

AGENDA

Meeting of the

CITY COUNCIL OF THE CITY OF TROY

SEPTEMBER 18, 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.

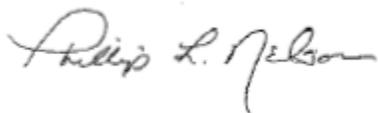
Identified below are goals for the City, which have been advanced by the governing body; and Agenda items submitted for your consideration are on course with these goals.

Goals

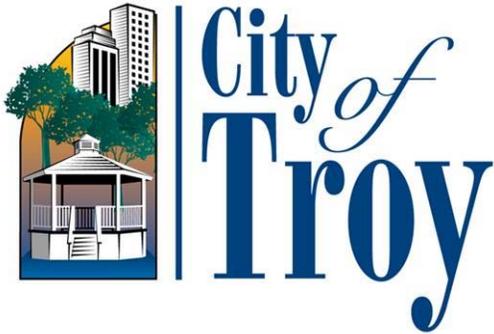
1. Minimize cost and increase efficiency of City government.
2. Retain and attract investment while encouraging redevelopment.
3. Effectively and professionally communicate internally and externally.
4. Creatively maintain and improve public infrastructure.
5. Protect life and property.

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 18, 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 Jack Mannschreck – Big Beaver United Methodist Church 1

ROLL CALL: 1

CERTIFICATES OF RECOGNITION: 1

A-1 Presentations: 1
a) Service Commendation – Charles Barnes..... 1

CARRYOVER ITEMS: 1

B-1 No Carryover Items 1

PUBLIC HEARINGS: 1

C-1 Michigan Zoning Enabling Act, PA 110 of 2006, Zoning Ordinance Text Amendment (File No: ZOTA 224) – Articles II, III, X, XXXIV, XXXV, and XLIII 1

POSTPONED ITEMS: 2

D-1 Zoning Ordinance Text Amendment (File Number: ZOTA 215-C) – Articles XLIII and XLIV, Pertaining to Commercial Vehicle Parking Appeals and Results or Commercial Vehicle Visual Survey 2

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 Jack Mannschreck – Big Beaver United Methodist Church

ROLL CALL:

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

CERTIFICATES OF RECOGNITION:

- A-1 Presentations:**
- a) Service Commendation – Charles Barnes

CARRYOVER ITEMS:

- B-1 No Carryover Items**

PUBLIC HEARINGS:

- C-1 Michigan Zoning Enabling Act, PA 110 of 2006, Zoning Ordinance Text Amendment (File No: ZOTA 224) – Articles II, III, X, XXXIV, XXXV, and XLIII**

Suggested Resolution

Resolution #2006-09-

Moved by

Seconded by

RESOLVED, That Articles II (Planning Commission, Changes and Amendments to the Zoning Ordinance, and Approvals), III (Applications and Procedures) X (One-Family Residential Districts), XXXIV (Residential Development Options), XXXV (Planned Unit Development) and XLIII (Board Of Zoning Appeals) of the City of Troy Zoning Ordinance be **AMENDED** to read as written in the proposed Zoning Ordinance Text Amendment (ZOTA 224), City Council Public Hearing Draft, as recommended by the Planning Commission and City Management.

Yes:

No:

POSTPONED ITEMS:**D-1 Zoning Ordinance Text Amendment (File Number: ZOTA 215-C) – Articles XLIII and XLIV, Pertaining to Commercial Vehicle Parking Appeals and Results of Commercial Vehicle Visual Survey**Pending Resolution

Moved by Stine

Seconded by Beltramini

RESOLVED, That Articles XLIII (Board of Zoning Appeals) and XLIV (City Council Appeals) of the City of Troy Zoning Ordinance be **AMENDED** to read as written in the proposed Zoning Ordinance Text Amendment (ZOTA 215-C), dated June 26, 2006, as recommended by the Planning Commission and City Management and with the **INSERTION** of “or deny” **AFTER** “approve” in Section 43.74.00.

Suggested Substitute Amendment

Resolution #2006-09-

Moved by

Seconded by

RESOLVED, That the preceding resolution for *Zoning Ordinance Text Amendment (File Number: ZOTA 215-C) – Articles XLIII and XLIV, Pertaining to Commercial Vehicle Parking Appeals* be **SUBSTITUTED** with the following:

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

BE IT FURTHER RESOLVED, That Staff is **DIRECTED** to work with the Planning Commission to **PREPARE** a Zoning Ordinance Text Amendment to Section 40.66.00 revising the provisions for the allowances for the outdoor parking of commercial vehicles in residential districts in line with the results of the commercial vehicle survey provided by City Council.

Yes:

No:

CONSENT AGENDA:

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

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

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

Suggested Resolution

Resolution #2006-09-

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 September 11, 2006 be **APPROVED** as submitted.

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

E-4 Standard Purchasing Resolutions

a) Standard Purchasing Resolution 1: Award to Low Bidder – Outdoor Lighting Maintenance Contract

Suggested Resolution

Resolution #2006-09-

RESOLVED, That a contract to furnish all labor, tools, equipment, transportation services, and traffic controls to provide two-year requirements of street, parking lot, and athletic field light maintenance and repair with an option to renew for one (1) additional year is hereby **AWARDED** to the low bidder, Allied Signs, Inc., of Clinton Township, at unit prices and discounts contained in the bid tabulation opened August 23, 2006, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

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

b) Standard Purchasing Resolution 1: Award to Low Bidder Contract 06-9 – 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 15% of the total project cost.

c) Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – Common Ground

Suggested Resolution
Resolution #2006-09-

RESOLVED, That approval to expend funds budgeted in the 2006/2007 fiscal year to Common Ground to provide community service programs to the residents of the City of Troy in the amount of \$2,100.00 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.

d) Standard Purchasing Resolution 3: Exercise Renewal Option – Emergency Medical Services

Suggested Resolution
Resolution #2006-09-

WHEREAS, On June 2, 2003, a three-year contract to provide emergency medical services with an option to renew for three additional one-year periods was awarded to the low bidder submitting the best value proposal, Alliance Mobile Health, for an estimated cost of \$463,623.00 per year at unit prices contained in the tabulation opened January 31, 2003 (Resolution #2003-06-281); and

WHEREAS, Alliance Mobile Health has agreed to exercise the option to renew the contract for three years under the same terms and conditions;

THEREFORE, BE IT RESOLVED, That the option to renew the contract for three additional years is hereby **EXERCISED** with Alliance Mobile Health of Rochester Hills to provide Emergency Medical Services for an estimated total cost of \$500,000.00 per year under the same pricing structure, terms, and conditions as the original contract to expire September 30, 2009.

e) Standard Purchasing Resolution 3: Exercise Renewal Option – Pavement Seam and Fracture Sealing Program

Suggested Resolution

Resolution #2006-09-

WHEREAS, On October 18, 2004, a contract to provide for a Pavement Seam and Fracture Sealing Program with an option to renew for two (2) additional one-year periods was awarded to the low bidder, Scodeller Construction, Inc., of South Lyon, MI, for an estimated cost of \$657,500.00; and if changes in the quantity of work were required, either additive or deductive, such changes were authorized in an amount not to exceed 25% of the contract total per year (Resolution #2004-10-546-E7);

WHEREAS, On September 12, 2005, the first of two (2) one-year options to renew the contract under the same prices, terms, and conditions was approved and expired June 30, 2006 (Resolution #2005-09-416-E4e); and

WHEREAS, Scodeller Construction, Inc., has agreed to exercise the second one-year option to renew under the same prices, terms, and conditions as the 2004 season;

THEREFORE, BE IT RESOLVED, That the option to renew the contract is hereby **EXERCISED** with Scodeller Construction, Inc., to provide a pavement seam and fracture-sealing program within the City of Troy for an estimated cost of \$500,000.00, at unit prices contained on the bid tabulation opened September 29, 2004, a copy of which shall be **ATTACHED** to the original Minutes of this meeting with the contract expiring June 30, 2007; and

BE IT FINALLY RESOLVED, If changes in the quantity of work are required either additive or deductive, such changes are **AUTHORIZED** in an amount not to exceed 25% of the total contract cost or \$125,000.00 and within budgetary limitations.

E-5 Rescind Partial Bid Award/Re-Award Contract – Janitorial Services

Suggested Resolution

Resolution #2006-09-

WHEREAS, On August 1, 2005, Troy City Council exercised and approved the option to renew the janitorial services contract for two (2) additional years with Road Runr Maintenance, American Cleaning, Elite Maintenance, and This is It! Quality Cleaning under the same contract terms and conditions expiring October 30, 2007 (Resolution # 2005-08-375-E-4a); and

WHEREAS, Elite Maintenance has defaulted on the contract due to their exodus from the State of Michigan;

THEREFORE, BE IT RESOLVED, That the contract to provide janitorial services for Groups 2 and 4, the DPW facilities and Fire halls, be **RESCINDED** with prejudice from Elite Maintenance, and **RE-AWARDED** to the next lowest acceptable bidders, American Cleaning of Macomb Township, MI and Road Runr Maintenance of Pontiac, MI, at unit prices contained in the bid tabulation opened September 23, 2003, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with the contract expiring October 30, 2007.

E-6 Application for Transfer of Class C-SDM License for Ruth's Chris Steak House**(a) New License**Suggested Resolution

Resolution #2006-09-

RESOLVED, That the request from R.C.S.H. Operations, L.L.C. (A Louisiana Limited Liability Company), to transfer ownership of 2006 Class C-SDM licensed business with dance permit, located at 755 W. Big Beaver, Troy, MI 48084, Oakland County, from Prime Steak-Troy, L.L.C. (A Louisiana Limited Liability Company), 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) AgreementSuggested 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 R.C.S.H. Operations, L.L.C. (A Louisiana Limited Liability Company), to transfer ownership of 2006 Class C-SDM licensed business with dance permit, located at 755 W. Big Beaver, Troy, MI 48084, Oakland County, from Prime Steak-Troy, L.L.C. (A Louisiana Limited Liability Company); 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-7 Private Agreement for Beaumont Hospital Project No. 06.917.3Suggested Resolution

Resolution #2006-09-

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Beaumont Hospital, is hereby **APPROVED** for the installation of a public sidewalk and detention basin, 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 Karagiannakis and Garrett Family Ltd. v. City of Troy et alSuggested Resolution

Resolution #2006-09-

RESOLVED, That the City Attorney's Office is hereby **AUTHORIZED** and **DIRECTED** to **REPRESENT** the City of Troy in any and all claims and damages in the matter of Karagiannakis and Garrett v. City of Troy et al, and to **RETAIN** any necessary expert witnesses and **PAY** any necessary litigation costs to adequately represent the City.

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; Cable Advisory Committee; Ethnic Issues Advisory Board; Historic District Commission; Municipal Building Authority; Parks & Recreation Board; and Troy Daze Committee

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

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

(a) Mayoral Appointments

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

Cable Advisory Committee

Appointed by Council (7) – 3 Year Terms

Term Expires 09/30/09

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)

NOTE: Term reflects the correct unexpired term

Unexpired Term 11/30/07

Yes:
No:

F-2 Amendments to Chapter 42 – Flood Plain Management as Required by FEMA for Participation in National Flood Insurance Program

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

RESOLVED, That City Council **APPROVES** the **ATTACHED** ordinance amendments to Chapter 42, Flood Plain Management, for the purpose of adopting the new Digital Flood Insurance Rate Maps (DFIRMS) that will become effective September 29, 2006 and to continue the City of Troy’s participation in the National Flood Insurance Program.

Yes:
No:

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings: None Submitted

G-2 Green Memorandums: None 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) Advisory Committee for Senior Citizens/Final – June 1, 2006
- b) Historic District Study Committee/Final – June 6, 2006
- c) Advisory Committee for Persons with Disabilities/Draft – August 2, 2006
- d) Advisory Committee for Persons with Disabilities/Final – August 2, 2006
- e) Advisory Committee for Senior Citizens/Draft – September 7, 2006

J-2 Department Reports:

- a) Building Department – Permits Issued During the Month of August, 2006
- b) Purchasing Department – Final Reporting – BidNet On-Line Auction and Mid-Thumb Auctioneering, LLC – July/August, 2006

J-3 Letters of Appreciation: None Submitted

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

J-5 Calendar

J-6 Retirement System – Summary Annual Report to Members – December 31, 2005

STUDY ITEMS:

K-1 No Study Items Submitted

PUBLIC COMMENT: Address of “K” Items

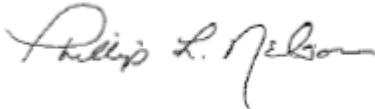
Persons interested in addressing the City Council on items, which appear on the printed Agenda, will be allowed to do so at the time the item is discussed upon recognition by the Chair in accordance with the Rules of Procedure of the City Council, Article 16, during the Public Comment section under item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

CLOSED SESSION:

L-1 Closed Session: No Closed Session Requested

ADJOURNMENT

Respectfully submitted,



Phillip L. Nelson, City Manager

SCHEDULED CITY COUNCIL MEETINGS:

Monday, September 25, 2006	Regular City Council
Monday, October 2, 2006.....	Regular City Council
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Service Commendation
CHARLES BARNES

WHEREAS, Chuck Barnes began his employment with the City of Troy as a Naturalist on July 6, 1981, building upon his prior experience in Berrien County, Michigan; and

WHEREAS, He was promoted to Interpretive Programs Manager on January 10, 1998 and promoted again to Nature Center Manager on May 27, 2000; and

WHEREAS, Over the course of his career **Chuck** established himself as a committed naturalist, receiving a number of awards and honors including the Best Interpretive Program Award from the National Association for Interpretation for his Junior Naturalist Club program and Conservation Educator of the Year in 2001 from the MICHIGAN United Conservation Club; and

WHEREAS, Chuck was instrumental in the evolution of the **Lloyd A. Stage Nature Center**, including the funding, design and construction for the new building, the completion of the design phase for new exhibits and the development of the Nature Center's Interpretive Master Plan; and

WHEREAS, Chuck retired from the City of Troy on September 1, 2006 after **25 years of dedicated service**; and

WHEREAS, Chuck will now have more time to spend with his wife Lorraine, father Charles Melvin and brother Kent, as well as take time to enjoy his many hobbies, including hunting, fly-fishing, birding, hiking, cooking gourmet meals, music, philosophy and tracing his family tree; and

WHEREAS, During the course of his employment, **Chuck** has contributed many tireless hours of dedicated service to the City of Troy and its citizens, making a difference in the way citizens view the natural world and their role in it.

NOW, THEREFORE, BE IT KNOWN, That the City Council of the City of Troy takes this opportunity to express its appreciation to **Chuck Barnes** for his many contributions to the betterment of the City; and

BE IT FURTHER KNOWN That the City Council on behalf of themselves, City management, and the citizens of the City of Troy, extends wishes of prosperity, good health and happiness to **Chuck** during his retirement years.

Presented this 18th day of September 2006.

DATE: September 12, 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 – 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
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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 19242006 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

DATE: September 12, 2006

TO: Phillip L. Nelson, City Manager

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

SUBJECT: ZOTA 215-C Articles XLIII and XLIV Pertaining to
Commercial Vehicle Parking Appeals &
Results of Commercial Vehicle Visual Survey

RECOMMENDATION:

Staff recommends that the changes to Articles XLIII and XLIV of the Zoning Ordinance transferring the authority to hear variance requests for the outdoor parking of commercial vehicles to the BZA be approved as recommended by the Planning Commission and City Management with an effective date January 1, 2007. We further recommend that Staff be directed to work with the Planning Commission to prepare a Zoning Ordinance Text Amendment to Section 40.66.00 revising the provisions for the allowances for the outdoor parking of commercial vehicles in residential districts in line with the results of the commercial vehicle survey provided by City Council.

BACKGROUND:

At the July 24, 2006, meeting City Council postponed action on ZOTA 215-C. This was done to allow staff to review the definitions of commercial vehicles to see if there were necessary revisions. In order to facilitate this task, Council was asked at the meeting of August 14, 2006, to complete a survey with examples of vehicles for consideration on how they should be categorized with relation to the definition and regulation of outdoor commercial vehicle storage on residential property in Troy. Attached is a summary of the results from that survey and the subsequent recommendation for implementation.

SURVEY RESULTS:

In reviewing the responses there appears to be three criteria for determining whether a vehicle should be classified as a commercial vehicle that a majority of Council wishes to regulate. The three criteria are: capacity, height, and signage.

Further review shows that the key in determining whether a vehicle is a commercial vehicle that Council wishes to regulate depends on the number of criteria that are met.

Capacity: The Gross Vehicle Weight Rating (GVWR) most effectively defines this criterion. The State of Michigan, in their definition of a commercial vehicle, uses a GVWR above 10,000 pounds to define a commercial vehicle.

Height: A majority of Council agreed that some vehicles, even though they did not exceed the State's 10,000-pound limit, were commercial vehicles that we wish to regulate. These vehicles tended to be taller vehicles. While specific dimensions are not available for each example it appears that this height limit is in the area of 8 feet.

Signage: The responses from Council showed that there had to be some form of signage on the vehicle for it to be classified as a vehicle that they wished to regulate.

The anomaly to this analysis is the examples used of "stake trucks". The two smaller examples of the stake trucks are under 10,000 GVWR and are less than 8' in height. If they had no signage (as shown in the examples) they would not be regulated. However, Council did indicate that the outdoor storage of these types of vehicles should be regulated in the ordinance. Specific language would need to be drafted to describe these types of vehicles.

In addition, there were some inconsistencies in the analysis of trailers. The results showed that an enclosed trailer with a sign indicating its commercial use was a vehicle to be regulated. However, an unenclosed trailer without signage of approximately the same size, holding equipment for an obvious commercial use, was not a vehicle to be regulated. As part of our action plan implementing the results of the blight strategies, staff was directed to look at modifying the requirements for the outdoor storage of recreational vehicles and trailers on residential property. We will try to address these issues as part of that process.

In response to the results of the survey, we propose that language be drafted for consideration as a Zoning Ordinance Text Amendment that would modify the provisions for the outdoor storage of commercial vehicles on residential property in Section 40.66.00 of the Ordinance. The proposed text would allow a residence to have one vehicle that exceeded the minimum threshold of any one of the individual criteria listed. The text would further require a variance for the outdoor storage of more than one vehicle exceeding the minimum threshold of any one of the criteria, or the outdoor storage of any vehicle that exceeded two or more of the criteria.

Under this scenario, the definition of a commercial vehicle contained within section 04.20.32 would not need to be changed from its present form, however, the definitions of commercial vehicle: pick-up truck and commercial vehicle: van contained within Sections 04.20.33 and 04.20.34 respectively would no longer be necessary and should eventually be deleted.

Trailers would continue to be regulated at this time as to their location on the site per the requirements of Section 40.65.00 of the Ordinance. This current text requires that the trailers be located in a side or rear yard and be at least 3' from a side or rear property line.

Attachments: 1) Table of Results of Visual Survey of Commercial Vehicles
 2) ZOTA 215-C, City Council Public hearing Draft

Prepared by: Mark Stimac, Director of Building and Zoning

Reviewed as to Form and Legality:

Lori Grigg Bluhm
City Attorney

Date

Results of Visual Survey of Commercial Vehicles

EXAMPLE	VEHICLE TYPE	SIGN?	COMMERCIAL VEHICLE?	REGULATE?	NUMBER OF CRITERIA
1-A	Passenger	X	4	3	1
1-B	Pickup	X	3	3	1
1-C	Passenger		0	0	0
2-A	Passenger Van	X	4	4	1
2-B	SUV	X	3	3	1
2-C	Mini Van	X	3	3	1
3-A	Cargo Van		3	2	0
3-B	Cargo Van	X	2	2	1
3-C	Snow Plow Truck		1	1	0
4-A	Modified Pickup		3	2	0
4-B	Cube Van		4	4	2
4-C	Box Truck		6	7	2
5-A	Cargo Van	X	3	3	1
5-B	Cube Van	X	4	4	2
5-C	Big Truck		1	1	2
6-A	Big Truck		1	1	2
6-B	Dump Truck	X	6	7	3
6-C	Large Stake	X	6	7	3
7-A	Small Stake		3	4	0
7-B	Medium Stake		4	5	0
7-C	Large Stake		6	7	1
8-A	Enclosed Trailer		3	3	0
8-B	Enclosed Trailer	X	5	4	1
8-C	Open Trailer with equipment		2	2	0

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

The City of Troy ordains:

Section 1. Short Title

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

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

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

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

[Add Section 43.74.00 to read as follows]:

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

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

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

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

B. A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be constructed or modified to accommodate, the subject commercial vehicle.

C. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s).

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

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

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

~~44.00.00 — ARTICLE XLIV — CITY COUNCIL APPEALS~~

~~44.01.00 — APPEALS: OFF-STREET PARKING~~

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

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

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

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

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

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

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

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

~~44.02.02 Actions to grant appeals as set forth in the preceding Section shall be based upon at least one of the following findings by the City Council:~~

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

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

~~44.02.03 The City Council may grant appeals in relation to the type, character, or number of commercial vehicles to be parked outdoors in Residential Districts for an initial period not to exceed two (2) years, and may thereafter extend such actions for a similar period.~~

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

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

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 January 1, 2007.

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

A Regular Meeting of the Troy City Council was held Monday, September 11, 2006, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:34 P.M.

Pastor Dan Lewis – Troy Christian Chapel 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 (Absent)
Martin F. Howrylak
David A. Lambert
Jeanne M. Stine

Vote on Resolution to Excuse Council Member Fleming

Resolution #2006-09-348
Moved by Broomfield
Seconded by Lambert

RESOLVED, That Council Member Fleming's absence at the Regular City Council and Closed Session meetings of September 11, 2006 is **EXCUSED** due to being out of the county.

Yes: All-6
No: None
Absent: Fleming

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

- a) Mayor Schilling presented a *Certificate of Recognition* on behalf of the City of Troy to Rachael Zelmanski in recognition of her 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) Mayor Schilling presented a proclamation on behalf of the City of Troy to representatives of the Troy Community Coalition on behalf of the City of Troy recognizing September 2006 as *National Alcohol and Drug Addiction Recovery Month*
- c) Mayor Schilling read a proclamation on behalf of the City of Troy for the Daughters of the American Revolution, Ezra Parker Chapter recognizing September 17-23, 2006 as *Constitution Week 2006*

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

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

The Mayor opened the Public Hearing for public comment.

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

Proposed Resolution to Postpone

Resolution

Moved by Beltramini

Seconded by Stine

RESOLVED, That Troy City Council hereby **POSTPONES** the *Parking Variance Request at 35 W. Square Lake Road* until the Regular City Council meeting scheduled for Monday, September 18, 2006 to provide the City Attorney with the opportunity to prepare language for an agreement between the Petitioner and the City of Troy.

Vote on Resolution to Amend

Resolution #2006-09-349

Moved by Stine

Seconded by Howrylak

RESOLVED, That Troy City Council hereby **AMENDS** the resolution to postpone *Parking Variance Request at 35 W. Square Lake Road* by **STRIKING** "September 18, 2006" and **INSERTING** "September 25, 2006."

Yes: All-6

No: None

Absent: Fleming

Vote on Resolution to Postpone as Amended

Resolution #2006-09-350

Moved by Beltramini

Seconded by Stine

RESOLVED, That Troy City Council hereby **POSTPONES** the *Parking Variance Request at 35 W. Square Lake Road* until the Regular City Council meeting scheduled for Monday, September 25, 2006 to provide the City Attorney with the opportunity to prepare language for an agreement between the Petitioner and the City of Troy.

Yes: All-6

No: None

Absent: Fleming

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

The Mayor opened the Public Hearing for public comment.

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

Vote on Resolution to Table

Resolution #2006-09-351

Moved by Stine

Seconded by Broomfield

RESOLVED, That Troy City Council hereby **TABLES** the *Rezoning Application 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* until after the break.

Yes: All-6

No: None

Absent: Fleming

The meeting **RECESSED** at 8:57 P.M.

The meeting **RECONVENED** at 9:07 P.M.

Vote on Resolution to Remove Item from the Table

Resolution #2006-09-352

Moved by Stine

Seconded by Howrylak

RESOLVED, That Troy City Council hereby **REMOVES** *Rezoning Application 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* from the table.

Yes: All-6

No: None

Absent: Fleming

Vote on Resolution to Postpone

Resolution #2006-09-353

Moved by Lambert

Seconded by Beltramini

RESOLVED, That Troy City Council hereby **POSTPONES** the *Rezoning Application 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* until the Regular City Council meeting scheduled for Monday, September 25, 2006

Yes: All-6
No: None
Absent: Fleming

C-3 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

The Mayor opened the Public Hearing for public comment.

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

Resolution #2006-09-354
Moved by Lambert
Seconded by Broomfield

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

MOTION FAILED

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

Resolution #2006-09-355
Moved by Beltramini
Seconded by Howrylak

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 **OR** until **NOTICE IS RECEIVED** from the State of Michigan, Department of Labor and Economic Growth, whichever occurs first.

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

MOTION CARRIED

CONSENT AGENDA:

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

Resolution #2006-09-356

Moved by Beltramini

Seconded by Stine

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Item E-4d, E-4e and E-5, which **SHALL BE CONSIDERED** after Consent Agenda (E) items, as printed.

Yes: All-6

No: None

Absent: Fleming

E-2 Approval of City Council Minutes

Resolution #2006-09-356-E-2

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

E-3 City of Troy Proclamations:

Resolution #2006-09-356-E-3

RESOLVED, That the following City of Troy Proclamations 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)**

Resolution #2006-09-356-E-4a

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**

Resolution #2006-09-356-E-4b

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**

Resolution #2006-09-356-E-4c

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.

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

Resolution #2006-09-356-E-4f

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

Resolution #2006-09-356-E-6

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 Vogt Drainage District Enlargement Briggs Park Condominiums, Project No. 05.949.3

Resolution #2006-09-356-E-7

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

Resolution #2006-09-356-E-8

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

Resolution #2006-09-356-E-9

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

Resolution #2006-09-356-E-10

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 Approval to Waive Parking Restrictions – Smith Middle School

Resolution #2006-09-356-E-11

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.

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

E-4 Standard Purchasing Resolutions**d) Standard Purchasing Resolution 1: Award to Low Bidder – Lower Level Conference Room Remote Camera System**

Resolution #2006-09-357

Moved by Stine

Seconded by Beltramini

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.

