

AGENDA

Meeting of the

CITY COUNCIL OF THE CITY OF TROY

OCTOBER 23, 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.

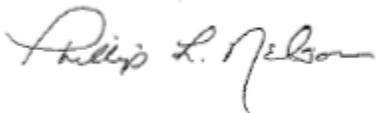
Identified below are goals for the City, which have been advanced by the governing body; and Agenda items submitted for your consideration are on course with these goals.

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

**October 23, 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: Dr. J. Harold Ellens – First Presbyterian Church 1

ROLL CALL: 1

CERTIFICATES OF RECOGNITION: 1

- A-1 Presentations: 1
 - a) Proclamation Celebrating 60 Years – Presented to John Drew, Vice President and Regional Manager for Kelly Services..... 1

CARRYOVER ITEMS: 1

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C-2 Request for Consideration to Grant an Industrial Facilities Exemption Certificate (IFEC) to Grid4 Communications, 2107 Crooks Road, Troy MI 48084-5534 2

C-3 Rezoning Application (File Number: Z 714) – Proposed The Enclave Senior Housing, North of Long Lake between Livernois and Crooks, Section 9 – R-1B to R-EC 3

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a) Standard Purchasing Resolution 2: Bid Award – Lowest Bidders Meeting Specifications – Seasonal Requirements of Grass Seed and Hydro Seeding Mulch/Fertilizer 4

b) Standard Purchasing Resolution 7: Proprietary Service Contract – CLEMIS Fire Records Management System 5

c) Standard Purchasing Resolution 1: Award to Low Bidder – One (1) 60,000 GVW Tandem Combination Sewer and Catch Basin Cleaning Machine, Less Trade-In 5

d) Standard Purchasing Resolution 11: Rejection of Bid – Vehicle Wash Services 5

e) Standard Purchasing Resolution 1: Award to Low Bidders – Concrete Pavement Repair 5

f) Standard Purchasing Resolution 8: Best Value Award – Appraisal Services – John R Improvement Projects, Long Lake to Square Lake, and Square Lake to South Boulevard 6

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- 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; Ethnic Issues Advisory Board; Historic District Commission; Municipal Building Authority; Parks & Recreation Board; Troy Daze Committee 7

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 - a) Zoning Ordinance Text Amendment (File Number: ZOTA 227) – Articles XXII, XXIII, XXIV and XXVIII – Ambulance Facilities in the B-3, H-S, O-1 and M-1 Districts – November 13, 2006 10
 - b) Street Vacation (File Number: SV 148-C) – Portions of Daley Street abutting Lots 28 and 33 of Supervisors Plat No. 11 Subdivision, South of Big Beaver, North of I-75, Section 26 – November 13, 2006 10
 - c) Commercial Vehicle Appeal – 5933 Diamond – November 27, 2006 10

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CALL TO ORDER:**INVOCATION & PLEDGE OF ALLEGIANCE: Dr. J. Harold Ellens – First Presbyterian Church****ROLL CALL:**

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

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

- a) Proclamation Celebrating 60 Years – Presented to John Drew, Vice President and Regional Manager for Kelly Services

CARRYOVER ITEMS:

- B-1** No Carryover Items

PUBLIC HEARINGS:

- C-1** Request for the Establishment of an Industrial Development District (IDD) for Grid4 Communications, 2107 Crooks Road, Troy MI 48084-5534

Suggested Resolution

Resolution #2006-10-
Moved by
Seconded by

RESOLVED, That the City Council of the City of Troy hereby **ESTABLISHES** an Industrial Development District (IDD) for Grid4 Communications, for property known as 2701 Crooks, Troy, MI. 48084-5534, Parcel # 88-20-29-426-046, in accordance with City Council Policy Resolution #2006-06-238; and

BE IT FURTHER RESOLVED, That the City Clerk shall **FORWARD** a copy of this resolution to the State Tax Commission, Treasury Building, P.O. Box 30471, Lansing, MI. 48909-7971.

Yes:
No:

C-2 Request for Consideration to Grant an Industrial Facilities Exemption Certificate (IFEC) to Grid4 Communications, 2107 Crooks Road, Troy MI 48084-5534Suggested Resolution

Resolution #2006-10-

Moved by

Seconded by

WHEREAS, After due notice and proper hearing, the City Council of the City of Troy on October 23, 2006, established an Industrial Development District (IDD) for property known as 2107 Crooks, Troy, MI. 48084-5534, Parcel # 88-20-29-426-046;

WHEREAS, An Application has been submitted by Grid4 Communications for an Industrial Facilities Exemption Certificate (IFEC) for personal property at 2107 Crooks, Troy, MI. 48084-5534, for twelve (12) years; and

WHEREAS, After due and proper notice by the City Clerk, the City Council, on October 23, 2006, held a Public Hearing giving opportunity for comment by all taxing units as to the possibility that the granting of an Industrial Facilities Exemption Certificate (IFEC) for Grid4 Communications at 2107 Crooks, Troy, MI. 48084-5534 may have the effect of substantially impeding the operation of the taxing unit, or impairing the financial soundness of the taxing unit;

THEREFORE, BE IT RESOLVED, By the City Council of the City of Troy, that it has **FOUND THAT THE GRANTING** of an Industrial Facilities Exemption Certificate (IFEC) for Grid4 Communications, at 2107 Crooks, Troy, MI. 48084-5534 shall not substantially impede the operation of the City of Troy or the other taxing units, **NOR HAS IT BEEN FOUND THAT THE GRANTING** of the Industrial Facilities Exemption Certificate (IFEC) will impair the financial soundness of the city of Troy, or the other taxing units which levy taxes on said property; and

BE IT FURTHER RESOLVED, That the application for an Industrial Facilities Exemption Certificate (IFEC) fro Grid4 Communications at 2107 Crooks, Troy, MI 48084-5534, Parcel #88-20-29-426-046, be hereby **APPROVED** for personal property for a term of twelve (12) years, **CONTINGENT** upon the execution of a Letter of Agreement between the City of Troy and Grid4 Communications, in accordance with Public Act 198 of 1974, as amended; and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the Letter of Agreement between the City of Troy and Grid4 Communications, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FINALLY RESOLVED, That the City Clerk is hereby **AUTHORIZED TO COMPLETE** the Application and transmit same to the State Tax Commission, Treasury Building, P.O. Box 30471, Lansing, MI. 48909-7971

Yes:

No:

C-3 Rezoning Application (File Number: Z 714) – Proposed The Enclave Senior Housing, North of Long Lake between Livernois and Crooks, Section 9 – R-1B to R-EC

Suggested Resolution

Resolution #2006-10-

Moved by

Seconded by

RESOLVED, That the R-1B to R-EC rezoning request located north of Long Lake, between Livernois and Crooks in Section 9, being 8.61 acres in size, is described in the following legal description and illustrated on the **ATTACHED** Certificate of Survey drawing:

T2N, R11E, W 1/2 of the SE ¼ of Section 9

Lots 95 through 102 and Lots 105 through 112 both inclusive, all being part of Beaver Hills Subdivision (Liber 26, Page 18, of Oakland County Records). Containing 8.61 ac., more or less, and subject to easements and restrictions of record.

RESOLVED, That the application **DOES NOT COMPLY** with the intent of the Future Land Use Plan and **DOES NOT MEET** the location standards of Section 19.40.00 of Chapter 39; and

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

Yes:

No:

POSTPONED ITEMS:

D-1 No Postponed Items

CONSENT AGENDA:

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

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

Suggested Resolution

Resolution #2006-10-

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 #2006-10-

RESOLVED, That the Minutes of the 7:30 PM Regular City Council Meeting of October 16, 2006 be **APPROVED** as submitted.

E-3 Proposed City of Troy Proclamation:

Suggested Resolution

Resolution #2006-10-

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

- a) Celebrating 60 Years – Kelly Services

E-4 Standard Purchasing Resolutions

- a) **Standard Purchasing Resolution 2: Bid Award – Lowest Bidders Meeting Specifications – Seasonal Requirements of Grass Seed and Hydro Seeding Mulch/Fertilizer**

Suggested Resolution

Resolution #2006-10-

RESOLVED, That contracts to purchase grass seed and hydro-seeding mulch/fertilizer for the 2007 season are hereby **AWARDED** to the lowest bidders meeting specifications as follows:

<u>VENDORS</u>	<u>ITEM(S)</u>
John Deere Landscapes of Armada, MI	1,2,3,4,5,6
Tri-Turf of Farmington Hills, MI	7,9
Washington Elevator Co, Inc of Washington Township	8

for an estimated total cost of \$16,126.00, at unit prices contained in the bid tabulation opened September 27, 2006, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

b) Standard Purchasing Resolution 7: Proprietary Service Contract – CLEMIS Fire Records Management System

Suggested Resolution

Resolution #2006-10-

RESOLVED, That a five-year proprietary interlocal service agreement with Oakland County for participation in the Oakland County Fire Records Management System is hereby **APPROVED** at an estimated total cost of \$18,025.00 expiring December 31, 2009.

c) Standard Purchasing Resolution 1: Award to Low Bidder – One (1) 60,000 GVW Tandem Combination Sewer and Catch Basin Cleaning Machine, Less Trade-In

Suggested Resolution

Resolution #2006-10-

RESOLVED, That a contract to purchase one (1) 60,000 GVW tandem combination sewer and catch basin cleaning machine, less trade-in is hereby **AWARDED** to the low total bidder, Jack Doheny Supplies, Inc., of Northville, MI, for \$299,500.00 less trade-in of \$115,000.00 for an estimated net total cost of \$184,500.00.

d) Standard Purchasing Resolution 11: Rejection of Bid – Vehicle Wash Services

Suggested Resolution

Resolution #2006-10-

RESOLVED, That all bid proposals for ITB-COT 06-46, to provide two-year requirements of City vehicle wash services with an option to renew for an additional two years, opened September 13, 2006 are hereby **REJECTED** and will be re-bid.

e) Standard Purchasing Resolution 1: Award to Low Bidders – Concrete Pavement Repair

Suggested Resolution

Resolution #2006-10-

RESOLVED, That contracts to complete the concrete pavement repair program for 2006/07 with an option to renew for one (1) additional year are hereby **AWARDED** to the three lowest bidders, Hard Rock Concrete, Inc. of Westland for proposal A, A-1 – Local Roads, Six-S, Inc. of Waterford for proposal B – Major Roads, and Major Cement Company of Detroit, MI, proposal C – Industrial Roads at unit prices contained in the bid tabulation opened October 10, 2006, a copy of which shall be **ATTACHED** to the original Minutes of this meeting not to exceed budgetary limitations; and

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

f) Standard Purchasing Resolution 8: Best Value Award – Appraisal Services – John R Improvement Projects, Long Lake to Square Lake, and Square Lake to South Boulevard

Suggested Resolution
Resolution #2006-10-

RESOLVED, That a contract to provide appraisal services for John R Improvement Projects, Long Lake to Square Lake, and Square Lake to South Boulevard is hereby **AWARDED** to Andrew Reed & Associates, Inc. of Berkley, MI, the lowest priced and highest scoring respondent as a result of a Best Value process, which the Troy City Council **DETERMINES** to be in the public interest at an estimated cost of \$36,500.00, plus \$150.00 per hour for any required updates not to exceed 45% of the original appraisal cost for updates; and \$150.00 per hour plus reasonable expenses for testifying at trial, if necessary; and

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

E-5 Macy*s Fireworks Permit Application

Suggested Resolution
Resolution #2006-10-

RESOLVED, That a fireworks permit be **ISSUED** to Zambelli Fireworks, Inc., of New Castle, PA, for the display of fireworks at Macy*s at the Oakland Mall on November 10, 2006.

E-6 Request for Acceptance of Six Warranty Deeds for Caswell Town Center PUD 5, Section 2

Suggested Resolution
Resolution #2006-10-

RESOLVED, That the six Warranty Deeds from owners of property: Joseph Petruzzello, as Trustee or his Successor Trustee(s) under Agreement dated October 27, 1999 having Sidwell #88-20-02-101-001 & 003; Joseph and Josephine Petruzzello having Sidwell # 88-20-02-101-004; Genesis Real Estate Investment, LLC having Sidwell #88-20-02-101-008 & 009; and, Gary F. and Brenda Abitheira having Sidwell #88-20-02-101-002 are hereby **ACCEPTED**; and

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

E-7 Municipal Credit and Community Credit AgreementSuggested Resolution

Resolution #2006-10-

RESOLVED, That the request that the City transfer Municipal Credit funds in the amount of \$76,084.00 and Community Credit funds in the amount of \$99,087.00 to Troy Medi-Go Plus for the operation of transportation service for senior citizens and persons with disabilities is hereby **APPROVED** and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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; Ethnic Issues Advisory Board; Historic District Commission; Municipal Building Authority; Parks & Recreation Board; 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 #2006-10-

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

Unexpired Term 06/30/08

Yes:

No:

(b) City Council Appointments

Suggested Resolution

Resolution #2006-10-

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; 3-Alternate) – 3 Year Terms

Term Expires 11/01/09

Term Expires 11/01/09

(Alternate) Term Expires 11/01/09

(Alternate) Term Expires 11/01/09

(Alternate) Term Expires 11/01/09

Ethnic Issues Advisory Board

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

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: Troy Daze Committee to forward recommendation

Term Expires 11/30/06

Troy Daze Committee

Appointed by Council (9) – 3 Year Terms

Term Expires 11/30/09

Term Expires 11/30/09

Term Expires 11/30/09

Yes:

No:

F-2 Appointment of Master of Ceremonies and Official Host – Annual Appreciation Banquets

Suggested Resolution

Resolution #2006-10-

Moved by

Seconded by

RESOLVED, That _____ **WILL ACT** as Master of Ceremonies and Official Host that evening and work with the Community Affairs Department for the Annual 2007 Boards & Committees Appreciation Banquet (February 10, 2007); and

BE IT FURTHER RESOLVED, That _____ **WILL ACT** as Master of Ceremonies and Official Host that evening and work with the Community Affairs Department for the Annual 2007 Fire Fighters Appreciation Banquet (May 19, 2007).

Yes:

No:

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

- a) Zoning Ordinance Text Amendment (File Number: ZOTA 227) – Articles XXII, XXIII, XXIV and XXVIII – Ambulance Facilities in the B-3, H-S, O-1 and M-1 Districts – November 13, 2006
 - b) Street Vacation (File Number: SV 148-C) – Portions of Daley Street abutting Lots 28 and 33 of Supervisors Plat No. 11 Subdivision, South of Big Beaver, North of I-75, Section 26 – November 13, 2006
 - c) Commercial Vehicle Appeal – 5933 Diamond – November 27, 2006
-

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

COUNCIL COMMENTS:

I-1 No Council Comments

REPORTS:

J-1 Minutes – Boards and Committees:

- a) Library Advisory Board/Final – June 29, 2006
 - b) Liquor Advisory Committee/Final – July 10, 2006
 - c) Liquor Advisory Committee/Final – August 14, 2006
 - d) Employees' Retirement System Board of Trustees/Final – September 13, 2006
 - e) Planning Commission Special/Study/Final – September 26, 2006
 - f) Troy Youth Council/Draft – September 27, 2006
 - g) Building Code Board of Appeals/Draft – October 4, 2006
 - h) Employees' Retirement System Board of Trustees/Draft – October 11, 2006
-

J-2 Department Reports:

- a) City of Troy Quarterly Financial Report – September 30, 2006
-

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- J-3** Letters of Appreciation: None Submitted
-
- J-4** Proposed Proclamations/Resolutions from Other Organizations: None Submitted
-
- J-5** Calendar
-
- J-6** Preliminary Report from the Historic Homes Study Committee Concerning the Charlene Harris-Freeman and Carl Freeman Property

STUDY ITEMS:

-
- K-1** Ethics Policy

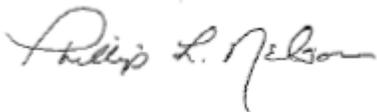
PUBLIC COMMENT: Address of "K" Items

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

Respectfully submitted,



Phillip L. Nelson, City Manager

SCHEDULED CITY COUNCIL MEETINGS:

Monday, November 13, 2006 Regular City Council
Monday, November 27, 2006 Regular City Council
Monday, December 4, 2006 Regular City Council
Monday, December 18, 2006 Regular City Council
Monday, January 8, 2007 Regular City Council
Monday, January 22, 2007 Regular City Council
Monday, February 5, 2007 Regular City Council
Wednesday, February 7, 2007 (Liquor Violation Hearing) Regular City Council

**PROCLAMATION
CELEBRATING 60 YEARS
KELLY SERVICES**

WHEREAS, Kelly Services, a Fortune 500 company and global provider of staffing solutions, recently celebrated its **60-year anniversary** at the company's world headquarters located at Big Beaver and Crooks Road on October 6, 2006; and

WHEREAS, Kelly Services was founded in Detroit on October 7, 1946 by William Russell Kelly, who is widely credited with pioneering the temporary help industry. The company operated initially as the Russell Kelly Office Service until 1957 when it was renamed Kelly Girl Service; and

WHEREAS, In 1966, they became **Kelly Services, Inc.** to reflect the broad range of staffing services provided by the company. Kelly's world headquarters have been located in Troy since 1978; and

WHEREAS, Over the years, **Kelly Services** has grown steadily to meet the needs of its customers and has evolved from a United States focused company concentrating primarily on traditional office services into a global leader with a breadth of specialty businesses. Among those specialty businesses are information technology, engineering, finance, law, science, education, healthcare and home care; and

WHEREAS, Today, **Kelly Services** is the second largest staffing company in the United States, and fifth largest in the world with locations in all 50 states and 30 countries and territories. Each year, Kelly provides employment to more than 700,000 employees and offers a variety of employment options from full-time and part-time positions to temporary-to-hire or direct hire;

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council does hereby congratulate **Kelly Services, Inc.** on their **60th Anniversary** of providing employment to more than 700,000 people across the nation and wish them continued success; and

BE IT FURTHER RESOLVED, That we also commend the **Kelly Services** organization for their long-standing tradition of giving back to the community. Kelly employees across the United States and around the world participate in various community charitable efforts including food, clothing and toy drives, as well as community service projects at local schools and women's shelters.

Presented this 23rd day of October 2006.



CITY COUNCIL ACTION REPORT

October 23, 2006

TO: Phillip L. Nelson, City Manager

FROM: John M. Lamerato, Assistant City Manager-Finance/Administration
Brian Murphy, Assistant City Manager - Services
Nino Licari, City Assessor

SUBJECT: Public Hearing for Establishment of an Industrial Development District (IDD) for Grid4 Communications, 2107 Crooks, Troy MI 48084-5534

Background:

- Grid4 Communications is currently located at 900 Wilshire, Ste 310, in Troy. They are a telecommunications, cable, and Internet service provider. They have recently purchased the contracts of other firms, and are ready to expand their operations significantly. In conjunction with Michigan Economic Growth Authority (MEGA) grants, they are seeking (and MEGA requires) a local match to facilitate their ability to stay in Michigan, and more particularly, Troy.

Our requested local match is for an Industrial Facilities Exemption Certificate (IFEC) to be issued by the City of Troy (application attached). This is according to Public Act 198 of 1974 (as amended) and local City policy. As you will recall, this amounts to an approximate 50% reduction in personal property taxes that they would pay, over a twelve (12) year period (the total percent may be slightly higher or lower than 50%, depending on how much of the 6 mill State Education Tax the State levies).

In order to grant the IFEC, an Industrial Development District (IDD) must first be established. This District sets the boundaries wherein the exemption may exist.

The IDD and the IFEC do require separate Public Hearings, unless the local unit has delineated all areas where IDD's may locate, in advance. Council's policy is to set the district as each application is received. For this reason, the bulk of the information for this application is presented with the District public hearing.

Financial Considerations:

- The estimated amount of investment in personal property is \$750,000 for the project. Over a twelve (12) year life, the estimated total taxes are \$54,844.35, of which \$10,762.15 would be City taxes.

A 50% abatement amounts to a savings of \$27,422.18 in total taxes, of which \$5,381.07 would be saved on City taxes. This is the financial cost to all taxing authorities.

Legal Considerations:

- The application meets all requirements of Public Act 198 of 1974 (as amended), the Plant Rehabilitation and Industrial Development Districts legislation.

Policy Considerations:

- The application is in compliance with the newly amended tax abatement policy of the City Council of the City of Troy (Resolution #2006-06-238, attached).

City Council Goal II, "Retain and attract investment while encouraging redevelopment" is met with this expansion. Grid4 Communications currently occupies 4,600 square feet on Wilshire Drive. They will be substantially renovating and filling a vacant 32,901 square foot building on Crooks, and increasing their employee base dramatically.

Since both legal and policy considerations are met, staff would recommend establishing the District.

Options:

- City Council has the option to establish an Industrial Development district, or not. If Council does not establish a District, then no Exemption can be granted. A public hearing is still necessary to deny the exemption.



RECEIVED

SEP 11 2006

CITY OF TROY
ASSESSING DEPT.

City of Troy
500 W. Big Beaver
Troy, MI 48084-5254
Attention: Mr. Leger A. Licari

Mr. Licari,

Please be advised, Grid4 Communications will be submitting an application for personal property tax exemption thru the Industrial Facility Tax Act.

Grid4 will be purchasing equipment to support various upcoming projects at 2107 Crooks Road, Troy, MI 48084.

Sincerely,

A handwritten signature in black ink that reads "Douglas Black". The signature is written in a cursive, flowing style.

Douglas Black
VP Network Engineering & Business Development



500 West Big Beaver
Troy, Michigan 48084
www.troymi.gov

August 29, 2006

Area code (248)

Assessing
524-3311

Bldg. Inspections
524-3344

Bldg. Maintenance
524-3368

City Clerk
524-3316

City Manager
524-3330

Community Affairs
524-1147

Engineering
524-3383

Finance
524-3411

Fire-Administration
524-3419

Human Resources
524-3339

Information Services
619-7279

Law
524-3320

Library
524-3545

Parks & Recreation
524-3484

Planning
524-3364

Police-Administration
524-3443

Public Works
524-3370

Purchasing
524-3338

Real Estate & Development
524-3498

Treasurer
524-3334

General Information
524-3300

Leah Maher

Michigan Economic Development Corporation
300 North Washington Square, 3rd Floor
Lansing, Michigan 48913

Re: Grid 4

Dear Ms. Maher,

The City of Troy is excited about working with MEDC to try to secure the headquarters of Grid 4 in our community. Troy is aware that this is a very competitive situation, and with Council's concurrence, the city will do everything we can as a community to attract these operations to the City of Troy.

