None
Absent: Littman (arrived 7:40 p.m.), Wright

MOTION CARRIED

3. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

POSTPONED ITEM

4. **SPECIAL USE REQUEST (SU 117-C)** – Proposed Private School, St. Mark Christian Academy at St. Mark Coptic Orthodox Church, West side of Livernois, South of Kirk Lane (3603 Livernois), Section 21 – R-1B

Mr. Miller presented a summary of the Planning Department report on the proposed special use request. Mr. Miller specifically addressed the special use approval standards. He introduced correspondence from the Building Department that was distributed to members prior to the beginning of tonight's meeting. The correspondence relates to several code enforcement violations on the subject property. Mr. Miller noted that the petitioner submitted no additional documentation to the Planning Department since the July Regular meeting.

The petitioner, Constantine Pappas of 560 Kirts, Troy, was present. Mr. Pappas said site improvements that relate to the original special use approval are underway at the church entrance. He indicated that some of the code enforcement violations exist as a result of the construction. Mr. Pappas requested to postpone the item for 30 days. He said the postponement would allow the church to complete the site improvements, final grading, landscaping requirements and resolution of existing code enforcement violations.

Mr. Schultz addressed the notation on the site plan that indicates the access to the dumpster is a 5-foot concrete walk.

Mr. Pappas said he would make a correction to the site plan.

[Mr. Littman arrived at 7:40 p.m.]

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED**Resolution # PC-2006-08-129**

Moved by: Waller
Seconded by: Vleck

RESOLVED, That this matter, at the request of the church representative, be postponed until the September 2006 Regular meeting.

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

MOTION CARRIED

Resolution # PC-2006-08-130

Moved by: Khan
Seconded by: Waller

RESOLVED, That Member Wright is excused from attendance at this meeting for personal reasons.

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

MOTION CARRIED

REZONING REQUEST

5. **PUBLIC HEARING – PROPOSED REZONING (Z 719)** – Proposed Troy Medical Office, West side of Livernois, North of Big Beaver, Section 21 – From R-1B (One Family Residential) to O-1 (Low Rise Office)

Mr. Miller presented a summary of the Planning Department report on the proposed rezoning. Mr. Miller specifically addressed a buffer zone for the residential property to the north of the subject site. Mr. Miller reported it is the recommendation of City Management to postpone the request to the September 2006 Regular meeting. He said a postponement would allow time to review public input and to determine a zoning pattern that would provide an appropriate relationship with the property to the north.

The petitioner, Jeff Pfeifer of Boulder Construction Company, 30078 Schoenherr, Warren, was present. Mr. Pfeifer indicated the O-1 zoning would provide an appropriate buffer to the north, in their opinion.

Mr. Khan asked if the same owner of the subject parcel owns the two parcels to the south.

Mr. Pfeifer replied that the two parcels to the south are owned by another entity.

Chair Strat encouraged the petitioner to contact the Planning Department for information on a recent amendment to the Zoning Ordinance for conditional rezoning.

PUBLIC HEARING OPENED

Tom Sawyer, an attorney in Troy, was present. [Mr. Sawyer did not sign in.] Mr. Sawyer provided a history of the subject property, and indicated he understands the

intent of City Management's recommendation to postpone the matter for further review.

Karen Crusse of 55 Timberview Drive, Troy, was present. Ms. Crusse is one of the three property owners whose home abuts the proposed development, as well as president of the Westwood Park Subdivision Homeowners' Association. Ms. Crusse addressed the buffer between commercial and residential and the existing vegetation. She said homeowners do not want the commercial property in their back yards and would prefer the P-1 buffer.

Mr. Waller asked if the subdivision homeowners made an offer to purchase the subject parcel.

Ms. Crusse replied that several homeowners discussed purchasing the parcel, and it was determined to be too much of a financial impact.

Dick Minnick of 28 Millstone, Troy, was present. Mr. Minnick concurred with the concerns addressed by Ms. Crusse. He addressed the expansion of the Civic Center complex and potential traffic concerns should the three parcels on Livernois be developed individually as commercial.

John Crusse of 55 Timberview Drive, Troy, was present. Mr. Crusse expressed concerns with the existing mature trees and vegetation, and the view of parked cars from his window.

Linda Schulz of 87 Timberview Drive, Troy, was present. Ms. Schulz asked that the privacy of abutting residents be taken into consideration with respect to the buffer. She shared her research in the purchase of the subject parcel.

PUBLIC HEARING CLOSED

Mr. Vleck said he is in favor of tabling the matter for further review and consideration of the public input, conditional rezoning and an environmental buffer.

Mr. Khan agreed consideration should be given to providing an environmental buffer and consolidation of the parcels for development.