Yes: Lambert, Stine, Schilling, Beltramini,

No: Howrylak, Broomfield

Absent: Fleming

MOTION CARRIED**e) Standard Purchasing Resolution 1: Award to Low Bidder – Industrial Row Drive and Meijer Drive Reconstruction and Water Main Reconstruction – Removed by City Council at the Request of City Management**

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

Resolution #2006-09-358

Moved by Stine

Seconded by Broomfield

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 **DENIAL**; and

BE IT FURTHER RESOLVED, That the City Council of the City of Troy after hearing and considering statements from the Applicant Rachel Savaya, her attorney, John Kallabat, representatives from the Troy Police Department, and other persons, finds part or all of the following reasons for denial:

1. The applicant lacks experience as a Class C Licensee;
2. The applicant lacks experience in managing restaurants or other food service facilities;
3. The proposed restaurant/night club is within 500 feet of a district restricted to residential uses;
4. The applicant has failed to obtain a valid petition signed by 51 percent of persons living or doing business within a radius of 500 feet of the proposed business;
5. The applicant cannot be expected to keep her proposed business free from greater vices;
6. The Troy Police Department has had several problems with night clubs or dance halls in the past that have operated within the City of Troy;
7. Several residents living near the applicant's proposed business object to the approval of the applicant's request to transfer ownership of a Class C liquor license and request for a new dance-entertainment permit; and

THEREFORE, BE IT RESOLVED, That it is the **CONSENSUS** of this legislative body that the application **BE RECOMMENDED** for **DENIAL**.

Yes: All-6
 No: None
 Absent: Fleming

PUBLIC COMMENT: Limited to Items Not on the Agenda

REGULAR BUSINESS:

F-1 Appointments to Boards and Committees: a) Mayoral Appointments: No Appointments b) City Council Appointments: Animal Control Appeal Board; Board of Canvassers; and Cable Advisory Committee;

(a) Mayoral Appointments - No appointments

(b) City Council Appointments

Resolution #2006-09-359
 Moved by Broomfield
 Seconded by Lambert

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

Animal Control Appeal Board

Appointed by Council (5) – 3 Year Terms

Al Petrulis

Term Expires 09/30/09

Vincent James Viola

Term Expires 09/30/09

Board of Canvassers

Appointed by Council (4) – 4 Year Terms

Catherine McFarland

Unexpired Term 12/31/09

Cable Advisory Committee

Appointed by Council (7) – 3 Year Terms

Nancy Chen

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

Yes: All-6
No: None
Absent: Fleming

F-2 Amendment to Chapter 41 - Subdivision Control Ordinance

Resolution #2006-09-360

Moved by Stine

Seconded by Beltramini

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: All-6
No: None
Absent: Fleming

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
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) 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
Noted and Filed

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
Noted and Filed

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

J-5 Calendar

Noted and Filed

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

Noted and Filed

J-7 HAVEN Quarterly Report – April – June 2006

Noted and Filed

STUDY ITEMS:

K-1 No Study Items Submitted

PUBLIC COMMENT: Address of "K" Items

CLOSED SESSION:

L-1 Closed Session:

Resolution #2006-09-361

Moved by Stine

Seconded by Lambert

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: All-6

No: None

Absent: Fleming

The meeting **RECESSED** at 11:14 P.M.

The meeting **RECONVENED** at 11:19 P.M.

The meeting **ADJOURNED** at 11:29 P.M.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk

September 6, 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 Bidder – Outdoor Lighting Maintenance Contract

RECOMMENDATION:

On August 23, 2006, bids were received to provide two (2) year requirements of street, parking lot, and athletic field light maintenance with an option to renew for one additional year. City management of the Public Works department recommends awarding the contract to the low total bidder, Allied Signs Inc. of Clinton Township, MI, for an estimated annual cost of \$56,900.00, at unit prices and discounts contained in the bid tabulation.

The award is contingent upon the recommended bidder submission of proper contract and bid documents, including insurance certificates and all other specified requirements. Due to the nature of the contract and accountability of the contractor, the program was bid on a low total award basis.

BUDGET:

Funds are available in the Public Works Street Light Maintenance account # 448.7802.150 and Parks account #759.7802.070 for any lighting work done on the ball diamonds.

49 Vendors notified via MITN System
3 Bid Responses Rec'd

Prepared by: Marina Basta-Farouk, Project Construction Manager

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

CITY OF TROY
 BID TABULATION
 STREET LIGHT MAINTENANCE

VENDOR NAME:	* ALLIED SIGNS INC	HARLAN ELECTRIC	MOTOR CITY
		COMPANY	ELECTRIC UTILITIES
Check #	1090002640	473333284	473329158
Check Amount	\$1,000.00	\$1,000.00	\$1,000.00

EST	ITEM #	QTY/YR	DESCRIPTION	Unit Price	Total	Unit Price	Total	Unit Price	Total
	1.	200 ea	Call Out & Determination of cause of outage	\$ 95.00	\$ 19,000.00	\$ 180.00	\$ 36,000.00	\$ 160.00	\$ 32,000.00
	2.	500 ea	Replace Lamp	\$ 25.00	\$ 12,500.00	\$ 22.00	\$ 11,000.00	\$ 80.00	\$ 40,000.00
	3.	80 ea	Replace Ballast	\$ 65.00	\$ 5,200.00	\$ 99.00	\$ 7,920.00	\$ 80.00	\$ 6,400.00
	4.	60 ea	Replace Starter	\$ 35.00	\$ 2,100.00	\$ 50.00	\$ 3,000.00	\$ 80.00	\$ 4,800.00
	5.	100 ea	Replace Fuse	\$ 30.00	\$ 3,000.00	\$ 50.00	\$ 5,000.00	\$ 40.00	\$ 4,000.00
			(per pole/per electric box)						
	6.	20 ea	Replace Lens	\$ 35.00	\$ 700.00	\$ 50.00	\$ 1,000.00	\$ 80.00	\$ 1,600.00
	7.	50 ea	Replace Photo Cell	\$ 30.00	\$ 1,500.00	\$ 28.00	\$ 1,400.00	\$ 80.00	\$ 4,000.00
	8.	20 ea	Replace Breakers	\$ 30.00	\$ 600.00	\$ 50.00	\$ 1,000.00	\$ 40.00	\$ 800.00
	9.	200 ea	Tighten & Lubricate Anchor Bolts						
			Horizontal Refractors, Glass etc	\$ 60.00	\$ 12,000.00	\$ 45.50	\$ 9,100.00	\$ 100.00	\$ 20,000.00
	10.	5 ea	Remove & Replace Fixture	\$ 60.00	\$ 300.00	\$ 100.00	\$ 500.00	\$ 125.00	\$ 625.00
ESTIMATED GRAND TOTAL:				\$ 56,900.00		\$ 75,920.00		\$ 114,225.00	

CONTACT INFORMATION:			
Hours of Operation:	8am-5pm	7:30-4pm	7am-3:30pm
24HR Contact Number:	586.557.2919	248.452.0004	313.363.4103

ADDITIONAL ITEMS, IF REQUIRED			
	PRICE/HR/CREW	PRICE/HR/CREW	PRICE/HR/CREW
11. Hourly labor rate per crew			
A) Regular Time	\$ 110.00	\$ 150.00	\$ 143.10
B) Overtime	\$ 155.00	\$ 210.00	\$ 194.69
C) Holiday Time	\$ 200.00	\$ 270.00	\$ 246.28
	\$/HR/Electrician	\$/HR/Electrician	\$/HR/Electrician
12. Journeyman Electrician			
A) Regular Time	\$ 68.00	\$ 70.00	\$ 75.00
B) Overtime	\$ 95.00	\$ 100.00	\$ 105.00
C) Holiday Time	\$ 130.00	\$ 130.00	\$ 130.00
	\$/HR/Inc Operator	\$/HR/Inc Operator	\$/HR/Inc Operator
13. Hourly rate for Backhoe/Operator			
A) Regular Time	\$ 115.00	\$ 130.00	\$ 80.00
B) Overtime	\$ 165.00	\$ 160.00	\$ 100.00
C) Holiday Time	\$ 205.00	\$ 195.00	\$ 120.00
	\$/HR/Inc Operator	\$/HR/Inc Operator	\$/HR/Inc Operator
14. Hourly rate for Service Truck w/Crane			
A) Regular Time	\$ 140.00	\$ 105.00	\$ 80.00
B) Overtime	\$ 210.00	\$ 130.00	\$ 100.00
C) Holiday Time	\$ 280.00	\$ 165.00	\$ 120.00

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

CITY OF TROY
 BID TABULATION
 STREET LIGHT MAINTENANCE

ITB-COT 06-29
 Pg 2 of 2

VENDOR NAME:	* ALLIED SIGNS INC	HARLAN ELECTRIC COMPANY	MOTOR CITY ELECTRIC UTILITIES
15. Non-Contract Replacement Parts			
Discount + % or - %	+30% - 25%	+10%	+10%
Parts List Dated	8/10/2006		
or Invoiced Price			
Manufactured by:			Various
INSURANCE: Can Meet	XX	XX	XX
Cannot Meet			
TERMS:	NET 30 DAYS	NET 30 DAYS	NET 30
WARRANTY:	MANUFACTURER	ONE YR ON LABOR	MFG / LABOR 1 YEAR
RESPONSE TIME:	48 HOURS	48 HOURS	48 HOURS
EXCEPTIONS:	BLANK	Performance bond	BLANK
		excluded in pricing	
ACKNOWLEDGEMENT: Y or N	YES	YES	YES

PROPOSAL: Furnish All Labor, Tools, Equipment, Transportation Services, and Traffic Controls to Provide Two-Year Requirements of Street, Parking Lot, and Athletic Field Light Maintenance with an Option to Renew for One Additional Year

ATTEST:
 Marina Basta-Farouk
 Cheryl Stewart
 Susan Leirstein

* **DENOTES LOW TOTAL BIDDER**

 Jeanette Bennett
 Purchasing Director

August 29, 2006

TO: Phillip L. Nelson, City Manager

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

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 15% of the original project cost. This amount is 5% higher than our typical contingency due to the significant amount of underground water main work on this project and a corresponding higher potential for conflicts with existing utilities.

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 Iafate 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

Six-S, Inc.
2210 Scott Lake Road
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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

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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 lft	\$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 lft	\$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 lft	\$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

September 6, 2006

TO: Phil 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– Common Ground

APPROVAL TO EXPEND FUNDS

City management requests approval to provide funding to Common Ground, during the 2006/2007 fiscal year at a cost to the City of Troy of \$2,100.00, to be paid in one installment.

HISTORY

The services provided by Common Ground include: the Oakland County Crisis Response Team, Victim’s Assistance Program, Community Education and Training Programs, and a Legal Clinic.

A funding agreement was previously approved by the City Council on August 31, 1998, February 5, 2001, January 7, 2002, February 17, 2003, with resolution #98-393-C-6, #2001-02-076-E-4, #2002-01-006-E-2, #2003-02-091-E-9, #2004-11-576-E-17 and #2005-10-458-E-4e respectively.

BUDGET

The Police Department account #305.7802.107 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
COMMON GROUND SANCTUARY**

This Agreement, by and between the City of Troy, 500 W. Big Beaver Road, Troy, Michigan 48084 (hereinafter referred to as the “CITY”), and Common Ground Sanctuary, 1410 South Telegraph Road, Bloomfield Hills, Michigan 48302, a Michigan non-profit organization, (hereinafter referred to as “ Common Ground Sanctuary”),

RECITALS

WHEREAS, the CITY desires to provide for problem-solving for individuals and families in crisis, victims of crime, persons with mental illness, persons trying to cope with critical situations and runaway and homeless youths, especially those who cannot afford private services; and

WHEREAS, the general purpose of Common Ground Sanctuary is to provide opportunities for individuals and families in crisis:

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

COMMON GROUND SANCTUARY RESPONSIBILITIES.

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

A. A mental health worker, a licensed social worker, psychologist, or counselor, on staff at Common Ground Sanctuary shall oversee programs designed to make crisis assistance available including, but not limited to, a 24-hour crisis telephone line, victim assistance programs, runaway and homeless youth shelters, street outreach programs, legal clinics and in-home counseling programs.

B. Common Ground Sanctuary shall offer these programs to individuals, including youth, and families in crisis, victims of crime, persons with mental illness, individuals trying to cope with critical situations and runaway and homeless youths, including residents of the City of Troy.

C. Common Ground Sanctuary 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 Common Ground Sanctuary, and will be available for inspection by the CITY on request.

3. Location of Facility. Common Ground Sanctuary has administrative offices at 1410 South Telegraph Road, Bloomfield Hills, Michigan 48302. The CITY shall be notified immediately of any relocation or planned relocation of the facility.

4. Service Documentation. Common Ground Sanctuary shall provide a quarterly report which may be in the form of minutes from monthly Common Ground Sanctuary Board of Directors meetings to the CITY in October, January, April and July, including but not limited to the following information:

A. Data regarding Common Ground Sanctuary's operation, including but not limited to, the number of persons serviced by Common Ground Sanctuary 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 Common Ground Sanctuary.

D. Other information that the CITY may deem necessary without jeopardizing the confidentiality of the Common Ground Sanctuary clientele.

5. Fiscal Requirements. Common Ground Sanctuary 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.

Common Ground Sanctuary 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 Common Ground Sanctuary budget, total expenditures, and expenditures funded and claimed to other funding sources.

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

Common Ground Sanctuary 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, Common Ground Sanctuary will review with the CITY staff the programs funded by this Agreement to

determine if there are appropriate crisis guidance programs and counseling activities which may be utilized by individuals and families.

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. Common Ground Sanctuary 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. Common Ground Sanctuary 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 Common Ground Sanctuary or its officers, directors, employees, agents or volunteers.

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

TROY'S RESPONSIBILITIES

The CITY hereby agrees to pay to Common Ground Sanctuary an amount not to exceed \$ 2,100.00 for services performed under this Agreement. Payment is to be made in one payment in the fall of 2006.

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

MUTUAL COVENANTS

1. Cancellation of Agreement. If the CITY determines that Common Ground Sanctuary 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 Common Ground Sanctuary, If Common Ground Sanctuary becomes defunct, Common Ground Sanctuary will reimburse the CITY for all pre-payments based on the date of termination.

2. Employees of Common Ground Sanctuary. Representatives, employees and volunteers of Common Ground Sanctuary shall not be deemed to be employees or agents of the CITY for any purposes solely because of their participation with Common Ground Sanctuary.

3. Independent Contractors. Common Ground Sanctuary 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. Common Ground Sanctuary 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 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 Common Ground Sanctuary 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:

COMMON GROUND SANCTUARY

Tony Rothschild, President and CEO

September 8, 2006

To: Phillip L. Nelson, City Manager

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

Re: **Agenda Item:** Standard Purchasing Resolution 3: Exercise Renewal Option –
Emergency Medical Services –

RECOMMENDATION

City management recommends approval of the three (3) year option to renew for Emergency Medical Services with Alliance Mobile Health of Rochester Hills, MI, for an estimated annual cost of \$500,000.00 under the current terms and conditions of the original contract.

BACKGROUND

On June 2, 2003, Troy City Council approved a three-year contract to provide for emergency medical services with an option to renew for three additional one-year periods to the low bidder submitting the best value proposal, Alliance Mobile Health at an estimated cost of \$463,623.00 per year {Resolution #2003-06-281}.

In the past three years, Alliance Mobile Health has done an excellent job handling the emergency medical services for the City of Troy. Not only has Alliance meet or exceeded the response time requirements every month, quarterly surveys are conducted on patient satisfaction. On a scale of 1-4, 4 being the best, Alliance Mobile Health averages 3.84.

Alliance Mobile Health is the first and only CAAS (Commission on Accreditation of Ambulance Services) credited EMS provider based in Oakland County. CAAS was formed in 1990, as a not-for-profit agency to be a standard bearer for medical transportation systems. The American Ambulance Association, the American College of Emergency Physicians, the National Association of EMS Physicians, the National Association of State EMS Directors, the National Association of EMTs, and the International Association of Fire Chiefs, with liaison representation from The National Highway Transportation Safety Administration, sponsor this accreditation. CAAS Accreditation signifies that ambulance services have met the "gold standard" determined by the ambulance industry to be essential in a modern emergency medical services provider.

AMH has forged an excellent working relationship with the Troy Police and Fire Departments. AMH has coordinated and conducted many police and fire training sessions, and have been a valued member of the City of Troy Special Response Unit.

AMH is currently planning on purchasing or leasing new office and garage space in Troy. This move should be completed by November 2006.

MARKET SURVEY

Due to the best value process used in evaluating the request for proposal, a market survey was not done; since the City utilizes an evaluation process in which bidders are required to meet minimum specified requirements, along with a weighted score for level of services.

BUDGET

Funding for this service is available in the Police Department Uniform Patrol Account – 1st Responder Service # 315.7802.010.

Prepared by: Sergeant Donald Ostrowski



September 8, 2006

City of Troy
Chief William Nelson
500 W. Big Beaver Road
Troy, MI 48084

Dear Chief Nelson,

Alliance Mobile Health would agree to a 3-year extension vs. the current one year extension over the next 3 years. The services are to provide emergency medical paramedic first responder services to the City of Troy. All of the terms and conditions outlined in the contract remain acceptable to our organization.

If you have any questions, please do not hesitate to contact me at 248-495-5634.

Sincerely,

Laurie Thiel, CEO
Alliance Mobile Health
1625 Star Batt Drive
Rochester Hills, MI 48309

April 22, 2003

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Jeanette Bennett, Purchasing Director
Police Chief Charles Craft
Fire Chief William Nelson

RE: Standard Purchasing Resolution 8: Best Value Award –
Emergency Medical Services Contract

RECOMMENDATION

On January 31, 2003, request for proposals (RFP) were opened for a three-year contract for Emergency Medical Services with an option to extend for three additional one-year periods. It is respectfully recommended that an award be made to the highest scoring, lowest bidder, Alliance Mobile Health at an estimated cost of \$463,623 annually or \$ 1,390,869 for the three years of the contract, at unit prices contained in the attached tabulation dated 1/31/03. If approved by Council, this RFP shall be awarded to the recommended bidder contingent upon submission of proper proposal documents, including insurance certificates and all specified requirements.

Alliance Mobile Health received the highest recommendations from the committee of evaluators from the City of Troy. Not only did this company furnish the most impressive and complete proposal package; they also prepared a proposal with the lowest prices.

SELECTION PROCESS

The selection of the service provider was based upon weighted criteria including the RFP responses and price. Using a 100 point scoring process, prices were equated to the amounts budgeted for Ambulance Services (\$0 = 100 points), and a scoring formula for First Responder Service. The final score calculation was determined as follows:

$$\begin{array}{r} 40\% \times \text{Ambulance Service Price Score} \\ 40\% \times \text{Medical First Responder Price Score} \\ \underline{20\% \times \text{Average of Service Weighted Scores}} \\ 100\% \quad = \text{Final Weighted Score} \end{array}$$

NOTE: The estimated cost of \$1.4 million for the three years is based upon 21,900 hours per year used in the deployment plan acceptable for medical services.

BUDGET

The current contract expires on October 1, 2003, and the new one would commence at that time. The Police Department has budgeted funds for this service in the Uniform Patrol – 1st Responders Account #315.7802.010 for the fiscal year 2003-2004.

25 Proposals Sent
5 Firms attended Pre-bid Meeting
4 Proposal Responses Received
1 No Bid: (1) Company bidding through another ambulance service.

Prepared by: Sgt. Donald Ostrowski

EXECUTIVE SUMMARY- EMERGENCY MEDICAL SERVICES

STATISTICS:

- ◆ 25 Request for Proposal documents sent to prospective bidders
- ◆ 4 responses were received
- ◆ Alliance Mobile Health was the most qualified bidder by receiving the highest score

Final Score Calculation:

40% x Ambulance Service Price Score
 40% x Medical First Responder Price Score
 20% x Other Score

100% Final Weighted Score

* In order to equate the price and the weighted evaluation process scoring, all scores were converted into a score with the base of 100

The following bidders submitted a proposal and received the indicated final scores:

FINAL SCORING

COMPANY	SCORE
Alliance Mobile Health	89
Community EMS Inc.	88
American Medical Response (AMR)	66
Universal - Macomb Ambulance	15

Final Score Calculations: 8 MINUTES

VENDORS:	Alliance Mobile Health	Community EMS Inc.	American Medical Response (AMR)	Universal - Macomb Ambulance
Score				
Ambulance Price Score: (x .40) =	100 x .40 = 40	100 x .40 = 40	100 x .40 = 40	0 x .40 = 0
First Responder Price Score: (x .40) =	75 x .40 = 30	75 x .40 = 30	25 x .40 = 10	0 x .40 = 0
Service Weight Score: (x .20) =	94 x .20 = 19	92 x .20 = 18	79 x .20 = 16	74 x .20 = 15
FINAL SCORE:	89**	88	66	15

** HIGHEST RATED VENDOR - RECOMMENDED AWARD

ADDITIONAL SCORING SUMMARIES:

PRICE SCORE – AMBULANCE SERVICE: 8 MINUTES

Vendors:	SCORE
Alliance Mobile Health	100
Community EMS Inc.	100
American Medical Response (AMR)	100
Universal - Macomb Ambulance	0

PRICE SCORE – FIRST RESPONDERS SERVICE:

Vendors:	Score
Alliance Mobile Health	75
Community EMS Inc.	75
American Medical Response (AMR)	25
Universal - Macomb Ambulance	0

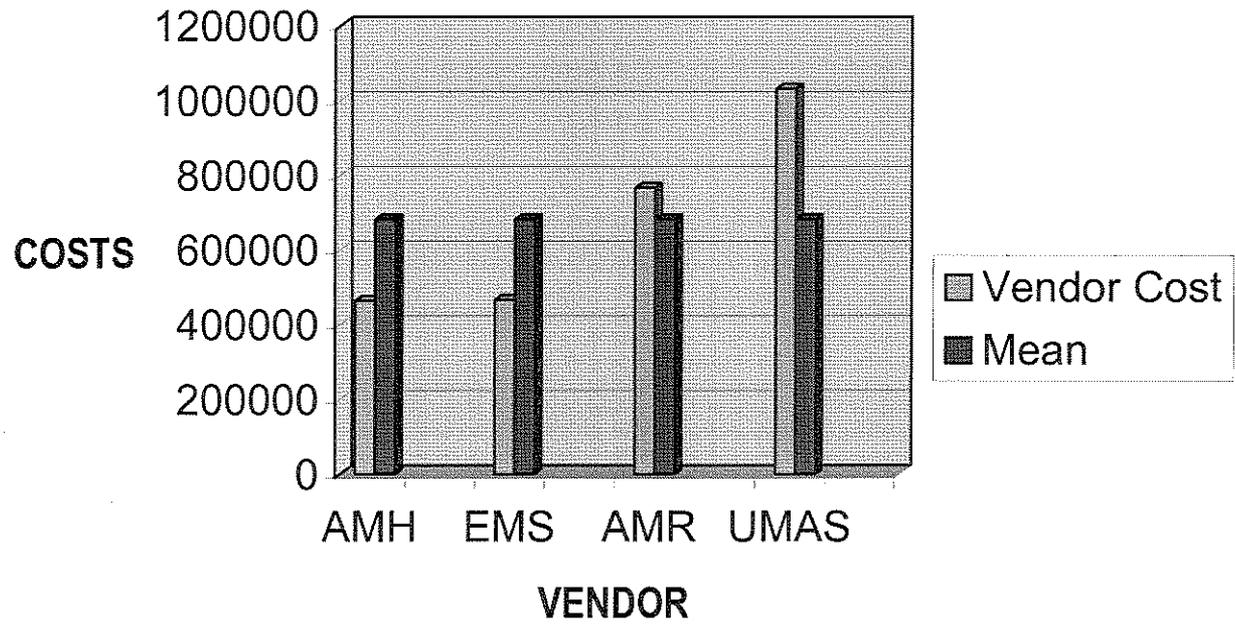
WEIGHTED SCORE:

Raters:	1	2	AVERAGE
Vendors:			
Alliance Mobile Health	96	92	94
Community EMS Inc.	94	89	92
American Medical Response (AMR)	79	79	79
Universal - Macomb Ambulance	76	72	74

**EMERGENCY MEDICAL SERVICES
ANALYSIS**

VENDOR	COST	MEAN	DIFFERENCE	D2	VARIANCE	STANDARD DEVIATION	POINTS
AMH	463623	682,038	218,415	47705112225		1	75
EMS	466470	682,038	215,568	46469562624		1	75
						0 (Mean)	
AMR	766500	682,038	(84,462)	7133829444		-1	25
UMAS	1031560.2	682,038	(349,522)	1.22166E+11		-2	0
	\$2,728,153.2			223,474,132,777	55868533194	236365.2538	

EMERGENCY MEDICAL SERVICES



Opening Date: 01/31/03
 Date Prepared: 3/12/03

BID TABULATION
 CITY OF TROY
 EMERGENCY MEDICAL SERVICES

VENDOR NAME:	COMMUNITY EMS		ALLIANCE MOBILE		AMERICAN MEDICAL				
	SERVICE		HEALTH		RESPONDERS				
PROPOSAL: Emergency Medical Services									
AMBULANCE SERVICES									
COST FOR RESPONSE TIME:	8 Minutes	6 Minutes	8 Minutes	6 Minutes	8 Minutes	6 Minutes			
Year 2003--2004	NO COST	NO BID	NO COST	\$30,089/MO	NO COST	\$35,000/MO			
FIRST RESPONDER SERVICE									
COST FOR MEDICAL FIRST RESPONDERS:	# of Hrs		Cost		# of Hrs		Cost		
Year 2003--2004									
Ambulance	0	\$	-	0	\$	21.17	0	\$	39.00
Other Type - Vehicle	OPTION 1: 20,592	\$	21.30	* 21900	\$	21.17	* 21900	\$	35.00
	* OPTION 2: 21,900	\$	21.30						
ESTIMATED GRAND TOTAL:			\$466,470.00			\$ 463,623.00			\$766,500.00
EXTENSION OF AWARD: (Tri County Purchasing Members)									
Yes or No	YES			YES			YES		
INSURANCE:	Can meet	YES		YES			XX		
	Cannot meet								
INSURANCE LETTER: Yes or No	NO			YES			NO		
PAYMENT TERMS:	BLANK			NET 30			NET 30		
EXCEPTIONS:	BLANK			NONE			BLANK		
HOLD HARMLESS CLAUSE									
Filled out	YES			YES			YES		
Not Filled out									

NO BIDS:
Medstar Ambulance

* NOTE: 21,900 is the number of hours used in the deployment plan acceptable for MFR Service, and is being used for award purposes.
 (2 units, 24/7; 1 unit 12hrs/7days, 365 days/year)

BOLDFACE TYPE DENOTES BEST VALUE PROPOSAL

ATTEST:
 Cheryl Morrell
 Donald Ostrowski
 Linda Bockstanz


 JEANETTE BENNETT
 PURCHASING DIRECTOR

Opening Date: 01/31/03
 Date Prepared: 3/12/03

BID TABULATION
 CITY OF TROY
 EMERGENCY MEDICAL SERVICES

VENDOR NAME:		UNIVERSAL-MACOMB			
		AMBULANCE SERVICE			
PROPOSAL: Emergency Medical Services					
AMBULANCE SERVICES					
COST FOR RESPONSE TIME:		8 Minutes	6 Minutes	8 Minutes	6 Minutes
Year 2003--2004				\$31,304.60/MO	\$82,466.65/MO
		(2) AMBULANCES		(3) AMBULANCES	
FIRST RESPONDER SERVICE					
COST FOR MEDICAL FIRST RESPONDERS:					
Year 2003--2004		# of Hrs	Cost	# of Hrs	Cost
Ambulance				0	\$ 69.98
Other Type - Vehicle				* 21900	\$ 29.95
TOTAL					\$ 655,905.00
ESTIMATED GRAND TOTAL:					\$1,031,560.20
EXTENSION OF AWARD: (Tri County Purchasing Members)					
Yes or No		YES			
INSURANCE: Can meet					
Cannot meet		XX LISTED IN BID			
INSURANCE LETTER: Yes or No					
		NO			
PAYMENT TERMS:					
		AS AGREED			
EXCEPTIONS:					
		INSURANCE			
		DIFFERENTIAL DISPATCH			
HOLD HARMLESS CLAUSE					
Filled out		YES			
Not Filled out					

September 8, 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 3: Exercise
Renewal Option – Pavement Seam and Fracture Sealing Program

RECOMMENDATION

The Streets Division of the Public Works Department recommends approval of the second one-year contract renewal option for the pavement seam and fracture-sealing program with Scodeller Construction, Inc. of South Lyon, MI, for an estimated total cost of \$500,000.00. All terms, conditions, and unit pricing will remain the same as for the 2004 season and will expire June 30, 2007.