We are pleased that our community has a building that meets the needs of Grid 4. We understand that the opportunity is conditioned on a MEGA set of financial incentives from the State of Michigan.

The MEGA legislation requires a local contribution. Management will recommend to the City Council that we fulfill the local match by offering a PA198 IFT tax abatement for personal property. We will present the matter at the earliest Council meeting after receipt of the complete application.

Please use this letter as an indication of our commitment of support for this project. After formal approval has been secured, we will forward a copy of our council's resolution, formalizing our support.

I look forward to working with you and your staff on this project.

Sincerely yours,

A handwritten signature in black ink that reads "Phil Nelson". The signature is fluid and cursive.

Phil Nelson
City Manager

cc: Mark Adams

H:\MurphyBP\Grid 4 MEDC Mega letter.doc

Application for Industrial Facilities Tax Exemption Certificate

Issued under authority of P.A. 198 of 1974, as amended. Filing is mandatory.

INSTRUCTIONS: File the original and two copies of this form and the required attachments (three complete sets) with the clerk of the local government unit. The State Tax Commission (STC) requires two complete sets (one original and one copy). One copy is retained by the clerk. If you have any questions regarding the completion of this form or would like to request an informational packet, call (517) 373-3272.

To be completed by Clerk of Local Government Unit	
Signature of Clerk	Date received by Local Unit
STC Use Only	
Application Number	Date Received by STC

APPLICANT INFORMATION
All boxes must be completed.

1a. Company Name (Applicant must be the occupant/operator of the facility) Grid4 Communications	1b. Standard Industrial Classification (SIC) Code - Sec. 2(10) (Four or Six Digit Code) 4813	
1c. Address of Facility (real property or personal property location) 2107 Crooks Road	1d. Name of City/Township/Village (Indicate which) Troy	1e. County Oakland
2. Type of Approval Requested <input checked="" type="checkbox"/> New (Sec. 2(4)) <input type="checkbox"/> Transfer (1 copy only) <input type="checkbox"/> Speculative Building (Sec. 3(8)) <input type="checkbox"/> Rehabilitation (Sec. 3(1)) <input type="checkbox"/> Research and Development (Sec. 2(9))	3a. School District where facility is located Troy	3b. School Code 63150
	4. Amount of years requested for exemption (1-12 Years) 12	

5. Thoroughly describe the project for which exemption is sought: Real Property (Type of Improvements to Land, Building, Size of Addition); Personal Property (Explain New, Used, Transferred from Out-of-State, etc.) and Proposed Use of Facility. (Please attach additional page(s) if more room is needed).

See attachment for details

SEP 29 2006

CITY OF TROY
ASSESSING DEPT.

6a. Cost of land and building improvements (excluding cost of land)..... * Attach list of improvements and associated costs. * Also attach a copy of building permit if project has already begun.	Real Property Costs \$750,000.00
6b. Cost of machinery, equipment, furniture and fixtures..... * Attach itemized listing with month, day and year of beginning of installation plus total costs	Personal Property Costs \$750,000.00
6c. Total Project Costs..... * Round Costs to Nearest Dollar	Total of Real & Personal Costs

7. Indicate the time schedule for start and finish of construction and equipment installation. Projects must be completed within a two year period of the effective date of the certificate unless otherwise approved by the STC.

	Begin Date (M/D/Y)	End Date (M/D/Y)	
Real Property Improvements	10/27/06	9/1/08	<input checked="" type="checkbox"/> Owned <input type="checkbox"/> Leased
Personal Property Improvements	1/1/07	9/1/08	<input checked="" type="checkbox"/> Owned <input type="checkbox"/> Leased

8. Are State Education Taxes reduced or abated by the Michigan Economic Development Corporation (MEDC)? If yes, applicant must attach a signed MEDC Letter of Commitment to receive this exemption. Yes No

9. Number of existing jobs at this facility that will be retained as a result of this project. 15	10. Number of new jobs at this facility expected to be created within two years of project completion. 50
---	--

11. Rehabilitation applications only: Complete a, b and c of this section. You must attach the assessor's statement of valuation for the entire plant rehabilitation district and obsolescence statement for property. The SEV data below must be as of December 31 of the year prior to the rehabilitation.

a. SEV of Real Property (excluding land)	_____
b. SEV of Personal Property (excluding inventory)	_____
c. Total SEV	_____

12a. Check the type of District the facility is located in:

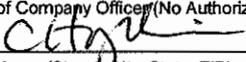
Industrial Development District Plant Rehabilitation District

12b. Date district was established by local government unit (contact local unit)	12c. Is this application for a speculative building (Sec. 3(8))? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
--	---

APPLICANT CERTIFICATION - complete all boxes.

The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all are truly descriptive of the industrial property for which this application is being submitted.

It is further certified that the undersigned is familiar with the provisions of P.A. 198 of 1974, as amended, being Sections 207.551 to 207.572, inclusive, of the Michigan Compiled Laws; and to the best of his/her knowledge and belief, (s)he has complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local unit of government and the issuance of an Industrial Facilities Exemption Certificate by the State Tax Commission.

13a. Preparer Name Douglas Black	13b. Phone Number (248) 918-2851	13c. Fax Number (248) 244-9400	13d. E-mail Address dblack@grid4.com
14a. Name of Contact Person Douglas Black	14b. Phone Number (248) 918-2851	14c. Fax Number (248) 244-9400	14d. E-mail Address dblack@grid4.com
15a. Name of Company Officer (No Authorized Agents) C. Christopher Hopkins			
15b. Signature of Company Officer (No Authorized Agents) 		15c. Fax Number (248) 244-9400	15d. Date 9/20/06
15e. Mailing Address (Street, City, State, ZIP) 900 Wilshire Drive, Suite 310, Troy, MI 48084		15f. Phone Number (248) 244-8100	15g. E-mail Address chopkins@grid4.com

LOCAL GOVERNMENT ACTION & CERTIFICATION - complete all boxes.

This section must be completed by the clerk of the local governing unit before submitting application to the State Tax Commission. Check items on file at the Local Unit and those included with the submittal.

16. Action taken by local government unit <input type="checkbox"/> Abatement Approved for _____ Years (1-12) After Completion <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Denied (Include Resolution Denying)		16b. The State Tax Commission Requires the following documents be filed for an administratively complete application: Check or Indicate N/A if Not Applicable <input type="checkbox"/> 1. Original Application plus attachments, and one complete copy <input type="checkbox"/> 2. Resolution establishing district <input type="checkbox"/> 3. Resolution approving/denying application. <input type="checkbox"/> 4. Letter of Agreement (Signed by local unit and applicant) <input type="checkbox"/> 5. Affidavit of Fees (Signed by local unit and applicant) <input type="checkbox"/> 6. Building Permit for real improvements if project has already begun <input type="checkbox"/> 7. Equipment List with dates of beginning of installation <input type="checkbox"/> 8. Form 3222 (if applicable) <input type="checkbox"/> 9. Speculative building resolution and affidavits (if applicable)	
16a. Documents Required to be on file with the Local Unit Check or Indicate N/A if Not Applicable <input type="checkbox"/> 1. ... <input type="checkbox"/> 2. Notice to taxing authorities of opportunity for a hearing. <input type="checkbox"/> 3. List of taxing authorities notified for district and application action. <input type="checkbox"/> 4. Lease Agreement showing applicants tax liability.		16c. LUCI Code 16d. School Code	
17. Name of Local Government Body		18. Date of Resolution Approving/Denying this Application	

Attached hereto is an original and one copy of the application and all documents listed in 16b. I also certify that all documents listed in 16a are on file at the local unit for inspection at any time.

19a. Signature of Clerk	19b. Name of Clerk	19c. E-mail Address
19d. Clerk's Mailing Address (Street, City, State, ZIP Code)		
19e. Phone Number	19f. Fax Number	

State Tax Commission Rule Number 57: Complete applications approved by the local unit and received by the State Tax Commission by October 31 each year will be acted upon by December 31. Applications received after October 31 may be acted upon in the following year.

Local Unit: Mail one original and one copy of the completed application and all required attachments to:

**State Tax Commission
Michigan Department of Treasury
P.O. Box 30471
Lansing, MI 48909-7971**

(For guaranteed receipt by the STC, it is recommended that applications are sent by certified mail.)

STC USE ONLY			
LUCI Code	Begin Date	End Date	End Date2

Grid4 Communications looks to make a substantial investment by renovating a newly purchased commercial building in Troy, Michigan. This investment provides for improvements in the premises' exterior, interior and the addition of personal property to support our new business unit.

Exterior renovations include, but not limited too, replacing numerous damaged windows, sandblasting and repainting of the brick, landscaping modifications and the complete resurfacing of a 116-spot parking lot.

Interior renovations include the addition and removal of interior walls, new carpeting, paint and the removal of previous occupant's industrial systems. Major interior renovations also include establishing our planned state-of-the-art data center. This center will provide affordable solutions for businesses to address data back-up for business disaster recovery.

Additions to our personal property will come from adding the assets require to support new employees at this location. Personal computers, printers, scanners, fax machines, network servers and numerous other components will be required. Additionally, a substantial investment will be made in computer related hardware necessary to support our new businesses unit.

City of Troy
2107 Crooks

Personal Property	Total Cost	Date
Generator	\$ 150,000.00	3/1/2007
FM-200	\$ 60,000.00	3/1/2007
HVAC	\$ 80,000.00	3/1/2007
Power Distribution Unit	\$ 15,000.00	3/1/2007
UPS	\$ 45,000.00	3/1/2007
MISC: Racking, Labor, Iron Work, ETC	\$ 70,000.00	3/1/2007
Office Furniture & Fixtures	\$ 150,000.00	1/1/2007
Employee Property	\$ 100,000.00	1/1/2007
<hr/>		
Total: \$ 670,000.00		

Land And Building Improvements	Total Cost
Data Center Construction-Building	\$ 80,000.00
Parking lot resurface	
Landscape Improvement	\$ 10,000.00
Window Replacement	\$ 15,000.00
MISC building modifications	\$ 10,000.00
<hr/>	
Total: \$ 115,000.00	

Applicant Name **Grid4 Communications**

Fiscal Statement (to be completed by local unit)

- | | <u>YES</u> | <u>NO</u> |
|--|-------------------------------------|-------------------------------------|
| Is this project: | | |
| Real Property? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Personal Property? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Both Real and Personal Property - New Facility? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Both Real and Personal Property - Rehabilitation Facility? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Both New and Replacement Facility? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Estimated Project Investment (not assessed value):

Real Property	Personal Property \$750,000.00	Total \$750,000.00
---------------	-----------------------------------	-----------------------

- | | <u>YES</u> | <u>NO</u> | <u>REMARKS</u> |
|--|-------------------------------------|-------------------------------------|----------------|
| 1. A. Has the proper local authority reviewed the plan? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | _____ |
| B. Is the project located in a certified industrial park? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | _____ |
| C. Is this a renovation or expansion of an existing building? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | _____ |
| 2. Will this project require improvement of your road service? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | _____ |
| 3. Will this project require improvement of your sanitary sewer services? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | _____ |
| 4. Will this project require improvement of your storm sewer services? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | _____ |
| 5. Will this project require improvement of your water services? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | _____ |
| 6. Will this project require additional police personnel, police equipment or a need for new police building expansion? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | _____ |
| 7. Will this project require the need for additional fire personnel, additional or specialized fire equipment or the need for a new fire building? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | _____ |
| 8. Will this project require other costs? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | _____ |
| 9. Are costs of infrastructure elements to be provided through Local Development Finance Authority or Tax Increment Finance Authority Bonds? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | _____ |

If you answered yes to any of questions 2 through 8, the appropriate sections of the Supplement to Fiscal Statement form must be completed and accompany the IFT application. Call (517) 373-3272 to obtain that form.

LOCAL UNIT CERTIFICATION

This is to certify that the following has been provided as accurately as possible.

Signature 	Name and Title of Local Governmental Unit Official City Assessor, City of Troy
--	---

**City of Troy - Assessing Department
Grid4 Communications
Estimate of Total Taxes and Tax Savings for IFEC Application**

Market Value	750,000	687,525	572,983	429,795	286,587	167,224	83,645	34,872	11,633	2,912	486	41	0
50% of Value	375,000	343,763	286,492	214,897	143,294	83,612	41,823	17,436	5,817	1,456	243	20	0
Year		1	2	3	4	5	6	7	8	9	10	11	12
Depreciation		0.9167	0.8334	0.7501	0.6668	0.5835	0.5002	0.4169	0.3336	0.2503	0.1670	0.0837	0.0004
Taxable Value		343,763	286,492	214,897	143,294	83,612	41,823	17,436	5,817	1,456	243	20	0

Taxes		Taxes											
	100% of Millage												
Trans	0.59500	\$204.54	\$170.46	\$127.86	\$85.26	\$49.75	\$24.88	\$10.37	\$3.46	\$0.87	\$0.14	\$0.01	\$0.00
County	4.64610	\$1,597.15	\$1,331.07	\$998.43	\$665.76	\$388.47	\$194.31	\$81.01	\$27.02	\$6.76	\$1.13	\$0.09	\$0.00
Int Schools	3.36900	\$1,158.14	\$965.19	\$723.99	\$482.76	\$281.69	\$140.90	\$58.74	\$19.60	\$4.90	\$0.82	\$0.07	\$0.00
Comm Coll	1.58440	\$544.66	\$453.92	\$340.48	\$227.03	\$132.47	\$66.26	\$27.63	\$9.22	\$2.31	\$0.39	\$0.03	\$0.00
State Ed	6.00000	\$2,062.58	\$1,718.95	\$1,289.38	\$859.76	\$501.67	\$250.94	\$104.62	\$34.90	\$8.74	\$1.46	\$0.12	\$0.00
School Op	18.00000	\$6,187.73	\$5,156.85	\$3,868.15	\$2,579.28	\$1,505.01	\$752.81	\$313.85	\$104.70	\$26.21	\$4.38	\$0.37	\$0.00
Sch Debt	4.13000	\$1,419.74	\$1,183.21	\$887.53	\$591.80	\$345.32	\$172.73	\$72.01	\$24.02	\$6.01	\$1.00	\$0.08	\$0.00
Admin	0.38310	\$131.70	\$109.75	\$82.33	\$54.90	\$32.03	\$16.02	\$6.68	\$2.23	\$0.56	\$0.09	\$0.01	\$0.00
City	9.45000	\$3,248.56	\$2,707.35	\$2,030.78	\$1,354.12	\$790.13	\$395.22	\$164.77	\$54.97	\$13.76	\$2.30	\$0.19	\$0.00
Total	48.15760	\$16,554.78	\$13,796.75	\$10,348.94	\$6,900.68	\$4,026.54	\$2,014.08	\$839.67	\$280.11	\$70.11	\$11.71	\$0.98	\$0.00

Total 12 Years \$54,844.35
Total City 12 Yr \$10,762.15

50% Total 12 Yr	\$27,422.18	Net Total Taxes Abated
50% Total City 12	\$5,381.07	Net Total City Taxes Abated



MICHIGAN ECONOMIC DEVELOPMENT CORPORATION

300 N. WASHINGTON SQ.
LANSING, MI 48913

CUSTOMER
CONTACT CENTER
517 373 9808

WWW.MICHIGAN.ORG

EXECUTIVE COMMITTEE

MATTHEW P. CULLEN
Chair
General Motors

PHILIP H. POWER
Vice-Chair
HCN, Inc.

JAMES C. EPOLITO
President & CEO

RICHARD E. BLOUSE JR., CCE
Detroit Regional Chamber

JOHN W. BROWN
Stryker Corporation

DR. DAVID E. COLE
Center for
Automotive Research

JOANN CRARY
Saginaw Future Inc.

DR. HAIFA FAKHOURI
Arab American and
Chaldean Council

STEVEN K. HAMP
Ford Motor Company

HAYDEN H. HARRIS
EDF Ventures

PAUL HILLEGONDS
DTE Energy Company

GEORGE JACKSON JR.
Detroit Economic Growth
Corporation

MICHAEL J. JANDERNOA
Bridge Street Capital
Partners, LLC.

ROBERT B. JONES
City of Kalamazoo

BIRGIT M. KLOHS
The Right Place, Inc.

F. THOMAS LEWAND
Bodman LLP

DR. IRVIN D. REID
Wayne State University

MICHAEL B. STAEBLER
Pepper Hamilton LLP

ROBERT W. SWANSON
Michigan Department of Labor
& Economic Growth

DENNIS R. TOFFOLO
Oakland County

PETER S. WALTERS
Guardian Industries Corp.

October 9, 2006

RECEIVED

OCT 11 2006

CITY OF TROY
CITY MANAGER'S OFFICE

Mr. Phil Nelson
City Manager
City of Troy
500 West Big Beaver
Troy, Michigan 48084

Dear Mr. Nelson:

Thank you for working with Ms. Jennifer Owens and the Michigan Economic Development Corporation (MEDC) to facilitate Grid 4 Communications' expansion in the State of Michigan. Enclosed is a copy of our correspondence that commits us up to \$560,000 in local and state assistance for this project.

As you review the commitment letter, I want to reiterate the conditions for awarding our state incentives. First, the resulting project must meet program requirements. Second, the offered incentives are subject to an application review process. Acceptance of this offer must be received by December 8, 2006, otherwise, the incentives and services in this letter will be subject to renegotiation.

If you have any questions regarding this project or the state's commitment for this project, please call Ms. Jennifer Owens directly at (517) 335-0761. Otherwise, please sign where indicated below, and return to the MEDC by the due date.

Sincerely,

James C. Epolito
President and CEO

Enclosures

cc: C. Christopher Hopkins
Jennifer Owens
Leah Maher

We concur with the terms and conditions outlined in the MEDC commitment letter dated October 9, 2006.

Phil Nelson, City Manager

Date



MICHIGAN ECONOMIC DEVELOPMENT CORPORATION

300 N. WASHINGTON SQ.
LANSING, MI 48913

CUSTOMER
CONTACT CENTER
517 373 9808

WWW.MICHIGAN.ORG

October 9, 2006

Mr. C. Christopher Hopkins
President and Chief Executive Officer
Grid 4 Communications
900 Wilshire Drive, Suite 310
Troy, Michigan 48084

Dear Mr. Hopkins:

Grid 4 Communications' proposed project is very important to the State of Michigan and the City of Troy. We want to attract your proposed expansion, which requires an investment of \$500,000, and will create 33 new jobs in the next 5 years. The Michigan Economic Development Corporation (MEDC) would like to take this opportunity to summarize the support and commitment we are willing to provide to Grid 4 Communications if you decide to expand your business in Michigan.

MICHIGAN ECONOMIC GROWTH AUTHORITY (MEGA)

EMPLOYMENT TAX CREDIT: Michigan provides a corporate tax credit based on the personal income tax generated through the development of high-tech businesses that create high wage, high quality jobs in Michigan that would not otherwise occur without the incentive program. Because of the economic benefit to the State of Michigan that this project presents, the MEDC and the MEGA board of directors have approved corporate tax credits should your company locate the data center in the City of Troy. Assuming 33 new jobs and a \$500,000 investment, the MEDC estimates the value of this incentive could be up to \$542,500 over six years.

It is important to note that the Single Business Tax, the tax to which the MEGA credits were traditionally applied, has been repealed by the Michigan Legislature. As no replacement tax has been named, the credits awarded by the MEGA are awarded with the assumption that the credits will be applied to the replacement tax when such tax has been identified.

PROPERTY TAX ABATEMENT (PA 198): The City of Troy is eligible to grant a property tax abatement of 50 percent of the state and local operating mills for a negotiated period of time. Using the figures you provided of \$420,000 of equipment value and \$80,000 of building improvements, and assuming a 6-year tax abatement is provided by the local community, the property tax abatement is estimated to be worth up to \$17,485.

EXECUTIVE COMMITTEE

MATTHEW P. CULLEN
Chair
General Motors

PHILIP H. POWER
Vice-Chair
HCN, Inc.

JAMES C. EPOLITO
President & CEO

RICHARD E. BLOUSE JR., CCE
Detroit Regional Chamber

JOHN W. BROWN
Stryker Corporation

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Saginaw Future Inc.

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Arab American and
Chaldean Council

STEVEN K. HAMP
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PAUL HILLEGONDS
DTE Energy Company

GEORGE JACKSON JR.
Detroit Economic Growth
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BIRGIT M. KLOHS
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Michigan Department of Labor
& Economic Growth

DENNIS R. TOFFOLO
Oakland County

PETER S. WALTERS
Guardian Industries Corp.

C. Christopher Hopkins
Grid 4 Communications
Page Two
October 9, 2006

The total value of this economic development package is up to \$560,000 in state and local resources. Proposed incentives are dependent on availability of funds each year through the legislative budget process. This amount is contingent upon your project: (1) meeting program requirements and (2) being subject to an application review process. Acceptance of this offer must be received by the MEDC by December 8, 2006, otherwise, the incentives and services in this letter will be subject to renegotiation.

We look forward to your company's continued growth in the City of Troy. If you have questions or concerns, please contact Ms. Jennifer Owens at (517) 335-0761. Ms. Owens will coordinate all aspects of your company's expansion process in Michigan.

Sincerely,



James C. Epolito
President and CEO

cc: Phil Nelson
Jennifer Owens
Leah Maher

The undersigned agrees to accept the above incentives and services of the MEDC subject to the conditions stated in this letter.

Mr. C. Christopher Hopkins
Grid 4 Communications

Date

Incentive/Tax Savings Summary

Grid 4 Communications

The City of Troy

	Local Tax Savings	State Tax Savings	Other Savings	Total
MEGA Employment Tax Credit		\$ 542,500		\$ 542,500
Property Tax (PA 198)	\$ 10,000	\$ 7,500		\$ 17,500
EXPECTED SAVINGS	\$ 10,000	\$ 550,000	\$ -	\$ 560,000
TOTAL SAVINGS*				\$ 560,000

* Cost Savings are estimates based on job creation, investment, and other information provided by the client.



STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

JOHN D. CHERRY, JR.
LT. GOVERNOR

FOR IMMEDIATE RELEASE
September 19, 2006

Contact: Michael Shore, MEDC
(517) 335-4590

Granholtm Announces Grid4 Communications to Expand in Troy, Create High-Tech Michigan Jobs *Telecommunications Company Chooses Michigan for State-of-the-Art Data Center*

Governor Jennifer M. Granholtm today announced Grid4 Communications Inc. will invest \$500,000 to expand its headquarters in Troy, including the installation of a state-of-the-art data center to support new products and services for Michigan businesses. The project will create 48 new jobs, including 33 directly by the company. Assistance offered through the Michigan Economic Development Corporation helped convince the company to choose Michigan instead of competing sites in Florida and Texas.