Chair Strat said P-1 zoning would have a negative affect on the existing vegetation.

Resolution # PC-2006-08-131

Moved by: Vleck
Seconded by: Littman

RESOLVED, That the proposed rezoning request (Z 719) be postponed to the September 2006 Regular meeting.

Discussion on the motion on the floor.

Mr. Vleck said consideration should be given to the type of screening for the protection of existing vegetation.

Chair Strat encouraged the petitioner to work with the homeowners to the north.

Vote on the motion on the floor.

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

MOTION CARRIED**ZONING ORDINANCE TEXT AMENDMENTS**

6. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 224) MICHIGAN ZONING ENABLING ACT – Articles 02.00.00, 03.00.00, 10.00.00, 34.00.00, 35.00.00 and 43.00.00 – Revisions to bring the Zoning Ordinance into compliance with the Michigan Zoning Enabling Act, PA 110 of 2006

Mr. Miller reviewed the proposed zoning ordinance text amendment.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED**Resolution # PC-2006-08-132**

Moved by: Schultz
 Seconded by: Kerwin

RESOLVED, That the Planning Commission hereby recommends to the City Council that Articles II, III, X, XXXIV, XXV and XLIII, pertaining to revisions to bring the Zoning Ordinance into compliance with the Michigan Zoning Enabling Act, PA 110 of 2006, be amended as printed on the proposed Zoning Ordinance Text Amendment.

Discussion on the motion on the floor.

Mr. Khan noted a discrepancy in the numbering of Section 35.

Vote on the motion on the floor.

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

MOTION CARRIED

7. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 212-B) – Articles 25.00.00, 26.00.00, 27.00.00 – Improving design and strengthening the relationship of freestanding restaurants, day care centers and banks with the abutting streets in the R-C, O-M and O-S-C zoning districts

Mr. Savidant reviewed the proposed zoning ordinance text amendment.

A brief discussion followed. The following determinations were made:

- Section 25.30.05 (H), paragraphs 4, 6, and 7, and similar provisions throughout the document – Delete wording “as determined by the Planning Commission”, since the wording is in the beginning paragraph.
- Incorporate additional text that would relate to “green” concepts – Mr. Waller will assist the Planning Department with this task.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED**Resolution # PC-2006-08-133**

Moved by: Khan
 Seconded by: Vleck

RESOLVED, That this item be postponed to the Study Session scheduled on the 4th week of September 2006.

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

MOTION CARRIED

Chair Strat requested a recess at 8:25 p.m.

The meeting reconvened at 8:33 p.m.

SITE PLAN REVIEWS

8. **SITE PLAN REVIEW (SP 925-B)** – Proposed Becker Parking Lot Expansion, South side of Henrietta, East of Rochester Road, Section 27, P-1 (Vehicular Parking) District

Mr. Savidant presented a summary of the Planning Department report on the proposed Becker parking lot expansion, and reported it is the recommendation of City Management to approve the site plan as submitted with the condition that three greenbelt trees along Rochester Road be added.

The petitioner, Eileen Youngerman, certified property manager for A. D. Becker Properties, 35 West Huron, Pontiac, was present. She indicated the architect/engineer for the project was present should there be any questions on the proposal.

Chair Strat opened the floor for public comment.

There was no one present who wished to speak.

The floor was closed.

Resolution # PC-2006-08-134

Moved by: Vleck

Seconded by: Schultz

RESOLVED, That Preliminary Site Plan Approval, as requested for the proposed Parking Lot Expansion, located on the south side of Henrietta, east of Rochester Road, located in Section 27, on approximately 0.25 acres, within the P-1 zoning district, is hereby granted, subject to the following condition:

1. The addition of three (3) greenbelt trees along Rochester Road, as per Section 39.70.02.

Yes: All present (8)

No: None

Absent: Wright

MOTION CARRIED

9. SITE PLAN REVIEW (SP 932) – Proposed Stonewood Pangborn Industrial Building Addition, Southeast Corner of Coolidge and Industrial Row (2963 Industrial Row), Section 32, M-1 (Light Industrial) District

Mr. Savidant presented a summary of the Planning Department report on the proposed industrial building addition, and reported it is the recommendation of City Management to approve the site plan as submitted.

Mr. Waller disclosed his association to Mr. Pangborn through volunteer work on the City's community arts project known as Beaver Tales. Mr. Waller also disclosed that he has asked for a quotation of services from Stonewood Pangborn for work in his home. Mr. Waller indicated he has no financial interest in the proposed development.

Chair Strat said Mr. Waller would be entitled to comment and vote on the matter.