SUMMARY

On October 18, 2004, Troy City Council approved a contract to provide for a pavement seam and fracture-sealing program with an option to renew for two (2) additional one-year periods, to the low bidder, Scodeller Construction, Inc. at an estimated cost of \$657,500.00, at unit prices contained in the bid tabulation opened September 29, 2004. {Resolution # 2004-10-546-E7}.

On September 12, 2005, Council exercised the first of two (2) one-year renewal options and authorized changes in the quantity of work either additive or deductive not to exceed 25% of the total project cost {Resolution#2005-09-416-E4e}.

MARKET SURVEY

The Purchasing Department has conducted a market survey and concurs with the recommendation to exercise the second option to renew as fuel prices continue to be elevated over 2004 prices.

BACKGROUND

- Scodeller Construction, Inc. has been able to produce a quality product for the City.
- Moving this work forward would improve the safety for all pedestrians and also reduce the liability for the City.
- Scodeller Construction, Inc. has agreed to exercise the one-year option to renew under the same prices, terms, and conditions.

BUDGET

Funding for this program will come from 2006-2007 budgeted funds available in the Capital Accounts for Pavement Seam and Fracture Sealing Major and Local Roads, Account #401479.7989.200 (\$100,000.00) and #401499.7989.120 (\$400,000.00) respectively.

ATTN: DAVED K. BACCI
Scodeller Construction, Inc.
P.O. Box 448,
South Lyon MI 48178

Dear Mr. Bacci:

On October 27, 2004, the City of Troy entered into contract 20400360 OB with Scodeller Construction, Inc. to provide one (1) year requirements of the Pavement Seam and Fracture Sealing Program. This contract contained an option to renew for two (2) additional one- year periods through mutual consent of both parties, within 30 days of contract termination.

Please fax this letter back to Marina Basta Farouk at Public Works Department indicating if Scodeller Construction, Inc. wishes to renew this contract until June 30, 2007. Our fax number is (248) 524-3520. It should be understood that this request to renew the contract is subject to a favorable market survey. A request by City staff to determine the successful bidder's interest in renewing the contract in no way obligates the City. The option cannot be exercised without Troy City Manager and City Council approval and a blanket purchase order issued.

If you have any questions please call me at (248) 524-3595.

CHECK ONE:

Scodeller Construction, Inc.. **is interested in renewing the contract under the same prices, terms, and conditions:**

Scodeller Construction, Inc.. **is not interested in renewing the contract:** ()

X *David K. Bacci*
Signed: Authorized Company Representative

Date: 8/30/06

Thank you,
Marina Basta Farouk
Project Construction Manager

August 16, 2005

TO: Jeanette Bennett
Purchasing Director

FROM: Linda N. Bockstanz
Associate Buyer

RE: MARKET SURVEY – PAVEMENT SEAM & FRACTURE SEALING

MICHIGAN JOINT SEALING, INC. – Jerry (248) 476-4120

According to Jerry, all prices will be the same for materials for pavement and sealing. There maybe an increase of 10% in the next nine months, because of fuel, but as far as he's concerned he believes prices will even out by next year. As of new products coming out, he has not heard of any for this year.

Based upon the above comment, I respectfully recommend that the City accept the offer to renew the contract for Pavement Seam & Fracture Sealing to the current vendor on the fact that costs will remain the same now, but will increase in the coming nine months based upon rising transportation and fuel costs.

CC: Susan Leirstien

Opening Date -- 9-29-04
 Date Prepared -- 10/7/04

VENDOR NAME:

* SCODELLER CONSTRUCTION	MICHIGAN JOINT SEALING
INC	INC
Ck Number 233619886	649171894
Ck Amount \$2,500.00	\$2,500.00

Proposal: City of Troy Pavement Seam & Fracture Sealing Program with an Option to Renew for Two (2) Additional One-Year Periods						
ITEM	DESCRIPTION	Estimated Quantities	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1	Pavement Seam & Fracture Sealing for Major Roads - Labor	350,000 L.F.	\$ 0.665	\$ 232,750.00	\$ 0.67	\$ 234,500.00
2	Pavement Seam & Fracture Sealing for Local Roads - Labor	500,000 L.F.	\$ 0.635	\$ 317,500.00	\$ 0.70	\$ 350,000.00
3	Pavement Seam & Fracture Sealing for Material for Major and Local Roads	275,000 LBS.	\$ 0.39	\$ 107,250.00	\$ 0.45	\$ 123,750.00
4	Traffic Control	Included	-----	Included	-----	Included
ESTIMATED GRAND TOTAL				* \$ 657,500.00		\$ 708,250.00

INSURANCE: Can meet
 Cannot Meet

XX XX

CONTACT INFORMATION:
 Hrs of Operation
 Contact Number

7AM-7PM 7AM-4PM
 (248)787-1139 (248)476-4120

PROGRESS PAYMENTS: Y or N

Yes, Bi-Weekly Upon Completion

COMPLETION SCHEDULE:
 Can Meet
 Cannot Meet

XX XX

First Year by June 30, 2005

TERMS:

NET 30 NET 30

WARRANTY:

1 YEAR 1 YEAR

EXCEPTIONS:

BLANK BLANK

ACKNOWLEDGEMENT: Y or N

YES YES

VENDOR QUESTIONNAIRE: Y or N

YES YES

**LEGAL STATUS OF BIDDER
 NON-COLLUSION AFFIDAVIT** Y or N
 Y or N

YES YES
 YES YES

ATTEST:

* DENOTES LOW BIDDER

MaryAnn Hays
 Marina Basta-Farouk
 Tom Rosewarne
 Linda Bockstanz

Jeanette Bennett
 Purchasing Director

September 7, 2006

To: Phillip L. Nelson, City Manager

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

Subject: **Agenda Item** – Rescind Partial Bid Award / Re-Award Contract –
Janitorial Services

RECOMMENDATION

City management recommends that City Council rescind the award with prejudice to Elite Maintenance of Elk Grove Village, Illinois for Janitorial Services, Group 2 and 4, (Resolution #2005-08-375-E-4a) due to their exodus from the state of Michigan.

Staff also recommends re-awarding the contract to the next lowest acceptable bidders, American Cleaning and Road Runr Maintenance. Both vendors currently hold janitorial contracts with the City. Subsequent letters received from American Cleaning and Road Runr Maintenance indicate an interest in expanding the scope of their work at prices originally bid in 2003. Approval is needed to amend their contracts to include the public works facilities and fire halls beginning October 1, 2006 and expiring October 30, 2007, at an estimated additional cost of \$20,299.37 and \$29,544.84 respectively. Unit prices and square footages of the areas to be serviced are as follows –

Location	Square Footage	\$ per SqFt	Cost per Month
Group 2: <i>American Cleaning</i>			
DPW Facility	9,500	\$.110	\$1,045.00
P&R Garage	1,781	\$.290	\$ 516.49
Group 4: <i>Road Runr Maintenance</i>			
#1 Fire Halls	2,175	\$.12	\$ 261.00
#2	2,320	\$.12	\$ 278.40
#3	3,000	\$.12	\$ 360.00
#4	1,914	\$.12	\$ 229.68
#5	3,000	\$.12	\$ 360.00
#6	1,920	\$.12	\$ 230.40
Fire/Police Training Center	6,915	\$.08	\$ 553.20

BACKGROUND

On August 1, 2005, Troy City Council exercised and approved the option to renew the janitorial services contract for two (2) additional years with Road Runr Maintenance, American Cleaning, Elite Maintenance, and This is It! Quality Cleaning under the same contract terms and conditions to expire October 30, 2007 (Resolution #2005-08-375-E-4a). On August 31, 2006, the City of Troy received a letter from Elite Maintenance indicating their intent to terminate the janitorial maintenance contract effective September 30, 2006 at midnight.

Staff recommends rescinding the award with prejudice that will suspend Elite Maintenance from being awarded City contracts for three (3) years. If they request to be readmitted after this time, Administrative Memorandum guides the process for re-entry.

BUDGET

Funds for janitorial services are available in the various facilities' operating accounts for custodial contractors.



500 West Big Beaver
Troy, Michigan 48064
www.troymi.gov

August 30, 2006

Ms. Brisida T. Bibashani
American Cleaning
52844 Karon Drive
Macomb Township, MI 48042

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

Dear Ms. Bibashani:

The City of Troy entered into a contract through blanket order #20300358 OB with American Cleaning to provide two-year requirements of Janitorial Services expiring October 30, 2005, with an option to renew the contract for two additional years. The option was exercised on August 1, 2005 and will expire October 30, 2007 (blanket order #20500119 OB).

The City of Troy is now interested in knowing whether American Cleaning wants to amend the current contract and add another facility group, the DPW Facility and P&R Garage located on Rochester Road between Wattles and Long Lake Roads. Bid prices from 2003 would govern this part of the contract until its expiration on October 30, 2007 and are as follows:

- \$.110/sqft DPW Facility
- \$.290/sqft P&R Garage

Please fax this letter back to the City of Troy Purchasing Department indicating if your company desires to **expand the scope of work for ITB-COT 03-06 - Janitorial Services - to include the Garage Facilities, Group 2, under the original bid prices, terms and conditions until October 30, 2007.** The fax number is (248) 619-7608. A request by City staff to determine the successful bidder's interest in expanding the scope of work in no way obligates the City. The contract may not be amended without Troy City Council approval and a blanket purchase order issued for the change in the scope of work.

If you have any questions please call the Purchasing Department at (248) 524-3338.

CHECK ONE:

American Cleaning is interested in expanding the scope of work under the Janitorial Services contract to include the Garage Facilities, at the original bid prices, terms and conditions as outlined above:

(X)

x *Brisida T. Bibashani*

Signed: Authorized Company Representative

Date: 08-31-06

American Cleaning is not interested in expanding the scope of work and changing the existing contract:

()

x _____

Signed: Authorized Company Representative

Date: _____

Thank you,
Jeanette Bennett
Jeanette Bennett
Purchasing Director



500 West Big Beaver
Troy, Michigan 48064
www.troymi.gov

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

August 30, 2006

Mr. Vince Hebel
Road Runr Maintenance
691 Orchard Lake Road
Pontiac, MI 48341
Fax: (248) 332-0006

Dear Mr. Hebel:

The City of Troy entered into a contract through blanket order #20300355 OB with Road Runr Maintenance Inc. to provide two-year requirements of Janitorial Services expiring October 30, 2005, with an option to renew the contract for two additional years. The option was exercised on August 1, 2005 and will expire October 30, 2007 (blanket order #20500117 OB).

The City of Troy is now interested in knowing whether Road Runr wants to amend the current contract and add another facility group, the six (6) Fire Halls and the Police/Fire Training Center. Bid prices from 2003 would govern this part of the contract until its expiration on October 30, 2007 and are as follows:

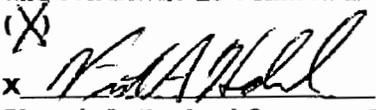
- \$.120/sqft Fire Halls
- \$.080/sqft Police/Fire Training Center

Please fax this letter back to the City of Troy Purchasing Department indicating if your company desires to **expand the scope of work for ITB-COT 03-06 - Janitorial Services - to include the Fire Sites, Group 4, under the original bid prices, terms and conditions until October 30, 2007.** The fax number is (248) 619-7608. A request by City staff to determine the successful bidder's interest in expanding the scope of work in no way obligates the City. The contract may not be amended without Troy City Council approval and a blanket purchase order issued for the change in the scope of work.

If you have any questions please call the Purchasing Department at (248) 524-3338.

CHECK ONE:

Road Runr Maintenance is interested in expanding the scope of work under the Janitorial Services contract to include the Fire Sites, at the original bid prices, terms and conditions as outlined above:



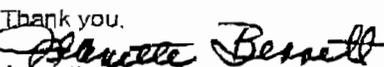
Signed: Authorized Company Representative

Date: 9/6/2006

Road Runr Maintenance is not interested in expanding the scope of work and changing the existing contract:

Signed: Authorized Company Representative

Date: _____

Thank you,

Jeanette Bennett
Purchasing Director

VENDOR NAME:	Road Runr Mtnc Inc	Elite Maintenance	American Cleaning
CHECK #	100870289	469896	197864054
CHECK AMOUNT	\$ 15,150.00	\$ 15,150.00	\$ 15,150.00

LOCATION	SQUARE FOOTAGE	COST / MONTH	\$ PER SQUARE FT.	COST / MONTH	\$ PER SQUARE	COST / MONTH	\$ PER SQUARE FT.
Group 1: Civic Center Sites							
CITY HALL & POLICE	86,388	\$ 4,751.34	\$ 0.055	\$ 6,582.77	0.0762	\$ 12,094.32	\$ 0.140
52-4 DISTRICT COURT	29,000	\$ 2,030.00	\$ 0.070	\$ 2,891.30	0.0997	\$ 3,190.00	\$ 0.110
COMMUNITY CENTER	97,835	\$ 8,071.39	\$ 0.0825	\$ 12,043.49	0.1231	\$ 24,458.75	\$ 0.25
LIBRARY	44,500	\$ 2,447.50	\$ 0.055	\$ 4,556.80	0.1024	\$ 4,895.00	\$ 0.11
Monthly TOTAL of GROUP		\$ 17,300.23		\$ 26,074.35		\$ 44,638.07	
Yearly Total of Group 1:		\$ 207,602.73		\$ 312,892.25		\$ 535,656.84	
CASUAL- 22,724 Hrs x Regular Time;		\$ 272,688.00		\$ 307,455.72		\$ 244,283.00	
CASUAL - Holiday Time x 96 HRS		\$ 1,728.00		\$ 2,598.72		\$ 2,064.00	
GRAND TOTAL -W/CASUAL - GROUP 1:		\$ 482,018.73 *		\$ 622,946.69		\$ 782,003.84	
Group 2: Garage Facilities							
DPW FACILITY	9,500	\$ 1,140.00	\$ 0.12	\$ 1,107.70	0.1166	\$ 1,045.00	\$ 0.110
P&R GARAGE	1,781	\$ 623.35	\$ 0.35	\$ 340.35	0.1911	\$ 516.49	\$ 0.290
Monthly TOTAL of GROUP		\$ 1,763.35		\$ 1,448.05		\$ 1,561.49	
Yearly Total of Group 2:		\$ 21,160.20		\$ 17,376.60	**	\$ 18,737.88	< = Re-Award
Group 3:							
Enrichment Facilities							
MUSEUM	5X / Week 10,846	\$ 704.99	\$ 0.065	\$ 1,713.67	0.1580	\$ 867.68	\$ 0.080
LLOYD STAGE	3X / Week	\$ 736.56	\$ 0.09	\$ 848.68	0.1037	\$ 654.72	\$ 0.080
NATURE CENTER	8,184						
Monthly TOTAL of GROUP		\$ 1,441.55		\$ 2,562.35		\$ 1,522.40	
Yearly Total of Group 3		\$ 17,298.60		\$ 30,748.19		\$ 18,268.80	
Nature Center - 1,040 Hrs x Regular Time		\$ 12,480.00		\$ 14,071.20		\$ 11,180.00	
GRAND TOTAL -W/CASUAL - GROUP 3:		\$ 29,778.60		\$ 44,819.39		\$ 29,448.80	*
Group 4: Fire Sites							
FIRE HALLS:							
1 (Tuesday and Friday)	2,175	\$ 261.00	\$ 0.12	\$ 228.59	\$ 0.1051	\$ 261.00	\$ 0.120
2 (Monday and Thursday)	2,320	\$ 278.40	\$ 0.12	\$ 271.21	\$ 0.1169	\$ 278.40	\$ 0.120
3 (Tuesday and Friday)	3,000	\$ 360.00	\$ 0.12	\$ 315.30	\$ 0.1051	\$ 360.00	\$ 0.120
4 (Tuesday and Friday)	1,914	\$ 229.68	\$ 0.12	\$ 201.16	\$ 0.1051	\$ 229.68	\$ 0.120
5 (Monday and Thursday)	3,000	\$ 360.00	\$ 0.12	\$ 350.70	\$ 0.1169	\$ 360.00	\$ 0.120
6 (Monday and Thursday)	1,920	\$ 230.40	\$ 0.12	\$ 224.45	\$ 0.1169	\$ 230.40	\$ 0.120
FIRE/ POLICE TRAINING	6,915	\$ 553.20	\$ 0.08	\$ 577.40	\$ 0.0835	\$ 1,037.25	\$ 0.150
Monthly TOTAL of GROUP		\$ 2,272.68		\$ 2,168.81		\$ 2,756.73	
Yearly Total of Group 4:		\$ 27,272.16	< = Re-Award	\$ 26,025.75	*	\$ 33,080.76	
Group 5: Other Sites							
WITHDREW FROM GROUP 5 -							
SYLVAN GLEN: Maintenance Bldg. - All Year	2X / 750	\$ 112.50	\$ 0.15	\$ 259.20	\$ 0.3456	INCORRECT SQFT AMOUNTS	\$ 0.040
SYLVAN GLEN GC: Pro Shop (9 mos./yr)	5X / 1,700	\$ 255.00	\$ 0.15	\$ 631.55	\$ 0.3715		\$ 0.030
SANCTUARY LAKE GC: Maintenance Bldg. - All Year	2X / 719	\$ 107.85	\$ 0.15	\$ 244.24	\$ 0.3397		\$ 0.040
SANCTUARY LAKE GC: Pro Shop (9 mos./yr)	5X / 1,000	\$ 150.00	\$ 0.15	\$ 660.50	\$ 0.6605		\$ 0.050
ENGINEERING FIELD OFFICE: All Year	2X / Week 2,357	\$ 353.55	\$ 0.15	\$ 135.53	\$ 0.0575		\$ 0.040
Monthly TOTAL of GROUP		\$ 978.90		\$ 1,931.02		\$ -	
Yearly Total of Group 5:		\$ 11,746.80		\$ 23,172.26		\$ -	
Monthly GRAND TOTAL GROUPS 1 - 5		\$ 23,756.71		\$ 34,184.59		N/A	
Yearly Grand Totals - Groups 1 - 5		\$ 285,080.49		\$ 410,215.05		N/A	
GRAND TOTAL - Groups 1-5 w/Causal		\$ 571,976.49		\$ 734,340.69		N/A	

VENDOR NAME:		Road Runr Mtnce Inc	Elite Maintenance	American Cleaning
CASUAL LABOR:				
City Hall, Courts, Comm.Ctr, Library				
22,724 Hrs x Regular Time;		\$ 272,688.00	\$ 307,455.72	10.75 \$ 244,283.00
Holiday Time 96 Hrs		\$ 1,728.00	\$ 2,598.72	21.50 \$ 2,064.00
Nature Center - 1,040 Hrs X Regular Time;		\$ 12,480.00	\$ 14,071.20	10.75 \$ 11,180.00
Regular Time:		\$ 12.00	\$ 13.53	9.00 to 12.50
Employee Pay Range:		7.75 to 9.00	13.53 to 19.55	9.00 to 12.50
Holiday Time:		\$ 18.00	\$ 27.07	18.00 to 25.00
TOTAL OF CASUAL LABOR:		\$ 286,896.00	\$ 324,125.64	\$ 257,527.00
GRAND TOTAL:				
RETURN OF BID DEPOSIT	Pick Up		X	
	Mail	X		X
INSURANCE:	Can Meet	X	X	X
	Cannot Meet			
SITE INSPECTIONS:	Y or N	Yes	Yes	Yes
	DATE	9/17/2003	9/21 & 22/03	9/17/2003
VENDOR QUESTIONNAIRE	Y or N	Yes	Yes	(Part of) Yes
TERMS:		30 days	Blank	Blank
WARRANTY:		Per Contract	Blank	Blank
EXCEPTIONS:		Blank	None	Blank

NOTE: HOURLY RATES NORMALIZED

PROPOSAL: Two(2) Year Requirements of Janitorial Services for Various City Locations with an Option to Renew for Two(2) Additional Years

* DENOTES LOW TOTAL BIDDERS

** DENOTES LOWEST ACCEPTABLE BIDDERS

ATTEST:

Steve Pallotta
 Mary Ann Hayes
 Linda Bockstanz

Jeanette Bennett
 Purchasing Director

VENDOR NAME:	THIS IS IT	OMNI Facility	Giant Janitorial
CHECK #	329724225	650318445	698816125
CHECK AMOUNT	\$ 15,150.00	\$ 15,150.00	\$ 15,150.00

LOCATION	SQUARE FOOTAGE	COST / MONTH	\$ PER SQUARE FT.	COST / MONTH	\$ PER SQUARE FT.	COST / MONTH	\$ PER SQUARE FT.
Group 1: Civic Center Sites							
CITY HALL & POLICE	86,388	\$ 4,751.34	\$ 0.055	\$ 6,435.91	\$ 0.0745	\$ 5,174.64	\$ 0.0599
52-4 DISTRICT COURT	29,000	\$ 2,610.00	\$ 0.090	\$ 2,001.00	\$ 0.0690	\$ 2,523.00	\$ 0.0870
COMMUNITY CENTER	97,835	\$ 10,761.85	\$ 0.110	\$ 9,587.83	\$ 0.0980	\$ 10,517.26	\$ 0.1075
LIBRARY	44,500	\$ 2,670.00	\$ 0.060	\$ 3,115.00	\$ 0.0700	\$ 3,110.55	\$ 0.0699
Monthly TOTAL of GROUP		\$ 20,793.19		\$ 21,139.74		\$ 21,325.45	
Yearly Total of Group 1:		\$ 249,518.28		\$ 253,676.88		\$ 255,905.44	
CASUAL- 22,724 Hrs x Regular Time;		\$ 289,731.00		\$ 255,645.00		\$ 272,688.00	
CASUAL - Holiday Time x 96 HRS		\$ 1,224.00		\$ 1,632.00		\$ 1,248.00	
GRAND TOTAL -W/CASUAL - GROUP 1:		\$ 540,473.28		\$ 510,953.88		#####	
Group 2: Garage Facilities							
DPW FACILITY	9,500	\$ 1,330.00	\$ 0.14	\$ 1,140.00	\$ 0.1200	\$ 1,805.00	\$ 0.19
P&R GARAGE	1,781	\$ 552.11	\$ 0.31	\$ 498.68	\$ 0.2800	\$ 614.45	\$ 0.345
Monthly TOTAL of GROUP		\$ 1,882.11		\$ 1,638.68		\$ 2,419.45	
Yearly Total of Group 2:		\$ 22,585.32		\$ 19,664.16		\$ 29,033.40	
Group 3:							
Enrichment Facilities							
MUSEUM	5X / Week 10,846	\$ 759.22	\$ 0.07	\$ 845.99	\$ 0.0780	\$ 1,084.60	\$ 0.10
LLOYD STAGE	3X / Week	\$ 654.72	\$ 0.08				
NATURE CENTER	8,184			\$ 793.85	\$ 0.0970	\$ 638.35	\$ 0.078
Monthly TOTAL of GROUP		\$ 1,413.94		\$ 1,639.84		\$ 1,722.95	
Yearly Total of Group 3		\$ 16,967.28		\$ 19,678.08		\$ 20,675.40	
Nature Center - 1,040 Hrs x Regular Time		\$ 13,260.00		\$ 11,700.00		\$ 12,480.00	
GRAND TOTAL -W/CASUAL - GROUP 3:		\$ 30,227.28		\$ 31,378.08		\$ 33,155.40	
Group 4: Fire Sites							
FIRE HALLS:							
1 (Tuesday and Friday)	2,175	\$ 261.00	\$ 0.12	\$ 289.28	\$ 0.1330	\$ 369.75	\$ 0.17
2 (Monday and Thursday)	2,320	\$ 278.40	\$ 0.12	\$ 308.56	\$ 0.1330	\$ 394.40	\$ 0.17
3 (Tuesday and Friday)	3,000	\$ 360.00	\$ 0.12	\$ 399.00	\$ 0.1330	\$ 510.00	\$ 0.17
4 (Tuesday and Friday)	1,914	\$ 229.68	\$ 0.12	\$ 254.56	\$ 0.1330	\$ 325.38	\$ 0.17
5 (Monday and Thursday)	3,000	\$ 360.00	\$ 0.12	\$ 399.00	\$ 0.1330	\$ 510.00	\$ 0.17
6 (Monday and Thursday)	1,920	\$ 230.40	\$ 0.12	\$ 255.36	\$ 0.1330	\$ 326.40	\$ 0.17
FIRE/ POLICE TRAINING	6,915	\$ 1,728.75	\$ 0.25	\$ 1,058.00	\$ 0.1530	\$ 1,521.30	\$ 0.22
Monthly TOTAL of GROUP		\$ 3,448.23		\$ 2,963.75		\$ 3,957.23	
Yearly Total of Group 4:		\$ 41,378.76		\$ 35,565.00		\$ 47,486.76	
Group 5: Other Sites							
SYLVAN GLEN: Maintenance Bldg. - All Year	2X / 750	\$ 75.00	\$ 0.10	\$ 86.25	\$ 0.1150	\$ 202.50	\$ 0.27
SYLVAN GLEN GC: Pro Shop (9 mos./yr)	5X / 1,700	\$ 272.00	\$ 0.16	\$ 241.40	\$ 0.1420	\$ 391.00	\$ 0.23
SANCTUARY LAKE GC: Maintenance Bldg. - All Year	2X / 719	\$ 71.90	\$ 0.10	\$ 81.97	\$ 0.1140	\$ 201.32	\$ 0.28
SANCTUARY LAKE GC: Pro Shop (9 mos./yr)	5X / 1,000	\$ 160.00	\$ 0.16	\$ 142.00	\$ 0.1420	\$ 420.00	\$ 0.42
ENGINEERING FIELD OFFICE: All Year	2X / Week 2,357	\$ 235.70	\$ 0.10	\$ 223.92	\$ 0.0950	\$ 259.27	\$ 0.11
Monthly TOTAL of GROUP		\$ 814.60		\$ 775.53		\$ 1,474.09	
Yearly Total of Group 5:		\$ 9,775.20	**	\$ 9,306.36	+25% Service Fee	\$ 17,689.08	
Monthly GRAND TOTAL GROUPS 1 - 5		\$ 28,352.07		\$ 28,157.54	\$2,326.59	\$ 30,899.17	
Yearly Grand Totals - Groups 1 - 5		\$ 340,224.84		\$ 337,890.48		\$ 370,790.08	
GRAND TOTAL - Groups 1-5 w/Causal		\$ 644,439.84		\$ 606,867.48		\$ 657,206.08	