“We are working every day to bring high-tech companies, and jobs, to Michigan,” Granholtm said. “Grid4’s decision to invest and create these high-paying jobs in Michigan is further evidence that our comprehensive economic plan is beginning to pay dividends.”

The MEDC approved a Single Business Tax credit valued at \$501,000 over six years to win the company’s investment. The city of Troy has proposed a six-year tax abatement valued at \$17,485 to support the project.

“This project will be mutually beneficial for both Grid4 and the state,” MEDC President and CEO James C. Epolito said. “Michigan’s deep pool of talented and educated workers will help the company succeed in a fiercely competitive global economy and in turn Grid4 will help strengthen the state’s high-tech infrastructure and entice more high-tech companies to choose Michigan.”

An economic analysis conducted by the MEDC estimates that increased economic activity created by the expansions will generate an additional 15 indirect Michigan jobs, in addition to the 33 created directly by the company. The project is expected to generate more than \$13 million in personal income for Michigan workers over the life of the tax credit.

(more)

“Michigan represents a unique opportunity for high-tech competitive phone companies like Grid4,” Grid4 President and CEO Chris Hopkins said. “This data center build supported by the MEDC is a clear win for both Michigan businesses and residents in the selection of a communications provider and the creation of much-needed high-tech jobs. We want to thank the MEDC, Oakland County and the city of Troy for recognizing the value that high-tech companies like Grid4 bring to the state.”

The Grid4 Communications expansion is one of nine economic development projects the Governor announced today. In all, they are expected to create and retain a total of 1,009 Michigan jobs.

Founded in 2001, Grid4 Communications is a Michigan-based, privately-held, facilities-based Competitive Local Exchange Carrier. The company delivers a host of retail and wholesale carrier class Next Generation IP Communication services including Voice over IP (VOIP), Hi-Speed Internet, Private Data Networking Services, Unified Communications and Managed Solutions for Business.

“Grid4 is just the kind of company we envisioned when we created the Emerging Sectors business development strategy,” Oakland County Executive L. Brooks Patterson said. “It is a growing technology company whose presence here increases our tax base and enhances our attractiveness as a business location while creating high-paying technical jobs for our residents. I’m thrilled for Troy and for Oakland County.”

In her 2006 State of the State address, Granholm emphasized the importance of making Michigan a global economic powerhouse in the 21st century. Since January 2005, the Governor and the MEDC have announced the creation or retention of more than 152,000 jobs as a result of targeted assistance provided by the MEDC.

“The city of Troy is very excited to partner with the state of Michigan, and Grid 4, to help to insure that this outstanding high-tech company is able to expand it’s facilities, increase the number of employees it has, and remain here in Troy, where so many other high-tech firms have chosen to do business,” Troy City Manager Phillip Nelson said.

The Michigan Economic Development Corporation, a partnership between the state and local communities, promotes smart economic growth by developing strategies and providing services to create and retain good jobs and a high quality of life. For more information on the Michigan Economic Development Corporation’s initiatives and programs, visit the Web site at www.michigan.org.

(more)

Grid4 Communications Inc.
Economic Analysis
Summary Estimates
(All estimates in 2006 dollars)

TOTAL JOBS CREATED		48
Direct		33
Indirect		15
NET POSITIVE STATE REVENUE IMPACT	\$	565,000
Revenue Foregone	\$	501,000
Revenue Gain	\$	1,066,000
Average Weekly Wage	\$	1,276
Personal Income Generated Over Life of the Seven-Year Tax Credit Agreement	\$	13,845,000

###

F-5 Amending the Personal Property Tax Abatement for Manufacturing and Headquarter Companies

Resolution #2006-06-238
Moved by Beltramini
Seconded by Fleming

WHEREAS, The City of Troy has the economic objective of (a) increasing employment opportunities, (b) diversifying and stabilizing the industrial base of the community, (c) reducing economic obsolescence of the industrial base, (d) providing homogenous industrial areas, (e) encouraging industrial expansion, (f) providing for improved public facilities in industrial areas, and (g) encouraging attractive, viable industrial sites, and

WHEREAS, The Industrial Facilities Tax Act (P.A. 1974 No. 198), as amended, empowers cities to establish Industrial Development Districts (IDD) and to grant tax exemptions for certain industrial properties which meet certain criteria established by the Act;

THEREFORE, BE IT RESOLVED, By the City Council of the City of Troy, that the following criteria are to be met, applied or measured by the City Manager or his designees in the review of areas and locations to be considered for designation as Industrial Development Districts (IDD) by the City Council:

- 1) That the tax exemption shall not apply to real property except those building improvements which are uniquely required to support the personal property to be abated; and
- 2) That the tax exemption shall not apply to leasehold improvements or building improvements except those uniquely required to support personal property to be abated; and
- 3) That said abatement of taxes shall cease at such time as applicant fails to prove by factual evidence that such personal property is being used in compliance with the basic guidelines established above.
- 4) The applicant would document that they are Michigan Economic Growth Authority (MEGA) eligible, would be filling vacant Troy space, or will retain or expand the number of jobs in Troy.

BE IT FINALLY RESOLVED, That the term of abatement for any and all property meeting the aforementioned criteria **SHALL NOT** exceed 12 years, it being the **INTENT OF THE CITY COUNCIL TO APPROVE** various lengths of abatements to the extent provided by laws of the State of Michigan.

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

MOTION CARRIED

Legal Description for Grid4 Communications property at 2107 Crooks, Troy, MI.

88-20-29-426-046

T2N, R11E, Sec 29

Part of SE $\frac{1}{4}$

Beg at Pt Dist

N 00-53-00 E 1,556.20 Ft &

N 89-07-00 W 60.00 Ft

From SE Sec Cor,

Th N 89-07-00 W 402.90 Ft,

Th N 00-41-00 E 290.53 Ft,

Th S 87-49-00 E 404.10 Ft,

Th S 00-53-00 W 281.36 Ft

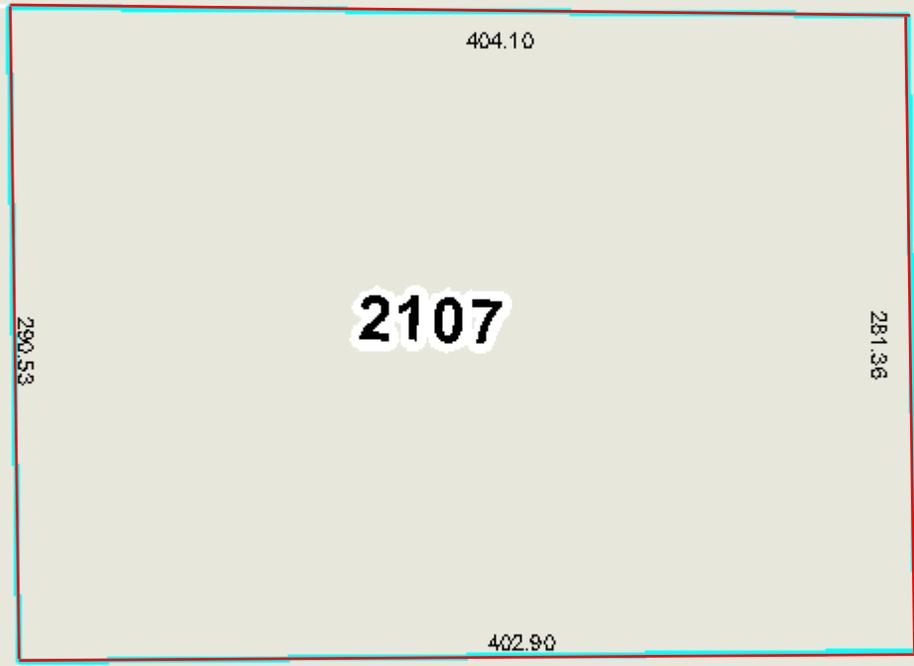
To Beg. 2.65A

12/20/84 From -012, -013, & -014

Parcel Map #88-20-29-426-046 2107 Crooks, Troy, MI

140.00 230.34 180.00
150.00 235.34

MAPLELAWN



2107

383.67

CROOKS

2

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

1950

240.00

60

60

Ariel View #88-20-29-426-046 2107 Crooks, Troy, MI

140.00

230.34

180.00

150.00

235.34

MAPLELAWN

404.10

2107

290.53

383.67

281.58

CROOKS

402.90

2

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

1050

240.00

October 10, 2006

To: State Tax Commission
P.O. Box 30471
Lansing, MI 48909-7971

From: Leger (Nino) Licari, Assessor

Re: Affidavit of Application Fees For IFEC

This affidavit attests that no payment of any kind has been made or promised in exchange for favorable consideration of an exemption certificate application by the City of Troy, in regards to the application of Grid4 Communications, at 2107 Crooks, Troy, Michigan.

Signed, Leger (Nino) Licari, City Assessor

Dated

Signed,

Dated

**CITY OF TROY
INDUSTRIAL FACILITIES EXEMPTION
CERTIFICATE LETTER OF AGREEMENT**

This agreement between **Grid4 Communications**, (“Company”) and the **City of Troy**, is for the purpose of fulfilling the requirements of Public Act 198, as amended in Public Act 334, Section 22.

In consideration of approval of an Industrial Facilities Exemption Certificate (IFEC), **Grid4 Communications**, understands that through its investment of \$ 750,000 and its qualification for Michigan Economic Growth Authority incentives, and the **City of Troy**, by its investment of the Industrial Facilities Exemption Certificate, are mutually investing in and benefiting from this economic development project, and furthermore, agree to the following:

- 1.) The length of time for which the abatement is approved is ___ years after either completion of construction of the facilities, or December 31, 2008, whichever is sooner.
- 2.) At the end of two (2) years or no later than December 31, 2008, **Grid4 Communications** will report to the Assessing Department of the City of Troy the actual cost of this project and indicate any differences and the reason for any differences in the cost or scope of the project as compared to the IFEC application submitted by the Company.
- 3.) **Grid4 Communications**, agrees to remain within the City of Troy for the period of the Industrial Facilities Tax (IFT) abatement in order to retain the benefits of the IFT, unless permission for relocation is granted by the **City Council of the City of Troy**.

Grid4 Communications, further understands that if it chooses to leave the City of Troy without permission for relocation prior to the end of the term of the IFT, the **City Council of the City of Troy** has the right to recapture from the Company the total amount of taxes abated by the IFT.

- 4.) **Grid4 Communications**, understands that the City of Troy may reduce the term of the IFEC, revoke the IFEC and/or recover from the Company, the amount of taxes which were abated if the project has not been completed, expenditures made, as represented by the Company, in Section 12’C of its application, by sending a copy of this Agreement along with a copy of the City Council Resolution authorizing such action to the State Tax Commission.

- 5.) **Grid4 Communications**, agrees that it will operate the Project in accordance with all applicable Federal, State and Local laws or regulations, including but not limited to zoning, outside storage, industrial waste disposal, air and water quality, noise control, other environmental regulations, and all of the terms and conditions of the Consent Judgment governing the parcel.
- 6.) By execution of the Agreement, it is understood that the Company's investment in the Project, and the City of Troy's investment in the granting of the IFEC is to encourage economic growth within the City of Troy.

The City of Troy acknowledges that in some instances economic conditions may prevent the Company from complying fully with this Agreement, and the terms of the Application. The City of Troy will give the Company an opportunity to explain the reasons for any variations from the representations contained in the Application and will evaluate the Company's situation prior to taking any action authorized by Paragraph 4 and 5 of this Letter of Agreement.

- 7.) This Agreement constitutes the entire Agreement between the parties and there are no other remedies for breach of this Agreement other than as specified in this Agreement or as provided for in Public Act 198.

This agreement may only be altered upon mutual consent of both parties.

CITY OF TROY
INDUSTRIAL FACILITIES EXEMPTION
CERTIFICATE LETTER OF AGREEMENT
(Signature page)

Signed: _____ (date) _____

Name:

Title:

Signed: _____ (date) _____
Louise E. Schilling , Mayor
City of Troy
500 W Big Beaver
Troy, MI 48084-5285

Signed: _____ (date) _____
Tonni L. Bartholomew
City Clerk

**MICHAEL ADAMCZYK
TROY SCHOOL DISTRICT
4400 LIVERNOIS
TROY MI 48098-4799**

**CLARENCE E BRANTLEY
OAKLAND COMMUNITY COLLEGE
2480 OPDYKE
BLOOMFIELD HILLS MI 48304-2266**

**OAKLAND INTERMEDIATE SCHOOLS
2100 PONTIAC LAKE
WATERFORD MI 48328**

**PATRICK DOHANY
OAKLAND COUNTY PTA
1200 N TELEGRAPH Dept 479
PONTIAC MI 48341-0479**

**DAVID HIEBER
OAKLAND COUNTY EQUALIZATION
250 ELIZABETH LAKE RD 1000 W
PONTIAC MI 48341**

**GRID4 COMMUNICATION
900 WILSHIRE STE 310
TROY MI 48084**

AFFIDAVIT OF PUBLICATION

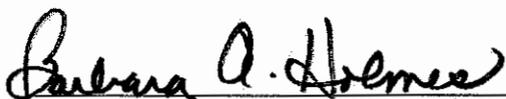
State of Michigan

County of Oakland

City of Troy

**RE: Public Hearing for IDD & IFEC – Section 29, Grid4 Communications,
for the Granting Of An Industrial Facilities Exemption Certificate
(IFEC) and for the Establishment Of An Industrial Development
District (IDD) at T2N, R11E, of Section 29 – 2107 Crooks, Troy,
Michigan – Parcel # 88-20-29-426-046**

I, hereby certify that I emailed the attached notice to the Somerset Gazette and mailed by first class mail to the attached listing on Tuesday, October 3, 2006:



Barbara A. Holmes, CMC

Deputy City Clerk

PUBLISHED: Monday, October 9, 2006

CITY OF TROY
PUBLIC HEARING

A Public Hearing will be held by and before the City Council of the City of Troy at City Hall, 500 W. Big Beaver, Troy, Michigan on Monday, October 23, 2006 at 7:30 P.M. to consider the request from Grid4 Communications, for the establishment of an Industrial Development District (IDD) at the following location:

T2N, R11, E, of Section 29
2107 Crooks, Troy, Michigan 48084-5534,
Parcel # 88-20-29-426-046

You may express your comments regarding this matter by writing to this office, or by attending the Public Hearing.

Tonni Bartholomew, MMC
City Clerk

NOTICE: *People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk by e-mail at clerk@ci.troy.mi.us or by calling (248) 524-3317 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.*

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A Public Hearing will be held by and before the City Council of the City of Troy at City Hall, 500 W. Big Beaver, Troy, Michigan on Monday, October 23, 2006 at 7:30 P.M. to consider the request from Grid4 Communications, for the granting of an Industrial Facilities Exemption Certificate (IFEC) for a period not to exceed 12 years, beginning December 31, 2006, for personal property located at:

T2N, R11, E, of Section 29
2107 Crooks, Troy, Michigan 48084-5534,
Parcel # 88-20-29-426-046

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CITY COUNCIL ACTION REPORT

October 23, 2006

TO: Phillip L. Nelson, City Manager

FROM: John M. Lamerato, Assistant City Manager-Finance/Administration
Brian Murphy, Assistant City Manager - Services
Nino Licari, City Assessor

SUBJECT: Public Hearing to consider granting an Industrial Facilities Exemption Certificate (IFEC) to Grid4 Communications, 2107 Crooks, Troy MI 48084-5534

Background:

- Grid4 Communications is currently located at 900 Wilshire, Ste 310, in Troy. They are a telecommunications, cable, and Internet service provider. They have recently purchased the contracts of other firms, and are ready to expand their operations significantly. In conjunction with Michigan Economic Growth Authority (MEGA) grants, they are seeking (and MEGA requires) a local match to facilitate their ability to stay in Michigan, and more particularly, Troy.

Our requested local match is for an Industrial Facilities Exemption Certificate (IFEC) to be issued by the City of Troy. This is according to Public Act 198 of 1974 (as amended) and local City policy. As you will recall, this amounts to an approximate 50% reduction in personal property taxes that they would pay, over a twelve (12) year period (the total percent may be slightly higher or lower than 50%, depending on how much of the 6 mill State Education Tax the State levies).

Financial Considerations:

- The estimated amount of investment in personal property is \$750,000 for the project. Over a twelve (12) year life, the estimated total taxes are \$54,844.35, of which \$10,762.15 would be City taxes.

A 50% abatement amounts to a savings of \$27,422.18 in total taxes, of which \$5,381.07 would be saved on City taxes. This is the financial cost to all taxing authorities.

Legal Considerations:

- The application meets all requirements of Public Act 198 of 1974 (as amended), the Plant Rehabilitation and Industrial Development Districts legislation.

Policy Considerations:

- The application is in compliance with the newly amended tax abatement policy of the City Council of the City of Troy (Resolution #2006-06-238, attached).

City Council Goal II, "Retain and attract investment while encouraging redevelopment" is met with this expansion. Grid4 Communications currently occupies 4,600 square feet on Wilshire Drive. They will be substantially renovating and filling a vacant 32,901 square foot building on Crooks, and increasing their employee base dramatically.

Since both legal and policy considerations are met, staff would recommend establishing the District.

Options:

- City Council has the option of granting the Industrial Facilities Exemption Certificate for any period of one (1) to twelve (12) years, or not at all.

This is a well-established company, with many opportunities to expand, and staff recommends that the Exemption be granted for the full twelve (12) years.

F-5 Amending the Personal Property Tax Abatement for Manufacturing and Headquarter Companies

Resolution #2006-06-238
Moved by Beltramini
Seconded by Fleming

WHEREAS, The City of Troy has the economic objective of (a) increasing employment opportunities, (b) diversifying and stabilizing the industrial base of the community, (c) reducing economic obsolescence of the industrial base, (d) providing homogenous industrial areas, (e) encouraging industrial expansion, (f) providing for improved public facilities in industrial areas, and (g) encouraging attractive, viable industrial sites, and

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

MOTION CARRIED

**MICHAEL ADAMCZYK
TROY SCHOOL DISTRICT
4400 LIVERNOIS
TROY MI 48098-4799**

**CLARENCE E BRANTLEY
OAKLAND COMMUNITY COLLEGE
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**DAVID HIEBER
OAKLAND COUNTY EQUALIZATION
250 ELIZABETH LAKE RD 1000 W
PONTIAC MI 48341**

**GRID4 COMMUNICATION
900 WILSHIRE STE 310
TROY MI 48084**

AFFIDAVIT OF PUBLICATION

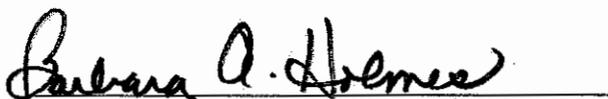
State of Michigan

County of Oakland

City of Troy

**RE: Public Hearing for IDD & IFEC – Section 29, Grid4 Communications,
for the Granting Of An Industrial Facilities Exemption Certificate
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District (IDD) at T2N, R11E, of Section 29 – 2107 Crooks, Troy,
Michigan – Parcel # 88-20-29-426-046**

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Deputy City Clerk

PUBLISHED: Monday, October 9, 2006

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CITY COUNCIL ACTION REPORT

October 17, 2006

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Public Hearing – Rezoning Application (File Number: Z 714) – Proposed The Enclave Senior Housing, North of Long Lake between Livernois and Crooks, Section 9 – R-1B to R-EC

Background:

- The applicant proposes rezoning an 8.61-acre parcel from R-1B One Family Residential to R-EC Residential Elder Care. There are also 1.67 acres of rights-of-way that the applicant intends to incorporate into the future development. The applicant submitted an application to vacate these rights-of-way.
- The applicant provided a concept plan proposing a senior housing development with 22 homes for seniors, 48 senior apartments, 48 assisted living units and 48 nursing care units.
- Access to the parcel is provided by Houghten Street from the north and Stalwart Street from the east. The parcel does not have frontage on a major thoroughfare. Development on this parcel would generate not only vehicular traffic from residents, staff and visitors, but also truck traffic to serve the facility. Without a direct connection to Long Lake Road, development on the property would be a significant negative impact on the existing single-family neighborhood.
- The Planning Commission held a public hearing on this item on September 12, 2006, and recommended denial of the proposed rezoning.

Financial Considerations:

- There are no financial considerations associated with this application.

Legal Considerations:

- City Council has the authority to amend the Zoning District Map.
- A valid protest petition was submitted which will require five (5) City Council votes to adopt the rezoning request.

Policy Considerations:

- The parcel is classified on the Future Land Use Plan as Low Density Residential and Open Space. The parcel was designated Low Density Residential in 1965. The Low Density Residential classification correlates with the R-1A through R-1E and CR-1 zoning districts. The application does not comply with the intent of the Future Land Use Plan.
- The application does not meet the Location Standards of Section 19.40.00.
- Denial of the rezoning application would be consistent with City Council Goal VI (Protect life and property).

Options:

- City Council may approve the rezoning, deny the rezoning or postpone the rezoning.
- City Management recommends denial of the proposed rezoning, as recommended by Planning Commission.