The petitioner, Benny Spielmann of 13211 Northend Avenue, Oak Park, was present. Mr. Spielmann, owner of Stonewood Pangborn, displayed a rendering of proposed building. He indicated the proposed development would complement the surrounding neighborhood, and that he is looking forward to doing business in Troy. Mr. Spielmann worked closely with the Planning Department to meet all requirements of the Zoning Ordinance.

Mr. Vleck asked the petitioner to provide an explanation on the operation of the business.

Mr. Spielmann explained the business would serve architectural and building designers, and not individuals off the street. Mr. Spielmann currently has four employees and would seek an additional two employees at the new location.

Mr. Khan expressed concern with the limited amount of parking on site, and asked the petitioner to address parking.

Mr. Spielmann said a reduction of parking spaces was at the suggestion of the Planning Department in order to provide more landscaping on site. Mr. Spielmann said an additional 7 parking spaces could be placed; 4 on the south side and 3 on the east side of the building.

Mr. Littman, BZA representative, reviewed the discussion at the Board of Zoning Appeals meeting wherein the BZA granted variances as relates to the building addition and new parking lot, greenbelt and landscaping. Mr. Littman indicated his dissenting vote to grant the variances was based on his desire to see more green space on the Coolidge side. He said the petitioner indicated to BZA members that he needed only 15 parking spaces.

Mr. Spielmann responded that they could live with 15 parking spaces, but 23 would be better. Mr. Spielmann indicated he would like flexibility in the future to expand the building.

Discussion continued on the following:

- Petitioner was commended on purchase of the building and site improvements.
- Concern for safety; i.e., loading/unloading, dumpster removal.
- Planning Department confirmed site plan complies with requirements of the Zoning Ordinance.
- Relationship of site plan and landscape plan with respect to parking.
- Parking prospect for future tenants.
- Desire to see more green space.

Resolution # PC-2006-08-135

Moved by: Khan

Seconded by: Drake-Batts

RESOLVED, To postpone this item to the Regular meeting of September 2006, or a future meeting should the petitioner desire, to allow further discussion with the Planning Department to come up with a better plan.

Discussion on the motion on the floor.

Mr. Schultz asked legal counsel if the Planning Commission had any grounds on which to deny a site plan that fits within the constraints of the Zoning Ordinance and existing variances that have been approved.

Mr. Motzny said denial of a site plan must be based on meeting the requirements of the Zoning Ordinance. He indicated, in this case, the site plan could be denied should the Planning Commission not grant a reduction in parking spaces because the site plan then would not meet the parking requirements of the Zoning Ordinance.

Mr. Khan stated the members would like to work with the petitioner and assure that their concerns are addressed.

Chair Strat expressed that consideration must be given to the parking issue with respect to future tenants.

Mr. Spielmann questioned the reason for postponement. He indicated the parking issue could be easily resolved, and all Zoning Ordinance requirements have been met.

Mr. Waller said the proposed development offers a significant improvement as relates to safety because the visitor entrance is located away from the loading area.

Vote on the motion on the floor.

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

MOTION CARRIED

Mr. Waller said the Planning Commission is not being fair or reasonable. He indicated the petitioner worked with the Planning Department on an equitable solution to meet all requirements of the Zoning Ordinance and was granted variances from the BZA, and then the members pull new ones out of the hat.

Mr. Schultz agreed with comments made by members on the parking and landscaping for the proposed development. He indicated the petitioner followed the direction of City Management and was granted variances by the BZA, and demonstrated to his satisfaction that the reduction in parking is viable. Mr. Schultz said postponement of the item does not accomplish anything.

10. SITE PLAN REVIEW (SP 933) – Proposed Medical Office Building, North side of Maple, East of Livernois, Section 27, O-1 (Low Rise Office) District

Mr. Savidant presented a summary of the Planning Department report on the proposed site plan, and reported it is the recommendation of City Management to approve the site plan as submitted, subject to consideration being given to a cross access easement to the east.

Adrianna Melchior of AZD Associates Architects, 35980 Woodward, Bloomfield Hills, was present to represent the petitioner. Ms. Melchior said Dr. Joseph would like to continue practicing in Troy, and is committed to working on the resolution of vehicular cross access easements for the proposed development.

A thorough explanation of cross access easements, the procedure to follow for implementation, and interim utilization of the parking lot was provided to the petitioner.

John Joseph, M.D., of 1777 Axtell Road, Troy, was present. Dr. Joseph addressed the need for a dumpster. Dr. Joseph indicated his desire to have 15 parking spaces. He has three employees and sees a maximum of four patients per hour.

A thorough discussion followed on the location of the cross access easement.

A brief recess was taken for technical reasons.