VENDOR NAME: THIS IS IT		OMNI Facility	Giant Janitorial
CASUAL LABOR:			
City Hall, Courts, Comm.Ctr, Library 22,724 Hrs x Regular Time;		\$ 289,731.00	\$ 272,688.00
Holiday Time 96 Hrs		\$ 1,224.00	\$ 1,248.00
Nature Center - 1,040 Hrs X Regular Time;		\$ 13,260.00	\$ 12,480.00
Regular Time:	\$ 12.75	\$ 11.25	\$ 12.00
Employee Pay Range:	10.50 to 12.75	8.00 to 8.15	6.50 to 11.00
Holiday Time:	\$ 12.75	\$ 17.00	\$ 13.00
TOTAL OF CASUAL LABOR:	\$ 304,215.00	\$ 268,977.00	\$ 286,416.00
GRAND TOTAL:			
RETURN OF BID DEPOSIT	Pick Up <u>X</u>		<u>X</u>
	Mail _____	<u>X</u>	_____
INSURANCE:	Can Meet <u>X</u>	<u>X</u>	<u>X</u>
	Cannot Meet _____	_____	_____
SITE INSPECTIONS:	Y or N <u>Yes</u>	<u>Yes</u>	<u>Yes</u>
	DATE <u>9/16/2003</u>	<u>9/11/2003</u>	<u>9/10 & 9/16</u>
VENDOR QUESTIONNAIRE	Y or N <u>Yes</u>	<u>Yes</u>	<u>Yes</u>
TERMS:	<u>Net 15 Days</u>	<u>Net 30 Days</u>	<u>Net 10</u>
WARRANTY:	<u>Blank</u>	<u>N/A</u>	<u>/</u>
EXCEPTIONS:	<u>Blank</u>	<u>25% Service Fee for Group 5</u>	<u>Blank</u>
		<u>Listed in Bid</u>	

ATTEST:
Steve Pallotta
Mary Ann Hayes
Linda Bockstanz

Opening Date -- 9-23-03
 Date Prepared -- 10/14/03

CITY OF TROY
 BID TABULATION
 JANITORIAL SERVICES

VENDOR NAME:	HI -Tech	Clean Care	Kristel Cleaning
CHECK #	961911146	840811902-3	10118551
CHECK AMOUNT	\$ 15,150.00	\$ 14,700.00	\$ 15,150.00

LOCATION	SQUARE FOOTAGE	COST / MONTH	\$ PER SQUARE FT.	COST / MONTH	\$ PER SQUARE FT.	COST / MONTH	\$ PER SQUARE FT.
Group 1: Civic Center Sites							
CITY HALL & POLICE	86,388	\$ 7,774.92	\$ 0.09	\$ 5,183.28	\$ 0.06	\$ 6,911.04	\$ 0.08
52-4 DISTRICT COURT	29,000	\$ 2,900.00	\$ 0.10	\$ 2,900.00	\$ 0.10	\$ 2,320.00	\$ 0.08
COMMUNITY CENTER	97,835	\$ 8,805.15	\$ 0.09	\$ 9,783.50	\$ 0.10	\$ 11,740.20	\$ 0.12
LIBRARY	44,500	\$ 3,560.00	\$ 0.08	\$ 3,560.00	\$ 0.08	\$ 3,337.50	\$ 0.075
Monthly TOTAL of GROUP		\$ 23,040.07		\$ 21,426.78	WAS CLARIFIED BY	\$ 24,308.74	
Yearly Total of Group 1:		\$ 276,480.84		\$ 257,121.36	AUDREA ON 9/26/03	\$ 291,704.88	
CASUAL- 22,724 Hrs x Regular Time;		\$ 270,415.60		\$ 306,774.00		\$ 272,688.00	
CASUAL - Holiday Time x 96 HRS		\$ 1,713.60		\$ 768.00		\$ 1,152.00	
GRAND TOTAL -W/CASUAL - GROUP 1:		\$ 548,610.04		\$ 564,663.36		\$ 565,544.88	
Group 2: Garage Facilities							
DPW FACILITY	9,500	\$ 1,235.00	\$ 0.13	\$ 1,472.50	\$ 0.155	\$ 1,330.00	\$ 0.140
P&R GARAGE	1,781	\$ 231.53	\$ 0.13	\$ 1,424.80	\$ 0.80	\$ 302.77	\$ 0.17
Monthly TOTAL of GROUP		\$ 1,466.53		\$ 2,897.30		\$ 1,632.77	
Yearly Total of Group 2:		\$ 17,598.36		\$ 34,767.60		\$ 19,593.24	
Group 3:							
Enrichment Facilities							
MUSEUM	5X / Week 10,846	\$ 759.22	\$ 0.07	\$ 1,301.52	\$ 0.12	\$ 1,518.44	\$ 0.14
LLOYD STAGE	3X / Week						
NATURE CENTER	8,184	\$ 982.08	\$ 0.12	\$ 982.08	\$ 0.12	\$ 613.80	\$ 0.075
Monthly TOTAL of GROUP		\$ 1,741.30		\$ 2,283.60		\$ 2,132.24	
Yearly Total of Group 3		\$ 20,895.60		\$ 27,403.20		\$ 25,586.88	
Nature Center - 1,040 Hrs x Regular Time		\$ 12,376.00		\$ 14,040.00		\$ 12,480.00	
GRAND TOTAL -W/CASUAL - GROUP 3:		\$ 33,271.60		\$ 41,443.20		\$ 38,066.88	
Group 4: Fire Sites							
FIRE HALLS:							
1 (Tuesday and Friday)	2,175	\$ 282.75	\$ 0.13	\$ 435.00	\$ 0.20	\$ 326.25	\$ 0.15
2 (Monday and Thursday)	2,320	\$ 301.60	\$ 0.13	\$ 464.00	\$ 0.20	\$ 348.00	\$ 0.15
3 (Tuesday and Friday)	3,000	\$ 390.00	\$ 0.13	\$ 600.00	\$ 0.20	\$ 450.00	\$ 0.15
4 (Tuesday and Friday)	1,914	\$ 248.82	\$ 0.13	\$ 382.00	\$ 0.20	\$ 287.10	\$ 0.15
5 (Monday and Thursday)	3,000	\$ 390.00	\$ 0.13	\$ 600.00	\$ 0.20	\$ 450.00	\$ 0.15
6 (Monday and Thursday)	1,920	\$ 249.60	\$ 0.13	\$ 384.00	\$ 0.20	\$ 288.00	\$ 0.15
FIRE/ POLICE TRAINING	6,915	\$ 1,521.30	\$ 0.22	\$ 1,452.15	\$ 0.21	\$ 1,037.25	\$ 0.15
Monthly TOTAL of GROUP		\$ 3,384.07		\$ 4,317.15		\$ 3,186.60	
Yearly Total of Group 4:		\$ 40,608.84		\$ 51,805.80		\$ 38,239.20	
Group 5: Other Sites							
SYLVAN GLEN: Maintenance Bldg. - All Year	2X / 750	\$ 112.50	\$ 0.15	No Bid	\$	\$ 127.50	\$ 0.17
SYLVAN GLEN GC: Pro Shop (9 mos./yr)	5X / 1,700	\$ 289.00	\$ 0.17	No Bid	\$	\$ 459.00	\$ 0.27
SANCTUARY LAKE GC: Maintenance Bldg. - All Year	2X / 719	\$ 115.04	\$ 0.16	No Bid	\$	\$ 122.23	\$ 0.17
SANCTUARY LAKE GC: Pro Shop (9 mos./yr)	5X / 1,000	\$ 290.00	\$ 0.29	No Bid	\$	\$ 450.00	\$ 0.45
ENGINEERING FIELD OFFICE: All Year	2X / Week 2,357	\$ 235.70	\$ 0.10	No Bid	\$	\$ 235.70	\$ 0.10
Monthly TOTAL of GROUP		\$ 1,042.24		No Bid		\$ 1,394.43	
Yearly Total of Group 5:		\$ 12,506.88		0		\$ 16,733.16	
Monthly GRAND TOTAL GROUPS 1 - 5		\$ 30,674.21		N/A		\$ 32,654.78	
Yearly Grand Totals - Groups 1 - 5		\$ 368,090.52		N/A		\$ 391,857.36	
GRAND TOTAL - Groups 1-5 w/Causal		\$ 652,595.72		N/A		\$ 678,177.36	

VENDOR NAME:		HI -Tech	Clean Care	Kristel Cleaning
CASUAL LABOR:				
City Hall, Courts, Comm.Ctr, Library				
22,724 Hrs x Regular Time;		\$ 270,415.60	\$ 306,774.00	\$ 272,688.00
Holiday Time 96 Hrs		\$ 1,713.60	\$ 768.00	\$ 1,152.00
Nature Center - 1,040 Hrs X Regular Time;		\$ 12,376.00	\$ 14,040.00	\$ 12,480.00
Regular Time:	\$ 11.90	\$ 13.50	\$ 12.00	
Employee Pay Range:	8.00 to 9.00	7.00 to 11.00	8.00 to 12.00	
Holiday Time:	\$ 17.85	\$ 8.00	\$ 12.00	
TOTAL OF CASUAL LABOR:	\$ 284,505.20	\$ 321,582.00	\$ 286,320.00	
GRAND TOTAL:				
RETURN OF BID DEPOSIT	Pick Up		Blank	X
	Mail	X	Blank	
INSURANCE:	Can Meet	X	X	X
	Cannot Meet			
SITE INSPECTIONS:	Y or N	Yes	No	Yes
	DATE	9/11/2003	Current Contractor	9/11/2003
VENDOR QUESTIONNAIRE	Y or N	Yes	Yes	Yes
TERMS:		Net 30 Days	30 Days/Net	Blank
WARRANTY:		Yes	Blank	Blank
EXCEPTIONS:		All or None award	Blank	N/A

ATTEST:
Steve Pallotta
Mary Ann Hayes
Linda Bockstanz

VENDOR NAME:	SABER	ABM Jantorial	At Your Service Cleaning
CHECK #	698787165	NO CHECK/See Letter	875227425-3
CHECK AMOUNT \$	12,000.00	\$ 15,150.00	\$ 15,150.00

LOCATION	SQUARE FOOTAGE	COST / MONTH	\$ PER SQUARE FT.	COST / MONTH	\$ PER SQUARE FT.	COST / MONTH	\$ PER SQUARE FT.
Group 1: Civic Center Sites							
CITY HALL & POLICE	86,388	\$ 6,219.94	\$ 0.0720	\$ 7,170.20	\$ 0.083	\$ 10,107.40	\$ 0.1170
52-4 DISTRICT COURT	29,000	\$ 2,436.00	\$ 0.0840	\$ 3,596.00	\$ 0.124	\$ 3,161.00	\$ 0.1090
COMMUNITY CENTER	97,835	\$ 8,707.32	\$ 0.0890	\$ 9,783.50	\$ 0.10	\$ 9,587.83	\$ 0.0980
LIBRARY	44,500	\$ 3,871.50	\$ 0.0870	\$ 4,450.00	\$ 0.10	\$ 5,918.50	\$ 0.1330
Monthly TOTAL of GROUP		\$ 21,234.75		\$ 24,999.70		\$ 28,774.73	
Yearly Total of Group 1:		\$ 254,817.01		\$ 299,996.40		\$ 345,296.71	
CASUAL- 22,724 Hrs x Regular Time;		\$ 318,136.00		\$ 274,278.68		\$ 295,184.76	
CASUAL - Holiday Time x 96 HRS		\$ 1,728.00		\$ 1,728.00		\$ 1,775.04	
GRAND TOTAL -W/CASUAL - GROUP 1:		\$ 574,681.01		\$ 576,003.08		\$ 642,256.51	
Group 2: Garage Facilities							
DPW FACILITY	9,500	No Bid	\$ -	\$ 2,194.50	\$ 0.231	\$ 2,736.00	\$ 0.288
P&R GARAGE	1,781	No Bid	\$ -	\$ 1,259.17	\$ 0.707	\$ 537.86	\$ 0.302
Monthly TOTAL of GROUP		No Bid		\$ 3,453.67		\$ 3,273.86	
Yearly Total of Group 2:		0		\$ 41,444.04		\$ 39,286.34	
Group 3:							
Enrichment Facilities							
MUSEUM	5X / Week 10,846	No Bid	\$ -	\$ 770.07	\$ 0.071	\$ 1,052.06	0.097
LLOYD STAGE	3X / Week	No Bid	\$ -	\$ 491.04	\$ 0.06		
NATURE CENTER	8,184					\$ 867.50	0.106
Monthly TOTAL of GROUP		No Bid		\$ 1,261.11		\$ 1,919.57	
Yearly Total of Group 3		0		\$ 15,133.27		\$ 23,034.79	
Nature Center - 1,040 Hrs x Regular Time		\$ 14,560.00		\$ 12,552.80		\$ 13,509.60	
GRAND TOTAL -W/CASUAL - GROUP 3:		\$ 14,560.00		\$ 27,686.07		\$ 36,544.39	
Group 4: Fire Sites							
FIRE HALLS:							
1 (Tuesday and Friday)	2,175	No Bid	\$ -	\$ 152.25	\$ 0.07	\$ 289.28	\$ 0.133
2 (Monday and Thursday)	2,320	No Bid	\$ -	\$ 178.64	\$ 0.077	\$ 285.36	\$ 0.123
3 (Tuesday and Friday)	3,000	No Bid	\$ -	\$ 231.00	\$ 0.077	\$ 354.00	\$ 0.118
4 (Tuesday and Friday)	1,914	No Bid	\$ -	\$ 153.12	\$ 0.08	\$ 273.70	\$ 0.143
5 (Monday and Thursday)	3,000	No Bid	\$ -	\$ 204.00	\$ 0.068	\$ 354.00	\$ 0.118
6 (Monday and Thursday)	1,920	No Bid	\$ -	\$ 153.60	\$ 0.08	\$ 268.80	\$ 0.140
FIRE/ POLICE TRAINING	6,915	No Bid		\$ 1,535.13	\$ 0.222	\$ 1,002.68	\$ 0.145
Monthly TOTAL of GROUP		No Bid		\$ 2,607.74		\$ 2,827.81	
Yearly Total of Group 4:		0		\$ 31,292.88		\$ 33,933.74	
Group 5: Other Sites							
SYLVAN GLEN: Maintenance Bldg. - All Year	2X / 750	No Bid	\$ -	\$ 54.75	\$ 0.073	\$ 219.00	\$ 0.292
SYLVAN GLEN GC: Pro Shop (9 mos./yr)	5X / 1,700	No Bid	\$ -	\$ 384.20	\$ 0.226	\$ 402.90	\$ 0.237
SANCTUARY LAKE GC: Maintenance Bldg. - All Year	2X / 719	No Bid	\$ -	\$ 51.05	\$ 0.071	\$ 212.82	\$ 0.296
SANCTUARY LAKE GC: Pro Shop (9 mos./yr)	5X / 1,000	No Bid	\$ -	\$ 256.00	\$ 0.256	\$ 378.00	\$ 0.378
ENGINEERING FIELD OFFICE: All Year	2X / Week 2,357	No Bid		\$ 153.21	\$ 0.065	\$ 263.98	\$ 0.112
Monthly TOTAL of GROUP		No Bid		\$ 899.20		\$ 1,476.71	
Yearly Total of Group 5:		0		\$ 10,790.45		\$ 17,720.50	
Monthly GRAND TOTAL GROUPS 1 - 5		N/A		\$ 33,221.42		\$ 38,272.67	
Yearly Grand Totals - Groups 1 - 5		N/A		\$ 398,657.04		\$ 459,272.09	
GRAND TOTAL - Groups 1-5 w/Causal		N/A		\$ 687,216.52		\$ 769,741.49	

VENDOR NAME:		SABER	ABM Janitorial	At Your Service Cleaning
CASUAL LABOR:				
City Hall, Courts, Comm.Ctr, Library				
22,724 Hrs x Regular Time;		\$ 318,136.00	\$ 274,278.68	\$ 295,184.76
Holiday Time 96 Hrs		\$ 1,728.00	\$ 1,728.00	\$ 1,775.04
Nature Center - 1,040 Hrs X Regular Time;		\$ 14,560.00	\$ 12,552.80	\$ 13,509.60
Regular Time:	\$ 14.00	\$ 12.07	\$ 12.99	
Employee Pay Range:	8.00 to 11.00	7.00 to 12.00	9.00 to 10.00	
Holiday Time:	\$ 18.00	\$ 18.00	\$ 18.49	
TOTAL OF CASUAL LABOR:		\$ 334,424.00	\$ 288,559.48	\$ 310,469.40
GRAND TOTAL:				
RETURN OF BID DEPOSIT	Pick Up	X		
	Mail		X	X
INSURANCE:	Can Meet	X	X	X
	Cannot Meet			
SITE INSPECTIONS:	Y or N	Yes	Yes	Yes
	DATE	9/11/2003	9/11/2003	9/11/2003
VENDOR QUESTIONNAIRE	Y or N	Yes	Yes	Yes
TERMS:		Option #1	Blank	Net 15 Days
WARRANTY:		Blank	Blank	Blank
EXCEPTIONS:	Blank	ABM based its proposal on	All or None Award	
		being awarded all locations		

ATTEST:
Steve Pallotta
Mary Ann Hayes
Linda Bockstanz

VENDOR NAME:	24/7 365 Inc	Corporate Cleaning	European Best Cleaning
CHECK #	840811903-2	5733124716/5733124727	Five(5) Int'l Money Orders
CHECK AMOUNT	\$ 14,700.00	\$ 900.00 \$ 450.00	\$ 2,250.00

LOCATION	SQUARE FOOTAGE	COST / MONTH	\$ PER SQUARE FT.	COST / MONTH	\$ PER SQUARE FT.	COST / MONTH	\$ PER SQUARE FT.
Group 1: Civic Center Sites							
CITY HALL & POLICE	86,388	\$ 14,685.96	\$ 0.17	No Bid	\$ -	No Bid	\$ -
52-4 DISTRICT COURT	29,000	\$ 2,610.00	\$ 0.09	No Bid	\$ -	No Bid	\$ -
COMMUNITY CENTER	97,835	\$ 12,229.38	\$ 0.125	No Bid	\$ -	No Bid	\$ -
LIBRARY	44,500	\$ 5,562.50	\$ 0.125	No Bid	\$ -	No Bid	\$ -
Monthly TOTAL of GROUP		\$ 35,087.84	WAS CLARIFIED BY	No Bid		No Bid	
Yearly Total of Group 1:		\$ 421,054.08	AUDREA ON 9/26/03	0		0	
CASUAL- 22,724 Hrs x Regular Time;		\$ 294,048.56		\$ -		\$ -	
CASUAL - Holiday Time x 96 HRS		\$ 936.00		\$ -		\$ -	
GRAND TOTAL -W/CASUAL - GROUP 1:		\$716,038.64		\$ -		\$ -	
Group 2: Garage Facilities							
Group 2 - DMS							
DPW FACILITY	9,500	\$ 1,330.00	\$ 0.14	No Bid	\$ -	\$ 1,045.00	\$ 0.11
P&R GARAGE	1,781	\$ 516.49	\$ 0.29	No Bid	\$ -	\$ 356.20	\$ 0.20
Monthly TOTAL of GROUP		\$ 1,846.49		No Bid		\$ 1,401.20	
Yearly Total of Group 2:		\$ 22,157.88		0		\$ 16,814.40	=> DMS
Group 3:							
Enrichment Facilities							
MUSEUM	5X / Week 10,846	\$ 1,193.06	\$ 0.11	\$ 867.68	\$ 0.080	No Bid	\$ -
LLOYD STAGE	3X / Week						
NATURE CENTER	8,184	\$ 900.24	\$ 0.11	\$ 1,145.76	\$ 0.14	No Bid	\$ -
Monthly TOTAL of GROUP		\$ 2,093.30		\$ 2,013.44		No Bid	
Yearly Total of Group 3		\$ 25,119.60		\$ 24,161.28		0	
Nature Center - 1,040 Hrs x Regular Time		\$ 13,457.60		\$ 14,040.00		\$ -	
GRAND TOTAL -W/CASUAL - GROUP 3:		\$ 38,577.20		\$ 38,201.28		\$ -	
Group 4: Fire Sites							
FIRE HALLS:							
1 (Tuesday and Friday)	2,175	\$ 304.50	\$ 0.14	No Bid	\$ -	\$ 217.50	\$ 0.10
2 (Monday and Thursday)	2,320	\$ 324.80	\$ 0.14	No Bid	\$ -	\$ 232.00	\$ 0.10
3 (Tuesday and Friday)	3,000	\$ 420.00	\$ 0.14	No Bid	\$ -	\$ 300.00	\$ 0.10
4 (Tuesday and Friday)	1,914	\$ 267.96	\$ 0.14	No Bid	\$ -	\$ 191.40	\$ 0.10
5 (Monday and Thursday)	3,000	\$ 420.00	\$ 0.14	No Bid	\$ -	\$ 300.00	\$ 0.10
6 (Monday and Thursday)	1,920	\$ 268.80	\$ 0.14	No Bid	\$ -	\$ 192.00	\$ 0.10
FIRE/ POLICE TRAINING	6,915	\$ 1,037.25	\$ 0.15	No Bid	\$ -	\$ 760.65	\$ 0.11
Monthly TOTAL of GROUP		\$ 3,043.31		No Bid		\$ 2,193.55	
Yearly Total of Group 4:		\$ 36,519.72		0		\$ 26,322.60	
Group 5: Other Sites							
Group 5 - DMS							
SYLVAN GLEN: Maintenance Bldg. - All Year	2X / 750	No Bid 0	\$	\$ 97.50	\$ 0.13	\$ 90.00	\$ 0.12
SYLVAN GLEN GC: Pro Shop (9 mos./yr)	5X / 1,700	No Bid 0	\$	\$ 289.00	\$ 0.17	\$ 204.00	\$ 0.12
SANCTUARY LAKE GC: Maintenance Bldg. - All Year	2X / 719	No Bid 0	\$	\$ 100.66	\$ 0.14	\$ 71.90	\$ 0.10
SANCTUARY LAKE GC: Pro Shop (9 mos./yr)	5X / 1,000	No Bid 0	\$	\$ 150.00	\$ 0.15	\$ 110.00	\$ 0.11
ENGINEERING FIELD OFFICE: All Year	2X / Week 2,357	No Bid 0	\$	\$ 259.27	\$ 0.11	\$ 235.70	\$ 0.10
Monthly TOTAL of GROUP		No Bid		\$ 896.43		\$ 711.60	
Yearly Total of Group 5:		0		\$ 10,757.16		\$ 8,539.20	=> DMS
Monthly GRAND TOTAL GROUPS 1 - 5		N/A		N/A		N/A	
Yearly Grand Totals - Groups 1 - 5		N/A		N/A		N/A	
GRAND TOTAL - Groups 1-5 w/Causal		N/A		N/A		N/A	

VENDOR NAME: <u>24/7 365 Inc.</u>		<u>Corporate Cleaning</u>	<u>European Best Cleaning</u>
CASUAL LABOR:			
City Hall, Courts, Comm.Ctr, Library			
22,724 Hrs x Regular Time;	<u>\$ 294,048.56</u>	<u>\$ -</u>	<u>\$ -</u>
Holiday Time 96 Hrs	<u>\$ 936.00</u>	<u>\$ -</u>	<u>0</u>
Nature Center - 1,040 Hrs X Regular Time;	<u>\$ 13,457.60</u>	<u>\$ 14,040.00</u>	<u>\$ -</u>
Regular Time:	<u>\$ 12.94</u>	<u>\$ 13.50</u>	<u>Blank</u>
Employee Pay Range:	<u>6.50 to 8.50</u>	<u>Blank</u>	<u>Blank</u>
Holiday Time:	<u>\$ 9.75</u>	<u>\$ 20.25</u>	<u>Blank</u>
TOTAL OF CASUAL LABOR:	<u>\$ 308,442.16</u>	<u>\$ 14,040.00</u>	<u>\$ -</u>
GRAND TOTAL:			
RETURN OF BID DEPOSIT	Pick Up <u>X</u>	Blank	Blank
	Mail _____	Blank	Blank
INSURANCE:	Can Meet <u>X</u>	X	X
	Cannot Meet _____	_____	_____
SITE INSPECTIONS:	Y or N <u>Yes</u>	Yes	Yes
	DATE <u>Many Occasions</u>	<u>9/18/2003</u>	<u>9/17/2003</u>
VENDOR QUESTIONNAIRE	Y or N <u>Yes</u>	Yes	Yes
TERMS:	<u>30 Days Net</u>	Blank	Blank
WARRANTY:	<u>Attached to Bid</u>	Blank	Blank
EXCEPTIONS:	<u>Blank</u>	Blank	Blank
	_____	_____	_____
	_____	_____	_____

DMS:

European Best Cleaning - Group 2 (\$16,814.40); Group 5 (\$8,539.20)

Reason: Lack of Equipment, failure to pass site visit inspection, inaccurate reference information

NO BIDS:

Commercial Building Mtnce

Speed Clean Service

Right Way Janitorial

ATTEST:

Steve Pallotta

Mary Ann Hays

Linda Bockstanz

September 8, 2006

TO: Mr. Phillip L. Nelson, City Manager

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

SUBJECT: Agenda Item - Application for Transfer of Class C-SDM License for
Ruth's Chris Steak House

R.C.S.H. Operations, L.L.C. (A Louisiana Limited Liability Company), requests to transfer ownership of 2006 Class C-SDM licensed business with dance permit, located at 755 W. Big Beaver, Troy, MI 48084, Oakland County, from Prime Steak-Troy, L.L.C. (A Louisiana Limited Liability Company),

At its August 14th meeting, the Liquor Advisory Committee entertained this request. Present to answer questions from the Committee was Attorney John Carlin. Mr. Carlin explained to the Committee that the parent company of Ruth's Chris Steak House is buying out the largest franchisees in all their locations across the country. As a result, all locations will be operated by the parent company. They feel that this management will maintain their expected level of service and appearance.