Approved as to form and legality:

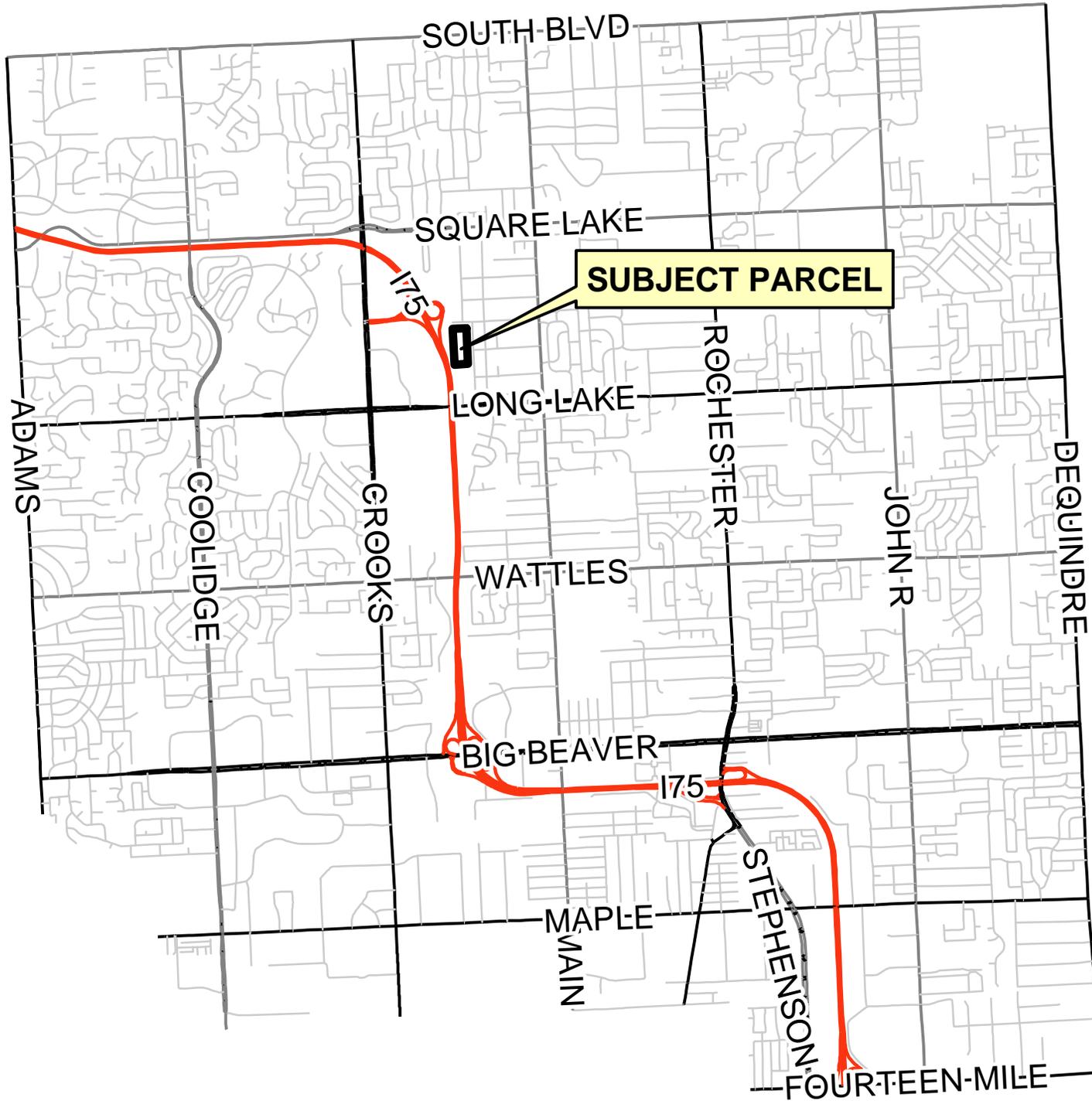
Lori Grigg Bluhm, City Attorney

Attachments:

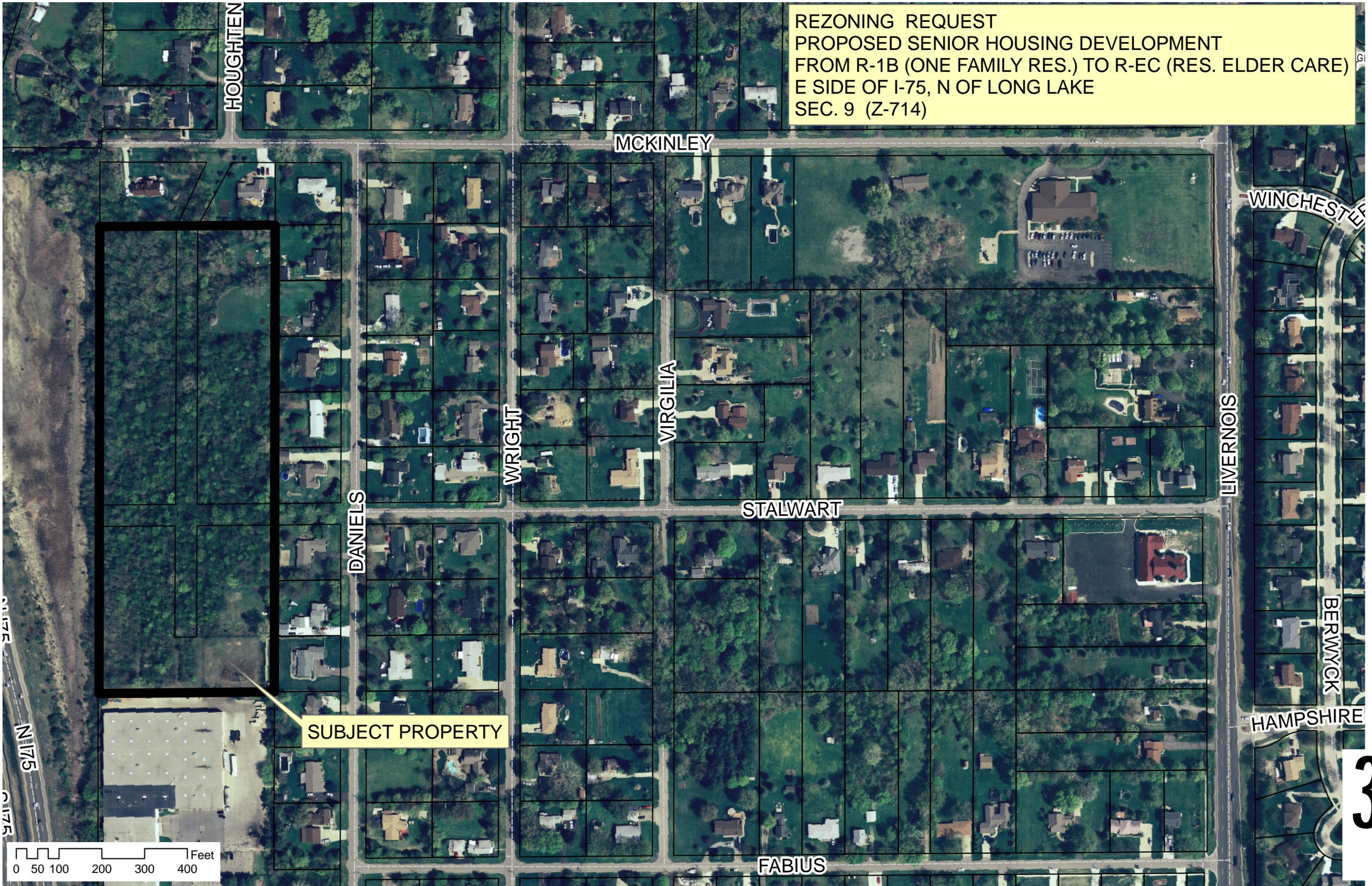
1. Maps.
2. Letter from applicant.
3. Letters of opposition.

Prepared by RBS/MFM

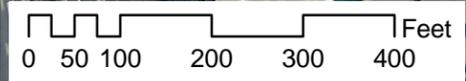
CITY OF TROY



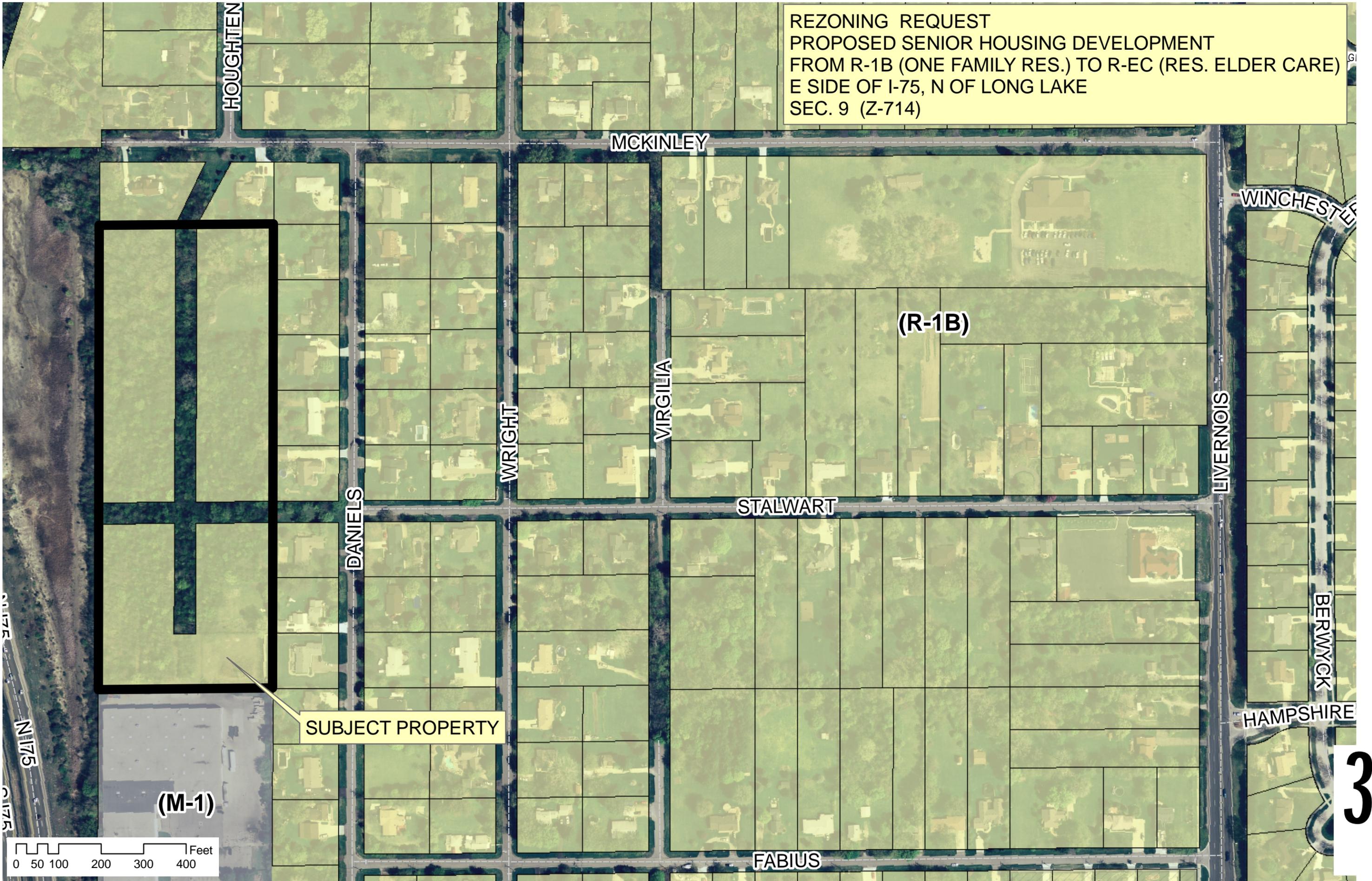
REZONING REQUEST
PROPOSED SENIOR HOUSING DEVELOPMENT
FROM R-1B (ONE FAMILY RES.) TO R-EC (RES. ELDER CARE)
E SIDE OF I-75, N OF LONG LAKE
SEC. 9 (Z-714)



SUBJECT PROPERTY



REZONING REQUEST
PROPOSED SENIOR HOUSING DEVELOPMENT
FROM R-1B (ONE FAMILY RES.) TO R-EC (RES. ELDER CARE)
E SIDE OF I-75, N OF LONG LAKE
SEC. 9 (Z-714)



SUBJECT PROPERTY

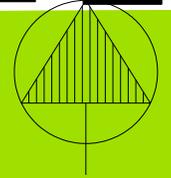
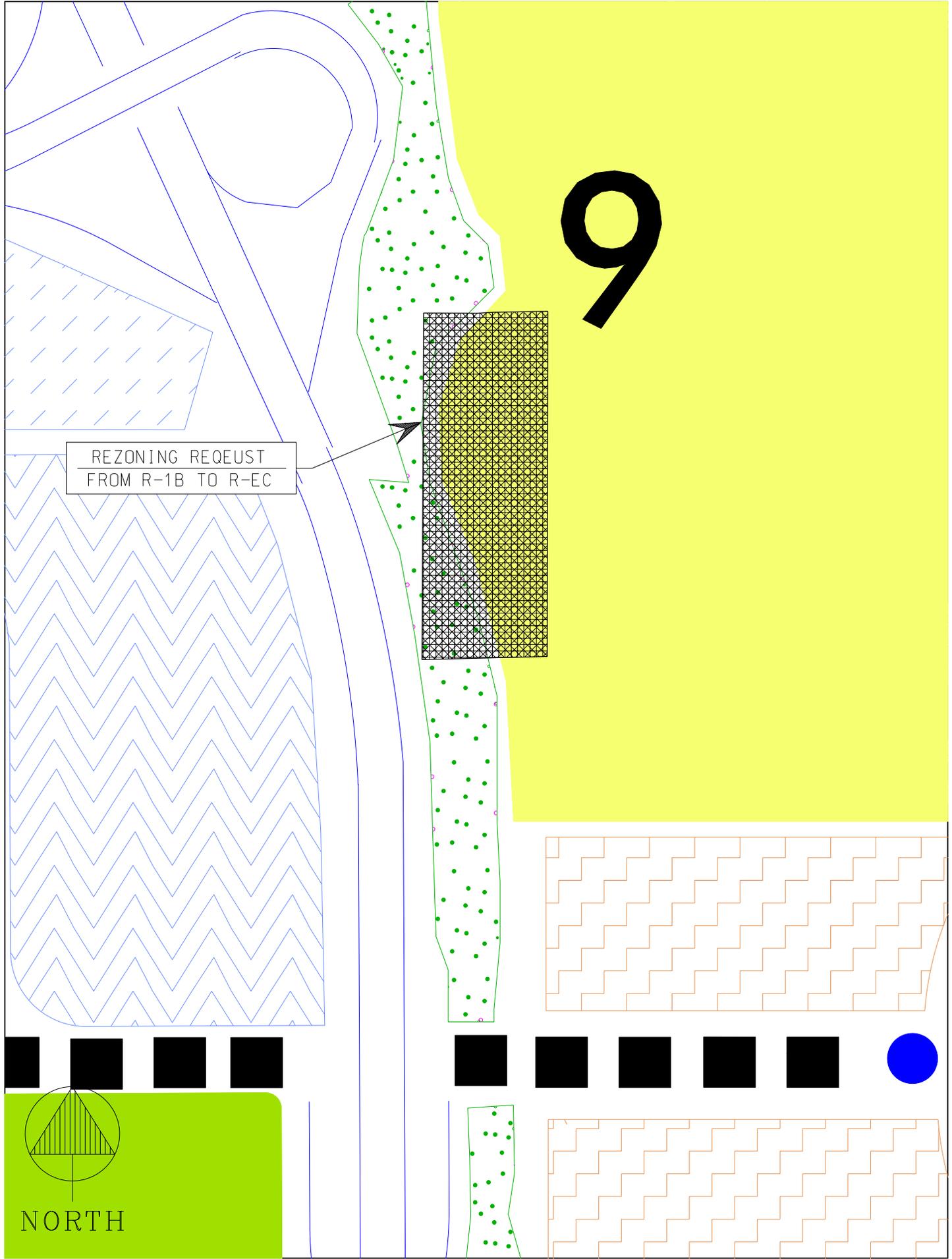
(R-1B)

(M-1)

0 50 100 200 300 400 Feet

9

REZONING REQEUST
FROM R-1B TO R-EC



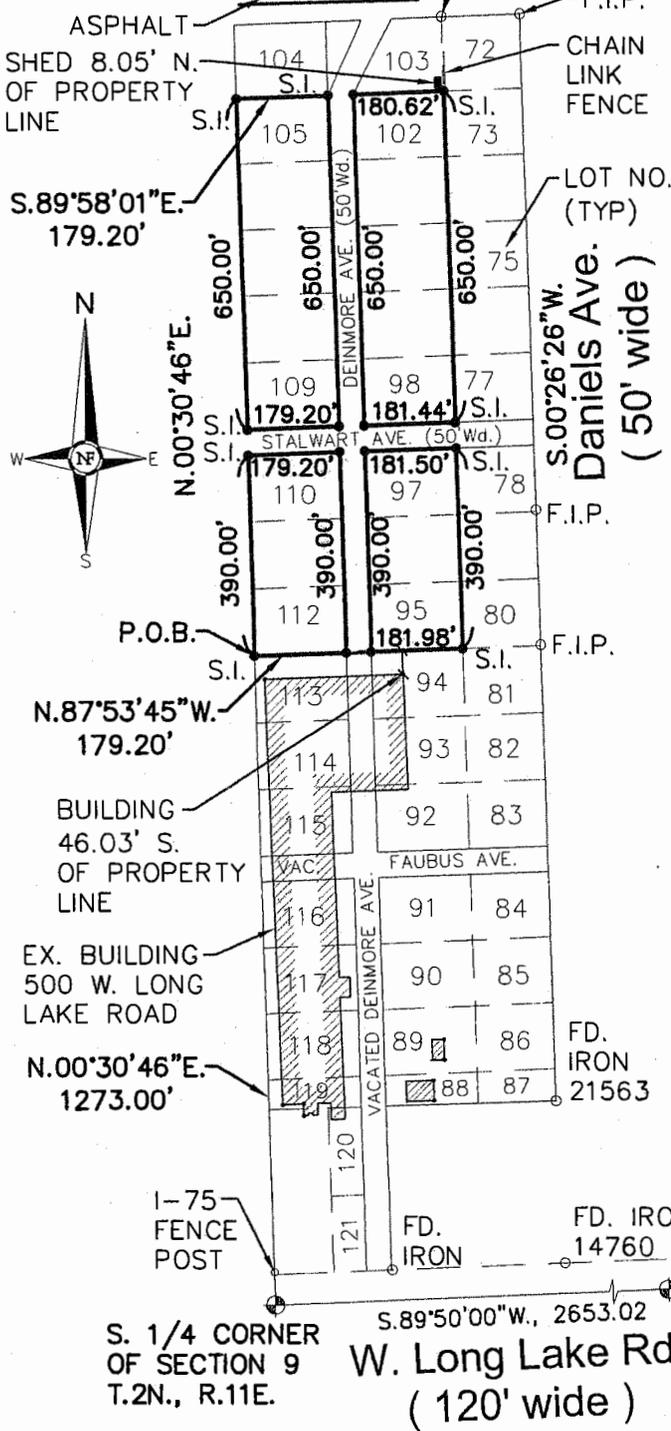
NORTH

REVISED Certificate of Survey

APR 07 2006

McKinley Road
(33' 1/2 width)

PART OF THE W. 1/2 OF THE S.E. 1/4
OF SECTION 9, T.2N., R.11E.,
CITY OF TROY, OAKLAND COUNTY, MI



LEGAL DESCRIPTION

LAND IN THE CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS: LOTS 95 THROUGH 102 BOTH INCLUSIVE, LOTS 105 THROUGH 112 BOTH INCLUSIVE, ALL BEING PART OF "BEAVER HILLS" A SUBDIVISION OF PART OF THE W. 1/2 OF THE S.E. 1/4 OF SECTION 9, T.2N., R.11E., TROY TOWNSHIP (NOW CITY OF TROY), OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 26 OF PLATS, PAGE 18, OAKLAND COUNTY RECORDS.

CONTAINING 374,900 SQ. FT. OR 8.61 ACRES OF LAND.

CERTIFICATE OF SURVEY

WE HEREBY CERTIFY THAT WE HAVE SURVEYED THE PROPERTY HEREIN DESCRIBED AND THAT WE HAVE PLACED MARKER IRONS AT THE CORNERS OF THE PARCEL OR AS INDICATED IN THE ABOVE SKETCH.

Alex Nicolaescu

ALEX NICOLAESCU, PLS
NO.: 22705
DATE: 02-06-06



LEGEND:

- S.I. = SET IRON
- F.I.P. = FOUND IRON PIPE

S.E. CORNER OF SECTION 9
T.2N., R.11E.

PREPARED FOR:

THE CHOICE GROUP
755 W. BIG BEAVER ROAD
SUITE 1275
TROY, MI 48084

NF NOWAK & FRAUS

Consulting Engineers • Land Surveyors • Land Planners

1310 N. Stephenson Highway
Royal Oak, Michigan 48067-1508

Tel. (248) 399-0886
Fax. (248) 399-0805

SCALE 1" = 350' DATE 12-05-05 DRAWN M. Carnaghi JOB No. 3659-02 SHEET 1 of 1
02-06-06 OWF3

PROPOSED SENIOR HOUSING
FROM R-1B TO R-EC
N OF LONG LAKE, E OF I-75
SEC. 9 (Z-714)

DELPHI

6726

N 175 ONRP

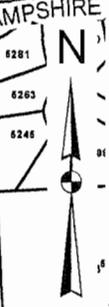
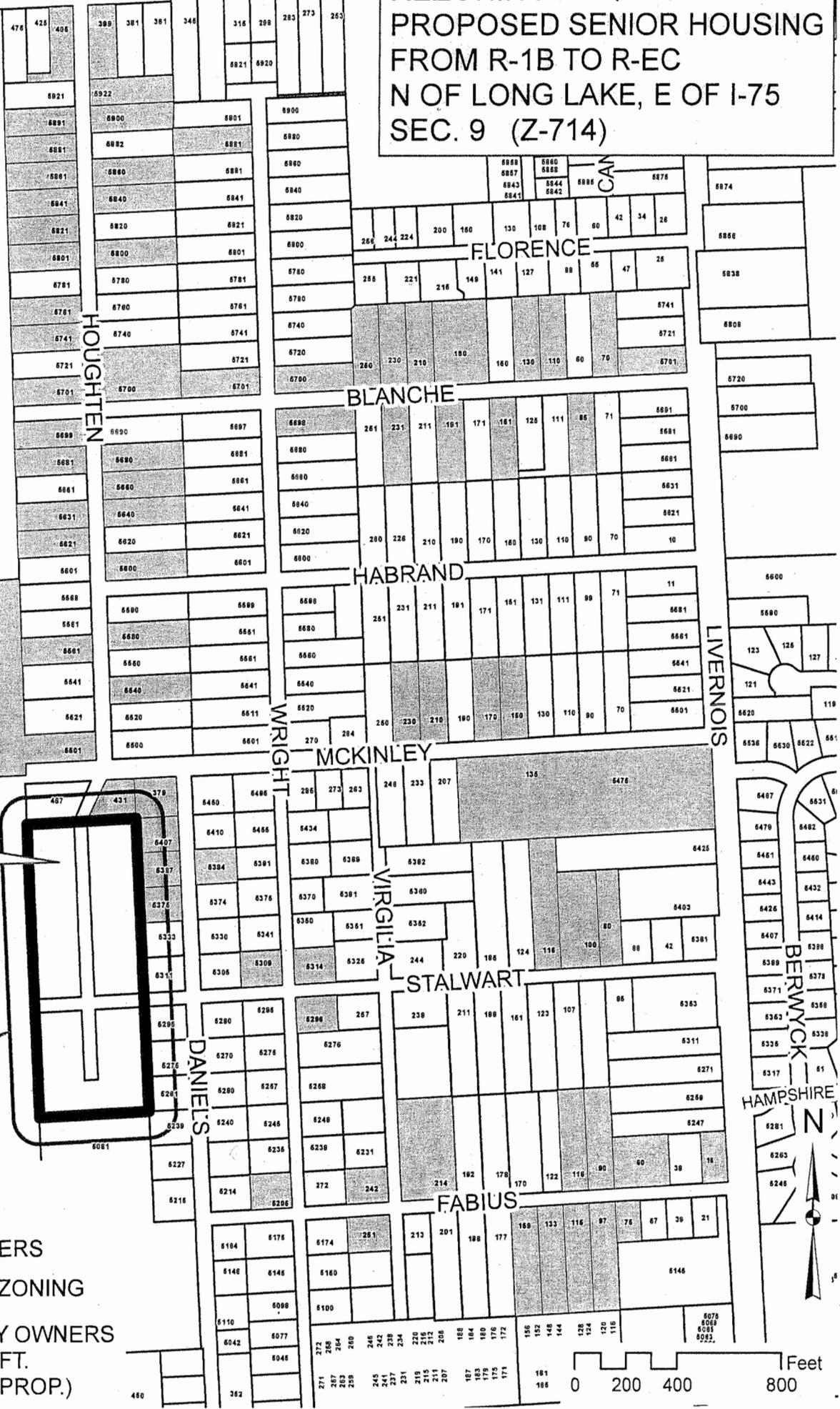
SUBJECT PARCEL

100 FT. BUFFER

N 175

- Legend**
-  100 FT BUFFER
 -  PETITION SIGNERS
 -  PROPOSED REZONING

31.61% OF PROPERTY OWNERS
OF LAND WITHIN 100 FT.
BUFFER (EX. PUBLIC PROP.)