Resolution # PC-2006-08-136

Moved by: Khan
Seconded by: Schultz

RESOLVED, That Preliminary Site Plan Approval, as requested for the proposed Medical Office Building, located on the north side of Maple, east of Livernois, located in Section 27, on approximately 0.3 acres, within the O-1 zoning district, is hereby granted, subject to the following condition:

1. That the applicant provides a cross-access easement to the property to the east.

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

MOTION CARRIED

11. SITE PLAN REVIEW (SP 305-D) – Revised South Parking Lot Beaumont Hospital, South of South Blvd., West side of Dequindre Road, Section 1, C-F (Community Facility) and E-P (Environmental Protection) Districts

Mr. Savidant presented a summary of the Planning Department report on the revised south parking lot plan for Beaumont Hospital, and reported it is the recommendation of City Management to approve the revised parking lot plan as submitted.

Craig McEwen, project architect, Harley Ellis Devereaux, 26913 Northwestern Highway, Southfield, was present.

Chair Strat asked if the cross roads designated for parking in the center of the plan could be eliminated and maintained as green area.

Mr. McEwen said he would address that revision with the hospital administration at a meeting scheduled on Thursday. He asked members to consider the site plan as submitted, with the condition that the center cross roads are eliminated.

Mr. Waller addressed green concepts in that area.

Mr. Schultz said he would prefer that the petitioner come back with a final site plan for review and consideration, and suggested to postpone the item.

John Rogers of Beaumont Services Company, 11 South Boulevard, Rochester Hills, was present. Mr. Rogers indicated the parking lot is key to the entire expansion project, and it is hoped that construction could begin at the end of the month. He asked that the matter not be postponed. Mr. Rogers indicated it would be acceptable to approve the site plan this evening with the condition to eliminate the center cross roads.

Resolution # PC-2006-08-137

Moved by: Littman

Seconded by: Khan

RESOLVED, That Preliminary Site Plan Approval, as requested for the Revised Beaumont Hospital South Parking Lot, with 9-foot wide parking spaces, as approved by the Board of Zoning Appeals on July 18, 2006, located south of South Boulevard on the west side of Dequindre, in Section 1, within the C-F and E-P zoning districts is hereby granted as shown today with the exception that the two cross roads in the center of the parking lot be eliminated in both directions and replaced with landscaping.

Yes: Drake-Batts, Kerwin, Khan, Littman, Strat, Vleck, Waller

No: Schultz

Absent: Wright

MOTION CARRIED

Mr. Schultz said it is not the Planning Commission's job to re-engineer a petitioner's site plan, and it is incumbent on the petitioner to come before this body with a final site plan for review and consideration.

OTHER ITEMS

12. **PUBLIC COMMENTS** – Items on Current Agenda

There was no one present who wished to speak.

GOOD OF THE ORDER

Mr. Savidant commended the Community Affairs department for filming tonight's meeting under difficult circumstances.

Mr. Miller reviewed agenda items for the August 22, 2006 Special/Study meeting.

Mr. Schultz addressed a letter from the Planning Commission to the new City Manager, and asked if the letter was sent.

Chair Strat replied the letter was delivered. A copy of the letter will be distributed to the members.

Ms. Kerwin commended the City Clerk's office -- Tonni Bartholomew, Barb Holmes and the entire staff -- on a wonderful job on today's election.

Mr. Motzny reminded the members that beginning with the next meeting, Sue Lancaster would serve as the Planning Commission legal representative.

Mr. Littman encouraged all to get involved and participate in City elections. Mr. Littman addressed the Maple Road area, specifically west of Livernois.

Ms. Drake-Batts shared that two weeks ago she completed a triathlon in under 3 hours. She is participating in a one-half marathon for the Leukemia Association in January. Donations are appreciated!

Mr. Vleck thanked Mr. Motzny for his services.

Chair Strat commended Mr. Motzny for work well done. He suggested that the requirement for 8-foot sidewalks on commercial developments be revisited.

The Regular Meeting of the Planning Commission was adjourned at 9:58 p.m.

Respectfully submitted,

Thomas Strat, Chair

Kathy L. Czarnecki, Recording Secretary

Festival Committee Meeting

Call to order 7:04 pm

Attendance:

Mike Gonda
Bill Hall
Tom Kaszubski
Marilyn Musick
Doris Schuchter
Tarcisi Massaini
Jeffrey Super
Karen Hatten
Padma Kuppa
Diane Mitchell
Danielle Cheli
Jeff Winiarski
Sandy Macknis

Jim Hattan
Cele Dilley
Cheryl Whitton-Kaszubski
Robert Preston
Susan Regina
Tom Tighe
Connie Huang, Student rep
Jeff Stewart
Reuben Ellis
Kessie Kaltsounis
Alison Miller
Dan O'Brien

City Staff:

Jeff Biegler
Cindy Stewart
Gerry Scherlink

B. Motion by Bill Hall, seconded by Mike Gonda to approve the July 24, 2006 meeting minutes with corrections.

Correction to Committee Minutes:

Eliminate individual totals of sponsors – grand total is okay.
Mike Gonda's phone number is wrong on the Operations list.