The Committee unanimously approved this request.

The Police Department did not find any disqualifying factors in the background investigation.



Michigan Department of Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)

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

POLICE INSPECTION REPORT

(Authorized by MCL 436.1217)

FOR MLCC USE ONLY

Request ID # 365039

Business ID # 175432

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)

RCSH OPERATIONS, LLC (A LOUISIANA LIMITED LIABILITY COMPANY), 755 W. BIG BEAVER, TROY, MI 48084, OAKLAND COUNTY

REQUEST FOR:

REQUEST TO TRANSFER OWNERSHIP OF 2006 CLASS C-SDM LICENSED BUSINESS WITH DANCE PERMIT AND DIRECT CONNECTIONS-3, FROM PRIME STEAK-TROY, L.L.C. (A LOUISIANA LIMITED LIABILITY COMPANY).

Section 1. APPLICANT INFORMATION

APPLICANT #1: **NO FINGERPRINTS REQUIRED**
RUTH'S CHRIS STEAK HOUSE, INC. (A DELAWARE CORPORATION) – MEMBER

APPLICANT #2:

HOME ADDRESS AND AREA CODE/PHONE NUMBER:
500 INTERNATIONAL PARKWAY, SUITE 100
HEATHROW, FL 32746
(407)333-7440

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

DATE OF BIRTH:
Is the applicant a U.S. Citizen: Yes No
 Does the applicant have permanent Resident Alien status?
 Yes No
 Does the applicant have a Visa? Enter status:
Date fingerprinted:

DATE OF BIRTH:
Is the applicant a U.S. Citizen: Yes No
 Does the applicant have permanent Resident Alien status?
 Yes No
 Does the applicant have a Visa? Enter status:
Date fingerprinted:

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

ARREST RECORD: **Felony** **Misdemeanor**

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

ARREST RECORD: **Felony** **Misdemeanor**

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

Section 2. Investigation of Business and Address to be Licensed

Does applicant intend to have dancing, entertainment, topless activity or extended hours permit?

No Yes, complete LC-1636

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)
TROY POLICE DEPARTMENT

Date

LC1800Rev. 07/06
Authority: MCL 436.1217
Completion: Mandatory
Penalty: No License

The Department of Labor & Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need help with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency.

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 RCSH OPERATIONS, LLC (A LOUISIANA LIMITED LIABILITY COMPANY) TO TRANSFER OWNERSHIP OF 2006 CLASS C LICENSED BUSINESS WITH DANCE PERMIT, LOCATED AT 755 W. BIG BEAVER, TROY, MI 48084, OAKLAND COUNTY, FROM PRIME STEAK-TROY, L.L.C. (A LOUISIANA LIMITED LIABILITY COMPANY).

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)



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

FOR MLCC USE ONLY
Request ID # 365039
Business ID # 175432

LAW ENFORCEMENT RECOMMENDATION

[Authorized by MCL 436.1916, R 436.1105(2)(d) and R 436.1403]

July 25, 2006

TO: *TROY POLICE DEPT*

Re: RCSH OPERATIONS, LLC (A LOUISIANA LIMITED LIABILITY COMPANY)

We have received a request from the above licensee for the type of permit indicated below. Please make an investigation and submit your report and/or recommendation, as requested below, to the offices of the Michigan Liquor Control Commission at the above address. Questions about this request should be directed to the MLCC Licensing Division at (517) 322-1400.

OFFICIAL PERMIT FOR EXTENDED HOURS OF OPERATION FOR: _____
Weekdays _____ A.M. to _____ A.M. _____
Sundays _____ A.M. to _____ P.M.

Recommended Recommended, subject to final inspection Not Recommended

Note: If the applicant is requesting two separate extended hours permits and the permits are for **different hours** you must complete the box below. If additional space is needed please use reverse side of this form.

OFFICIAL PERMIT FOR EXTENDED HOURS OF OPERATION FOR: _____
Weekdays _____ A.M. to _____ A.M. _____
Sundays _____ A.M. to _____ A.M./P.M.

Recommended Recommended, subject to final inspection Not Recommended

DANCE PERMIT

Recommended Recommended, subject to final inspection Not Recommended

ENTERTAINMENT PERMIT

Recommended Recommended, subject to final inspection Not Recommended

TOPLESS ACTIVITY PERMIT

Recommended Recommended, subject to final inspection Not Recommended

OUTDOOR SERVICE

Recommended Recommended, subject to final inspection Not Recommended

PARTICIPATION PERMIT

Recommended Recommended, subject to final inspection Not Recommended

ADDITIONAL BAR PERMIT

Recommended Recommended, subject to final inspection Not Recommended

DIRECT CONNECTIONS-3

Recommended Recommended, subject to final inspection Not Recommended

Signed: _____

Signature and Title
TROY POLICE DEPARTMENT

Date: _____

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

This Agreement, made this ____ day of August, 2006, 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 RCSH OPERATIONS, LLC, a Louisiana limited liability company, 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 APPLICANT "above all others" for transfer of the Class C license and Sunday Sales Permit located at 755 Big Beaver Road, Suite 151, Troy, MI 48084, Oakland County, from Prime Steak – Troy, LLC, to the APPLICANT.
2. In consideration of the City of Troy's recommendation for approval of the license, APPLICANT hereby agrees that:
 - (a) It has read and is aware of the provisions of City of Troy Ordinances, Chapter Nos. 67, 68, 92, and Chapter No. 98 (effective 02/01/2001), and agrees that it shall be deemed to have knowledge of any subsequent amendments to said Chapters which may become effective during the term of this agreement.
 - (b) It has read and is in receipt of copies of the provisions of the City of Troy, City Council Resolution No. 93-1028 regarding Entertainment Permits, and agrees that it shall be deemed to have knowledge of any subsequent amendments to 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, eating 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.

RCSH OPERATIONS, LLC

By: _____

Its: _____

[Handwritten Signature]
 CFO / Senior Vice President

Witnesses:

Thomas E. Edge
Jacly R. Pierce

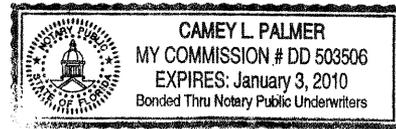
Subscribed and sworn to before me

This 9 day of August, 2006

Camey L. Palmer
Notary Public, _____

County: *Seminole*

My Commission expires: *January 3, 2010*



CITY OF TROY

By: _____

Louise Schilling, Mayor

By: _____

Tonni Bartholomew, City Clerk

Witnesses:

Subscribed and sworn to before me

This ___ day of August, 2006

Notary Public, _____

County: _____

My Commission expires: _____

September 12, 2006

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Agenda Item - Private Agreement for Beaumont Hospital
Project No. 06.917.3

The Engineering Department has reviewed and approved plans for this project, which includes a public sidewalk and detention basin.

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

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

Enclosed Private Agreement

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

PROJECT NO. 06.917.3

PROJECT LOCATION:

**Beaumont Hospital-
Section 1**

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 **Beaumont Services Co. LLC** whose address is **44201 Dequindre Road, Troy, MI 48085** and whose telephone number is **248-293-1009** hereinafter referred to as "Owners".

WITNESSETH, FIRST: That the City agrees to allow the installation of **a sidewalk and detention basin** in accordance with plans prepared by **Harley Ellis & Devereaux** whose address is **26913 Northwestern Hwy., Suite 200, Southfield, MI 48034** and whose telephone number is **248-262-1500**, and approved BY THE City of Troy Engineering Department.

SECOND: That the Owners agree to contribute the approximate contract price of **\$86,000.00**. 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)	\$	6,966.00
Engineering Review Fee (Private Improvements)	\$	24,871.96
Water Main Testing Fee	\$	0.00
Street Cleaning/Road Maintenance (Refundable)	\$	5,000.00
TOTAL:	\$	\$36,837.96

* 8.1% (.081) of approximate contract price

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS

(PRIVATE AGREEMENT)

PROJECT NO.

PROJECT LOCATION:

**Beaumont Hospital
Section 1**

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 \$ 122,837.96 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. 06.917.3

PROJECT LOCATION:

Beaumont Hospital
Section 1

RESOLUTION NO.

DATE OF COUNCIL APPROVAL:

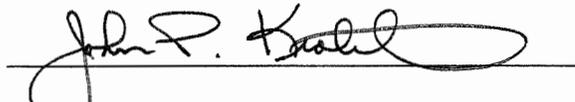
IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed in duplicate on this _____ day of _____, 20_____.

OWNERS

CITY OF TROY

By:

By:


Please Print or Type

Louise E. Schilling, Mayor

John P. Krolicki
DIRECTOR FAC. DEVELOPMENT - BSC
Please Print or Type

Tonni Bartholomew, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 8th day of September, A.D. 2006, before me personally appeared John Krolicki 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.


MACOMB
NOTARY PUBLIC, ~~Oakland~~ County, Michigan

JUDIE PRUDEN
NOTARY PUBLIC, STATE OF MI
COUNTY OF MACOMB
MY COMMISSION EXPIRES May 10, 2012
ACTING IN COUNTY OF *Oakland*

My commission expires: MARCH 10, 2012



TO: Mayor and Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney *LGB*
Susan M. Lancaster, Assistant City Attorney *SML*
DATE: September 12, 2006
SUBJECT: Karagiannakis and Garrett Family Ltd. v. City of Troy et. Al

Enclosed please find a copy of a lawsuit that was recently served on the City of Troy. The Plaintiffs, Nick and Leslie Karagiannakis, are the owners of property that is designated as "Outlot B" in the Troy Villas Subdivision No. 1 (north of Square Lake Road, west of Rochester Road). The Co-Plaintiff, Garrett Family Limited Partnership (hereinafter "Garrett") has a purchase agreement with the Karigiannkis family for a portion of this property, which has or will be combined with the rear portions of other parcels that front on Square Lake Road. Garrett proposes to build a 12-unit site condominium on this approximately 6.04 acre parcel, which is currently landlocked and is located behind several homes that front on Ottawa and Donaldson.

The plat for the property, Troy Villas Subdivision No. 1, does not expressly designate a public roadway easement that would allow for a roadway to be constructed over the property owned by the co-defendants Arthur and Delphine Lubiarz (480 Ottawa Drive). The plat instead grants only a 43- foot private easement over that property. In 1981, a private driveway agreement over this 43- foot private easement allowed for the construction of the Karagiannaksi residence (500 Ottawa, City of Troy, MI 48085). However, this agreement is extremely limited, and authorizes only a private driveway to a single- family residence. It could not be used to service a 12-unit condominium site. The only way to convert the private easement over the Lubiarz property to a public road is to amend the plat and obtain a 43-foot wide public road easement, which could then be combined with the 17- foot wide public road easement of the recently re-platted Golf Estates Subdivision to provide the required 60 feet for a public road. This adjoining property is currently owned by the other co-defendants, James and Cynthia Smith (536 Ottawa, Troy, MI).

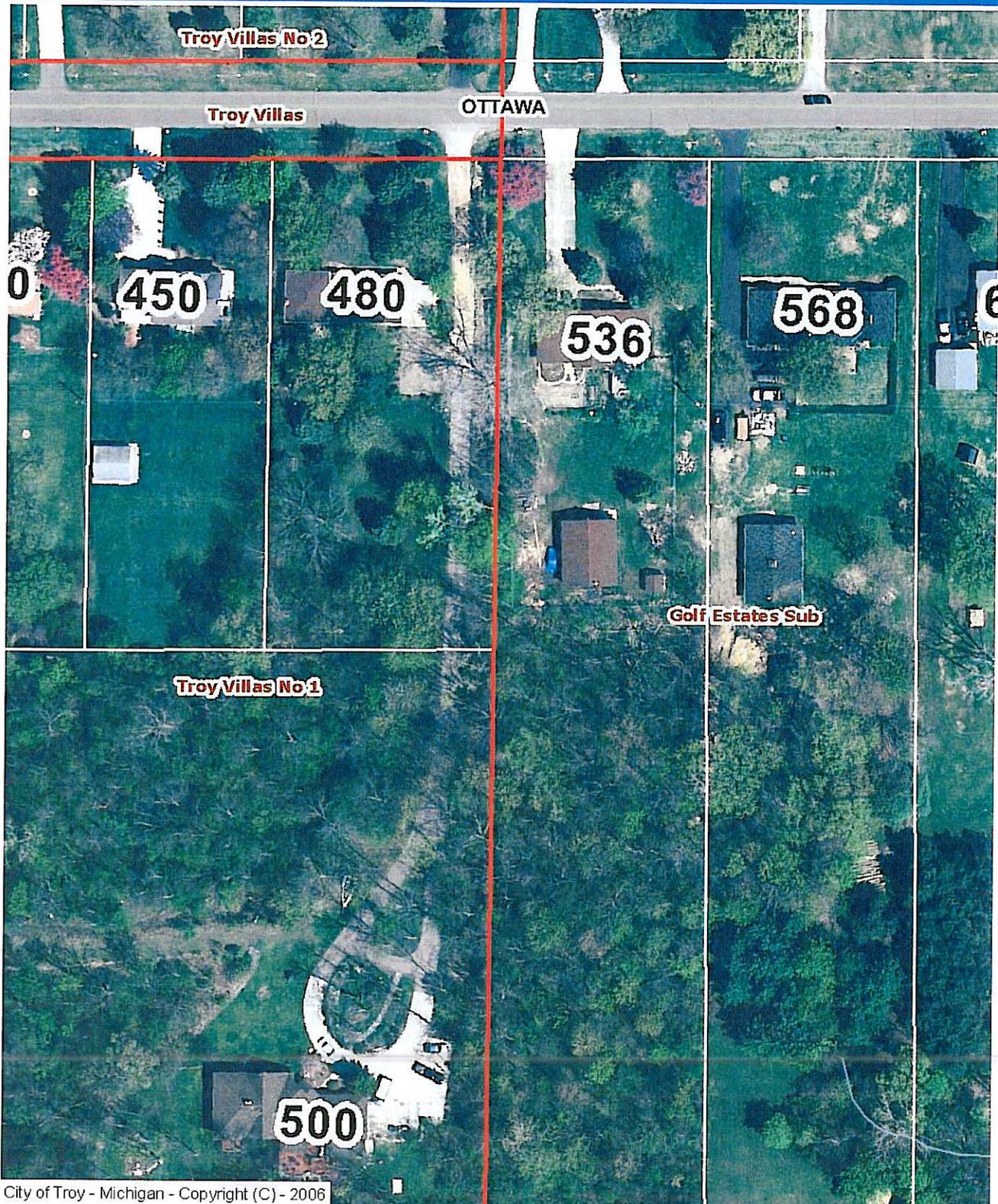
Under the Michigan Subdivision Control Act, the Plaintiffs must file a lawsuit to amend a plat. According to the state statute, all persons having an interest that may be impacted by a revision to the plat must be joined as defendants. This includes the State of Michigan, Oakland County, the City of Troy, the Drain Commissioner, and other utilities, as well as all owners of record of each lot within the subdivision and within 300 feet of the property. If the co-defendants do not contest the amendment to the plat, then the Court will generally enter an order amending the plat. However, in this case, the neighboring property owners are likely to object to the amendment of the plat, since the private single- family residential driveway would then be converted to a public road servicing 12 condominium units.

Instead of filing a re-plat action, the Plaintiffs instead filed this action against only the City of Troy and the owners of the property on either side of the proposed new public roadway. Plaintiffs seek a Declaratory Judgment from the Court, which would convert the private easement to a public road easement, and allow for the proposed development.

The City Attorney's Office will represent the City's interest in this lawsuit, absent objection from City Council. Please let us know if we can provide additional information.



Geographical Information Systems Online



City of Troy - Michigan - Copyright (C) - 2006

Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally

Approved, SCAO

06-077072-CZ

STATE OF MICHIGAN

JUDICIAL DISTRICT
6th JUDICIAL CIRCUIT
COUNTY PROBATE

SUMMONS AND COMPLAINT



CLARENCE JUDGE EDWARD SOSNICK
COUNTY KARAGIANNAKIS V TROY CITY

no.

Court address

COURTHOUSE TOWER, 1200 N. TELEGRAPH RD, DEPT 404, PONTIAC, MI 48341

248-858-1000

Plaintiff name(s), address(es), and telephone no(s).
NICK KARAGIANNAKIS & LESLIE KARAGIANNAKIS,
HUSBAND & WIFE and
GARRETT FAMILY LIMITED PARTNERSHIP,
A MICHIGAN LIMITED PARTNERSHIP

v

Defendant name(s), address(es), and telephone no(s).
CITY OF TROY, MICHIGAN
ARTHUR S. LUBIARZ AND DELPHINE J.
LUBIARZ, HUSBAND & WIFE and
JAMES E. SMITH AND CYNTHIA A. SMITH,
HUSBAND & WIFE

Plaintiff attorney, bar no., address, and telephone no.
HUTSON, SAWYER, REILLY, RUPP &
SCHROEDER

By: THOMAS G. SAWYER, (P-19929)
292 TOWN CENTER DRIVE
TROY, MI 48084-1774

CITY OF TROY: 500 W. Big Beaver, Troy, MI
48084
M/MR LUBIARZ: 480 Ottawa, Troy, MI 48098
M/MR SMITH: 536 Ottawa, Troy, MI 48098

SUMMONS NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons to file an answer with the court and serve a copy on the other party or to take other lawful action (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued **AUG 30 2006** this summons expires **NOV 29 2006** Court clerk

*This summons is invalid unless served on or before its expiration date.

RUTH JOHNSON

COMPLAINT Instruction: The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.

Family Division Cases

- There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.
 - An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in _____ Court.
- The action remains is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
------------	-------	---------

General Civil Cases

- There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint/
 - A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in _____ Court.
- The action remains is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
------------	-------	---------

VENUE

Plaintiff(s) residence (include city, township, or village) TROY, MI	Defendant(s) residence (include city, township, or village) TROY, MI
Place where action arose or business conducted TROY, MI	

Date August 30, 2006

Signature of attorney/plaintiff

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you to fully participate in court proceedings, please contact the court immediately to make arrangements.

STATE OF MICHIGAN
CIRCUIT COURT FOR THE
COUNTY OF OAKLAND

Nick Karagiannakis and Leslie Karagiannakis,
husband and wife, and
Garrett Family Limited Partnership,
a Michigan Limited Partnership,

Plaintiffs,

V.

City of Troy, Michigan, a Michigan Municipal Corporation,
Arthur S. Lubiartz and Delphine J. Lubiartz, husband and wife and
James E. Smith and Cynthia A. Smith, husband and wife

Defendants

HUTSON, SAWYER, REILLY, RUPP & SCHROEDER
By: Thomas G. Sawyer, (P-19929)
292 Town Center Drive
Troy, MI 48084-1774
Phone: (248) 689-5700
Fax: (248) 689-5741
Attorneys for Plaintiffs



Case No.

RECEIVED FOR FILING
OAKLAND COUNTY CLERK

2006 AUG 30 P 11:11

DY:
DEPUTY COUNTY CLERK

COMPLAINT FOR DECLARATORY JUDGMENT
UNDER MCR 2.605

NOW COME the Plaintiffs, by their attorneys, HUTSON, SAWYER, REILLY,
RUPP & SCHROEDER, and for their Complaint For Declaratory Judgment state:

1. Plaintiffs, Nick Karagiannakis and Leslie Karagiannakis, husband and wife,
are each residents of Troy, Oakland County, Michigan (herein together "Plaintiffs

Karagiannakis”) and are the owners of Outlot “B”, Troy Villas Subdivision No. 1, a subdivision plat as recorded on April 5, 1960, in Liber 100 of Plats, Page 35, Oakland County Records. A copy of the plat of Troy Villas Subdivision No. 1 is attached as Exhibit “1”.

2. Plaintiff, Garrett Family Limited Partnership, is a Michigan limited partnership, with its offices in Troy, Oakland County, Michigan (herein “Plaintiff Garrett”), and has acquired rights to purchase part of Outlot “B” in Troy Villas Subdivision No. 1.

3. Defendant, City of Troy, Michigan, is a Michigan municipal corporation, with its offices in Troy, Oakland County, Michigan (herein “Defendant Troy”), and has certain jurisdiction over the streets, roadways, public easements, easements for road purposes and dedicated rights-of-way, in Troy Villas Subdivision No. 1, and Golf Estates Subdivision, Troy, Oakland County, Michigan, as Golf Estates was recorded on April 21, 1947, in Liber 58 of Plats, Page 23, Oakland County Records.

4. Defendants, Arthur S. Lubiarcz and Delphine J. Lubiarcz, husband and wife, are, upon information and belief, residents of the City of Troy, Oakland County, Michigan (herein jointly and severally “Defendants Lubiarcz”), and are, upon information and belief, the owners of Lot 69, Troy Villas Subdivision No. 1, Troy, Oakland County, Michigan, except for the West 13 feet, as recorded in Liber 100 of plats, page 35, Oakland County Records, commonly known as 480 Ottawa Drive.

5. Defendants, James E. Smith and Cynthia A. Smith, husband and wife, are, upon information and belief, residents of the City of Troy, Oakland County, Michigan,

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EILLY, RUPP
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(herein jointly and severally "Defendants Smith"), and are, upon information and belief, the owners of that part of Lot 18. Golf Estates Subdivision, Troy, Oakland County, Michigan, described as follows:

Lot 18, except the East 381 feet of Golf Estates Subdivision, according to the plat thereof, which plat was recorded on May 7, 1947, in Liber 58 of Plats, Page 23, Oakland County Records, commonly known as 536 Ottawa Drive.

6. When Golf Estates Subdivision was platted on May 7, 1947, the plat reserved a 43 foot easement along the west side of Lot 18. A copy of the plat of Golf Estates Subdivision is attached as Exhibit "2"

7. In 1947, when Troy was a township, it was, upon information and belief, the practice, policy and procedure of the Oakland County Road Commission, Troy Township and other townships in Oakland County, when property was being platted, but where dedicated streets were not necessarily being installed at that time, to require 43 foot wide easements on each side of the 1/2 section line for future road purposes; this explains the requirement in the plat of Golf Estates Subdivision that it set aside and provide a 43 foot easement along the westerly side of Lots 17, 18 and 63 of Golf Estates Subdivision which was intended for future roadway purposes.

8. While regulations may have contemplated road rights-of-way to be 86 feet in width for specified purposes, under current circumstances the regulations of the City of Troy and most municipalities in Oakland County require road rights-of-way for single family residential development to be 60 feet in width.

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9. On December 21, 1964, an Order Vacating Easement and Correcting Description was entered in Oakland County Circuit Court, whereby the 43 foot easement along the westerly boundary of Lot 18 of Golf Estates was vacated, except that the westerly 17 feet of the easement was not vacated, but was "dedicated to the City of Troy by petitioners herein for road purposes", and objections raised, as stated in the Order against "the vacation of the easterly 26 feet of said easement are withdrawn".

10. The result of the December 21, 1964 Order was to establish a 17 foot easement for road purposes dedicated to the City of Troy abutting the westerly side of Lot 18 of Golf Estates, and, combined with the 43 foot easement described above, the required 60 foot easement for single family development was thereby preserved in order to assure the opportunity to develop Outlot "B", Troy Villas Subdivision No. 1. A copy of the Court Order is attached as Exhibit "3".

11. When Troy Villas Subdivision was platted on February 3, 1955, as part of Troy Township, as recorded in Liber 77 of plats, Page 26, Oakland County Records, it also required a 43 foot easement along the East line of the subdivision, which was intended for future roadway purposes. Although the plat did not state specifically that the easement was granted for roadway purposes, this was the reason why it was 43 feet wide in accordance with the policy and procedure of Oakland County Government at that time for 1/2 section lines.

12. When Troy Villas Subdivision No. 1 was platted on April 5, 1960, at which time Defendant Troy had become a City, it was established by platting Outlot A of Troy

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Villas Subdivision into Troy Villas Subdivision No. 1, and provided a 43 foot easement "for road purposes" along the East line of the subdivision.

13. In 1981, the then owners of Outlot B sought permission from Defendant Troy to utilize the 43 foot easement for road purposes as shown on the plat of Troy Villas No. 1 for a driveway granting access to Outlot "B", and the Troy City Council, by resolution, directed its City Attorney to prepare an agreement "to grant said use of road easement, while maintaining the authority of the City over the right-of-way". A copy of that resolution is attached as Exhibit "4".

14. The City Attorney prepared such an agreement which was signed by Defendant Troy and the owners of Outlot "B", and in the terms of the agreement repeatedly referred to the road easement on the plat as being a "public easement for road purposes", and as a "public easement which was 43 feet wide", and that the City Grantor "shall retain authority over said public road easement right-of-way". A copy of that Agreement is attached as Exhibit "5".

15. The foregoing agreement clearly recognized that the 43 foot easement for road purposes was intended as a public road easement right-of-way available to the public for its use.

16. Recently, Plaintiffs Karagiannakis and Plaintiff Garrett have sought through Defendant Troy to utilize this 43 foot public road easement in Troy Villas No. 1 Subdivision, when combined with and added to the 17 foot dedicated easement for road purposes in Golf Estates Subdivision to establish a 60 foot wide public roadway easement which would permit public access to and for construction of a site condominium project

on Outlot "B" of Troy Villas No. 1 Subdivision utilizing such 60 foot wide public roadway easements.