0 200 400 800 Feet

**PRESERVATION OF PROPERTY RIGHTS WHILE BEING
AN ASSET TO THE COMMUNITY**

Care of our senior citizens is a noble and righteous endeavor that should be deeply engrained in the human spirit. Personal and loving care should be close to home and evidence every aspect of residential living that is given to all citizens of The City of Troy. It is anticipated that the proposed community will be an excellent opportunity for Troy residents to stay in the community they have lived in for as many as thirty or forty years. The proposed community is also a welcome opportunity for residents of Troy to have their parents close to them in the twilight of their life. In affect, the residential character of the neighborhood, the residential nature of the property and the anticipated evaluation of the industrial character of the property to the south makes the use of the proposed site a logical transitional use and a reasonable alternative at this time in the development of the City of Troy.

The proposed development will be designed to serve the vicinity, minimize what little impact there is so that a majority of the residents will experience no significant change in their surroundings in the short term and even less when the industrial activity moves and affords the opportunity for access directly to Long Lake.

As a result of this rezoning, the applicant has been able to preserve the property rights of an owner who wishes to curtail its expansion on this property in a way that is beneficial to the community and do it in such a manner that the proposed use will create a quiet and peaceful environment for the surrounding neighbors.

REC'D

JAN 13 2006

PLANNING DEPT.

Applicant Letter



Rezoning Protest Petition

REC'D

SEP - 8 2006

PLANNING DEPT.

11:44 AM

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

Date: 9-8-06

Contact Person: CHARLES JACKSON
Address: 405 W SQUARE LAKE RD
City: TROY State: MI Zip: 48098
Telephone: 248 879-0205

Rezoning case being protested:

Case #: Z-714 Applicant Name: CHOICE DEVELOPMENT CORPORATION

What is a valid rezoning protest petition?

valid $\geq 20\% = 39,306,8020$ S.F.
Signers = $31.6125\% = 62,129,4335$ S.F.

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

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

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

PETITION

of 100' Buffer
(exclusive of public prop.)

We, the undersigned property owners of the City of Troy, County of Oakland, and State of Michigan, request the following:

A denial of the proposed rezoning of the 10 acre parcel north of K-Max Corporation from R-1B (Single family residential) to R-EC (High density, elderly care).

Signature	Printed Name	Property Address	Date of Signature
<i>Jeff Miller</i>	JEFF MILLER	5621 HOUGHTEN	8-26-06
<i>Julma Gee</i>	THELMA GEE	5561 HOUGHTEN	8-26-06
<i>Ray E Brown</i>	RAY E BROWN	5501 HOUGHTEN	8-26-06
<i>James Neumann</i>	JAMES NEUMANN	431 MCKINLEY	8-26-06
<i>Gerry Bray</i>	GERRY BRAY	5580 HOUGHTEN	8-26-06
<i>Roy Bray</i>	ROY BRAY	5580 Houghten	26 Aug 06
<i>Ron Marsden</i>		5600 Houghten	8/26/06
<i>Evelyn L. Brown</i>	EVELYN L. BROWN	5660 HOUGHTEN	8-26-06
[REDACTED]			
<i>Glenn Loisel</i>	GLENN LOISEL	5640 HOUGHTEN	8-26-06
<i>Irvin Moore</i>	IRVIN MOORE	5680 HOUGHTEN	8-26-06
<i>Olive Moore</i>	OLIVE MOORE	5680 HOUGHTEN	8-26-06
[REDACTED]			
<i>Wate Krupa</i>	WATE KRUPA	5700 HOUGHTEN	8-26-06
CHRIS STEIGERWARD	Chris Steigerward	5800 HOUGHTEN	8-26-06
<i>Diane McHannon</i>	Diane McHannon	5800 Houghten	8-26-06

CIRCULATOR - DO NOT SIGN OR DATE CERTIFICATE UNTIL AFTER CIRCULATING PETITION.

CERTIFICATE OF CIRCULATOR

The undersigned circulator of the above petition asserts that each signature on the petition was signed in his or her presence; and that, to his or her best knowledge and belief, each signature is the genuine signature of the person purporting to sign the petition.

Charles R Jackson 8-26-06

 Signature of Circulator DATE
 Charles R. Jackson

 Printed Name of Circulator
 405 W. Square Lake Rd. Troy, MI 48098

 Complete Address

PETITION

We, the undersigned property owners of the City of Troy, County of Oakland, and State of Michigan, request the following:

A denial of the proposed rezoning of the 10 acre parcel north of K-Max Corporation from R-1B (Single family residential) to R-EC (High density, elderly care).

Signature	Printed Name	Property Address	Date of Signature
<i>Sharon L Miller</i>	SHARON L MILLER	5387 Daniels	9/2/06
<i>P.J. Cumming</i>	P.J. Cumming	5375 Daniels	9-2-06
<i>James Stewart</i>	James Stewart	5309 Wright	9-2-06
<i>Richard L Demide</i>	RICHARD L DEMIDE	5314 WRIGHT	9-2-06
<i>Lee Maloney</i>	Lee Maloney	5294 Wright	9-2-06
<i>Anthony Wolak</i>	ANTHONY WOLAK	116 STALWART	9-2-06
<i>Helene Decker</i>	Helene Decker	100 stalwart	9-2-2006
<i>Blaine Dixon</i>	BLAINE DIXON	80 STALWART	9-2-06
<i>Dan Jajjo</i>	Dan Jajjo	16 Fabius	9-2-06
<i>Wayne Boswell</i>	Wayne Boswell	60 Fabius	9-2-06
<i>Mohammed Hussain</i>	Mohammed Hussain	75 Fabius, Troy, MI	9-2-06
<i>M. E. Lambert</i>	MARVELLE LAMBERT	97 Fabius, Troy, MI	9-2-06
<i>Kristine Francois</i>	KRISTINE FRANCOIS	90 FABIOUS DE TROY	9-2-06
<i>Eric Francois</i>	ERIC FRANCOIS	90 FABIOUS DR	9/2/06
<i>R. Ainsworth</i>	RICHARD AINSWORTH	116 FABIOUS	9-2-06
<i>Ryan Frasier</i>	Ryan Frasier	115 Fabius	9-2-06

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Charles R. Jackson 9-2-06

 Signature of Circulator DATE
 Charles R. Jackson

 Printed Name of Circulator
 405 W. Square Lake Rd. Troy, MI 48098

 Complete Address

PETITION

We, the undersigned property owners of the City of Troy, County of Oakland, and State of Michigan, request the following:

A denial of the proposed rezoning of the 10 acre parcel north of K-Max Corporation from R-1B (Single family residential) to R-EC (High density, elderly care).

Signature	Printed Name	Property Address	Date of Signature
<i>Florence Bock</i>	FLORENCE BOCK	70 BLANCHE	8/26/06
<i>Jim Wilk</i>	Jimmie WILKINS	5701 LIVERNOIS	8/26/06
<i>Lisa M Wright</i>	Lisa M Wright	130 Blanche	8/26/06
<i>Jim Boehler</i>	Jim Boehler	130 Blanche	8-26-06
<i>Colleen Allison</i>	Colleen Allison	85 Blanche	8-26-06
<i>Deborah Fournier</i>	Deborah Fournier	151 Blanche	8-26-06
<i>Stephen Miller</i>	STEPHEN MILLER	191 BLANCHE	8-26-06
<i>Allison E Miller</i>	Allison E. Miller	191 Blanche	8/26/06
<i>Joyce Bauman</i>	Joyce Bauman	231 Blanche	8/26/06
<i>Betty Springsstube</i>	BETTY SPRINGSTUBE	399 W. SQUARE LK	8/26/06
<i>Leonard E Springsstube</i>	LEONARD E. SPRINGSTUBE	399 W. SQUARE LK	8/26/06
<i>Rebecca Bullock</i>	Rebecca Bullock	5861 Houghten Dr.	9/2/06
<i>Clare Haring</i>	Clare Haring	5881 WRIGHT DR	9/2/06
<i>John Bullock</i>	JOHN BULLOCK	5861 HOUGHTEN DR.	9/2/06
<i>Gary Makin</i>	GARY MAKIN	5407 DANIELS	9/2/06
<i>Thomas C Tene</i>	THOMAS C TENE	5384 DANIELS	9/2/06

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Charles R Jackson 9-2-06
 Signature of Circulator DATE
 Charles R. Jackson
 Printed Name of Circulator
 405 W. Square Lake Rd. Troy, MI 48098
 Complete Address

PETITION

We, the undersigned property owners of the City of Troy, County of Oakland, and State of Michigan, request the following:

A denial of the proposed rezoning of the 10 acre parcel north of K-Max Corporation from R-1B (Single family residential) to R-EC (High density, elderly care).

Signature	Printed Name	Property Address	Date of Signature
<i>John Northey Jr</i>	JOHN NORTHEY JR	133 FABIUS	9-2-06
<i>Sandra G Northey</i>	SANDRA G. NORTHEY	133 FABIUS	9-2-06
<i>James Rivas</i>	JAMES RIVAS	159 FABIUS	9-2-06
<i>Gerald E Mack</i>	GERALD E MACK	214 FABIUS	9-2-06
<i>Betty Dolezel</i>	BETTY DOLEZEL	242 FABUIS	9-2-06
<i>Barbara N Stone</i>	BARBARA N STONE	251 FABIUS DR	9-2-06
<i>Harold Swatzell</i>	HAROLD SWATZELL	5205 WRIGHT DR	9-2-06
<i>Pantelis Georgarakis</i>	PANTELIS GEORGARAKIS	379 MCKINLEY	9-2-06
<i>Jerome Kubiak</i>	JEROME KUBIAK	5540 HOUGHTEN	9-2-06
<i>Pearl Kubiak</i>	PEARL KUBIAK	5540 HOUGHTEN	9-2-06
<i>Keith Printy</i>	KEITH PRINTY	210 MCKINLEY	9-2-06
<i>Dolores Printy</i>	DOLORES PRINTY	210 MCKINLEY	9-2-06
<i>Dawn Hayes</i>	Dawn Hayes	230 MCKINLEY	9-2-06
<i>Joan Mordan</i>	Joan Mordan (Not owner)	135 MCKINLEY	9-2-06
<i>Joseph T Hoin</i>	Joseph T Hoin	170 MCKINLEY	9-2-6
<i>James R. Duznicki</i>	JAMES R. DUZNICKI	150 MCKINLEY	9-2-6

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Charles R Jackson 9-2-06
 Signature of Circulator DATE
 Charles R. Jackson
 Printed Name of Circulator
 405 W. Square Lake Rd. Troy, MI 48098
 Complete Address

PETITION

We, the undersigned property owners of the City of Troy, County of Oakland, and State of Michigan, request the following:

A denial of the proposed rezoning of the 10 acre parcel north of K-Max Corporation from R-1B (Single family residential) to R-EC (High density, elderly care).

Signature	Printed Name	Property Address	Date of Signature	
Brian D. Gow	Brian D. Gow	5840 Houghten	08-26-06	✓
Pat Karbunjan	PETE VERBRUGAN	5860 HOUGHTEN	08-26-06	✓
Sylvia Powers	SYLVIA POWERS	5900 HOUGHTEN	8-26-06	✓
Huzair Lekovic	HUZAIR LEKOVIC	5922 HOUGHTEN	8-26-06	✓
Hanna Lekovic	HANNA LEKOVIC	5922 HOUGHTEN	8-26-06	R
Keith Allison	KEITH ALLISON	5841 HOUGHTEN	8-26-06	✓
Mindy Hart	Mindy Hart	5701 WRIGHT	8-26-06	✓
Eleonor Buchanan	ELEANOR BUCHANAN	5700 WRIGHT	8-26-06	✓
Donald Michers	DONALD MICHERS	5698 WRIGHT	8-26-06	✓
Mark Bindbeutel	MARK BINDBEUTEL	250 Blanche Dr	8-26-06	✓
Jane Bindbeutel	Jane Bindbeutel	250 Blanche Dr	8-26-06	R
Julie Schmidt	Julie Schmidt	230 Blanche Dr.	8-26-06	✓
Jeremy Schmidt	Jeremy Schmidt	230 Blanche Dr.	8-26-06	R
Paul Brill	PAUL BRILL	210 BLANCHE DR.	8-26-06	✓
Harold Hoke	HAROLD HOKE	180 Blanche	8/26/06.	✓
Diana Parrish	DIANA PARRISH	110 Blanche	8/26/06	✓

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Charles R Jackson

8-26-07

Signature of Circulator

DATE

Charles R. Jackson

Printed Name of Circulator

405 W. Square Lake Rd. Troy, MI 48098

Complete Address

PETITION

We, the undersigned property owners of the City of Troy, County of Oakland, and State of Michigan, request the following:

A denial of the proposed rezoning of the 10 acre parcel north of K-Max Corporation from R-1B (Single family residential) to R-EC (High density, elderly care).

Signature	Printed Name	Property Address	Date of Signature	
<i>Charles Jackson</i>	CHARLES JACKSON	405 W SQUARE LAKE	8-26-06	✓
<i>Patricia Jackson</i>	PATRICIA JACKSON	405 W. SQUARE LAKE RD.	8-26-06	✓
<i>Michael Cianciolo</i>	MICHAEL CIANCIOLO	5891 HOUGHTEN	8-26-06	✓
<i>Katherine Wagner</i>	Katherine Wagner	5881 Houghten	8-26-06	✓
<i>David Wilson</i>	DAVID WILSON	11	8-26-06	✓
<i>Sandra K. Allison</i>	Sandra K. Allison	5841 Houghten St.	8-26-06	✓
<i>Carol Rundquist</i>	CAROL RUNDQUIST	5821 HOUGHTEN	8-26-06	✓
<i>Lori Dutcher</i>	Lori Dutcher	5801 Houghten	8-26-06	✓
<i>Mike Tillard</i>	MIKE TILLARD	5761 HOUGHTEN	8-26-06	✓
<i>Melinda L Hunsaker</i>	Melinda L Hunsaker	5741 Houghten	8-26-06	✓
<i>Gertrude Foerster</i>	GERTRUDE FOERSTER	5701 HOUGHTEN	8-26-06	✓
Tressa Ampselle				
<i>Tressa Ampselle</i>	TRESSA AMPSELL	5381 HOUGHTEN	8-26-06	✓
<i>Yvonne A. Waatti</i>	YVONNE A. WAATTI	5699 Houghten	8-26-06	✓
<i>Dorothy Colenso</i>	DOROTHY COLENSO	5631 Houghten	8-26-06	✓
<i>Vicki Miller</i>	Vicki Miller	5621 Houghten	8-26-06	✓

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Charles R Jackson 8-26-06
 Signature of Circulator DATE
 Charles R. Jackson
 Printed Name of Circulator
 405 W. Square Lake Rd. Troy, MI 48098
 Complete Address

PETITION

Add'l sheet to Protest Petition
from: Charles Jackson

We, the undersigned property owners of the City of Troy, County of Oakland, and State of Michigan, request the following:

A denial of the proposed rezoning of the 10 acre parcel north of K-Max Corporation from R-1B (Single family residential) to R-EC (High density, elderly care).

Signature	Printed Name	Property Address	Date of Signature
<i>Jule King</i>	JULE KING	130 MCKINLEY	9-2-06
<i>Autha Blake</i>	Autha Blake	116 McKinley	9-2-06
<i>Kelly Johnson</i>	Kelly Johnson	5500 Houghten	9-7-06
<i>Walter Kylonen</i>	WALTER KYLONEN	425 W. S. H. RD	9-8-06
<i>Camden Wolfe</i>	Camden Wolfe	5921 Houghten	9-8-06
<i>DeLoee Bufkin</i>	DeLoee Bufkin	5781 Houghten	9-9-06
<i>Darrell Bufkin</i>	DARRELL BUFKIN	5781 Houghten	9-9-06
<i>Paul C. Drury</i>	PAUL C. DRURY	5485 Wright	9-9-06
<i>Pauline C. Drury</i>	PAULINE C. DRURY	5485 Wright	9-9-06
<i>Linda S. Clark</i>	LINDA S. CLARK	285 McKinley	9/9/06
<i>Jerry Hall</i>	JERRY HALL	207 MCKINLEY	9-9-06
<i>Donald Bress</i>	DONALD BRESS	151 STALWART	9-9-06
<i>Cecilija Joknovi</i>	Cecilija Joknovi	199 Stalwart	9-9-06
<i>Eric Hakka</i>	Eric Hakka	220 Stalwart	9-9-06
<i>John Little</i>	JOHN LITTLE	211 STALWART	9-9-06
<i>Jennifer L. Gasiiecki</i>	Jennifer L. Gasiiecki	196 Stalwart	9-9-06
<i>Heather M. Allison</i>	Heather M. Allison	5841 Houghten	9.9.06

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Charles R Jackson 9-9-06
 Signature of Circulator DATE
 Charles R. Jackson
 Printed Name of Circulator
 405 W. Square Lake Rd. Troy, MI 48098
 Complete Address

HANDOUT @ 7-12-06
PLANNING COMMISSION MTG
Z 714 #5
Date: 6/10/06

from: unknown

TO: CITY OF TROY
ATTN: PLANNING COMMISSION
SUBJECT: REZONING of SEC. 9 (Z-714)

Dear Members of the Board,

We the undersigned, as residents of the **Beaver Hills** subdivision, would like to express our opinion in the matter of rezoning Section "9" from R-1B to R-EC.

We are an older, yet active, neighborhood. Our children ride bicycles, play games, and socialize at the edge of our roads. We have no sidewalks or streetlights. We are already contending with "cut through" traffic.

The introduction of emergency (911) calls will involve not only an ambulance, but (as mandated) a TROY POLICE vehicle as well. Both traveling at a high rate of speed, with sirens blaring on a 24 hour basis.

Our property value will decline substantially.

THIS IS UNACCEPTABLE TO US!

The proposed plans of "The Choice Group" involve access to this area through **Stalwart Drive, and Houghton Drive ONLY!**
THERE IS NO ACCESS FROM A MAIN ROAD!

PLUS! Once the zoning is changed, they can rework "Site plan 100" to exclude single family housing. And according to their current plan they must do so. The Fire Marshall, for the **City of Troy**, doubts proper access for fire trucks at all the west entrances!