RESOLVED that the minutes of the July 24, 2006 Advisory Committee Meeting are approved with corrections.

Yeas: All

Nays: None

MOTION CARRIED

Approved unanimously.

C. Treasurer's Report

Check requests needed by Wed., August 23 in order get them in time.
Checks processed for those requests already turned in.

D. Chairpersons Report:

1. Committee manual will be sent with next packet along with a parking pass. The October 24th meeting is required for chairpersons.

2. Chairpersons Information Sheet – this will assist all chairpersons. Kessie Kaltsounis is the headquarters mgr. Cell phone = 248.318.6334

Troy Daze Festival Headquarters number (248.524.1749) will be turned on Monday, Sept. 11, 2006.

NEW BUSINESS

1. Police/Fire Emergency Plan – Lt. Scherlink

Incident command system in place with Mobile Command bus – staffed noon - 10 pm daily. They dispatch on police frequency. Bob Berk, Mike Gonda, Cele Dilley and Tom Kaszubski will have walkie-talkies and alpha pagers. The emergency frequency is not for non-emergency calls – those go thru parks command.

Meeting will be held on Thursday morning of the festival with Police, Festival Board members and Arnold's.

Incidents covered under Emergency Plan include: fire, tornado, medical response, disaster, bomb threat, civil disturbance, severe weather watch, etc. There is a protocol for each incident in the emergency plan. Announcements will be made over the P.A. system depending on the situation.

The Emergency Plan is confidential and will be maintained in the Mobile Command Bus. If anyone is unsure of what to do or who to call in case of emergency, call 911 on cell phone.

EVENTS CHAIRPERSONS UPDATE

- a. Sandy Macknis: Has a lot of students already signed up as volunteers. Check her lists of events if she has correct number of volunteers needed.
- b. Shirley Darge: Outdoor stage entertainment - 28 groups scheduled for Fri-Sun.
- c. Padma Kuppa: EthniCity - 6 confirmed booths, 4 in process. Need more volunteers on Sunday. EthniCity poster contest – judges set, need applicants. Theme = “Diversity Through Education.”
- d. Jeff Super: Need shuttle driver volunteers.
- e. Photo / Student Art Tent will be rotated and turned 90 degrees.
- f. Doris Schuchter: Carla Vaughn put a blurb in senior newsletter seeking senior citizen volunteers. Do they have to pay for parking? Yes.
- g. Diane Mitchell: Talent Show emcee is Berj Alexanian, last year's student representative. 30 applicants to date. Judges: Jo Kwasny, Boulan Middle School; Mary Beth Haluska, School Board; Dave Lambert, Councilman
- h. Car show: Allison Miller - English Gardens backed out for decorations, looking for others. Cutest toddler pictures coming in.

- i. Special Needs Children: Linda Hannon - registrations coming in. For lunch, kids and chaperones will sit at tables and volunteers will bring food to tables. Pizza only – less problems. Two liter pop bottles & cups on table. Same drop-off and pick up as last year. Entertainment during lunch. Expect 600 people. Lunch is 2 shifts 11:30 am and 12:15 pm. Oakridge Market is donating potato chips. Linda will get plates, napkins and cups. Tom will check Community Foundation for a grant to pay for pop for special needs kids and adults events.
- j. Susan Regina: Two contestants for Miss Troy.
- k. Jeff Stewart: Entertainment - all set with a good variety.
Special needs adults – Boys to Boys, the band from last year formed a band “Don’t Mind Us” and will perform for both special needs kids and adults. Need shuttle drivers to meet special needs adults at Northfield Parkway parking lot to shuttle them to tent on Thursday evening.
- l. Jeff Biegler: all contracts sent out. Have not heard from petting zoo/Pony rides vendor. Neither stage company quoted a handicapped ramp for stage.
- m. Mike Gonda: ATM machine in place; Radios set; Nino’s donating food trays; Arnold’s requests bathrooms open for Monday
- n. Cindy Stewart: Publicity/Corporate Sponsors - approx. \$25,000 donations in to date with \$5,000 in-kind donations. Press releases sent on a daily basis. Troy Daze info has been in all newspapers for a variety of events.
- o. Dan O’Brien: Spoke with Tim McAvoy concerning Opening Ceremony. Flags will be brought into Entertainment Tent before Opening Ceremony and taken down right after Naturalization Ceremony.
- p. Reuben Ellis: Need volunteers to set up flags on Friday afternoon.
- q. Danielle Cheli: Junior Miss Pageants – 31 contestants. Deadline for Miss Troy open until Sept. 8. Can they use Entertainment Tent stage for a rehearsal on Wed Sept. 13? Yes if up and available. They will put up a jar to collect donations as people enter tent for the pageant. Jeff Biegler got a large tarp for flooring in the dressing room tent. Need audience style seating for the pageants.
- r. Bill Hall: Mr. Troy – 3 contestants to date. Tom will take care of boutonnieres. Info booth will have autumn leaf lights as decoration.
- s. Cele Dilley: 3 booths left under main tent left. Senior Sensation set: bingo prizes and breakfast. 77 registered to date. Sign up thru Parks & Rec.