17. Upon information and belief, based upon consultation with a retired Michigan civil engineer and surveyor, and a senior management representative of the Oakland County Road Commission, it has been determined that, it was historically, a common practice, policy and procedure in rural communities such as Troy Township (and later the City of Troy) when plats were approved by the municipality, by the Oakland County Plat Board, by the Oakland County Road Commission and by the Auditor General of the State of Michigan, to seek to reserve easements 43 feet wide on each side of a 1/2 section line (a total of 86 feet wide) to assure that there would be land reserved for construction of public roadways along these 1/2 section lines

18. The governmental entities didn't necessarily require that the roadways be dedicated or that road improvements be installed at the time of platting, but required that the plat would preserve 43 feet of land by easement for future road use. This is the reason why the earlier plats in Troy Township and later the City of Troy either make reference to easements for road or street purposes or reserve 43 foot easements along the 1/2 section lines.

19. Defendant Troy, or its predecessor Township, have utilized these types of reserved road easements in plats to establish public roadways in other instances that Plaintiffs are aware of.

20. Under current regulations, the Oakland County Road Commission, the City of Troy and most municipalities in Oakland County, the practice of requiring an easement

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for right-of-way purposes has been changed, and such entities now require the fee interest in a road right-of-way.

21. Upon information and belief, Defendant Troy now is concerned that even though the plat of Troy Villas No. 1 Subdivision refers specifically to a 43 foot easement for "road purposes", that the plat does not state that the easement for road purposes is dedicated to the public, and that Defendant Troy will require a dedicated public street right-of-way in order to allow this roadway to be installed, even though at the time when Troy Villas No. 1 and Golf Estates Subdivision were platted it was not the practice to require specific dedication of the land on which the 43 foot easement was established and reserved for future road use.

22. It would be extremely difficult if not impossible to dedicate this roadway easement for public roadway since the platting occurred over 45 years ago and if the roadway easement was to be dedicated it should have been done at that time.

23. The establishment of right-of-way easements, rather than fee interests for the 17 foot easement and 43 foot easement in question as undertaken pursuant to the then prevailing requirements, included the policy, practice and procedure for road rights-of-way by the governmental entities then having jurisdiction.

a. Such establishment of what is now a 60 foot easement right-of-way, rather than a 60 foot fee interest, was, therefore, undertaken in reliance upon such governmental requirements.

b. Plaintiffs' predecessors in interest then, relying upon the then existing governmental entities having jurisdiction, materially changed their position and

irrevocably conveyed the fee interests in such right-of-way, and no longer have such interests.

c. Although there has been a change in regulations now requiring road rights-of-way to be in fee interest, Plaintiffs are unable to provide such interest based upon their actions taken in reliance upon the governmental regulations of the entities having jurisdiction.

d. Accordingly, it would be unfair and inequitable to now require Plaintiffs to produce the fee interests in the right-of-way because Plaintiffs (through their predecessors) divested themselves of all interest in excess of the easement interest in reliance upon the City and its predecessor, the Oakland County Road Commission, and the Court should exercise its power of equity based upon estoppel and other applicable equitable principles to declare that the easement interest is adequate and appropriate for purposes of the 60 foot right-of-way in question.

24. Upon information and belief, Defendant Troy is not necessarily opposed to the use of this 43 foot road easement in Troy Villas No. 1, combined with the 17 foot dedicated roadway abutting it in Golf Estates, for a total of 60 feet, to establish a public roadway meeting Defendant Troy requirements, but it is presently concerned that it may not have the legal authority or capacity to grant such use for a public roadway without there having been a specific platted dedication of this easement to the public for road purposes.

25. Plaintiffs believe, and therefore allege, that the intent of Defendant Troy in approving the plat of Troy Villas No. 1 for recording in 1960, as well as the intent of other

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governmental agencies approving the plat, was to reserve this 43 foot easement for road purposes for a public roadway in the future, together with the 43 foot easement reserved along the westerly side of Golf Estates Subdivision, both easements being located along the 1/2 Section line of Section 3, City of Troy, Michigan.

26. Further evidence of Defendant Troy's intent to establish a future roadway at this location, is evidenced by the fact that on December 21, 1964, Defendant Troy consented to a court order specifically agreeing to vacate a 26 foot portion of the 43 foot easement in Golf Estates Subdivision, in exchange for a dedication of the westerly 17 feet of that easement for road purposes. The only logical reason for dedicating the 17 feet was to tie it in directly with the 43 foot easement reserved for roadway in Troy Villas No. 1, thereby establishing a total of 60 feet for a future public roadway along the 1/2 section line intended to be known as Montclair Street.

27. Without the availability of a public roadway 60 feet wide serving Outlot B of Troy Villas Subdivision No. 1, Plaintiffs Karagiannakis and/or Plaintiff Garrett would be arbitrarily and unreasonably prohibited, without the achievement of any legitimate governmental interest, and contrary to the public policy encouraging the productive use of land, from utilizing all of Outlot B for a permitted use and development as intended when that subdivision was platted.

28. Under the facts of this case, this Court has the authority to enter a declaratory judgment under MCR 2.605 determining that Defendant Troy has an existing public roadway in the form of the 60 foot wide easement (created by combining the 17 foot easement and the 43 foot easement, as aforementioned), and Plaintiffs and Plaintiffs'

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successors are the benefited parties to such easement, which should be permitted to be improved and utilized to provide public access for all customary purposes to Plaintiffs Karagiannakis' property, being Outlot "B" of Troy Villas Subdivision No. 1.

29. Without a determination by this Court of the existence of this public road right-of-way 60 feet wide, Plaintiffs Karagiannakis are deprived of a public access roadway to permit them and/or Plaintiff Garrett to develop the remainder of Outlot B into a site condominium project, or for other comparable residential use, and Plaintiffs would thereby be deprived of their property rights, as anticipated at the time of platting the subdivision, without due process of law and in violation of the Takings Clause of the Fifth Amendment to the United States Constitution and Article 10, Section 2 and Article 1, Section 23 of the Michigan Constitution.

30. An actual controversy exists because Plaintiffs believe that they have the legal right to utilize the existing 43 foot public roadway easement established in Troy Villas No. 1 and the abutting 17 feet in Golf Estates dedicated for public roadway purposes for public and legal access to and for development of all of Outlot B in Troy Villas No. 1.

For these reasons, Plaintiffs pray that the Court grant the following relief, pursuant to MCR 2.605:

A) Make a declaration of rights and determine that the 43 foot easement for road purposes in Troy Villas No. 1 when combined with the 17 foot dedicated roadway in Golf Estates together constitute a public roadway or roadway easement 60 feet wide, which is within the jurisdiction and control of Defendant Troy and

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which meets the requirements of the City of Troy to establish a 60 foot improved public roadway which can be developed by Plaintiffs or others in accordance with Defendant Troy's standards for an improved public roadway, to allow reasonable and efficient use and development of Outlot B in Troy Villas Subdivision No. 1.

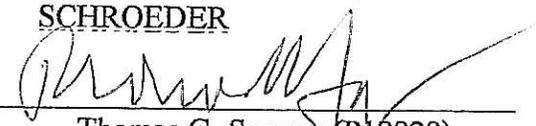
B) Any such road improvements to be constructed within such 60 feet wide public roadway or roadway easement shall be constructed at the cost of Plaintiffs or their successors.

C) That this Declaratory Judgment shall be binding upon all of the parties to this litigation and shall constitute a Declaratory Judgment determination that the above reserved roadway easement 43 feet wide, together with the abutting dedicated 17 feet for roadway purposes is a public roadway within jurisdiction and control of Defendant City of Troy, in the same manner as if all of such area had been dedicated to such use.

D) That such further necessary or proper relief based on a Declaratory Judgment be granted to Plaintiffs after reasonable notice and hearing.

Dated: August 30, 2006

HUTSON, SAWYER, REILLY, RUPP &
SCHROEDER

By: 

Thomas G. Sawyer (P19929)
Attorneys for Plaintiffs
292 Town Center Drive
Troy, MI 48084-1774
(248) 689-5700

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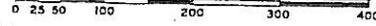
Lot 100 27035
3 23

"TROY VILLAS NO. 1"

A PART OF THE SW. 1/4 OF SEC. 3, T-2-N, R-11-E,
CITY OF TROY, OAKLAND COUNTY, MICHIGAN.

JANUARY 1959

SCALE: 1" = 100'



ALL DIMENSIONS ARE GIVEN IN FEET AND DECIMALS THEREOF.
CURVE DISTANCES SHOWN ARE MEASURED ALONG ARC OF CURVE.

EXAMINED AND APPROVED

Date: Jan 19 1959

Otis M. Smith

OTIS M. SMITH

AUTHOR GENERAL

By: *D. L. MacGregor*
D. L. MacGregor - Plat Engineer

DESCRIPTION OF LAND PLATTED

The land embraced in the annexed plat of "Troy Villas No. 1", a part of the S.W. 1/4 of Section 3, T-2-N, R-11-E, City of Troy, Oakland County, Michigan, being a replat of Outlot "A" of Troy Villas, is described as follows: Beginning at a point on the N. & S. 1/4 line of Section 3, T-2-N, R-11-E, City of Troy, Oakland County, Michigan, said point being 3.01°21'07"W., 963.57 feet from the center post of said Section 3; thence 3.01°21'07"W., along the said N. & S. 1/4 line, 699.94 feet; thence N. 89°32'29"W., 718.95 feet; thence N. 16°43'39"W., 430.41 feet; thence along the arc of a curve to the left, said curve having a radius of 333.55 feet and long chord bearing N. 51°52'40"E., 96.63 feet, an arc distance of 100.0 feet; thence N. 43°17'20"E., 285.08 feet; thence along the arc of a curve to the right, said curve having a radius of 58.06 feet and long chord bearing N. 66°55'58"E., 46.57 feet, an arc distance of 47.92 feet; thence S. 89°25'23"E., 542.66 feet to the point of beginning, containing 7 lots and 1 outlot.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That we Max Rosenfeld and Fannie Rosenfeld, his wife as proprietors, have caused the land embraced in the annexed plat to be surveyed, laid out and platted, to be known as "Troy Villas No. 1", a part of the S.W. 1/4 of Section 3, T-2-N, R-11-E, City of Troy, Oakland County, Michigan, and that the streets as shown on said plat are hereby dedicated to the use of the public and all easements indicated as "Private Easements" are not dedicated to the use of the public but the right to use such private easements is hereby reserved for public utilities and for any uses designated hereon and no permanent structures are to be erected within the limits of said easements.

Signed and Sealed in the Presence of:

ROSEANN MALCOLM	Witness	<i>Max Rosenfeld</i>	(L.S.)
JUNE ELMETCALF	Witness	<i>Fannie Rosenfeld</i>	(L.S.)

ACKNOWLEDGEMENT

STATE OF MICHIGAN, ss.
County of _____ ss.

On this _____ day of _____ 19____, before me, a Notary Public in and for said county, personally came the above named Max Rosenfeld and Fannie Rosenfeld, known to me to be the persons who executed the above dedication, and acknowledged the same to be their free act and deed.

ROSEANN MALCOLM
Notary Public _____ Co., Mich.

My Commission expires _____

MUNICIPAL APPROVAL

This plat was approved by the _____ City of Troy,
of the _____ County _____ of Oakland
at a meeting held _____

J. Lawson Lockhart
J. LAWSON LOCKHART
SURVEYOR'S CERTIFICATE

I hereby certify that the plat hereon delineated is a correct one and that permanent metal monuments consisting of bars not less than one-half inch in diameter and 36 inches in length, or shorter bars of not less than one-half inch in diameter lapped over each other at least 6 inches with an over-all length of not less than 36 inches, encased in a concrete cylinder at least 4 inches in diameter and 36 inches in depth have been placed at points marked thus (O) as thereon shown at all angles in the boundaries of the land platted, at all the intersections of streets, intersections of alleys, or of streets and alleys, and at the intersections of streets and alleys with the boundaries of the plat as shown on said plat.

E. J. Giffels, Registered Professional Engineer

Plat approved pursuant to provisions of Act 172 of P. A. of 1929, as amended, this _____ day of _____ 19____

OAKLAND COUNTY PLAT BOARD

Delia H. Hickey, Chairman - Chm. Bd. of Surveyors

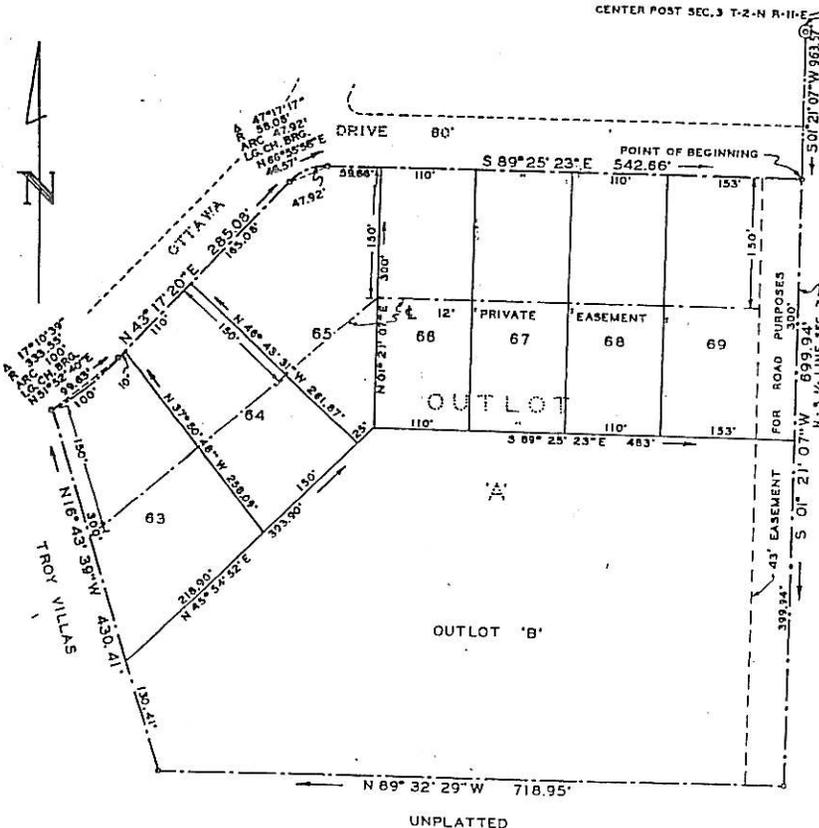
Daniel F. Murcher, Jr., County Clk. - Sec. of Deeds

Dean J. W. Barry, County Deem. Commissioner

R. F. Moore, Chm. Board of Auditors

J. C. Adams, Vice-Chm. Board of Auditors

R. E. Ulfly, Secretary Board of Auditors



ORIGINAL

"GOLF ESTATES"

A SUBDIVISION OF A PART OF THE SE 1/4 OF SEC. 3 T. 2 N. R. 11 E.

TROY TWP

OAKLAND COUNTY, MICH

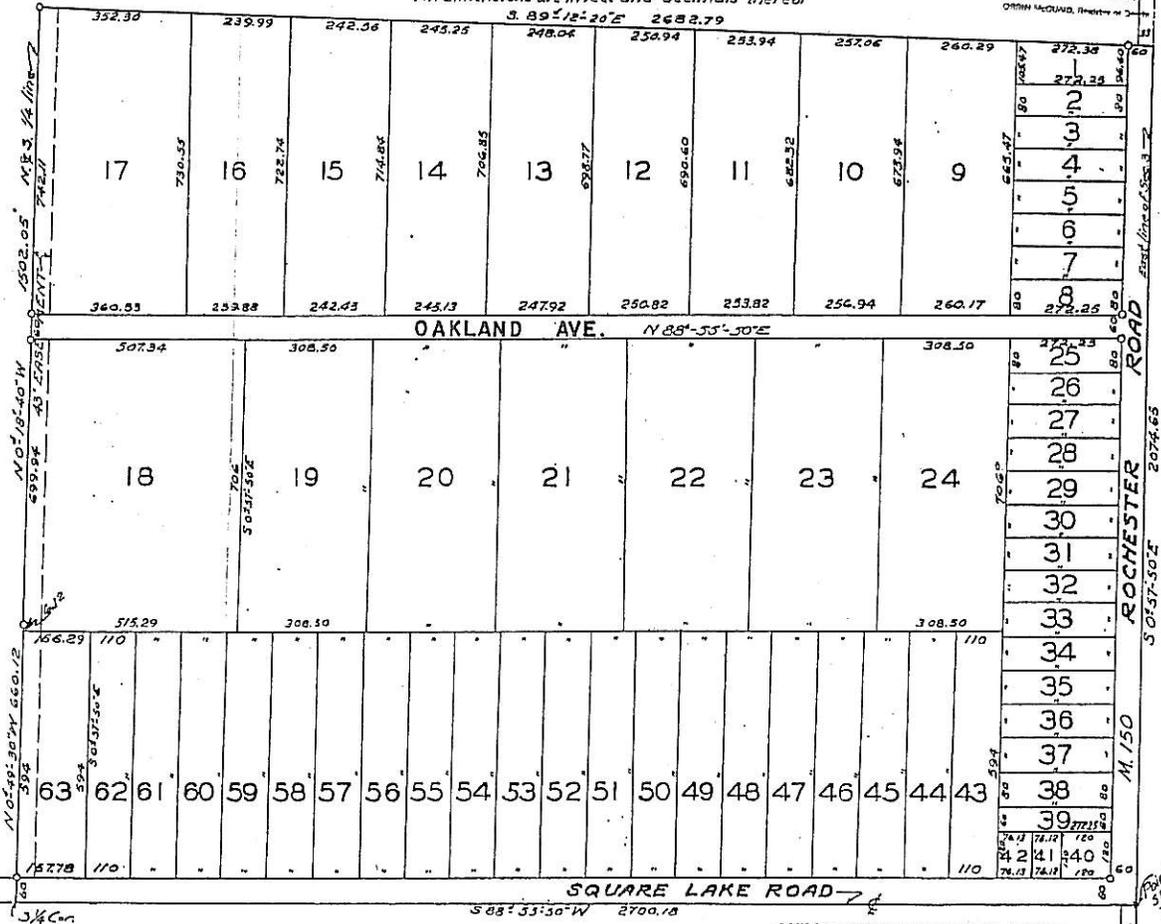
SCALE 1 inch = 200 ft.

All dimensions are in feet and decimals thereof

Examined and Approved
Mary G. MacDonald
1947

REGISTER OF DEEDS
Oakland County, Mich.
Received for record
1947

Orin McDaniel
ORIN MCDANIEL, Register of Deeds



DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that we
 THE GOLF ESTATES SUBDIVISION COMPANY
 MICHIGAN
 corporation by LEWIS G. ERB
 President, and MARY G. MACDONALD
 Secretary, as proprietor, have caused the land embraced in the annexed plat to be surveyed, laid out and platted to be known as "GOLF ESTATES" a subdivision of a part of the SE 1/4 of Section 3, T. 2 N. R. 11 E. Troy Township, Oakland County, Michigan
 and that the streets and alleys as shown on said plat are hereby dedicated to the use of the public.

DESCRIPTION OF LAND PLATTED

The land embraced in the annexed plat of "GOLF ESTATES" a subdivision of a part of the SE 1/4 of Section 3, T. 2 N. R. 11 E. Troy Township, Oakland County, Michigan
 is described as follows:

Beginning at the SE corner of said section 3, thence S 88° 55' 50" W on the South Section line 2700.18 ft. to the S 1/4 corner, thence N 0° 49' 30" W on the N and S 1/4 line 660.12 ft., thence N 0° 18' 40" W on the 1/4 line 1502.05 ft., thence S 89° 12' 20" E. 2682.79 ft. to the East section line, thence S 0° 57' 50" E on the East section line 2074.65 ft. to the point of beginning.

OAKLAND COUNTY TREASURER'S CERTIFICATE

I HEREBY CERTIFY that there are no TAXES or OTHER DUES due on the above described land as shown on the annexed plat.

Charles M. Ziegler
CHARLES M. ZIEGLER
State Highway Commissioner

Signed and Sealed in the Presence of:

John C. Austin
JOHN C. AUSTIN (Witness)

Clare J. Jurek
CLARE J. JUREK (Witness)

John C. Austin
JOHN C. AUSTIN (Witness)

Mary G. MacDonald
MARY G. MACDONALD (Secretary)

APPROVAL BY BOARD OF COUNTY AUDITORS

Approved by the Board of County Auditors of Oakland County, Michigan, this 2nd day of April, 1947

Robert Y. Moore
ROBERT Y. MOORE (Chairman)

John C. Austin
JOHN C. AUSTIN

W. H. Morley
W. H. MORLEY

APPROVAL BY BOARD OF COUNTY ROAD COMMISSIONERS

This plat has been examined and was approved on the 19th day of July, 1947, by the Oakland County Board of Road Commissioners

Lee O. Brooks
LEE O. BROOKS (Chairman)

Luther D. Allen
LUTHER D. ALLEN (Member)

Sgt. Luntz
SGT. LUNTZ (Member)

ACKNOWLEDGMENT

STATE OF MICHIGAN) ss.
 County of Oakland)
 On this 1st day of April, 1947, before me, a Notary Public in and for said county appeared LEWIS G. ERB, ANA, MARY G. MACDONALD, to me personally known, who being each by me duly sworn did say that they are the President and Secretary respectively of the GOLF ESTATES SUBDIVISION COMPANY, a Michigan corporation, and that said instrument was signed in behalf of said corporation by authority of its Board of Directors and said LEWIS G. ERB, ANA, MARY G. MACDONALD, acknowledged said instrument to be the free act and deed of said corporation. Corporation has no corporate seal.

Clare J. Jurek
CLARE J. JUREK
Notary Public, Oakland County

My Commission expires: APRIL 22, 1952

MUNICIPAL APPROVAL

This plat was approved by the Township Board of the Troy Township of Troy, Michigan, at a meeting held on the 1st day of April, 1947.

Norman R. Barnard
NORMAN R. BARNARD (Chair)

APPROVED

Charles M. Ziegler
CHARLES M. ZIEGLER
State Highway Commissioner

SURVEYOR'S CERTIFICATE

I hereby certify that the plat hereon delineated is a correct one and that permanent monuments consisting of bars not less than one-half inch in diameter and 48 inches in length, or shorter bars of not less than one-half inch in diameter lapped over each other at least 6 inches with an over-all length of not less than 48 inches, encased in a concrete cylinder at least four inches in diameter and 48 inches in depth have been placed at points marked thus (o) as thereon shown at all angles in the boundaries of the land platted, and all intersections of streets with the boundaries of the plat as shown on said plat.

Earl L. Clark
EARL L. CLARK
Registered Land Surveyor

Rochester Road
 M. 150
 Point of Beginning
 SE 1/4 of Sec. 3
 T. 2 N. R. 11 E.

Sheet 58 pgs. 25

94551

UNDER 11570 PAGE 2577

2-11/3

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND
1964 DEC 21 AM 10 58

IN RE: PETITION TO VACATE EASEMENT
IN GOLF ESTATES SUBDIVISION AND
TO CORRECT DESCRIPTION OF
ROCHESTER ROAD.

RECEIVED
OAKLAND COUNTY REGISTER OF DEEDS RECORDS
DEC 21 10 58

TELES LONGTIN and WAHNEETA LONGTIN,
his wife,

Plaintiffs,

NO. 17343

AUDITOR-GENERAL, et al.

ORDER VACATING EASEMENT AND
CORRECTING DESCRIPTION

Defendants.

At a session of the aforesaid Court held in the
City of Pontiac, County and State above named on the
day of DEC 21 1964, A. D., 1964.

PRESENT: HONORABLE PHILIP PRATT
Circuit Judge

The petition in this cause having been filed by Teles Longtin and
Wahneeta Longtin his wife, under oath, and several hearings having been held
in open Court with proceedings recorded in the usual manner, and petitioners
having produced satisfactory evidence of the statutory methods of service,
and the parties hereto having reached an amicable settlement of this
matter,

IT IS HEREBY ORDERED, that the relief prayed for in said Petition
is granted, and that said plat, being the plat of Golf Estates, a subdivision
of part of the Southeast 1/4 of Section 3, Town 2 North, Range 11 East,
Troy Township, Oakland County, Michigan, as recorded in Plats, Liber 58,
Page 23, Oakland County Records, and the restrictions thereto as recorded

Let to -
MALCOLM M. HENRY
ATTORNEY AT LAW
WASHINGTON SQUARE BLDG.
ROYAL OAK, MICHIGAN
CI. 1-3566

REF: 4868 PAGE 258

In Liber 2129, Pages 326 through 328, Oakland County Records, are hereby amended so that the misdescription of Rochester Road is removed hereby from said Lot 18, except the east 381 feet, and that the 43 foot easement appearing in said plat and restrictions is hereby vacated as to said Lot 17, except the East 381 feet and the title to the same is hereby vested in the owners of said lot; except that the westerly 17 feet of said easement is not vacated, but is dedicated to the City of Troy by petitioners herein for road purposes. The Court hereby recognizes that all objections heretofore raised against the vacation of the easterly 26 feet of said easement are withdrawn.

PHILIP PRATT
Circuit Judge

APPROVED AS TO FORM AND
SUBSTANCE AND OBJECTIONS
WITHDRAWN:

/s/
Stanley E. Durke
Attorney for the City of Troy
960 E. Maple Road
Birmingham, Michigan
644-2336

/s/
Donald Wm. Sargent
Attorney for Joseph Billicki, et al
1141 E. Seven Mile Road
Detroit 3, Michigan
Tw. 1-1000

A TRUE COPY

DAVID R. CALHOUN
Oakland County Clerk, Registrar, Deeds
By: [Signature]
Deputy

MALCOLM M. HESER
ATTORNEY AT LAW
WASHINGTON SQUARE BLDG
ROYAL OAK, MICHIGAN

RESOLUTION TO APPROVE STREET USE AGREEMENT - OTTAWA TO OUTLOT B, TROY
VILLAS SUBDIVISION

C-9

Resolution #81-308
Moved by Taucher
Supported by Pallotta

RESOLVED, That the request from Ladds, Inc.- Hometrend, to use the road easement from Ottawa Street to Outlot B, Troy Villas Subdivision, for driveway access to the site, is hereby granted; and

BE IT FURTHER RESOLVED, That the City Attorney is directed to prepare an agreement to grant said use of road easement, while maintaining the authority of the City over the right-of-way.