PLEASE REVIEW THE ATTACHED LIST OF COMPLIANANTS:

Date: 6/10/06

TO: CITY OF TROY
ATTN: PLANNING COMMISSION
SUBJECT: REZONING of SEC. 9 (Z-714)

NAME ADDRESS PH #

Mauran Muro 5308 Daniels 248-879-5520

Marion MacCarroll 5311 Daniels 248-879-8398

Jim MacCarroll 5311 Daniels 248-879-7203

Robert W. Toleno 5631 Houghten 248-879-1181

GEORGE BUNDA 5325 VIRGILIA (248) 879-9996

ELENA BUNDA " " " "

LUCRETIA BUNDA " " " "

MAMUN MAITEH 5351 Virgilia Dr. (248) 879-5158

Jamie MAITEH " " " " " "

Bilal MAITEH 5351 Virgilia Dr. (248) 528-6822

220 STALWART 248 828-4194

MORRIS DeBoerter 100 STALWART 248 879-1642

BLAINE DIXON 80 STALWART 248 828-3792

GARY DIXON 80 STALWART 248 828 3792

JEFF DIXON 85 Stalwart 248 8159655

JENNIFER DIXON 85 Stalwart 248-813-9655

JOANNA HAKKA 220 Stalwart 248-8284194

5309 WRIGHT 248-879-0434

LESLIE NIEDERWELL 5370 WRIGHT 248-879-9166

PEREK NIEDERWELL 5370 WRIGHT 248-879-9166

JAMIE BLOK 2532 TARRABONA WAY 248-544-0809

Hendell Green 5350 WRIGHT

Date: 6/10/06

TO: CITY OF TROY
ATTN: PLANNING COMMISSION
SUBJECT: REZONING of SEC. 9 (Z-714)

NAME

ADDRESS

PH #

John Helms	5374 Daniels Dr	248-879-9534
Yvonne Smith	5330 Daniels	248-879-8665
Xenia Wiley	534 West	248-879-7221
Eul Payne	5330 DANIELS	248 561 9908
Donald E. Tuggle	5290 DANIEL	248-879-7649
Mark A. Ruffalo	5270 DANIELS	313-226-5933
Jack Moore	5260 DANIELS	248-879-0836
Donald Speech	5184 DANIELS	248-828-3175
Nasreen Aked	5146 Daniels	248 879-8380
Cheryl Demski	5275 Daniels	248-879-2879
Sharon Miller	5387 Daniels	248 879 8229
Barbara Tige	5384 Daniels	248 879 9532
Thomas Tige	5384 Daniels	248-879-9532
Lisa J. Ross	5410 Daniels	248-828-8111
Jimmy J. Ross	5410 Daniels	248-828-8111
Gary E. Miller	5407 DANIELS	248-765-0694
GIRISHI KHOSLA	5450 DANIELS	248-879-2531
DOROTHY NEUMANN	431 MCKINLEY	248-828-3505
JAMES NEUMANN	431 MCKINLEY	248-828-3505
Kelly Johnson	5500 Houghton	248 879 2873
MATTHEW BROWN	5501 HOUGHTON	248-709-4950
J MARK BROWN	467 MCKINLEY	248-813-9268

Date: 6/10/06

TO: CITY OF TROY
ATTN: PLANNING COMMISSION
SUBJECT: REZONING of SEC. 9 (Z-714)

NAME	ADDRESS	PH #
Tonya Rivard	5100 Wright Dr	248 828 8098
Dr Cummy	5375 Daniels	" 828-4388
Maurice F Black	5333 DANIELS	248-879-9371
Laisy A. Black	5333 Daniels	248-879-9371
Leslie Berg	5521 Houghton	248-815 7017
Ubeta Berg	5520 HOUGHTEN	248-879-0304
Ubeta Berg	5520 HOUGHTEN	248. 879-0304
Misraal Kubaik	5540 Houghton	248-879-0791
Ray Bray	5580 Houghton	248 879 7279
Wanda Andrews	Houghton	
Yokky Delessandro	5581 Houghton	828-3789
Phoebe Crandall	5620 Houghton	248 879-6297
Tom Holdsworth	5374 DANIELS	248 879-9534
Jeff Miller	5621 HOUGHTEN	248-879-7439
Vicki Miller	5621 Houghton	879-7435
Dennis Lewusic	5620 Houghton	879 7724
Dorothy Coleman	5631 Houghton	879-1181
Ruthie Bonds	5631 Houghton	879-1028
Eugene Delessandro	5651 Houghton	879-1028
Mr Khora	5450 Daniels	879-2531
Evelyn Brown	5660 Houghton Dr	879 9310
Mary Lou Brown	5660 Houghton Dr	879 9310
RYAN RATHKAMP	5520 WRIGHT	879 5142

Date: 6/10/06

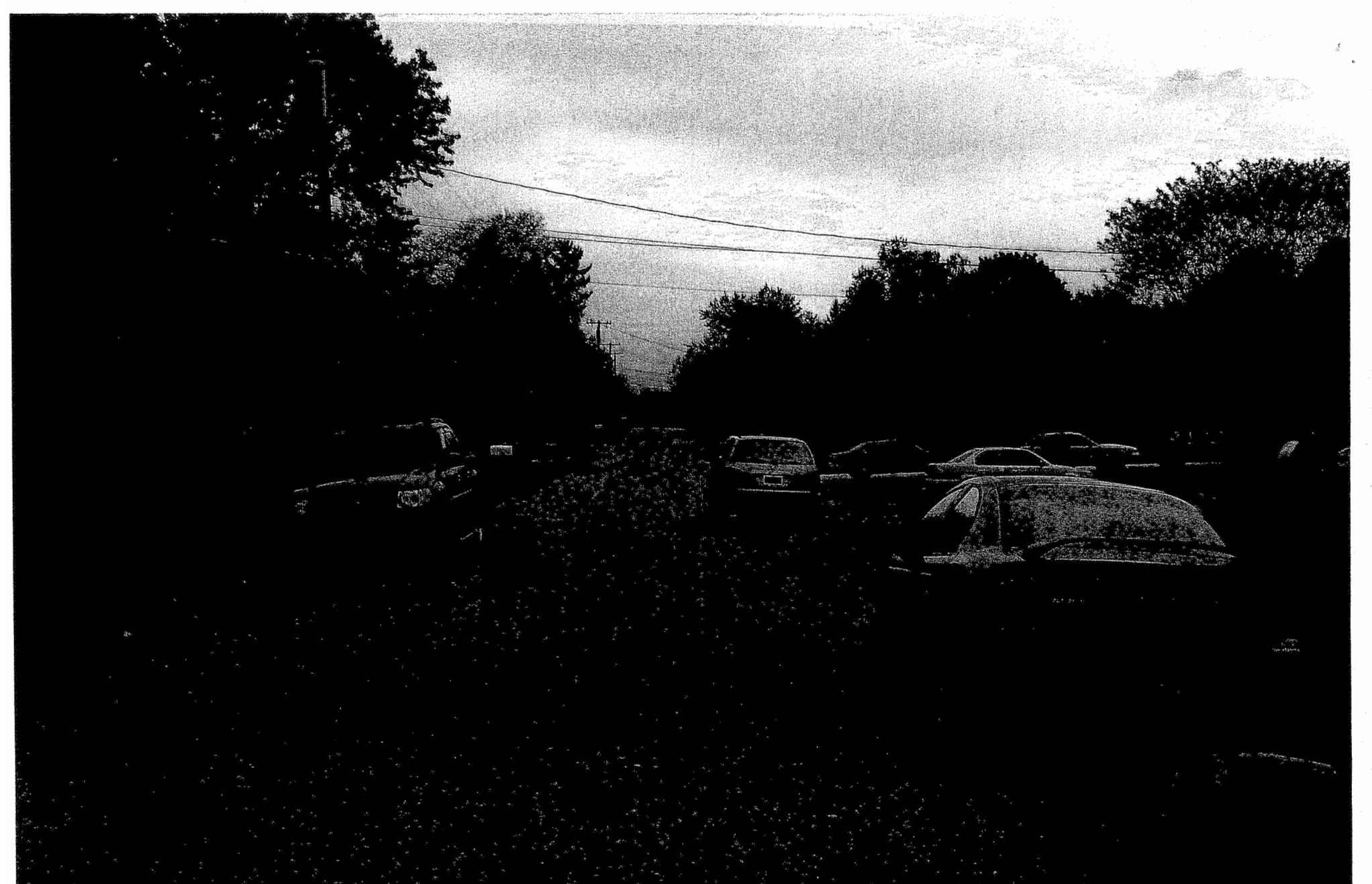
TO: CITY OF TROY
ATTN: PLANNING COMMISSION
SUBJECT: REZONING of SEC. 9 (Z-714)

NAME

ADDRESS

PH #

NAME	ADDRESS	PH #
BARBARA Demick	5314 WRIGHT	248 879 7681
Richard Demick	5314 WRIGHT	248-879 9681
LEVIN MOORE	5680 HOUGHTEN	248 879 0886
Alan MOORE	5680 HOUGHTEN	248 879 0886
Janette Anderson	5550 HOUGHTEN	248 879-0715
Shelma Lee	5561 HOUGHTEN	248-879. 6240
Tressa Longwell	5681 Houghten	248-879-0654
Gyongye Waattis	5699 Houghten	248-879-0637
John Major	5215 Daniels	248-879-1032
Ronald Marceon	5600 Houghten	248 879-0062
DON FORSYTH	5246 WRIGHT ST	248 879-6997
CHARLES HOEKSTRA	5221 DANIELS	248 879 0659
ROKANNE SCHAMANTE, TRUSTEE	270 MCKINLEY	248.655-4290
Keith Priddy (Homeowner)	210 MCKINLEY	248 879 1952
Dolores Grinty	210 MCKINLEY	248-879-0632
Sonda S Haxington	190 McKinley	248 879 8307
Steve Kalkreuth	5520 WRIGHT	248 879 5142
Natasha Winters	5540 WRIGHT	248 390-3396
Leslie Minard	5561 WRIGHT	248-224-6430
Wanda Neal	5561 Wright	248-245-7568
Ray Debra	5580 WRIGHT	248 879 6619
Mark Hayes	230 McKinley	248 879 6157
Wawn Hayes	" "	" " "

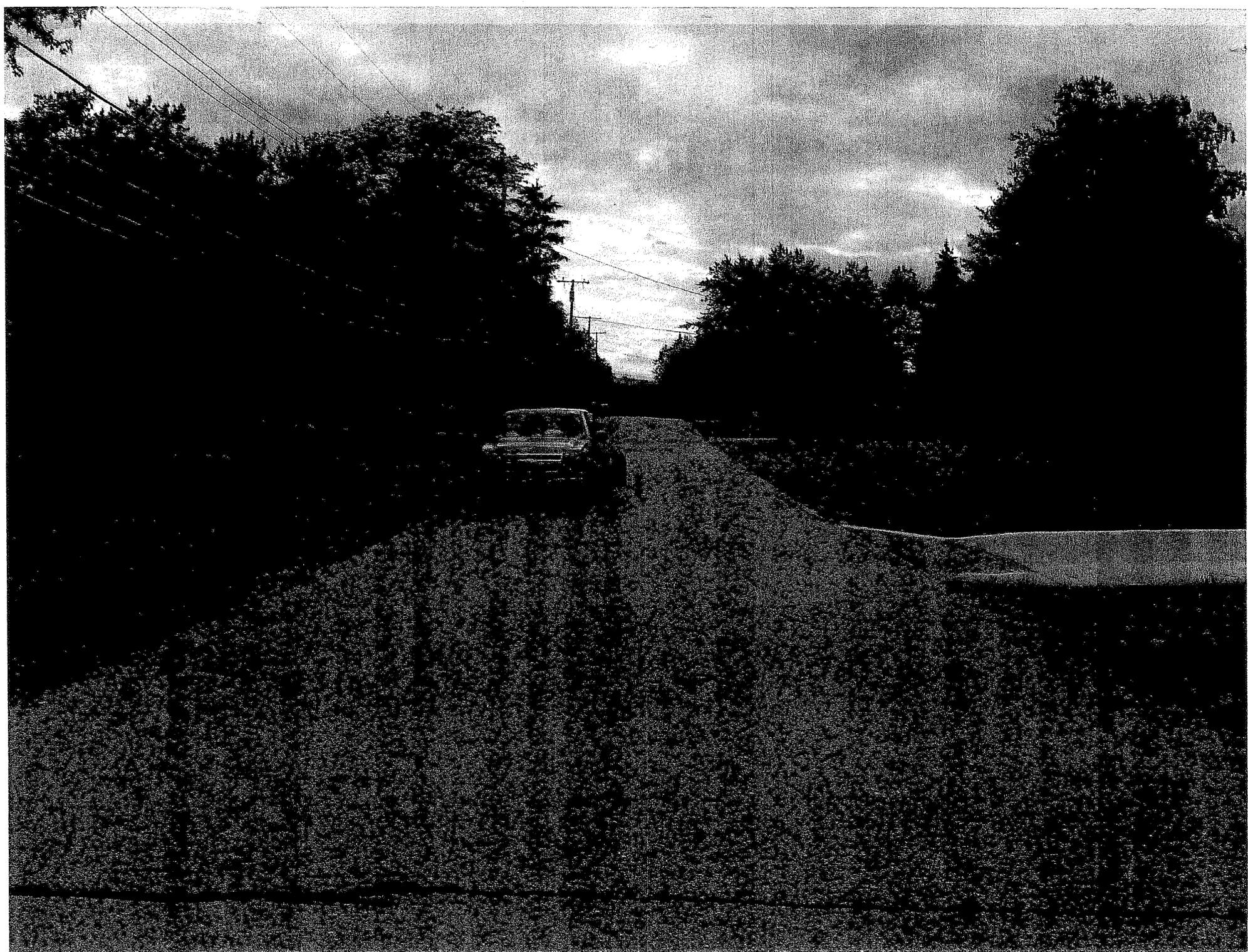


05/14/2006 01:50 pm

From: Gloria DePorter

Z 714 #5

HANDOUT @ Planning Commission Mtg 9-12-06



Z 714 #5

HANDOUT @ PLANNING PERMISSION MTL

9-12-06

Paula P Bratto

From: Bambach, Kathleen [kathleen.bambach@delphi.com]
Sent: Tuesday, May 02, 2006 2:09 PM
To: Paula P Bratto
Subject: Public Hearing May 9, 2006 Regarding Rezoning of Property of Beaver Hills Subdivision
Importance: High

I will be out of town on May 9, 2006 when the Planning Commission is scheduled to meet on the request of Kamal Shouhayib of Choice Development Corp. to rezone the property located in my subdivision. I would like you take my concerns into consideration when determining this matter.

I am sure that the reason Kamal Shouhayib wants to build on this site is because it would be cheaper than building on the main street, where it belongs. There is vacant land owned by the City of Troy located on Long Lake between Livernois and Crooks where this facility could be built.

If this property is rezoned and this facility is built the property value of all of our houses will go down. The added heavy traffic through our subdivision of construction workers, construction trucks, EMS, police, visitors and 3 shifts of facility workers puts the children and animals that live in our subdivision at risk, not to mention what it will do to our streets. The citizens of this subdivision live here because it is residential and a safe place to raise a family. Why should their safety and happiness be jeopardized?

It seems like we are constantly battling over maintaining a peaceful environment to live. We just got through with the I-75 interchange issue. I request that the rezoning of the parcel of land located in Beaver Hills Subdivision be denied.

Sincerely,

Patricia A. Paquette
A Concerned Citizen

Note: If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by replying to the message and deleting it from your computer. Thank you.

#8

Paula P Bratto

From: SHARON MILLER [sharmill@prodigy.net]
Sent: Friday, May 05, 2006 1:46 PM
To: Paula P Bratto
Subject: rezone

Z 714

Planning Commission,

My name is Sharon Miller. I own the property at 5387 Daniels,T2NR11E SEC9,Lot 74.

I am against the request to rezone our area from R-1B to R-EC.

I realize the property which Choice Development Corp. prepresents is private property and the owners can develop it but I don't feel it should be rezoned.

This land is a woodland which is home to many wild animals. It is also very wet--I don't know if it's considered a wetland but those kinds of plants thrive there.

Since Delphi was developed further north of us, the water table is higher and when there is significant rain our backyard stays wet with laying water which lasts for several days. Any building would also impact this--probably negatively!

Consideration should be given to this old, established neighborhood as to how any developement would effect it.

Thank you,
Sharon L Miller

REC'D

MAY - 5 2006

PLANNING DEPT.

0
Z 714

May 7, 2006

Item: Request to Rezone Property from R-1B to R-EC

To: City of Troy / Planning Commission / Public Hearing

We, Brett and Kelly Johnson, residents of Troy for 17 years, greatly oppose the request to rezone the property from R-1B (One Family Residential) to R-EC (Residential Elder Care).

For 17 years, we have lived on 5500 Houghten Street with our three children. Our corner home is on the northeast section of Houghten and McKinley Streets. Over the years, we've enjoyed our quiet neighborhood, the peaceful setting, and the many families we have come to know.

With the request to rezone the above mentioned property, we believe it would deter and devalue the family residential status of this section of Troy. We want to keep the wholesome integrity of our neighborhood. The request to rezone for the purpose of an elderly care facility would greatly diminish our neighborly community.

Lastly, we are strongly against the request to rezone the stated property for the purpose of an elderly care facility or the like.

Brett & Kelly Johnson
5500 Houghten Street
Troy MI 48098
248-879-2873

REC'D

MAY - 9 2006

PLANNING DEPT

#0
2714

Paula P Bratto

From: Phoebe Crandall [phoebe.crandall@sbcglobal.net]
Sent: Monday, May 08, 2006 6:10 PM
To: Paula P Bratto
Subject: Input to the public hearing on 5-9-06 - rezone request by Choice Development Corp

I strongly oppose the request by Mr. Kamal Shouhayib of Choice Development Corp. to rezone the property in lots 95 through 102 and lots 105 through 112, both inclusive, in Beaver Hills Subdivision, from R-1B to R-EC. I oppose this zoning change for the following reasons:

The rezone is not in character with the quiet, residential nature of the area that currently provides homes for many families who choose the neighborhood specifically for its quiet character and low density.

The rezone will greatly increase traffic onto residential streets that are not adequate to handle the increase safely. If this rezone is granted, traffic in the neighborhood will increase not only because the density of residents will be greatly increased, but also because of the movement of three shifts per day of facility staff, as well as commercial and emergency vehicles servicing the Elder Care Complex. None of the streets in the area is suitable for the increased traffic. The streets are narrow and have no sidewalks, making them particularly unsafe for traffic that will be cutting through the area to get out to Long Lake or Square Lake.

I do not know whether the city's plan has established a proportion of Troy's land that decisionmakers feel should be reserved for R-EC housing. If there is a need for more areas zoned R-EC in Troy, I hope the City will direct Choice Development Corp. to identify a piece of land that is better suited to this use than the area currently under consideration.

Phoebe W. Crandall
5620 Houghten Drive
Troy, MI 48098
(248) 420-4288

REC'D

MAY - 9 2006

PLANNING DEPT.

0

Z 714

Paula P Bratto

From: Jan Holdsworth [jcholdsworth@wideopenwest.com]
Sent: Monday, May 08, 2006 9:50 PM
To: Paula P Bratto
Subject: ReZone Request by Choice Development Corp

I strongly oppose the request by Mr. Kamal Shouhayib of Choice Development Corp. to rezone the property in lots 95 through 102 and lots 105 through 112, both inclusive, in Beaver Hills Subdivision, from R-1B to R-EC. I oppose this zoning change for the following reasons:

The wetlands behind our neighbors homes has been an area where the neighborhood children have played for years. Specifically in the winter time when the children go back and play on the hill when it has snowed. The increase in traffic onto our already busy residential street would not only be from more residents but from the three shifts per day of employed workers from the Elder Care Complex. It would certainly be a concern because of the ambulance and police traffic that would surely be a part of an Elder Care community.

Jan Holdsworth
 5374 Daniels Drive
 Troy, MI 48098
 248-879-9534

REC'D

MAY - 9 2006

PLANNING DEPT

J. Mark Brown

467 McKinley, Troy, MI 48098

Tel: 248-882-5764 Fax: 248-813-9268 jmarkbrown@mac.com

HANDED OUT TO
PLANNING COMMISSION
ON 5/9/06 AT
MEETING
2714

City of Troy Planning Department
Planning Commission
500 W. Big Beaver Road
Troy, MI

RE: Rezoning Request - Beaver Hills Subdivision

Tuesday, May 9, 2006

Dear Planning Commission and Planning Department,

I am writing in opposition of the rezoning request by Mr. Kamal Shouhayib of the Choice Development Corporation. I live with my family in the Beaver Hills subdivision (467 McKinley - Lot 104). I also have an interest in 5501 Houghton and the adjacent property. I grew up in this subdivision and built my current home in 1998. I purchased the property and built my home, together with current and future improvements, based on the understanding that the property to the south was zoned, and would remain zoned, single family residential (R-1B).

Our subdivision has recently been undergoing a revitalization. Several homes have been torn down and new homes built, many more homes have been remodeled and enlarged. While there has been substantial investment in and improvements to many of the homes, this subdivision has remained a close, family-oriented neighborhood. Streets are filled with children, people walking the pets, families walking together to neighborhood parties. In short, many of us have moved here and invested in our homes because it is a stable, close-knit, family-oriented neighborhood.

Mr. Shouhayib's opportunistic proposal to rezone this property would destroy our neighborhood and dramatically reduce all of our property values. To replace 16 home sites with a high density senior residential complex within our neighborhood is both appalling and absurd. Following are several issues of particular concern me:

1. Mr. Shouhayib's scheme would replace 16 single-family home sites with 166 units housing at least 236 persons in a commercial complex. This complex would require 24 hour staffing, a tremendous amount of commercial deliveries throughout the day, and would dramatically increase the amount of emergency traffic. His proposal would require all of the service and residential, not to mention the construction, traffic to enter and leave from within our neighborhood. This reason alone should be sufficient to recommend non-approval.
2. This proposal does in any way not comply with the City of Troy's Future Use Plan. As the subject property is currently vacant (a property containing both woodlands and wetlands), the Future Use Plan becomes particularly relevant in guiding how this property is developed. In particular, the residential portion of Future Use Plan specifically addresses in-fill development calling for:

1. "As Troy's residential development continues to completion, many of the residential land parcels involved will be relatively small "in-fill" sites which require careful design in order to be properly integrated into the surrounding areas."
 2. "Continue the development of Troy's residential areas at densities compatible with adjacent areas."
 3. "Encourage the provision and maintenance of open space and environmental areas within residential areas."
3. This project also fails to comply with the pertinent zoning requirements for Residential-Elder Care District (R-EC). It grossly fails to comply with these requirements, following are just a few examples:
1. 19.30.00 (a) "The land use or activity being proposed shall be of such location, size, and character as to be compatible with the orderly development of the Zoning District in which it is situated, and shall not be detrimental to the orderly development, property values, environment or use of the adjacent land and/or districts."
 2. 19.30.00 (b) "The land use or activity under consideration is within the capacity limitations of the existing or proposed public services and facilities which serve its location."
 3. 19.30.03 (b) "The proposed site shall have at least one property line abutting a major thoroughfare frontage of at least 120 feet of right-of-way width, existing or proposed. . . All vehicular ingress and egress shall be directly from a major thoroughfare."
 4. 19.30.03 (f) "such facilities shall be so designed architecturally as to reflect the predominant architectural character of the adjacent residential areas."

This rezoning proposal fails on many counts and should be denied for a multitude of reasons. A high-density residential/commercial complex of this nature and scope can in no way be integrated into an existing, stable neighborhood. Both the traffic and nature of this project would negatively impact the property values and the residential nature of the entire subdivision. This brazen proposal shows his lack of respect toward this neighborhood and to the City of Troy's Zoning Ordinance and Future Use Plan.

Granted, many in this neighborhood would prefer to have Kamax move and the existed property remain woodlands or open space. However, we realize that if this property is to be developed, then it should be done so in keeping with character of the neighborhood, and consistent with the Future Use Plan and within the City's Zoning Ordinance. We have purchased, constructed and improved our homes relying on the City of Troy to adhere to those same ordinances and plans. I agree with the Planning Department's recommendation and would urge the Planning Commission and subsequently the City Counsel to deny this proposal in its entirety.