OLD BUSINESS

Shirt Colors to Wear

Thursday: Purple; Friday: Black; Saturday: Gold; Sunday: Jade

MOTION TO ADJOURN

Moved by Kessie Kaltsounis

Seconded by Jeff Super

RESOLVED that the Troy Daze Festival Committee Meeting be adjourned at 8:19 pm.

Approved.

A. CALL TO ORDER

A regular meeting of the Troy Daze Advisory Committee was held Tuesday, August 22, 2006 at the Troy Community Center. Meeting was called to order at 8:30 pm.

B. ROLL CALL

Kessie Kaltsounis	Cele Dilley
Mike Gonda	Cheryl Whitton
Marilyn Musick	Jeff Stewart
Bill Hall	Connie Huang, Student Rep
Bob Preston	
City Staff:	Cindy Stewart
	Bob Matlick
	Jeff Biegler
Festival Chairman:	Tom Kaszubski

Absent: Bob Berk

Resolution #TD-2006-08-94

Motion to excuse absent members: by Kessie Kaltsounis, seconded by Cheryl Whitton.

RESOLVED that Bob Berk is excused from the August 22, 2006 meeting.

Yeas: All

Nays: None

MOTION CARRIED

C. ADDITION/DELETIONS TO AGENDA

Dinner location

D. APPROVAL OF MINUTES

Resolution #TD-2006-08-95

Moved by Bill Hall

Seconded by Kessie Kaltsounis

to approve the July 24, 2006 minutes with corrections

page 3 – Item 5 - Cele, Cheryl & Tom met with Arnold’s 2nd paragraph meeting with Troy Police – add Arnold’s

RESOLVED that the minutes of July 24, 2006 are approved with corrections.

Yeas: All

Nays: None

MOTION CARRIED

E. TREASURER’S REPORT

No June or July 2006 reports from City.

\$36,780 revenue turned into City of Troy
\$9,500 corp sponsor w/foundation
\$46,280 total revenue

Resolution #TD-2006-08-96
Moved by Marilyn Musick
Seconded by Mike Gonda
to accept the Treasurer’s Report of August 22, 2006

RESOLVED that the Treasurer’s Report of August 22, 2006 is approved.

Yeas: All
Nays: None
MOTION CARRIED

F. NEW BUSINESS

1. Appointment of Troy Daze Festival Activity Chairs – NONE
2. Council Action re: Arnold Amusement price changes in packet.
3. MFEA Convention Nov. 2-5 in Traverse City. Half of Board Members can attend. No info to date. Bob Preston, Marilyn Musick maybe interested.
4. Dinner location: San Marino Club – October 9th at 6 pm. Dinner at 7 pm/cash bar.

H. OLD BUSINESS

1. Leadership Troy Outstanding Volunteer Nominee
Resolution # TD-2006-08-97
Moved by Bill Hall
Seconded by Kessie Kaltsounis to nominate Tom Kaszubski as Troy Daze Volunteer for the Leadership Troy Banquet.
Yeas: All
Nays: None
MOTION CARRIED

Leadership Troy Outstanding Business Nominee
Motion to nominate Beaumont Hospital as the troy Daze nominee for Outstanding Business.
Resolution #TD-2006-08-98
Moved by Kessie Kaltsounis
Seconded by Bill Hall.
Resolved that Beaumont Hospital is approved as Troy Daze nominee for Leadership Troy Outstanding Business.

Yeas: All
Nays: None
Motion carried.

2. Contracts – all set

I. PUBLIC COMMENT – NONE

J. MEMBER COMMENT –

PA announcement will be on the hour for approximately one minute so as not to disrupt entertainment.

In case it rains Thursday seniors will be in the EthniCity Tent and Special Children in Entertainment Tent on Friday.

Need dance area on Thursday evening for Special Needs adults dance

Park staked on Sunday, Sept 10; Trailer delivered on Friday, Sept. 8; Tents on Mon. Sept 11. Working Day for Board volunteers – 7:30 am, meetings with Parks people and DPW.