Yeas: All-6
Absent: Doyle

Ex 3-303
4/13/51

PUBLIC ROAD EASEMENT USE AGREEMENT

THIS AGREEMENT, made and entered into this 25th day of April, 1981, by and between the CITY OF TROY, a Michigan municipal corporation, (hereinafter called the "Grantor") and Paul McWilliams and _____, his wife (hereinafter called the "Grantees"),

WITNESSETH:

WHEREAS, the Grantees own an interest in the following described premises located in the City of Troy, County of Oakland, State of Michigan, to-wit:

outlot "B"; Troy Villas Subdivision #1
and

WHEREAS, access to said premises can only be obtained through the public easement for road purposes which runs along the Easterly edge of Grantees' land; and

WHEREAS, it is Grantor's desire to grant permission to Grantees to use said public easement for the common use of Grantees, members of their families and households, their guests, visitors, invitees and licensees for the purpose of ingress and egress to and from Grantees' land;

NOW, THEREFORE, in consideration of the premises and the covenants and under takings hereinafter contained, and for Ten (\$10.00) Dollars, receipt of which is hereby acknowledged, Grantor and Grantees mutually agree as follows:

1. Grant of Permission. Grantor hereby grants permission to use said public easement to Grantees as follows:

Grantor grants to, and creates for the benefit of Grantees permission to use the 43 foot strip of land running along the Easterly boundary of Grantees' land and extending North from the Northerly border of Grantees' land to Ottawa Street.

2. Limited Use of Public Easement for Road Purposes. The use of said public easement shall be limited to the following purposes: constructing, maintaining and repairing, altering, and/or replacing a driveway of suitable material for the purpose of providing Grantees with ingress and egress to and from their land; and doing all work necessary for the construction of said driveway.

3. Obligation for Costs and Expenses. Grantees shall be responsible for the payment of any and all costs and expenses incurred in and arising out of any use of said easement for any of the purposes described in paragraphs 1 and 2 of this Agreement.

4. Indemnification of Grantor. Grantees shall indemnify Grantor against, and shall hold Grantor harmless from, any and all losses, injuries or damages of any kind whatsoever which shall be caused by or arise out of any use of said easement by Grantees, members of their family or household, their guests, visitors, invitees and licensees including the inability of the Grantor to provide the above described premises with police, fire and other municipal services as a result of inadequate access to said premises.

5. Notification of Subsequent Purchasers. Grantees shall notify any purchaser from them of said premises of the existence of this Agreement and consent to the marking of tax bills and records showing the nature of the use of said easement and the obligations hereunder.

6. Recordation. Grantees shall pay the cost of recording this Agreement in the Tract Index of the Oakland County Register of Deeds and furnish a copy to the Troy City Clerk's Office.

7. Other Conditions.

A. Grantor shall retain authority over said public road easement right-of-way.

September 8, 2006

TO: Phillip L. Nelson, City Manager

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

SUBJECT: **AGENDA ITEM** – Amendments to Chapter 42 – Flood Plain Management
As Required by FEMA for Participation in National Flood Insurance Program

RECOMMENDATION

It is recommended that City Council approve the resolution to amend Chapter 42, Flood Plain Management, in order to incorporate the new countywide Digital Flood Insurance Rate Maps (DFIRMS) that will become effective September 29, 2006.

In addition, the Building Department is designated as the agency responsible for the administration and enforcement of the state construction code, as is currently the case under other ordinances related to building.

BACKGROUND INFORMATION

The City of Troy has participated in the National Flood Insurance Program (NFIP) since 1983. Participation in the program makes federally backed flood insurance available to property owners in the community. More than 19,000 communities in the United States participate in the NFIP by adopting and enforcing a floodplain management ordinance to reduce property losses.

In 2003 the Federal Emergency Management Agency announced its goal for creating countywide Digital Flood Insurance Rate Maps. This effort involved incorporating data for the existing flood insurance studies of all communities in Oakland County and creating a single updated map.

The Michigan Department of Environmental Quality, in conjunction with the State Attorney General's office, produced the recommended adoption format, which utilizes the State Building Code as the basis for Floodplain management. Since the City of Troy already enforces the State Building Code, this format does not pose any problems for us.

On the new maps, the floodplains surrounding 5 streams in Troy will be regulated by the current maps until new floodplain studies are completed. These studies are currently underway and expected to be completed by FEMA by the end of September 2007. The impacted streams are shown below:

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 42 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 42 of the Code of the City of Troy.

Section 2. Amendment

Chapter 42, Floodplain Management Ordinance designating an enforcing agency to discharge the responsibility of the City of Troy located in Oakland County, under the provisions of the State Construction Code Act, Act No. 230 of the Public Acts of 1972, is hereby amended to read as follows: (Underlining denotes additions)

10. Agency Designated

Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, the Building Department of the City of Troy is hereby designated as the enforcing agency to discharge the responsibility of the City of Troy under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The City of Troy assumes responsibility for the administration and enforcement of said Act through out its corporate limits.

11. Code Appendix Enforced

Pursuant to the provisions of the state construction code, in accordance with Section 8(b) of Act 230, of the Public Acts of 1972, as amended, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency within the City of Troy.

12. Designation of Regulated Flood Prone Hazard Areas

The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) entitled Oakland County Michigan and Incorporated Areas and dated September 29 2006 and the Flood Insurance Rate Maps(s) (FIRMS) panel numbers of are adopted by reference and declared to be a part of Section 1612.3 of the Michigan Building Code.

Section 3. Repeals.

All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Section 4. 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 5. 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 6. Effective Date

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

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

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk

FLOOD PLAIN MANAGEMENT

1. Purpose

- (1) It is the purpose of this Ordinance to protect human life, health, and property from flood conditions, to preserve the ability of floodplains to carry and discharge a base flood, and to significantly reduce potential hazards as a result of flood conditions within the City of Troy. Further, it is the purpose of this Ordinance to comply with the provisions and requirements of the National Flood Insurance Program, as constituted in accord with the National Flood Insurance Act, and subsequent enactments and rules and regulations.
 - (2) Additional objectives of this Article include:
 - (a) Reducing public/private economic loss and social disruption as a result of flood conditions.
 - (b) Minimizing public expenditures for:
 - (i) flood control projects,
 - (ii) rescue and relief efforts in the aftermath of flooding,
 - (iii) repair of flood damaged public facilities and utilities, and
 - (iv) the redevelopment of flood damaged homes, neighborhoods, commercial and industrial areas;
- and
- (a) providing the Public with the most current floodplain information;
 - (b) promote development patterns not subject to flood damage.

2. Definitions

- (1) Area of Special Flood Hazard is the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. This area is designated as Zone A or Zones A1-A30 on the Flood Insurance Rate Map.
- (2) Base Flood means the flood having a one percent chance of being equaled or exceeded in any given year; also known as the 100-year flood.
- (3) Development means any man-made modification to unimproved or improved real estate, including but not limited to: buildings, pools, decks or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials.
- (4) Encroachment means development or a structure which is located within the area of special flood hazard.

(2-1-99)

Chapter 42- Flood Plain Management

- (5) Flood or Flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (a) the overflow of inland or tidal waters,
 - (b) the unusual and rapid accumulation or runoff of surface waters from any source.
- (6) Flood Damage means any damage to persons, materials, supplies, property or real estate caused by and as a direct result of flooding and /or the influence of flood conditions.
- (7) Boundary and Floodway Map means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazards have been designated as Zone A.
- (8) Flood Insurance Rate Map (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- (9) Flood Insurance Study (Flood Elevation Study) is an examination, evaluation and determination of flood hazards and corresponding water surface elevations.
- (10) Floodplain means that land area possessing the potential to be inundated by water from a flood or flooding.
- (11) Floodway or Regulatory Floodway means the designated area of a river or other watercourse and the adjacent land areas that must be reserved from development or construction activity in order to discharge the base flood without cumulatively increasing the water surface elevation beyond these areas.
- (12) New Construction means structures and/or development for which the “start of construction” commenced on or after the effective date of this ordinance, and includes any subsequent improvements to structures.
- (13) Structure means a walled and roofed building that is principally above ground.
- (14) Substantial Improvement means any repair, reconstruction, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either,
 - (a) before the improvement or repair is started; or
 - (b) if the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

(2-1-99)

Chapter 42- Flood Plain Management

- (a) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are the minimum necessary to assure safe living conditions, or
 - (b) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
- (15) Watercourse means any natural or artificial drainage way wherein waters flow either continuously or intermittently, including any adjacent areas subject to flooding. Watercourses include both natural and man-made open ditches, streams, enclosed storm drains, lakes, and ponds.

3. Delineation of the Area of Special Flood Hazard

The area of special flood hazard shall overlay existing zoning districts delineated on the official City of Troy Zoning Map. The boundaries of the area of special flood hazard shall coincide with the boundaries of the areas indicated as within the limits of the 100-year flood in the most current report entitled "The Flood Insurance Study, City of Troy", as specified by the City Engineer, with accompanying Flood Insurance Rate Maps and Flood Hazard Boundary Maps and Floodway Maps. Within the area of special flood hazard a floodway may be designated. The boundaries of the floodway shall coincide with the floodway boundaries indicated on the Flood Hazard Boundary Maps and Floodway Maps. The Flood Insurance Study and accompanying maps are adopted by reference, appended, and declared to be a part of this ordinance.

4. Development Requirements

- (1) The owner shall not perform any development nor shall the owner allow others to perform any development of any property within an area of special flood hazard without first having secured a development permit(s). Necessary development permits shall have been issued by appropriate local, state and federal authorities, including but not limited to: a floodplain permit, approval, or letter of no authority from the Michigan Department of Environmental Quality.
- (2) Approval of any development is also subject to the provisions of this ordinance and all other requirements of the Troy City Code.

5. General Standards for Flood Hazard Reduction

- (1) All new construction and substantial improvements within an area of special flood hazard, shall be constructed by methods and practices that minimize flood damage including, but not limited to:
 - (a) be designed and anchored to prevent flotation, collapse, or lateral movement of the structure;
 - (b) be constructed with materials and utility equipment resistant to flood damage;
 - (c) all new and replacement water supply systems shall not allow infiltration of flood waters into the systems;

(2-1-99)

Chapter 42- Flood Plain Management

- (d) all public utilities and facilities shall be designed, constructed and located to minimize or eliminate flood damage.
 - (e) drainage shall be provided to reduce damage to structures created by flood hazards.
- (2) The City Engineer or his/her representative shall review development proposals to determine compliance with the standards in this section.

6. Specific Base Flood Elevation Standards

- (1) On the basis of the most recent available base flood elevation data the following standards shall apply in the area of special flood hazard:
- (a) all new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above the base flood level. This requirement shall apply for residential properties removed from the area of special flood hazard by the placement of fill, regardless of FEMA Letter of Map Revision determinations.
 - (b) all new construction and substantial improvements of nonresidential structures shall have either:
 - (i) the lowest floor, including basement, elevated to or above the base flood elevation; or
 - (ii) be constructed such that below base flood elevation, together with attendant utility and sanitary facilities:
 - (a) the structure is watertight, with walls impermeable to the passage of water; and
 - (b) is constructed with structural components having the ability to neutralize hydrostatic and hydrodynamic loads; and
 - (c) the effects of buoyancy must be resisted.

A registered professional engineer or architect shall certify that the standards of this subparagraph are satisfied, and that the floodproofing methods employed are adequate to withstand the flood depth, pressures, velocities, impact and uplift forces and other factors associated with a base flood in the location of the structure. Such certification shall be submitted to the City Engineer, and shall indicate the elevation to which the structure is floodproofed.

- (2) The most recent base flood elevation data received from the Federal Emergency Management Agency shall take precedence over data from other sources.

(2-1-99)

Chapter 42- Flood Plain Management

7. Flood Zone Development Standards

- (1) New construction, substantial improvements and all other development, shall be prohibited within areas of special flood hazard except where the owner demonstrates that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation and/or decrease the flood carrying capacity of a base flood. In addition, the provisions of subsection 2) shall be applied to land situated within the floodway.
- (2) Encroachments, new construction, substantial improvements and development shall be prohibited within the floodway. Exception to this prohibition shall only be made upon certification by a registered professional engineer or the Michigan Department of Environmental Quality that the proposed development will not result in any increases in base flood elevation during a base flood discharge.

8. Disputes and Conflict

- (1) Where there are disputes as to the location of an area of special flood hazard boundary, the property owner or permit applicant shall provide field measurements, topographic data, and any other specified data to assist the designated state and/or federal agencies in the resolution of the dispute. The property owner or permit applicant shall be responsible for the application fees, engineering, surveying, or other costs associated with the preparation of materials required to assist with the area of special flood hazard boundary dispute.
- (2) The requirements of the Floodplain Management ordinance apply to all development within the area of special flood hazard. If there is a conflict between the Flood Plain Management ordinances and other provisions of the City of Troy Ordinances, the most stringent requirements shall be applied, to accomplish the intent of this ordinance.

9. Disclaimer of Liability

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based upon National and State regulations and standards. Larger floods and increased flood elevations may occur on occasions. Approval of the use of land, construction and/or development under this Ordinance shall not be considered a guarantee or warranty of safety or damage from flood events. This Ordinance does not imply that areas outside the area of special flood hazard will be free from flood damage, nor does this Ordinance create liability on the part of the City of Troy or any officer or employees thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

(2-1-99)

10. Agency Designated

Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, the Building Department of the City of Troy is hereby designated as the enforcing agency to discharge the responsibility of the City of Troy under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The City of Troy assumes responsibility for the administration and enforcement of said Act through out its corporate limits.

Chapter 42- Flood Plain Management

11. Code Appendix Enforced

Pursuant to the provisions of the state construction code, in accordance with Section 8(b) of Act 230, of the Public Acts of 1972, as amended, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency within the City of Troy.

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FEMA

AUG 29 2006

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John Szerlag
City Manager, City of Troy
500 West Big Beaver Road
Troy, Michigan 48084

Dear Mr. Szerlag:

I am writing this letter as an official reminder that the City of Troy, Michigan, has until September 29, 2006, to adopt and have the Department of Homeland Security's Federal Emergency Management Agency (FEMA) Regional Office approve floodplain management measures that satisfy 44 Code of Federal Regulations (CFR) Section 60.3(d) of the National Flood Insurance Program (NFIP) regulations.

The City of Troy must adopt floodplain management measures, such as a floodplain management ordinance, that meet or exceed the minimum NFIP requirements (copy enclosed) by September 29, 2006, to avoid suspension from the NFIP. If suspended, your community becomes ineligible for flood insurance through the NFIP, new insurance policies cannot be sold, and existing policies cannot be renewed.

The provisions of Section 202(a) of Public Law 93-234, as amended prohibits Federal officers or agencies from approving any form of loan, grant, guaranty, insurance, payment, rebate, subsidy, or disaster assistance loan or grant, for acquisition or construction purposes within Special Flood Hazard Areas (SFHAs), areas subject to inundation by the base (1-percent-annual-chance) flood. Your community's suspension from the NFIP would prohibit mortgage loans guaranteed by the Department of Veterans Affairs, insured by the Federal Housing Administration, or secured by the Rural Economic and Community Development Services. This prohibition also affects the disaster assistance in connection with a flood under the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, as amended.

Furthermore, Section 202(b) of Public Law 93-234, as amended, requires Federally regulated lending institutions to notify the purchaser or lessee of improved real property located in an SFHA, whether Federal disaster assistance will be available when the property is being used to secure a loan that is being made, increased, extended, or renewed.

Your NFIP State Coordinator and FEMA would like to assist the City of Troy to ensure it remains in good standing with the NFIP and avoids suspension from the Program. If your community is suspended, it may regain its eligibility in the NFIP by enacting the floodplain management measures established in 44 CFR Section 60.3 of the NFIP regulations. As stated in my previous

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SEP 05

www.fema.gov

ENGINE

John Szerlag

AUG 29 2006

Page 2

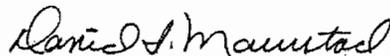
correspondence, I recommend you contact your NFIP State Coordinator or the FEMA Regional Office if the City of Troy is encountering difficulties in enacting its measures.

I recognize that your community may be in the final adoption process or may have recently adopted the appropriate floodplain management measures. Please submit these measures to the Floodplain Management Program at the Michigan Department of Environmental Quality. Les Thomas, the NFIP State Coordinator, is accessible by telephone at (517) 335-3448, in writing at Post Office Box 38458, Lansing, Michigan 48909-7958, or by electronic mail at thomasl@michigan.gov.

The FEMA Regional staff in Chicago, Illinois, is also available to assist you with your floodplain management measures. The FEMA Regional Office may be contacted by telephone at (312) 408-5500 or in writing. Please send your written inquiries to the Director, Federal Insurance and Mitigation Division, FEMA Region V, at 536 South Clark Street, Sixth Floor, Chicago, Illinois 60605.

In the event your community does not adopt and/or submit the necessary floodplain management measures that meet or exceed the minimum NFIP requirements, I must take the necessary steps to suspend your community from the NFIP. This letter is FEMA's final notification before your community is suspended from the Program.

Sincerely,



David I. Maurstad
Director
Mitigation Division

Enclosure

cc: Edward Buikema, Regional Director, FEMA Region V
Les Thomas, NFIP State Coordinator, Michigan Department of Environmental Quality

RECEIVED

SEP 05 2006

ENGINEERING

Advisory Committee for Senior Citizens

A regular meeting of the Advisory Committee for Senior Citizens was held on Thursday, June 1 2006 at the Troy Community Center. Chair Bud Black called the meeting to order at 1:05 PM.

Present: Bud Black, Member David Ogg, Member
Frank Shier, Member Jo Rhoads, Member
JoAnn Thompson Pauline Noce, Member
Merrill Dixon, Member
Carla Vaughan, Staff

Absent: James Berar, Member excused

Visitors: Jeff Biegler

Approval of Minutes

Resolution # SC-2006-6-001
Moved by David Ogg
Seconded by Merrill Dixon

RESOLVED, That the Minutes of May 4, 2006 be approved as submitted.

Yes: 7
No: 0

MOTION CARRIED

Old Business

Shuffleboard and Bocce Ball: Jeff Biegler reported that there were no bids in April. This was a very busy time for many contractors. A new bid is going out next week and bidders will have four weeks to respond. It is still expected that the facility will be built this year.

Golf Leagues: Carla reported that representatives from the three golf leagues have had two meetings with Assistant City Manager Brian Murphy and Parks and Recreation staff and they are working things out regarding the issues brought up at last month’s meeting.

Catering Service at the Community Center: Carla reported that a one-year contract has been approved and there is now a reduced price menu for non-profit groups. A copy of this menu was handed out.

David Ogg reported that groups can use the meeting rooms at the Police and Fire Training Center for free and can bring their own food in there.

New Business

Cancellation of July and August meetings:

Resolution # SC-2006-6-002
Moved by David Ogg
Seconded by Joanne Thompson

RESOLVED That the July and August meetings be cancelled.

Yes: 7
No: 0

MOTION CARRIED

Reports

Park Board: Merrill Dixon reported that the Park Board reviewed the budget and that it was announced that the non-resident fee at the golf course has been waived for City employees.

Medi-Go: Jo Rhoads reported that Medi-Go is looking into offering weekend service. Dialysis patients often have appointments on Saturday.

Senior Program: Carla reported that the Parks and Recreation Department has sponsored six events to help seniors gain information and to enroll in the Medicare Prescription Drug program. Over 300 seniors attended these events. The map of outdoor walking routes adjacent to the Community Center has been updated and now includes seven routes varying in length from .4 mile (around the perimeter of the Community Center) to 2.2 miles (from the Community Center to and around the fitness trail and back). 134 people attended the free shredding event at the Community Center in May.

OLHSA: Pauline Noce reported that they had a speaker from Adapt My Home, a business that does barrier free renovations to help seniors age in place. The Committee would like Carla to arrange to have them speak in Troy. Pauline noted that whatever company a senior might choose, they should make sure that they are a certified Aging-In-Place specialist.

Oakland County Senior Advisory Board: Jo Rhoads reported that they met with legislators and encouraged them to keep up funding for transportation.

Medicare Part D: Joann Thompson reported that her pharmacist ran the numbers for her and she later signed up, but there are still questions. David Ogg reported that there is a great variance in process among pharmacies. Additional discussion was held on this topic.

Suggestion Box: There were no suggestions this month. In response to a suggestion last month, Carla took a poll about organ music on Fridays and the vote was almost evenly divided. It was decided to allow organ music on an OCCASIONAL basis, and we can revisit the issue again in the future if need be.

Comments:

David Ogg reported that the police department is conducting a seat belt sting.

Frank Shier reported that the senior show at the Macomb Center is July 7 and 8.

Joanne Thompson reported that she attended a recent Heart-Of-The-Hills Players performance in Warren. There were lots of people there and it was lots of fun.

Jo Rhoads asked how the hospital equipment loan closet is doing. Carla reported that more wheelchairs and shower chairs are needed.

The meeting was adjourned at 2:15 PM.

Respectfully submitted,

Bud Black, Chair

Carla Vaughan, Secretary

TROY HISTORIC DISTRICT STUDY COMMITTEE – FINAL**JUNE 6, 2006**

This rescheduled meeting of the Troy Historic District Study Committee was held Tuesday, June 6, 2006 at the Troy Museum & Historic Village. The meeting was called to order at 7:37 P.M.

ROLL CALL

PRESENT: Kevin Lindsey
Charlene Harris-Freeman
Kinda Hupman
Paul Lin
Linda Rivetto
Bob Miller

ABSENT: Marjorie Biglin

STAFF: Loraine Campbell

GUEST: Carl Freeman

Resolution #HDSC-2006-06-001**Moved by Lin****Seconded by Rivetto****RESOLVED, That the absence of Biglin be excused**

Yes: 6— Lindsey, Harris-Freeman, Hupman, Lin Rivetto, and Miller

No: 0

MOTION CARRIED**Resolution #HDSC-2006-06-002****Moved by Lin****Seconded by Hupman****RESOLVED, That the minutes of May 23, 2006 be approved as amended**

Yes: 6— Lindsey, Harris-Freeman, Hupman, Lin Rivetto, and Miller

No: 0

MOTION CARRIED**OLD BUSINESS****A. Request to de-list 2955 Quail Run Dr**

Loraine Campbell reported that the city attorney's office reviewed and affirmed their memo of March 14, 2006 regarding the Request to Eliminate the Historic District at 2955 Quail Run. They maintain that the procedures followed upon the initial designation were in compliance with both state and local law.

The committee also continued to review information provided by Mr. and Mrs. Freeman regarding modifications to the original structure by former owner Alexander Copland and other owners.

The next task of the committee will be to decide if a preliminary report to de-list the property should be written and submitted for local and state review.

B. New Above Ground Survey Assignments

Committee members are working on their Above Ground Survey assignments.

The Troy Historic Study Committee Meeting was adjourned at 9:00 PM. The next meeting will be held Tuesday, August 8, 2006 at 7:30 p.m. at the Troy Museum & Historic Village.

Kevin Lindsey
Chairman

Loraine Campbell
Recording Secretary

**ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES – DRAFT –
AUGUST 2, 2006**

A Regular Meeting of the Troy Advisory Committee for Persons with Disabilities was held Wednesday, August 2, 2006, at the upper level Conference Room C at City Hall. The meeting was called to order at 6:59 p.m.

Present: C. Buchanan, member S. Burt, member
A. Done, member A. Fuhrman, alternate
P. Hammond, member T. House, member
G. Hyun, student P. Manetta, member
D. Pietron, member J. Stewart, member
C. Weidman, student S. Werpetinski, member

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

Absent: M. Apte, alternate, EA

ITEM C – APPROVAL OF MINUTES OF MEETING OF June 7, 2006

Werpetinski made a motion that the minutes of June 7, 2006 be approved. Supported by Pietron. All voted in favor.

ITEM D – VISITORS, DELEGATIONS AND PUBLIC COMMENTS

Carlene Geier, Troy resident, Red Hughes, Troy resident, and members of the Senior Advisory Committee attended our meeting or were present during the AutoMARK demonstration. The meeting was moved to the City Council Chambers where Tonni Bartholomew, City Clerk, and Barb Holmes, Deputy City Clerk, demonstrated the AutoMARK ballot marking device and showed a video regarding sensitivity training for election inspectors at the polling locations. Members were given an opportunity to try the machine and have their questions answered regarding usage.

ITEM E – NEW BUSINESS

Werpetinski made a motion to elect Jeff Stewart as Chairperson for this Committee for a period of one year, seconded by Pietron. All voted in favor.

ITEM F – REGULAR BUSINESS

Werpetinski will attend the 8/14 and Fuhman, the 8/28 Council Meetings.

ITEM G – COMMITTEE MEMBER COUNCIL MEETING REPORT

Werpetinski reported that the decision on Group Child Care Homes becoming ADA compliant is still pending.

ITEM H - OLD BUSINESS

The discussion on restructuring our agenda regarding visitor comments was tabled until September.

**ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES – DRAFT –
AUGUST 2, 2006**

Grusnick reported that Community Affairs agreed to modify and reproduce the ACPD brochures. It was suggested that higher contrast colors be used and that the Face to Face brochure also be considered for re-printing. Members agreed to review both brochures for revisions and draft a finalized brochure at our next meeting in September.

ITEM I - INFORMATIONAL ITEMS

Adam Furhman will be attending college courses on Wednesday evenings from September through December. A motion was made by Buchanan to excuse Adam from these meetings, seconded by Manetta. All voted in favor.

Troy Public Library Outreach Program flyers were distributed to all members. This Program provides delivery of library materials to people confined to their home.

ITEM J – ADJOURN

Burt made a motion to adjourn at 9:16 which was seconded by Manetta.

Angie Done, Acting Chairperson

Kathy Jearls, Recording Secretary

**ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES – FINAL –
AUGUST 2, 2006**

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Present: C. Buchanan, member S. Burt, member
A. Done, member A. Fuhrman, alternate
P. Hammond, member T. House, member
G. Hyun, student P. Manetta, member
D. Pietron, member J. Stewart, member
C. Weidman, student S. Werpetinski, member

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

Absent: M. Apte, alternate, EA

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Angie Done, Acting Chairperson

Kathy Jearls, Recording Secretary

Advisory Committee for Senior Citizens

A regular meeting of the Advisory Committee for Senior Citizens was held on Thursday, Sept. 7 2006 at the Troy Community Center. Chair Bud Black called the meeting to order at 1:05 PM.

Present: Bud Black, Member David Ogg, Member
Frank Shier, Member Mary Sarossy, Member
JoAnn Thompson, Member Pauline Noce, Member
Merrill Dixon, Member James Berar, Member
Carla Vaughan, Staff

Absent: Jo Rhoads, Member, excused

Visitors: Carol Anderson, Peggy Hammond, Susan Werpetinski, Dorothy Pietron, Carlene Geier, Wes Myers, Harold Stephenson, Mildred Myers, Ed Forst, Gloria Weisgerber, Bill Weisgerber, Steven Banch

Approval of Minutes

Resolution # SC-2006-9-001
Moved by JoAnn Thompson
Seconded by David Ogg

RESOLVED, That the Minutes of June 1, 2006 be approved as submitted.