Sincerely yours,

J. Mark Brown

Paula P Bratto

TT0
Z 714

From: James Crandall [james.crandall@johnbernardllc.com]
Sent: Tuesday, May 09, 2006 1:23 PM
To: Paula P Bratto
Subject: Planned rezoning for Choice Development corp

REC'D

MAY - 9 2006

Dear Sir:

I oppose most heartily the proposed rezoning of the that area bounded by ~~PLANNING DEPT~~ Met, McKinnely St. and Long Lake Rd. While the development might look good to city planners, because of the intensive use of property and the potential property tax increase, in the long run I view it as short sighted.

The area surrounding the Beaver Hills subdivision that is comprise of such road as Houghten, Habrand, Blanche, Stalworth, Wright as well as the ones mentioned above is a single family residential neighborhood in transition. If your commission has viewed the area, they will notice that the smaller houses of the 1960s are being replaced or significantly expanded by very large residential structures. These houses are adding greatly to the neighborhood presence and are increasing the property tax roll in a big way. When compared to the proposed development, the property values within this 1 mile block of homogeneous residential properties in time will exceed any short term gain by intensive development from a commercial project. As you may be aware of, the key to the rejuvenation of the neighborhood is that it is one of the last places in Troy that has sufficient land that allows for escalating upward improvement (larger and newer homes) instead of lateral improvement which comes from routine maintenance or renovation of existing structures that can't be enlarged. The lots in the area range from over a half acre to close to three quarters of an acre. Ultimately a mile square of \$500,000+ homes will greatly outweigh a the value of an intensely developed 10 acres+. I see this proposal stifling residential gentrification because of an inappropriate mix of residential and commercial properties.

Two more issues provide me with concern; traffic and wet land protection. When coupled with the Delphi construction the proposed development will continue to encourage more traffic and faster traveling traffic between Long Lake and Square Lake via Houghten and Daniels. The neighborhood is fresh with new young families with many children younger than middle school age and the traffic already flows at a pace disrespectful of a safe condition. Another problem will be the impact upon the wet lands. As you know the neighborhood already has a high water table and most of the houses that were built with basements flood routinely to some extent. The Delphi construction exacerbated the impact on the neighborhood houses and I see this proposed development only making the situation worse.

I question the wisdom of stuffing a commercial development into a purely residential area on the east side of I-75, when the west side of the interstate is more the character that the proposal would fit in with. I am also told that the proposed use may or may not be the end result, because there will be no guarantee that the final use is the same as what the property owners are being told it will be. Without that guarantee, I will not support any development other than single family residential.

Thank you,
Jim Crandall

Paula P Bratto

From: Fred Morrell [fmorrell@wideopenwest.com]

Sent: Tuesday, May 09, 2006 4:41 PM

To: Paula P Bratto

Subject: Site Plan

We strongly object to the zoning change regarding the plan for The Choice Group site plan effecting Stalwart, Houghten and the property involved. The change would greatly increase traffic in this family neighborhood and decrease our property values. Our concerns are also with the amount of outside persons needing to operate such a facility and the safety of our children.

Fred and Diane Morrell
5590 Houghten Dr.
Troy, Michigan 48098

248-879-0373

5/10/2006

Paula P Bratto

From: Gegeroy@aol.com
Sent: Tuesday, May 09, 2006 5:10 PM
To: Paula P Bratto
Subject: Site plan

We strongly object to the zoning change regarding the plan for the choice group site plan effecting Stalwart, Houghten, and the property involved. This installing of such a commercial operation in middle of a single family residential neighborhood with traffic, safety and noise that will come along with such an operation is ridiculous!

We already have traffic cutting through Houghten on a daily bases. Vehicles fly down our street like it is the Langhorn speedway. I am concerned for our children and Our neighborhood if such a thing would come about.

**Roy and Geraldine Bray
5580 Houghten Dr.
Troy, Mi 48098**

248-879-7279

5681 Houghten St.
Troy, MI 48098
May 20, 2006

REC'D

MAY 22 2006

PLANNING DEPT.

Troy Planning Commission
500 W. Big Beaver Rd.
Troy, Michigan 48084

Members of the Commission:

I am writing this letter in protest to the rezoning request Z 714 – Proposed Senior Housing Development, North of Long Lake, East side of I-75, Section 9 – from R-1B (One Family Residential) to R-EC (Residential Elder Care) District.

I have lived here since 1955, have seen our city grow from a township to a fine city. Our subdivision is one of the oldest in the city, unique because the houses are all different. The people here are very proud of their homes, fixing them up and improving them all the time.

My reasons for protesting this development are: We have many little children living in the subdivision and we have no sidewalks for them to ride their bikes. If this Elder Care facility is built and Houghten Street is opened up to the facility, it would create a great deal more of traffic than we now have, especially if ambulances and fire trucks go up and down our street. I feel that a facility of this sort should only be accessible from a main road and not thru a subdivision. Access to the facility should be from 18 Mile Road, not only for deliveries, but for all reasons.

I also feel that the trees and wild life would be destroyed by this facility. We don't have too many natural lands left in Troy anymore. Please don't sacrifice what we do have left.

I hope that you will give this your utmost consideration and turn down the request.

Thank you



Tressa J. Campbell

Paula P Bratto

From: twinmindi@wideopenwest.com
Sent: Tuesday, June 06, 2006 12:21 PM
To: Paula P Bratto
Subject: Proposed rezoning - Proposed Senior Housing

I am writing to voice my concern about the appropriateness of rezoning from one family residential to residential elder care.

I live at 5741 Houghten Drive; traffic is already high for a residential street and despite the 25 mph speed posted, it is rarely observed or enforced. We already have a problem with traffic.

I am also the manager of an assisted living facility - I know by experience that there is a high volume of emergency and non-emergency vehicles that frequent the building; these may include: Smart Busses, cabs, UPS, FedEx, facility bus, visitors, home health care staff, plus the fire trucks and ambulances that are daily occurrences.

The proposed rezoning should be voted "no" tonight in order to preserve our Troy neighborhood.

Thank you,
Mindi Hunsaker
5741 Houghten Drive
Troy, MI 48098-2910
(248) 879-0303

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WOW! Homepage (<http://www.wowway.com>)

Paula P Bratto

#5
2714

From: Brent Savidant
Sent: Monday, June 12, 2006 9:37 AM
To: Mark F Miller; Paula P Bratto; Kathy Czarnecki
Subject: FW: K-Max Proposal Houghten and McKinley

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

From: Cynthia A Stewart
Sent: Monday, June 12, 2006 9:34 AM
To: Brent Savidant
Subject: FW: K-Max Proposal Houghten and McKinley

I already sent to John L and Brian M

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

From: ConnieJay111@aol.com [mailto:ConnieJay111@aol.com]
Sent: Monday, June 12, 2006 9:20 AM
To: Louise Schilling; dave@lambert.net; rbeltram@wideopenwest.com; talk2cristina@aol.com; Wade Fleming; Mfhowryl@umich.edu; stinejm@wwnet.net
Cc: Cynthia A Stewart
Subject: K-Max Proposal Houghten and McKinley

Mr. Miller: I am a resident on Blanche off of Livernois between Square Lake and Long Lake. I urge you not to approve the proposed K-Max construction at a 10 acre parcel south of Houghten and McKinley. This proposal, if approved, will have a marked adverse impact on our community between traffic concerns and the fact that a crowded development is exactly the opposite of our neighborhood with its 3/4 acre lots. I understand this is on the agenda for tomorrow's city counsel meeting, which I cannot attend because I cannot drive.

It will also have a terrible impact for my neighbor who just built a beautiful house adjacent to the proposed construction. We are a neighborhood of walkers, there are no sidewalks and the additional traffic would make street walking very dangerous for the residents, their children and their dogs. I am currently disabled, I cannot drive, and walking is my only daily hobby. I am really distressed to think that my future walks in my own neighborhood might become fraught with danger because of the substantially increased traffic this proposed construction represents.

There has been a spate of recent attempts to destroy our quiet enjoyment of our beautiful community between Delphi's request for an "emergency" entrance down my street and the ill fated ramp off of I-75. Please don't let this pass.

If the parcel must be developed, would it be possible to approve residential construction that is consistent with the existing neighborhood?

Please do not put the corporate interests above the interests of the residents.

Thank you for your attention to this very important matter.

Constance A. Johnson
150 Blanche
Troy MI 48098
248-765-4452

6/12/2006

#5

P.C. 6-13-06

A Regular Meeting of the Troy City Council was held Monday, October 16, 2006, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:30 P.M.

Pastor A.C. Phipps – Evanswood Church of God gave the Invocation and the Pledge of Allegiance to the Flag was given.

ROLL CALL:

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

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

- a) Mayor Schilling presented a proclamation on behalf of the City of Troy recognizing October 22-28, 2006 as *Friends of the Troy Public Library Recognition Week*.

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 Zoning Ordinance Text Amendment (File Number: ZOTA 226) – Articles IV and XXIV – Medical Equipment Sales and Service in the O-1 (Low Rise Office) District

Resolution #2006-10-386
Moved by Beltramini
Seconded by Stine

RESOLVED, That the Troy City Council hereby **APPROVES** to amend Articles IV (Definitions) and XXIV (O-1 Office Building District) of the City of Troy Zoning Ordinance to read as written in the proposed Zoning Ordinance Text Amendment (ZOTA 226), City Council Public Hearing Draft, as recommended by the Planning Commission and City Management.

Yes: All-7

POSTPONED ITEMS:

D-1 Rezoning Application (File No. Z 180-B) – Proposed Binson’s Home Health Care Center, Northwest Corner of Rochester and Marengo, Section 3 – R-1B to B-1Pending Resolution

Moved by Stine

Seconded by Beltramini

RESOLVED, That the R-C to O-1 rezoning request, located on the northwest corner of Rochester and Marengo, Section 3, being 39,000 square feet in size, is hereby **DENIED** for the following reasons, as recommended by City Management and the Planning Commission:

1. The application does not comply with the Future Land Use Plan.
2. Making a recommendation that is contrary to the Future Land Use Plan would weaken the validity of the Plan and make it more difficult to defend future zoning decisions.
3. Rezoning this parcel to B-1 would result in the enlargement of an undesirable commercial “spot zone” along an area along the Rochester Road corridor that is planned for medium density use.
4. Approval of the rezoning request could open the door for further commercial rezoning applications along the Rochester Road corridor.

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** the Planning Commission to consider amending the Future Land Use Plan in the Rochester Road corridor between Square Lake and South Boulevard before the first City Council meeting scheduled for March 2006.

Vote on Substitute Amendment

Resolution #2006-10-387

Moved by Beltramini

Seconded by Stine

RESOLVED, That Troy City Council hereby **AMENDS** the proposed resolution for *Rezoning Application (File No. Z 180-B) – Binson’s Home Health Care Center, Northwest Corner of Rochester and Marengo, Section 3 – R-1B to B-1* by **STRIKING** it in its entirety and **SUBSTITUTING** it with: “RESOLVED, That Troy City Council hereby **REMANDS** the item to the Planning Commission for consideration of O-1 Zoning.”

Yes: Beltramini, Fleming, Howrylak, Lambert, Stine, Schilling

No: Broomfield

MOTION CARRIED

Vote on Resolution as Amended by Substitution

Resolution #2006-10-388
Moved by Stine
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **REMANDS** the item to the Planning Commission for consideration of O-1 Zoning.

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

MOTION CARRIED

CONSENT AGENDA:

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

Resolution #2006-10-389
Moved by Lambert
Seconded by Stine

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

Yes: All-7

E-2 Approval of City Council Minutes

Resolution #2006-10-389-E-2

RESOLVED, That the Minutes of the 7:30 PM Regular City Council Meeting of October 2, 2006 be **APPROVED** as submitted.

E-3 City of Troy Proclamation

Resolution #2006-10-389-E-3

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

- a) Friends of the Troy Public Library Recognition Week – October 22-28, 2006

E-4 Standard Purchasing Resolutions: None Submitted

E-6 Announcement of Public Hearing – Community Development Block Grant (CDBG) 2007 Application

Resolution #2006-10-389-E-6

RESOLVED, That a Public Hearing be **SCHEDULED** before the Troy City Council on November 13, 2006 at 7:30 PM or as soon thereafter as the agenda will permit for the purpose of hearing public comments on the adoption of the Community Development Block Grant 2007 application.

E-7 Approval of 2006 Request for Waive Recapture Form for Community Development Block Grant (CDBG) Funds

Resolution #2006-10-389-E-7

WHEREAS, The U.S. Department of Housing and Urban Development (HUD) mandates that Community Development Block Grant (CDBG) balances not exceed 1.5 times the current program year allocation sixty (60) days prior to the end of the program year (February 28th);

WHEREAS, The Oakland County Board of Commissioners adopted a policy allowing communities to protect funds from their two most recent program years to help comply with this regulation;

WHEREAS, All unobligated 2004 and older funds are at risk of recapture December 31, 2006;

WHEREAS, Troy may protect unobligated 2004 funds from recapture for one additional year by requesting a waiver; and

WHEREAS, A separate Waiver request form must be submitted for each 2004 line item to the Manager of the Oakland County Community & Home Improvement Division no later than Friday, November 24, 2006;

THEREFORE, BE IT RESOLVED, That Troy hereby requests to **WAIVE** recapture of 2004 CDBG funds as follows:

<u>Account Number</u>	<u>Project Name</u>	<u>Amount</u>
731815	Public Facilities and Improvements; Special Assessment	\$120,344.00

E-8 Approval of Co-location on Lowery Street Communications Tower

Resolution #2006-10-389-E-8

BE IT RESOLVED, That the Troy City Council hereby **APPROVES** the Acknowledgment and Lease for the proposed co-location on the Lowery Street communication tower, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-9 Acceptance of a Warranty Deed for Edenderry Sub No. 2 Detention Basin Parcel - Sidwell #88-20-22-228-004 and -005

Resolution #2006-10-389-E-9

RESOLVED, That the Warranty Deed for the Edenderry Sub. No. 2 Detention Basin parcel from Biltmore Properties Corporation, owner of property having Sidwell #88-20-22-228-004 and -005, is hereby **ACCEPTED**; and

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

E-10 Acceptance of an Agreement to Purchase Realty for Public Purposes with Gus and Maria Stavropoulos – Industrial Row Parcel No. 34A – Sidwell No. 88-20-32-152-020, Project No. 06.504.5 and 06.505.5

Resolution #2006-10-389-E-10

RESOLVED, That the Agreement to Purchase Realty for Public Purposes between Gus and Maria Stavropoulos, owners of property having Sidwell #88-20-32-152-020 (Sellers), and the City of Troy (Purchaser) at the agreed price of \$20,660.00 is hereby **ACCEPTED**; and

BE IT FURTHER RESOLVED, That the Real Estate and Development Department is hereby **AUTHORIZED** to expend the necessary closing costs to complete this purchase according to the agreement; and

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

E-11 Acceptance of a Permanent Easement for Sanitary Sewer, Krispy Kreme Doughnut Shop – Sidwell #88-20-35-400-021, Project No. 03.933.3

Resolution #2006-10-389-E-11

RESOLVED, That the Permanent Easement for Sanitary Sewer from Sears, Roebuck and Co, owner of property having Sidwell #88-20-35-400-021, is hereby **ACCEPTED**, and

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

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

E-5 Approval of Request for Recognition as a Nonprofit Organization Status from Richard K. Gauthier, President – Christmas in Action of Oakland County, Inc.

Resolution #2006-10-390
Moved by Stine
Seconded by Fleming

RESOLVED, That Troy City Council hereby **APPROVES** the request from Christmas in Action of Oakland County, Inc., asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license.

Yes: All-7

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: Advisory Committee for Persons with Disabilities

(b) City Council Appointments

Resolution #2006-10-391
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:

Advisory Committee for Persons with Disabilities

Appointed by Council (9-Regular; 3-Alternate) – 3 Year Terms

O. Carlene Geier

Term Expires 11/01/09

Yes: All-7

F-2 Bid Waiver – Purchase of In-Car Video System

Resolution #2006-10-392
Moved by Lambert
Seconded by Beltramini

WHEREAS, Digital in-car video systems are a proven method of evidence gathering and liability protection;

WHEREAS, Digital in-car video systems will reduce the amount of time needed to manage, review and duplicate recordings; and

WHEREAS, International Police Technologies has offered GSA contract pricing contained in GSA-FSS Contract GS-07F-9906H for the equipment;

THEREFORE, BE IT RESOLVED, That formal bidding procedures are hereby **WAIVED** and a contract to purchase digital in-car video systems including hardware, software, installation and training from International Police Technologies is hereby **APPROVED** for an estimated total cost of \$291,000.00.

Yes: All-7

F-3 Papadelis v. City of Troy

(a) **Authorization to File an Application for Leave to Appeal to Michigan Supreme Court**

Resolution #2006-10-393a

Moved by Stine

Seconded by Beltramini

RESOLVED, That the City Attorney is hereby **AUTHORIZED AND DIRECTED** to file an application for leave to appeal the decision of the Michigan Court of Appeals In *Papadelis, et al. v Troy, et al.*, Court of Appeals docket number 268920, to the Michigan Supreme Court.

Yes: All-7

(b) **Authorization to Request Assistance from the Michigan Municipal League Legal Defense Fund**

Resolution #2006-10-393b

Moved by Stine

Seconded by Beltramini

WHEREAS, The City of Troy was involved in litigation with Gust Papadelis, Niki Papadelis, Telly's Greenhouse and Garden Center, Inc., and Telly's Nursery (plaintiffs) involving the use of their residentially zoned property in connection with a nursery and greenhouse business;

WHEREAS, The Oakland County Circuit Court granted a declaratory judgment in the case, holding that the aforesaid use of the residential property was protected under the Michigan Right to Farm Act and precluding the City of Troy from enforcement of its zoning ordinance provisions against plaintiffs, which include the provisions prohibiting expansion of a nonconforming use, and the provisions establishing a minimum size requirement for residential parcels to be used for agricultural purposes;

WHEREAS, The Oakland County Circuit Court also ruled plaintiffs were exempt from the requirement to obtain a building permit to construct greenhouses and other structures upon their residential property under the Agricultural Building Exemption of the State Construction Code;

WHEREAS, The Michigan Court of Appeals has recently affirmed the foregoing decisions of the Oakland County Circuit Court in *Papadelis v Troy*, unpublished opinion per curiam of the Court of Appeals, issued September 19, 2006 (Docket No. 268920), and further ruled the provisions of Troy's zoning ordinance regulating the size, location, lot coverage and minimum setbacks with respect to the buildings and structures on plaintiffs property were unenforceable;

WHEREAS, The Troy City Council has authorized the Troy City Attorney to file an application for leave to appeal the Court of Appeals decision to the Michigan Supreme Court;

WHEREAS, The City of Troy believes that the issues involved in the aforesaid case will have statewide impact, and are such that the Michigan Municipal League Defense Fund may wish to provide supportive aid by filing an amicus curiae brief with the Michigan Supreme Court; and

WHEREAS, The City of Troy desires to receive the assistance of the Michigan Municipal League Defense Fund;

THEREFORE, BE IT RESOLVED, That the City Attorney is **AUTHORIZED TO REQUEST** assistance from the Michigan Municipal League Legal Defense Fund in the *Papadelis v. Troy* case, as described above and it is agreed that acceptance of such support shall constitute an agreement by the City of Troy to abide by any conditions placed upon the aid offered by the Fund.

Yes: All-7

F-4 Second Amendment to Chapter 42 – Flood Plain Management as Required by FEMA for Participation in National Flood Insurance Program

Resolution #2006-10-394
Moved by Stine
Seconded by Broomfield

RESOLVED, That City Council **APPROVES** the attached ordinance amendments to Chapter 42, Flood Plain Management, for the purpose of identifying flood map panel numbers 26125C0527F, 0529F, 0531F, 0532F, 0533F, 0534F, 0537F, 0541F, 0542F, 0551F, 0552F, 0553F, 0554F, 0561F, and 0562F in Section 12 of the ordinance; and

BE IT FURTHER RESOLVED, That City Council **APPROVES** the attached resolution to Manage Floodplain Development for the National Flood Insurance Program.

Yes: All-7

F-5 Preliminary Site Plan Review and Amended Consent Order and Judgment (SP 883-C) – Heartland Health Care, Southeast Corner of South Boulevard and Livernois, Section 3 – O-1 and R-1B

Resolution #2006-10-395
Moved by Lambert
Seconded by Howrylak

RESOLVED, That the revised Preliminary Site Plan for Heartland Health Care 120 Bed Nursing Home, including 16 additional off-street parking spaces, located on the southeast corner of South Boulevard and Livernois, Section 3, as indicated on Preliminary Site Plan Sheet SP1, prepared by Nowak & Fraus, is hereby **APPROVED**; and

BE IT FURTHER RESOLVED, That the Stipulated Second Amendment to the Consent Order and Judgment in the matter of Rodney D. Hyduk, DDS, MSD, Trustee of the Rodney D. Hyduk Trust Agreement, dated 2/19/82 as amended and successors in trust, successor to Rodney D. Hyduk v. City of Troy, a Michigan Municipal corporation and Healthcare and Retirement Corporation of America an Ohio Corporation, as Intervening Plaintiff (Oakland County Circuit Court Case No. 83-265736-CZ) is hereby **APPROVED**, and the Mayor and Clerk are **AUTHORIZED TO EXECUTE** the document on behalf of the City of Troy, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FINALLY RESOLVED, That the Assistant City Attorney is **AUTHORIZED TO SIGN** the Stipulated Second Amendment of Consent Order and Judgment for entry with the court.

Yes: All-7

F-6 Approval of Election Receiving Board

Resolution #2006-10-396
Moved by Lambert
Seconded by Beltramini

RESOLVED, That the Troy City Council hereby **ESTABLISHES** "Receiving Boards" for all future City of Troy administered elections.

Yes: All-7

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

- a) Rezoning (File Number: Z 714) – Proposed The Enclave Senior Housing, North of Long Lake between Livernois and Crooks, Section 9 – R-1B to R-EC – October 23, 2006
Noted and Filed

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 Proposed Cancellation of November 27, 2006 Regular City Council Meeting and Reconsideration of the 2007 City Council Meeting Schedule as Requested by Mayor Schilling**(a) Cancellation of November 27, 2006 City Council Meeting**

Resolution

Moved by Stine

Seconded by Broomfield

RESOLVED, That the Regular City Council Meeting scheduled for Monday, November 27, 2006 be **CANCELLED**.