MSG Credit Union wants all the SOC rain ponchos back. They are ordering new ones.

MOTION TO ADJOURN

Resolution #TD-2006-08-99

Moved by Bill Hall

Seconded by Marilyn Musick

RESOLVED that the Troy Daze Advisory Committee Meeting be adjourned at 8:52 pm

Yeas: All

Nays: None

MOTION CARRIED

Cele Dilley, Chairperson

Cindy Stewart, Recording Secretary



Ruth Johnson
Oakland County Clerk/Register of Deeds
www.oakgov.com/clerkrod

J-03a

August 24, 2006

Troy City Council
% Louise E. Schilling, Mayor
500 West Big Beaver
Troy, MI 48084-5285

Dear City Council Members:

I am writing in appreciation for the work done by Troy City Clerk Tonni Bartholomew and Deputy City Clerk Barbara Holmes in training poll workers prior to the August 8 Primary Election.

The Primary Election was the first true test of the voting machines mandated by the Help America Vote Act. In addition to new tabulators, every polling place was equipped with new ballot-marking equipment for the disabled.

While exciting, the equipment created challenges for thousands of election workers across the county. More than 80 election workers, many from smaller communities in Oakland County, benefited from the training done by Tonni and Barbara.

Troy should be proud of the leadership role Tonni has taken. She has been invaluable, consistently volunteering to help – not only with the hands-on training for election workers but in creating a manual to help standardize election procedures.

Both Tonni and Barbara are a pleasure to work with and happily share their expertise at every turn. I really appreciate their efforts and hope that you could in some way publicly recognize their commitment to voters across Oakland County and, more importantly, to the democratic process.

Respectfully,

Ruth A. Johnson
Oakland County Clerk/Register of Deeds

Cc: Tonni Bartholomew
Barbara Holmes

Administrative Offices
1200 N Telegraph, Dept 415
Pontiac MI 48341-0415
(248) 858-0560
clerk@oakgov.com

Elections Division
1200 N Telegraph, Dept 417
Pontiac MI 48341-0417
(248) 858-0564
elections@oakgov.com

Legal & Vital Records
1200 N Telegraph, Dept 413
Pontiac MI 48341-0413
(248) 858-0581
clerklegal@oakgov.com

Register of Deeds Office
1200 N Telegraph, Dept 480
Pontiac MI 48341-0480
(248) 858-0605
deeds@oakgov.com

J-3a

August 9, 2006

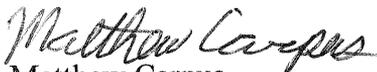
Dear Chief Charles Craft,

I would like to thank you and the rest of the Troy Police Department, for allowing me to do my internship with the department this past summer.

All the police officers I encountered throughout my experience were very friendly, and they all went out of their way to show me the ins and outs of the criminal justice system. Through one-on-one interaction with the officers, I picked up many important job related tips which cannot be found in any textbooks.

I would especially like to thank Mr. Wendell Moore for all his hard work in setting up and coordinating the internship.

Sincerely,



Matthew Carpus
Ferris State University
4132 Greensboro
Troy, MI 48085

RECEIVED
Chief of Police

8/24/06 CC

CC: City Mgr
CAPT MURPHY
CAPT MAAG
W. MOORE
File

August 18, 2006

Chief Charles T. Craft
Troy Police Department
500 W. Big Beaver Rd.
Troy, MI 48084

Dear Chief Craft

Today I had occasion to call your police department for a welfare check. I'm in California and was [REDACTED] proceeding in Michigan. My attorney, up until very recently was excellent about returning phone calls but on Wednesday she didn't return four calls. The same thing occurred on Thursday. Today, after learning that her voice mail box was full, I began to worry for her well being.

I phoned your department and spoke with a dispatcher who told me that her name was Jessica. She took all the pertinent information, called the phone numbers I had for the attorney and when all those potential contact points dried up, she got the lawyer's office address and dispatched a unit to check on her. Within 20 minutes the attorney had phoned me!

Jessica was polite and professionalism. I'm a retired police officer so I've handled hundreds of these calls myself and I know how unimportant they can seem. But my wife and I were in a panic over [REDACTED] and not being able to reach our attorney. Jessica handled the call with aplomb and even though she probably doesn't remember it now, we'll remember it for quite some time.

I don't know the names of the officers who responded on the call but they are to be commended as well. The address I had for the attorney was a large office building and I did not have a suite number. Nonetheless they found her quickly and gave her the message to call me.

Please thank all the parties for me. They are all assets to your department.