Yes: 8
No: 0

MOTION CARRIED

Old Business

Shuffleboard and Bocce Ball: Carol Anderson reported that the project was rebid, and two bids were received. One will be recommended for approval at the Sept. 18 City Council meeting and it is expected that the courts will be built this fall. James Berar commented that it should be stressed that the courts are for all ages. JoAnn Thompson encouraged committee members to attend the council meeting to show their support.

Golf Leagues: Carla reported that after several meetings, an agreement was reached with the golf league officers. It was determined that league members will not have to pay for a minimum number of golfers. Non-resident golfers will pay the non-resident rate, and there will be a \$5 per person administrative fee. Funds will be distributed to the league officers as before, but a detailed report of financing will be provided.

Catering Service at the Community Center: Carol Anderson reported that no one bid on the new contract for the Community Center, and there was only one bid for the golf course. A revised RFP is going out next week for this contract that expires in May. A discussion was

held regarding the future of the senior lunch program. Mary Sarossy volunteered to preliminary investigation of options for the lunch program.

New Business

Street Signs: James Berar stated that the street signs in Troy are hard to read and the lettering on any new signs should be bigger. JoAnn Thompson commented that a different color might also be easier to read.

Reports

Park Board: Merrill Dixon reported that the Park Board did not meet during the summer. Sylvan Glen is done and a ribbon cutting ceremony was held.

Medi-Go: No report

Senior Program: Carla handed out a copy of the senior program annual report for the fiscal year that ended June 30. She noted that the number of seniors receiving the newsletter via email is up 36% to 375. Attendance at the lunch program continues to decline - down 31% from last year. We are now serving an average of 35 meals per day. The sale of passes for single exercise classes is up 105% to 451 this year. Creative Endeavors showed a 19% increase in sales. There were 276 pieces of hospital equipment loaned out last year, up from 180 last year. The service is much appreciated.

JoAnn Thompson asked if the pool staff could refrain from vacuuming the deck during their class as it makes it hard to hear the instructor. Carla will pass this request on to the pool staff.

OLHSA: No report.

Oakland County Senior Advisory Board: No report

Suggestion Box: Exercise instructor Marilyn McCauly has resigned, and here was one suggestion that Therese, who is subbing for Marilyn this summer, be hired to take her place. Carla reported that Therese was approached about this, but she has taken a full time job and will not be available. Eileen, a new instructor, has agreed to teach the class. She conducted the class yesterday and was well received.

Comments:

David Ogg and other committee members would like the meetings moved back to room 302. Carla will take care of this.

James Berar circulated an article about volunteers building a park in Birmingham.

JoAnn Thompson reported that the Elf Shelf is looking for a new site since Troy High has become so expensive.

David Ogg asked about Troy Daze, and Carla reported on the senior event and referred him to the senior newsletter for details.

Mary Sarossy commented that she is glad to have the opportunity to be of service as a member of this committee.

The meeting was adjourned at 3 p.m.

Respectfully submitted,

Bud Black, Chair

Carla Vaughan, Secretary

DATE: September 7, 2006
 TO: Phillip L. Nelson, City Manager
 FROM: Mark Stimac, Director of Building & Zoning
 SUBJECT: Permits issued during the Month of August 2006

	NO.	VALUATION	PERMIT FEE
<u>INDUSTRIAL</u>			
New	2	\$5,115,000.00	\$29,865.00
Add/Alter	5	\$139,600.00	\$1,673.00
Sub Total	7	\$5,254,600.00	\$31,538.00
<u>COMMERCIAL</u>			
Fnd. New	2	\$3,450,000.00	\$20,440.00
Fnd./Shell New	1	\$452,000.00	\$3,309.00
Completion (New)	1	\$1,050,000.00	\$7,395.00
Tenant Completion	1	\$35,000.00	\$390.00
Add/Alter	17	\$1,254,050.00	\$11,089.00
Sub Total	22	\$6,241,050.00	\$42,623.00
<u>RESIDENTIAL</u>			
New	4	\$635,832.00	\$6,040.00
Add/Alter	36	\$775,004.00	\$9,163.00
Garage/Acc. Structure	8	\$19,702.00	\$620.00
Pool/Spa/Hot Tub	3	\$6,300.00	\$205.00
Repair	1	\$12,690.00	\$236.00
Fire Repair	4	\$467,772.00	\$3,798.00
Wreck	2	\$0.00	\$200.00
Fnd./Slab/Rat Wall	1	\$1,500.00	\$55.00
Sub Total	59	\$1,918,800.00	\$20,317.00
<u>TOWN HOUSE/CONDO</u>			
New	4	\$584,600.00	\$4,696.00
Add/Alter	2	\$41,500.00	\$584.00
Sub Total	6	\$626,100.00	\$5,280.00
<u>MULTIPLE</u>			
Garage/Acc. Structure	4	\$70,175.00	\$1,091.00
Sub Total	4	\$70,175.00	\$1,091.00
<u>INSTITUTIONAL/HOSPITAL</u>			
Add/Alter	1	\$50,000.00	\$495.00
Sub Total	1	\$50,000.00	\$495.00
<u>RELIGIOUS</u>			
Add/Alter	1	\$10,000.00	\$215.00
Sub Total	1	\$10,000.00	\$215.00

MISCELLANEOUS

Signs	33	\$0.00	\$3,700.00
Fences	17	\$0.00	\$275.00

Sub Total	50	\$0.00	\$3,975.00
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TOTAL	150	\$14,170,725.00	\$105,534.00
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PERMITS ISSUED DURING THE MONTH OF AUGUST 2006

	NO.	PERMIT FEE
Mul. Dwel. Insp.	375	\$3,750.00
Cert. of Occupancy	38	\$4,261.85
Plan Review	137	\$13,887.00
Microfilm	31	\$324.00
Building Permits	150	\$105,534.00
Electrical Permits	187	\$13,310.00
Heating Permits	136	\$7,615.00
Air Cond. Permits	69	\$3,065.00
Plumbing Permits	126	\$7,868.00
Storm Sewer Permits	15	\$1,403.00
Sanitary Sewer Permits	23	\$904.00
Sewer Taps	11	\$11,102.00

TOTAL	1298	\$173,023.85
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LICENSES & REGISTRATIONS ISSUED DURING THE MONTH OF AUGUST 2006

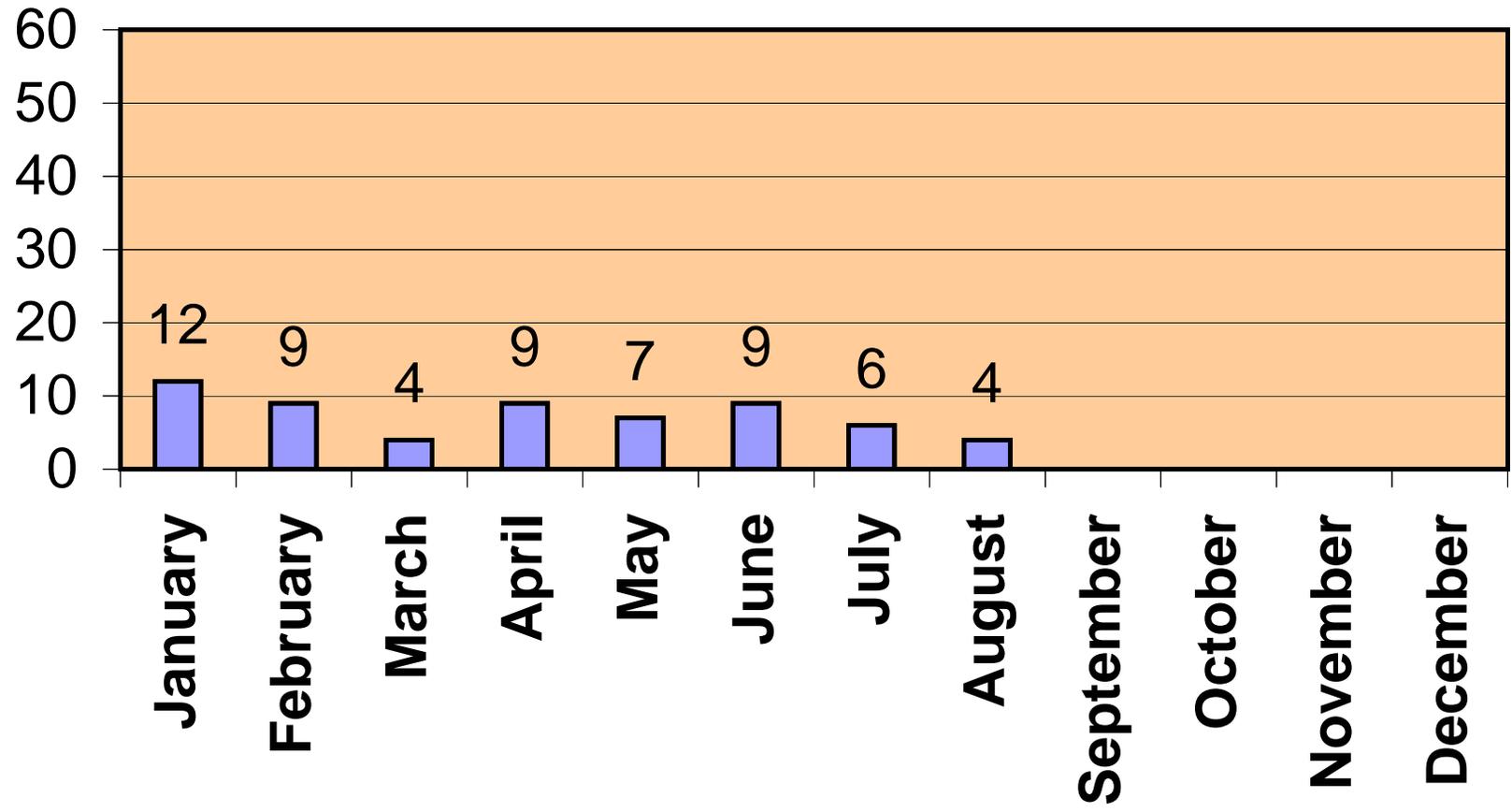
	NO.	LICENSE FEE
Mech. Contr.-Reg.	37	\$185.00
Elec. Contr.-Reg.	24	\$360.00
Master Plmb.-Reg.	31	\$31.00
Sewer Inst.-Reg.	3	\$150.00
Sign Inst. - Reg.	4	\$40.00
E. Sign Contr-Reg.	1	\$15.00
Fence Inst.-Reg.	2	\$20.00
Bldg. Contr.-Reg.	28	\$280.00
F.Alarm Contr.-Reg.	3	\$45.00

TOTAL	25	\$1,081.00
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BUILDING PERMITS ISSUED

	<u>BUILDING PERMITS 2005</u>	<u>PERMIT VALUATION 2005</u>	<u>BUILDING PERMITS 2006</u>	<u>PERMIT VALUATION 2006</u>
JANUARY	93	\$6,617,765.00	116	\$7,273,163.00
FEBRUARY	133	\$8,586,755.00	94	\$6,659,691.00
MARCH	143	\$19,405,253.00	127	\$5,629,425.00
APRIL	234	\$16,039,899.00	174	\$5,766,996.00
MAY	229	\$8,974,377.00	216	\$11,290,598.00
JUNE	207	\$14,432,280.00	218	\$10,681,352.00
JULY	176	\$7,490,327.00	198	\$11,269,902.00
AUGUST	202	\$13,132,327.00	150	\$14,170,725.00
SEPTEMBER	207	\$11,424,698.00	0	\$0.00
OCTOBER	169	\$12,606,760.00	0	\$0.00
NOVEMBER	137	\$9,014,642.00	0	\$0.00
DECEMBER	91	\$13,489,338.00	0	\$0.00
TOTAL	2021	\$141,214,421.00	1293	\$72,741,852.00

SINGLE FAMILY DWELLING PERMITS 2006



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

Type of Construction	Builder or Company	Address of Job	Valuation
Commercial, Add/Alter	SASCON INC	2950 ROCHESTER	200,000
Commercial, Add/Alter	INTERIOR PARTNERSHIP GROUP INC	2595 BELLINGHAM	180,000
Commercial, Add/Alter	BOGART-N-DIESON	1875 RESEARCH 200	152,000
Commercial, Add/Alter	BOGART-N-DIESON	100 W BIG BEAVER 550	167,298
Total Commercial, Add/Alter			699,298
Commercial, Completion New	KONA GRILL INC	30 E BIG BEAVER	1,050,000
Total Commercial, Completion New			1,050,000
Commercial, Fnd/Shell New	BUSCEMI, PAUL & DAVE	3176 ROCHESTER	452,000
Total Commercial, Fnd/Shell New			452,000
Commercial, Foundation New	REDICO	30 E BIG BEAVER	450,000
Commercial, Foundation New	AUCH, GEORGE W. CO	3838 LIVERNOIS	3,000,000
Total Commercial, Foundation New			3,450,000
Industrial, New Building	BLOOM GENERAL CONTRACTING	1814 MAPLELAWN	1,352,000
Industrial, New Building	BLOOM GENERAL CONTRACTING	1816 MAPLELAWN	3,763,000
Total Industrial, New Building			5,115,000
Records 11			Total Valuation: 10,766,298

September 13, 2006

TO: Phillip L. Nelson, City Manager

FROM: John M. Lamerato, Assistant City Manager/ Finance and Administration
Jeanette Bennett, Purchasing Director

SUBJECT: **Agenda Item** – Final Reporting - BidNet On-Line Auction and Mid-Thumb Auctioneering, LLC – July/August 2006

SUMMARY

In compliance with Resolution #2004-02-075, final reporting is being presented for five (5) computers and three (3) laser cartridges, which were auctioned on-line through BidNet, the City's e-procurement website, on July 7, 2006 and closed on July 30, 2006. Four workstations were auctioned on-line, on July 31, 2006 and closed on August 13, 2006. Six (6) vehicles were also auctioned through Mid-Thumb Auctions on July 22, 2006.

Final sale amounts and fees are listed below:

DESCRIPTION	PROCEEDS	SUB-TOTAL	NET INCOME
5 Computers, Laser Cartridges, & Workstations	226.05		
6 Vehicles and Misc.	25,758.00		
SUB-TOTAL:		\$25,984.05	
	FEES:		
6% on Vehicles & Misc. Items	(1,545.48)		
5% (Computers & Workstations) & Fee	(11.30)		
SUB-TOTAL:		(\$1,556.78)	
Sales Tax - +6% (Computers & Workstations):	13.56		
Sales Tax (None on Vehicles):	0.00		
SUB-TOTAL:		\$13.56	
			\$24,440.83

BACKGROUND

Included in the specifications for the auction contract is the ability of our auctioneer to take the City's auction items to other auction locations. Mid-Thumb Auctioneering, LLC suggested using the St. Clair County Park in Port Huron, Michigan. All transportation, reporting, and advertising are included in the auction fee.

Resolution #2004-02-075 established the auction fee of 5% and provided approval to use BidCorp with the provision that other on-line auction service options would be considered. BidNet moved forward and implemented the on-line surplus auction service for MITN (Michigan Inter-governmental Trade Network), which can be accessed through the City of Troy home web page. MITN is Purchasing's official e-procurement website used for posting bids, tabulations, quotations, and award information. It was a Purchasing goal that one e-procurement site would be operational for all functions.

VEHICLE AUCTION REPORT

<i>NUMBER</i>	<i>MAKE</i>	<i>MODEL</i>	<i>YEAR</i>	<i>AUCTION FEE</i>	<i>AUCTION PRICE</i>
152	CHEVROLET	LUMINA 4DR.	96	\$189.00	\$3,150.00
158	CHEVROLET	LUMINA 4DR.	96	\$171.00	\$2,850.00
803	DODGE/RAM	PICKUP 1500 4WD	01	\$360.00	\$6,000.00
811	CHEVY/MONTE	MONTE CARLO	00	\$375.00	\$6,250.00
888	CHRYSLER	CIRRUS/4DR	99	\$198.00	\$3,300.00
936	FORD	FORD CROWN VIC	00	\$246.00	\$4,100.00
TOTALS				\$1,539.00	\$25,650.00

Vehicles sold at Mid-Thumb Auctioneering Service on 7/22/2006

FINANCE: PLEASE CREDIT ACCOUNT # 6610.4693.100 GAIN/SALE OF DEPRECIATED FIXED ASSETS

TOTAL SALE – VEHICLES:	\$25,650.00
TOTAL SALE – MISC ITEMS:	<u>\$ 108.00</u>
TOTAL SALE:	\$25,758.00
AUCTION FEE (6%)	<u>\$ -1,545.48</u>
	\$ 24,212.52

Prepared by: Samuel P. Lamerato, Superintendent of Fleet

Wednesday, August 09, 2006

Page 1 of 1



Report For The City Of Troy, MI

Detailed Report For Seller: ALL

Reported On 9/11/2006

From: 7/1/2006 To: 8/31/2006

Item ID	Date	Sale Amount	Tax Collected	Charge	Type of Fee	Auction Description	Seller
1469	7/16/2006	35.00	2.10	1.75	Sale	Lot B189 - Computer Unit	Bockstanz
1480	7/16/2006	11.72	0.70	0.59	Sale	HP Color Laser Jet Cartridge - Drum	Bockstanz
1481	7/16/2006	11.50	0.69	0.58	Sale	HP Three Re-Man Toner Cartridge	Bockstanz
1479	7/16/2006	11.83	0.71	0.59	Sale	HP Color Laser Jet Cartridge	Bockstanz
1474	7/30/2006	30.00	1.80	1.50	Sale	Lot - B194 - Computer Unit	Bockstanz
1478	7/30/2006	30.00	1.80	1.50	Sale	Lot B198 - Computer Unit	Bockstanz
1477	7/30/2006	30.00	1.80	1.50	Sale	Lot B197 - Computer Unit	Bockstanz
1464	7/31/2006	30.00	1.80	1.50	Sale	Lot B184 - Computer Unit	Bockstanz
0	7/31/2006	0	0.00	50.45	Payment		Bockstanz
1522	8/27/2006	36.00	2.16	1.80	Sale	Workstations (2) or more - Haworth	Bockstanz

Total Sales Amount	Total Tax Collected	Total Amount Charged	Total Payments	Total Balance Due for the selected date range	Total Balance Due
\$226.05	\$13.56	\$11.30	\$50.45	(\$39.15)	\$11.30

[Return to Reports Menu](#)

September 2006

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

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

October 2006

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

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

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

November 2006

November 2006

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

December 2006

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

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

BRIEF SUMMARY OF PLAN PROVISIONS

REGULAR RETIREMENT (no reduction factor for age)

Eligibility - T.P.O.A., T.C.O.A.; Fire Staff Officers members: 25 years of service; or age 60 with 10 years of service. AFSCME Members: Age 50 with 27 years of service; or age 60 with 10 years of service. Classified or Exempt and General Clerical Members: Age 50 with 27 years of service; or age 55 with 25 years of service; or age 60 with 10 years of service.

Mandatory Retirement Age - None.

Annual Amount

Division	Benefit	Supplemental Benefit
T.P.O.A.	2.80% * FAC * Service	1.00% * FAC * Over 25 Yrs (75% max.)
T.C.O.A.	2.25% * FAC * Service	0.25% * FAC * Service
General, AFSCME	2.25% * FAC * Service	0.25% * FAC * Service
General Classified/Exempt	2.25% * FAC * Service	0.25% * FAC * Service
General Clerical	2.25% * FAC * Service	0.25% * FAC * Service
T.F.S.O.A.	2.25% * FAC * Service	0.25% * FAC * Service

Type of Final Average Compensation - Highest 3 years out of last 10.

EARLY RETIREMENT (age reduction factor used)

Eligibility - Age 55 with 10 years of service.

Annual Amount – Computed as regular retirement benefit but reduced by 1/2% for each month by which retirement precedes age 60.

DEFERRED RETIREMENT (vested benefits)

Eligibility - 10 years of service. Benefit payable at age 60.

Annual Amount – Same as regular retirement but based on credited service and final average compensation at termination.

DUTY DISABILITY RETIREMENT

Eligibility - No age or service requirement. Workers' compensation must be payable.

Annual Amount – Same as regular retirement. Upon termination of workers' compensation the benefit is recomputed to grant service credit for the period in receipt of workers' compensation. Minimum benefit is based on 10 years of credited service (66-2/3% of final average compensation for non-command/exempt public safety members, while in receipt of workers' compensation).

NON-DUTY DISABILITY RETIREMENT

Eligibility - 5 years of service (10 years for Exempt and Classified, AFSCME, employees hired after 2/96, MAP employees hired after 9/22/95, T.F.S.O.A. employees).

Annual Amount – Same as regular retirement, but with a minimum benefit based on 10 years of credited service.

DUTY DEATH BEFORE RETIREMENT

Eligibility - No age or service requirement.

Annual Amount – Widow's benefit equal to regular retirement benefit actuarially reduced in accordance with a 100% joint and survivor election. Minimum benefit is 25% (50% for Command Officers T.P.O.A. and T.F.S.O.A.) of final average compensation. If no widow, children under 18 share equally in 25% (50% for Command Officers T.P.O.A. and T.F.S.O.A.) of final average compensation.

NON-DUTY DEATH BEFORE RETIREMENT

Eligibility - 10 years service.

Annual Amount – Same as regular retirement but reduced in accordance with a 100% joint and survivor election.

AUTOMATIC DEATH BENEFIT AFTER RETIREMENT: None

POST-RETIREMENT ADJUSTMENTS: One time increases were granted in 1973, 1977, 1978, 1981, 1983, 1989 and 1999.

HEALTH INSURANCE PREMIUM SUBSIDY: Post-retirement health insurance premiums are subsidized as follows:

T.F.S.O.A., T.C.O.A., T.P.O.A. - City pays a percentage of monthly premium up to 100% based on (4% x completed years of service). *Classified, Exempt, AFSCME, Clerical* - City pays a percentage of monthly premium up to 100% based on (4% x completed years of service) or \$400/month, whichever is greater.

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SUMMARY ANNUAL REPORT TO MEMBERS DECEMBER 31, 2005

Dear Retirement System Member:

The Retirement System, which is managed by the Retirement Board, is designed to help you meet your financial needs should you become disabled, retire or die.

The Retirement Board's fiduciary responsibility to you is to supervise the general administration of the System and invest its assets. Under Act 485 of 1996 we are providing this Summary Annual Report.

We have prepared this summary report to give you a brief overview of the Retirement System and how it operates. We hope you will find it useful and informative. However, a summary cannot cover all the details of the System, which is governed by the provisions of the City's charter, the City's retirement ordinance and the Retirement Board's official rules and regulations. Additional information about the System and its financial operation is available in the City Manager's office.

Respectfully submitted,

The Retirement Board
City of Troy Retirement System

Actuaries and Consultants

- Gabriel, Roeder, Smith & Company

Martin F. Howrylak, City Council Member

Phillip L. Nelson, City Manager

John M. Lamerato, Finance Director

Mark A. Calice, Citizen Trustee

Michael Geise, Trustee

Thomas Houghton, Trustee

Steven A. Pallotta, Trustee

William R. Need, Ex-Officio

Auditors and Accountants

- Rehmann Robson

SUMMARY RESULTS OF ACTUARIAL VALUATION

Your retirement system's financial objective is to establish and receive contributions which will remain approximately level from year to year and will not have to be increased for future generations of taxpayers. Contribution levels are expressed in terms of percents of the city's active member payroll.

To determine an appropriate Employer contribution level for the ensuing year and to gauge how the system's funding is meeting this fundamental objective, an independent firm of actuaries and employee benefit consultants, Gabriel, Roeder, Smith & Company, conducts annual actuarial valuations.

These valuations are based on your System's past experience, information about current participation and financial markets, and assumptions concerning the System's future demographic and economic activity. The results of the December 31, 2005 valuation, based on the established funding objective, are summarized below:

Fiscal Year 2006/07 Employer Contribution Rates As a Percentage of Active Member Payroll

Contributions for	General	Public Safety
Normal Cost of Benefits		
Total	15.22%	22.62%
Member portion	<u>1.22</u>	<u>3.69</u>
Employer portion	14.00	18.93
Amortization of Unfunded Liability	<u>(9.03)</u>	<u>(18.93)</u>
Computed Employer Rate	4.97%	0.00%

Funded Status*	\$ Millions
• Actuarial accrued liabilities	\$113.3
• Applied assets (market related value)	\$128.8
• % funded	113.7%

Actuary's Opinion

It is the actuary's opinion that the required contribution rate determined by the most recent actuarial valuation is sufficient to meet the system's funding objective, presuming continued receipt of required contributions when due.

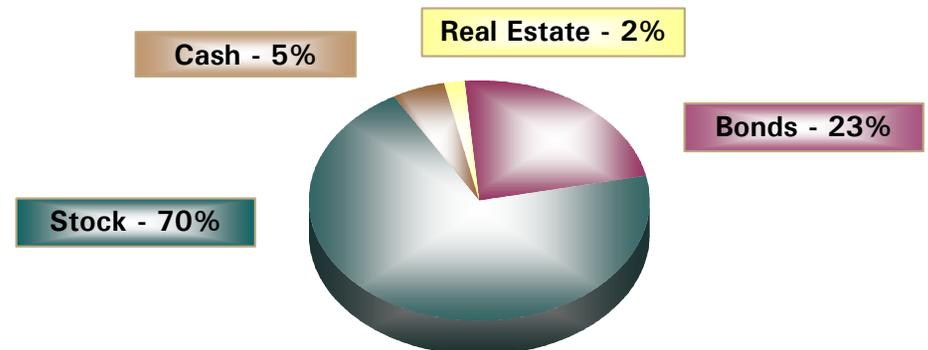
*Percent funded is for pension benefits only. The City adopted a Health Care Trust Plan to provide for retiree health care effective July 1, 2005.

SUMMARY OF CURRENT ASSET INFORMATION

Revenues & Expenses

	2005
Fund Balance - January 1	\$166,362,959
Revenues	
Member contributions	\$ 309,731
Employer contributions	972,454
Investment income	<u>2,995,153</u>
Total	\$ 4,277,338
Expenses	
Benefit payments	\$ 4,923,401
Refund of member contributions	2,613
Administrative expenses	53,247
Health Insurance Premiums	<u>1,368,331</u>
Total	\$ 6,347,592
Fund Balance - December 31	<u>\$164,292,705</u>

Investments



The market rate of return on system assets for the year ended December 31, 2005 was 4.83%, net after expenses.