Louis C. Castle
Louis C. Castle

CC: City Mgr.
CAPT. MAUER
PSA JESSICA MASE
FILE

RECEIVED
Chief of Police
8/24/06 CR

Louis C. Castle • P.O. Box [REDACTED] • Culver City, CA 90231

September 2006

September 2006							October 2006						
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Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
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	7:30pm Planning Commission Special/Study (Council Boardroom)	8:30am BUILDING CODE BOARD OF APPEALS (Conference Room LL)			10
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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
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7:30pm City Council Meeting (Council Chambers)	7:30pm Planning Commission Special/Study (Council Boardroom)				

October 2006

October 2006						
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9	10 7:30pm Planning Commission Regular Meeting (Council Chambers)				11 12 13 14 15
16 7:30pm City Council Meeting (Council Chambers)	17 3:00pm Brownfield Redevelopment 7:30pm BZA (Chambers) 7:30pm Historic District Commission (C	18 7:30am DDA Meeting (Conference Room Lower Level)			19 20 21 22
23 7:30pm City Council Meeting (Council Chambers)	24 7:30pm Planning Commission Special/Study (Council Boardroom)				25 26 27 28 29
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November 2006

November 2006						
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Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
		November 1 8:30am BUILDING CODE BOARD OF APPEALS (Conference Room LL)			
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	7:30pm Planning Commission Special/Study (Council Boardroom)				
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7:30pm City Council Meeting (Council Chambers)	7:30pm Planning Commission Regular Meeting (Council Chambers)	7:30am DDA Meeting (Conference Room Lower Level)			
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7:30pm City Council Meeting (Council Chambers)	7:30pm BZA (Chambers) 7:30pm Historic District Commission (Conference Room C)				
27	28	29	30		
7:30pm City Council Meeting (Council Chambers)	7:30pm Planning Commission Special/Study (Council Boardroom)				

September 1, 2006

To: Phillip L. Nelson, City Manager

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

Subject: **Agenda Item:** LERN Website

Attached please find an email from Mike Zuziak, LERN Recreation Consultant. LERN is featuring the Troy Parks and Recreation webpage this month on the LERN webpage.

LERN is the Learning Resources Network, membership based with over 4000 members in 16 countries. LERN offers information, seminars and resources to providers of lifelong learning programs.

It is especially significant that Troy's website has been honored in this way as the IT department along with the Parks and Recreation staff have redeveloped the Parks and Recreation website pages.

The efforts of Rob Bittner, IT Webmaster, Doug Davis, PC Specialist, and Stu Alderman, Superintendent of Recreation have contributed to the creation of a new and much improved website.

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

From: Mike Zuziak [mailto:mikezuziak@comcast.net]

Sent: Sunday, August 27, 2006 12:28 PM

To: Carol K Anderson

Subject: Emailing: index

Hi Carol,

Please be advised that the Troy Parks & Recreation Web Page is featured this month on the LERN Recreation Home Page. Each month LERN features a Web Page that is customer friendly, easy to navigate, provides an on-line registration process as well as links to league standings, new programs, and special events. Your department Web Page is all of that and more. Currently 300 Parks & Recreation Departments nationwide are members of LERN and access the LERN Recreation Homepage on a regular basis. Hope you had a wonderful summer and best wishes for the upcoming school year programs. Take care.

Mike Zuziak
LERN Recreation Consultant



Recreation

"Information That Works"

Learning Resources Network (LERN), the leading
training and
consulting service for recreators



*Troy, MI. Parks & Recreation
Department*

City of TROY - HAVEN Quarterly REPORT
April, May, June 2006

HAVEN has continued to provide services for residents of Troy that have experienced domestic violence and/or sexual assault. The following data reflects residents that were served during the previous quarter.

- 2 - Residents resided in shelter.
- 47 -Used an Advocate to provide education on judicial proceedings and court accompaniment.
- 6 -Residents attended individual counseling sessions – 4 to process issues related to domestic violence including safety planning and 2 – to begin the healing process after a sexual assault.
- 3 - Residents participated in domestic violence support groups, which help reduce feelings of isolation, self-blame and shame.
- 6 - Batterers attended the Intervention in Battering program. These are an accountability-based group where participants develop individualized no violence plans and explore the underlying issues related to why they use abusive tactics.
- 3 - Residents were supervised by a monitor during visitation in the Supervised Parenting Time Program to assure the safety of all family members.
- 8 - Calls were documented by the Crisis and Support Line as Troy residents needing crisis information or referrals to community resources. This numbers is actually much, much higher, but the Crisis and Support line allows callers to remain anonymous and most of the time callers do not even give demographic information.

The Community Education Program also participated in a mental health fair at the Troy Hilton giving participants information on the prevalence, warning signs and resources for assistance with domestic and sexual assault.

RECEIVED

SEP 07 2006

CITY OF TROY
CITY MANAGER'S OFFICE