(b) Reconsideration of Resolution #2006-07-316 – 2007 City Council Meetings

Resolution

Moved by Stine

Seconded by Broomfield

RESOLVED, That Resolution #2006-09-316, Moved by Broomfield and Seconded by Fleming, as it appears below be **RECONSIDERED** by City Council:

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

Monday, January 8 & 22

Monday, February 5, 19 & 26

Monday, March 5, 19 & 26

Monday, April 2, 16 & 23

Monday, May 14 & 21

Monday, June 4 & 18

Monday, July 9 & 23

Monday, August 6 & 20

Monday, September 10, 17 & 24

Monday, October 1, 15 & 22

Monday, November 12, 19 & 26

Monday, December 3, 17

(two meetings due to end of month holidays)

Liquor Violation Hearing Dates:

Wednesday, February 7 7:30 pm

Wednesday, February 28 7:30 pm

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

Yes: All-7

Vote on Resolution to Amend Cancellation of November 27, 2006 City Council Meeting

Resolution #2006-10-396
Moved by Howrylak
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **AMENDS** proposed Resolution (a) to *Cancel the Regular City Council Meeting scheduled for Monday, November 27, 2006* by **STRIKING** "27" and **INSERTING** "20."

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

MOTION CARRIED

Vote on Resolution as Amended

(a) Cancellation of November 20, 2006 City Council Meeting

Resolution #2006-10-397a
Moved by Stine
Seconded by Broomfield

RESOLVED, That the Regular City Council Meeting scheduled for Monday, November 20, 2006 be **CANCELLED**.

(b) Reconsideration of Resolution #2006-07-316 – 2007 City Council Meetings

Resolution #2006-10-397b
Moved by Stine
Seconded by Broomfield

RESOLVED, That Resolution #2006-09-316, Moved by Broomfield and Seconded by Fleming, as it appears below be **RECONSIDERED** by City Council:

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

*Monday, January 8 & 22
Monday, February 5, 19 & 26
Monday, March 5, 19 & 26
Monday, April 2, 16 & 23
Monday, May 14 & 21
Monday, June 4 & 18
Monday, July 9 & 23*

Monday, August 6 & 20
Monday, September 10, 17 & 24
Monday, October 1, 15 & 22
Monday, November 12, 19 & 26
Monday, December 3, 17
(two meetings due to end of month holidays)

Liquor Violation Hearing Dates:

Wednesday, February 7 7:30 pm
Wednesday, February 28 7:30 pm

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

Yes: All-7

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

MOTION CARRIED

Recommended Substitute Amendment to Resolution #2006-09-316

Resolution
Moved by Stine
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **AMENDS** Resolution #2006-09-316 by **SUBSTITUTING** the following motion:

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

Monday, January 8 & 22
Monday, February 5, 19
Monday, March 5 & 19
Monday, April 2 & 16
Monday, May 14 & 21
Monday, June 4 & 18
Monday, July 9 & 23
Monday, August 6 & 20
Monday, September 10 & 17
Monday, October 1 & 15
Monday, November 12 & 19
Monday, December 3 & 17

Liquor Violation Hearing Dates:

Wednesday, February 7 7:30 pm

Wednesday, February 28 7:30 pm

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

Vote on Proposed Amendment to Recommended Substitute Amendment to Resolution #2006-09-316

Resolution #2006-10-398
Moved by Fleming
Seconded by Howrylak

RESOLVED, That Troy City Council hereby **AMENDS** the Resolution for *Recommended Substitute Amendment to Resolution #2006-09-316* by **STRIKING** "February 19" and **INSERTING** "February 26."

Yes: All-7

Vote on Recommended Substitute Amendment to Resolution #2006-09-31 as Amended

Resolution #2006-10-399
Moved by Stine
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **AMENDS** Resolution #2006-09-316 by **SUBSTITUTING** the following motion:

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

- Monday, January 8 & 22
- Monday, February 5, 26
- Monday, March 5 & 19
- Monday, April 2 & 16
- Monday, May 14 & 21
- Monday, June 4 & 18
- Monday, July 9 & 23
- Monday, August 6 & 20
- Monday, September 10 & 17
- Monday, October 1 & 15
- Monday, November 12 & 19
- Monday, December 3 & 17

Liquor Violation Hearing Dates:

- Wednesday, February 7 7:30 pm
- Wednesday, February 28 7:30 pm

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

Yes: All-7

Vote on Resolution #2006-09-31 as Reconsidered and Amended by Substitution

Resolution #2006-09-316
Moved by Broomfield
Seconded by Fleming

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

Monday, January 8 & 22
Monday, February 5, 26
Monday, March 5 & 19
Monday, April 2 & 16
Monday, May 14 & 21
Monday, June 4 & 18
Monday, July 9 & 23
Monday, August 6 & 20
Monday, September 10 & 17
Monday, October 1 & 15
Monday, November 12 & 19
Monday, December 3 & 17

Liquor Violation Hearing Dates:

Wednesday, February 7 7:30 pm
Wednesday, February 28 7:30 pm

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

Yes: All-7

COUNCIL COMMENTS:

I-1 **No Council Comments Advanced**

REPORTS:

J-1 Minutes – Boards and Committees:

- a) Troy Youth Council/Final – May 24, 2006
- b) Historic Commission/Final – June 28, 2006
- c) Election Commission/Final – July 7, 2006
- d) Traffic Committee/Final – July 19, 2006
- e) Historic District Commission/Final – August 15, 2006
- f) Troy Youth Council/Draft – August 23, 2006
- g) Advisory Committee for Persons with Disabilities/Draft – September 6, 2006
- h) Advisory Committee for Persons with Disabilities/Final – September 6, 2006

- i) Building Code Board of Appeals/Final – September 6, 2006
 - j) Advisory Committee for Senior Citizens/Final – September 7, 2006
 - k) Planning Commission/Final – September 12, 2006
 - l) Planning Commission Special/Study/Draft – September 26, 2006
 - m) Election Commission/Draft – October 2, 2006
 - n) Advisory Committee for Senior Citizens/Draft – October 5, 2006
- Noted and Filed

J-2 Department Reports:

- a) Building Department – Permits Issued During the Month of September, 2006
 - b) Finance Department – City Council Expense Report for September, 2006
 - c) City Attorney’s Office – 2006 Third Quarter Litigation Report
 - d) Council Member Beltramini’s Travel Expense Report – MML Convention
- Noted and Filed

J-3 Letters of Appreciation:

- a) Letter of Appreciation to Lt. Rossman from Jim Buell of Alliance Mobile Health, Recognizing the Life-Saving Actions and Assistance of Officer Denny
- Noted and Filed

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

J-5 Calendar

Noted and Filed

J-6 Communication from City Attorney’s Office Regarding D & K Hannawa v. City of Troy

Noted and Filed

J-7 Communication from Michigan Liquor Control Commission Licensing Division

Noted and Filed

STUDY ITEMS:

K-1 No Study Items Submitted

PUBLIC COMMENT: Address of “K” Items

CLOSED SESSION:

L-1 Closed Session: No Closed Session Requested

The meeting **ADJOURNED** at 8:50 P.M.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk

**PROCLAMATION
CELEBRATING 60 YEARS
KELLY SERVICES**

WHEREAS, Kelly Services, a Fortune 500 company and global provider of staffing solutions, recently celebrated its **60-year anniversary** at the company's world headquarters located at Big Beaver and Crooks Road on October 6, 2006; and

WHEREAS, Kelly Services was founded in Detroit on October 7, 1946 by William Russell Kelly, who is widely credited with pioneering the temporary help industry. The company operated initially as the Russell Kelly Office Service until 1957 when it was renamed Kelly Girl Service; and

WHEREAS, In 1966, they became **Kelly Services, Inc.** to reflect the broad range of staffing services provided by the company. Kelly's world headquarters have been located in Troy since 1978; and

WHEREAS, Over the years, **Kelly Services** has grown steadily to meet the needs of its customers and has evolved from a United States focused company concentrating primarily on traditional office services into a global leader with a breadth of specialty businesses. Among those specialty businesses are information technology, engineering, finance, law, science, education, healthcare and home care; and

WHEREAS, Today, **Kelly Services** is the second largest staffing company in the United States, and fifth largest in the world with locations in all 50 states and 30 countries and territories. Each year, Kelly provides employment to more than 700,000 employees and offers a variety of employment options from full-time and part-time positions to temporary-to-hire or direct hire;

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council does hereby congratulate **Kelly Services, Inc.** on their **60th Anniversary** of providing employment to more than 700,000 people across the nation and wish them continued success; and

BE IT FURTHER RESOLVED, That we also commend the **Kelly Services** organization for their long-standing tradition of giving back to the community. Kelly employees across the United States and around the world participate in various community charitable efforts including food, clothing and toy drives, as well as community service projects at local schools and women's shelters.

Presented this 23rd day of October 2006.



CITY COUNCIL ACTION REPORT

Date October 10, 2006

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Standard Purchasing Resolution 2: Bid Award – Lowest Bidders Meeting Specifications
 Seasonal Requirements of Grass Seed and Hydro Seeding Mulch / Fertilizer

Background:

- On September 27, 2006, ten (10) bids were received and opened to provide 2007 requirements for grass seed, hydro seeding mulch and water-soluble fertilizer.
- 63 Vendors were notified via the MITN system with ten bidders responding.
- Rasch's bid price for fescue blend was the same as John Deere Landscapes (JDL) at \$.89/lb, but delivery turnaround was 5-7 days and subject to availability. Therefore, the bid for that item could no longer be considered.
- J Mollema & Sons was only low on annual rye grass by \$.003 per pound; and therefore minimum shipment requirements of \$400.00 could not be met.
- Two companies were disqualified for not meeting specifications on Item #9 – Alpha 1 Bentgrass (for golf courses) no substitutions – Alpha 1 is the preferred variety due to its high rating for weather tolerance and overall turf quality, as determined by researchers from the National Turfgrass Evaluation Program.

Financial Considerations:

- Funds are available in: Parks Maintenance account # 770.7740.010
 Athletic Field Maintenance account # 759.7740.010.

Legal Considerations:

- ITB-COT 06-37, Seasonal Requirements of Grass seed and Hydro seeding mulch/ fertilizer was competitively bid and opened with ten (10) bidders responding.
- All bidders were given the opportunity to respond with their interest in supplying grass seed and hydro seeding supplies to the City of Troy.
- The award is contingent upon the recommended bidders' submission of proper contract and bid documents, including all other specified requirements.

Policy Considerations:

- The bidding process ensures competition for specific products. (goal #I)
- Products are required for the general maintenance of existing facilities (goal #IV)
- Maintaining quality turf on the sports fields reduces the degree of injuries associated with sports activities (goal # VI)

October 10, 2006

To: Phillip L. Nelson, City Manager
Re: Bid Award – Lowest Bidders Meeting Specifications – Grass Seed

Options:

- City management of the Parks and Recreation Department recommends awarding the 2007 requirements for grass seed, hydro seeding mulch and water soluble fertilizer to the following low bidders meeting specifications for an estimated total cost of \$16,126.00 at unit prices and discounts contained in the bid tabulation:

○ John Deere Landscapes – Armada, MI		
▪ Perennial Rye – non irrigated	\$2392.00	
▪ Perennial Rye – irrigated	\$1840.00	
▪ Perennial Rye – City lawns	\$1840.00	
▪ Turf-Type Tall Fescue	\$2314.00	
▪ Kentucky Blue Grass	\$4183.00	
▪ Annual Rye Grass	\$ 156.00	
○ Sub-total		\$12,725.00
<hr/>		
○ Tri Turf – Farmington Hills, MI		
▪ Cellulose Hydro Spray mulch	\$ 137.50	
▪ Alpha 1 Bentgrass – golf course	\$1987.50	
○ Sub-total		\$ 2,125.00
<hr/>		
○ Washington Elevator Co. Inc. – Washington Twp, MI		
▪ 20-20-20 Water soluble fertilizer	\$1276.00	
○ Sub-total		\$ 1,276.00
	<u>Estimated Total</u>	<u>\$16,126.00</u>

Opening Date-- 09/27/06
 Date Prepared-- 10/9/2006

CITY OF TROY
 BID TABULATION
 GRASS SEED

VENDOR NAME:		John Deere Landscapes			Tri-Turf	
EST	PRICE/	TOTAL		PRICE/	TOTAL	
ITEM #	QTY (lbs)	DESCRIPTION	LBS		LBS	
1.	2,600	Perennial Rye (Not irrigated) Quoting on:	\$ 0.92	\$ 2,392.00	\$ 1.02	\$ 2,652.00
			JDL - 20-19-050		Med - Gold	
2.	2,000	Perennial Rye (Irrigated) Quoting on:	\$ 0.92	\$ 1,840.00	\$ 1.02	\$ 2,040.00
			JDL - 20-19-050		Med - Gold	
3.	2,000	Perennial Rye(City Lawns-Irrigated) Quoting on:	\$ 0.92	\$ 1,840.00	\$ 1.02	\$ 2,040.00
			JDL - 20-19-050		Med - Gold	
4.	2,600	Turf-Type Tall Fescue Blend Quoting on:	\$ 0.89	\$ 2,314.00	\$ 1.13	\$ 2,938.00
			JDL - 20-11-250		Triple A	
5.	4,700	Kentucky Blue Grass Quoting on:	\$ 0.89	\$ 4,183.00	\$ 1.01	\$ 4,747.00
			98/85		98/85 VNS	
6.	400	Annual Rye Grass Quoting on:	\$ 0.39	\$ 156.00	\$ 0.62	\$ 248.00
			JDL - 20-02-850		VNS	
7.	1,000	Cellulose Hydro Spray Mulch without tack (in bales) Bales:	\$ 6.65	\$ 201.52	\$ 5.50	\$ 137.50
			33#		40 #	
8.	2,000	20-20-20 Water Soluble Fertilizer In 25 # bags /Bag Quoting on:	\$ 19.75	\$ 1,580.00	\$ 16.00	\$ 1,280.00
			NC2202020		Plant Marvel	
9.	250	Alpha 1 Bentgrass (Golf Course) NO SUB Quoting on:	DMS	\$ 1,625.00	\$ 7.95	\$ 1,987.50
			Kinpin		Alpha 1	
ESTIMATED TOTAL FOR AWARDED ITEMS--			\$ 12,725.00		\$ 2,125.00	
MINIMUM SHIPMENT:			NONE		\$0.00	
DELIVERY TURNAROUND:			Days: 1 - 2 Business Days		2 - 3 Days	
CONTACT INFORMATION:			Hrs of Oper. 7 AM to 5 PM M - F		8 AM to 4:30 PM	
			Phone # 586-752-9534		248-640-4439	
VARIETY CERTIFICATION: Signed Y or N			YES		YES	
TERMS			Net 15th		2 % 10 Net 30	
WARRANTY			NONE		Manufacturers	
EXCEPTIONS			BLANK		BLANK	
ACKNOWLEDGEMENT: Completed Y or N			YES		YES	

ATTEST:
 Jeanetta Simmons
 Ronald Hynd
 Linda Bockstanz

BOLDFACE TYPE DENOTES LOWEST ACCEPTABLE BIDDERS

Jeanette Bennett
 Purchasing Director

Opening Date-- 09/27/06
 Date Prepared-- 10/9/2006

CITY OF TROY
 BID TABULATION
 GRASS SEED

VENDOR NAME:			Washington Elevator Co, Inc.		Rasch's Landscape Express LLC	
ITEM #	EST QTY (lbs)	DESCRIPTION	PRICE/ LBS	TOTAL	PRICE/ LBS	TOTAL
1.	2,600	Perennial Rye (Not irrigated) Quoting on:	\$ 1.09	\$ 2,834.00	\$ 0.96	\$ 2,496.00
			Palmer IV		Trifecta	
2.	2,000	Perennial Rye (Irrigated) Quoting on:	\$ 1.09	\$ 2,180.00	\$ 0.96	\$ 1,920.00
			Panther GLS		Trifecta	
3.	2,000	Perennial Rye(City Lawns-Irrigated) Quoting on:	\$ 1.09	\$ 2,180.00	\$ 0.96	\$ 1,920.00
			Palmer IV		Trifecta	
4.	2,600	Turf-Type Tall Fescue Blend Quoting on:	\$ 1.04	\$ 2,704.00	\$ 0.89	\$ 2,314.00
			Lakeshore 3 - Way		Masterpiece + Rembrandt Mix	
5.	4,700	Kentucky Blue Grass Quoting on:	\$ 0.94	\$ 4,418.00	\$ 1.10	\$ 5,170.00
			98/85 VNS		Kenblue or Park KBG	
6.	400	Annual Rye Grass Quoting on:	\$ 0.59	\$ 236.00	\$ 0.89	\$ 356.00
			VNS		Annual Rye	
7.	1,000	Cellulose Hydro Spray Mulch without tack (in bales) Bales:	\$ 5.50	\$ 166.67	\$ 13.80	\$ 276.00
			33 #	Applegate Mfg.	50 #	
8.	2,000	20-20-20 Water Soluble Fertilizer In 25 # bags /Bag	\$ 15.95	\$ 1,276.00	\$ 26.50	\$ 2,120.00
		Quoting on:	Tracite 20-20-20		Woodace Spray - Gro	
9.	250	Alpha 1 Bentgrass (Golf Course) NO SUB Quoting on:	\$ 8.90	\$ 2,225.00	N/A	N/A
			Alpha 1			
ESTIMATED TOTAL FOR AWARDED ITEMS--			\$ 1,276.00		N/A	
MINIMUM SHIPMENT:			NONE		500 lbs	
DELIVERY TURNAROUND:			Days: 1 to 2 Days		5 to 7 days	
CONTACT INFORMATION:			Hrs of Oper. 8 AM to 5 PM M-F		M- F 7:30 AM to 4:30 PM	
			Phone # 586-781-4822		248-698-0400	
VARIETY CERTIFICATION: Signed Y or N			YES		YES	
TERMS			NET 30		NET 30	
WARRANTY			NONE		NONE	
EXCEPTIONS			N/A		Subject to availability	
ACKNOWLEDGEMENT: Completed Y or N			YES		YES	

PROPOSAL - Seasonal Requirements of Grass Seed and Hydroseeding Mulch / Fertilizer

DMS:

John Deere Landscapes - Item #9 Kinpin substitute for Alpha 1

Natural Environmental Reclamation Concepts Inc - Item #9 Alpha 4 substitute for Alpha 1

Opening Date-- 09/27/06
 Date Prepared-- 10/9/2006

CITY OF TROY
 BID TABULATION
 GRASS SEED

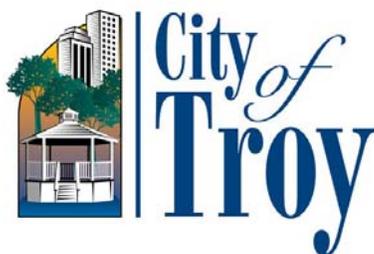
VENDOR NAME:			J. Mollema & Sons		Lesco, Inc.	
EST	PRICE/		PRICE/			
ITEM #	QTY (lbs)	DESCRIPTION	LBS	TOTAL	LBS	TOTAL
1.	2,600	Perennial Rye (Not irrigated) Quoting on:	\$ 1.04	\$ 2,704.00	\$ 1.06	\$ 2,756.00
			VNS		Lesco Double Eagle 011663	
2.	2,000	Perennial Rye (Irrigated) Quoting on:	\$ 1.16	\$ 2,320.00	\$ 1.06	\$ 2,120.00
			1/3 Edge, 1/3 Fiesta III, 1/3 Jiffie		Lesco Double Eagle 011663	
3.	2,000	Perennial Rye(City Lawns-Irrigated) Quoting on:	\$ 1.16	\$ 2,320.00	\$ 1.06	\$ 2,120.00
			1/3 Edge, 1/3 Fiesta III, 1/3 Jiffie		Lesco Double Eagle 011663	
4.	2,600	Turf-Type Tall Fescue Blend Quoting on:	\$ 1.28	\$ 3,328.00	\$ 1.06	\$ 2,756.00
			1/3 Guardian, 1/3 Chirton II, 1/3 Mic 18		Lesco Transition 007330	
5.	4,700	Kentucky Blue Grass Quoting on:	\$ 1.12	\$ 5,264.00	\$ 1.68	\$ 7,896.00
			98/85 KBG		Lesco Quality Blue 001715	
6.	400	Annual Rye Grass Quoting on:	\$ 0.387	\$ 154.80	\$ 0.42	\$ 168.00
			VNS		Annual 001416	
7.	1,000	Cellulose Hydro Spray Mulch without tack (in bales) Bales:	\$ 6.75	\$ 168.75	\$ 9.95	\$ 199.00
			40#		50 # Bags	Mulch, Cellulose, Hydraulic
8.	2,000	20-20-20 Water Soluble Fertilizer In 25 # bags /Bag	\$ 18.75	\$ 1,500.00	\$ 21.95	\$ 1,756.00
		Quoting on:	Nutriculture 20-20-20		Macron 20-20-20 016474	
9.	250	Alpha 1 Bentgrass (Golf Course) NO SUB Quoting on:	N/A	N/A	No Bid	No bid
ESTIMATED TOTAL FOR AWARDED ITEMS--			N/A		N/A	
MINIMUM SHIPMENT:			\$400.00		0	
DELIVERY TURNAROUND:			Days: On Wednesday Route		7 to 10 days	
CONTACT INFORMATION:			Hrs of Oper. 8 AM to 5 PM		7:30 AM to 5:00 PM	
			Phone # 616 - 541-3000		800-321-5325 ext 6550	
VARIETY CERTIFICATION: Signed Y or N			Yes		Yes	
TERMS			Net 30		Net 30	
WARRANTY			None		Blank	
EXCEPTIONS			Blank		Blank	
ACKNOWLEDGEMENT: Completed Y or N			Yes		Yes	

Opening Date-- 09/27/06
 Date Prepared-- 10/9/2006

CITY OF TROY
 BID TABULATION
 GRASS SEED

VENDOR NAME:		B & W Landscape Supply Inc		Exclusive Property Management, LLC		
EST ITEM #	QTY (lbs)	DESCRIPTION	PRICE/ LBS	TOTAL	PRICE/ LBS	TOTAL
1.	2,600	Perennial Rye (Not irrigated) Quoting on:	\$ 1.47	\$ 3,822.00	\$ 1.291	\$ 3,358.99
			Morning Star		JDL Select	
2.	2,000	Perennial Rye (Irrigated) Quoting on:	\$ 1.47	\$ 2,940.00	\$ 1.291	\$ 2,582.00
			Shining Star		33% Palmer,33% Pennant,33%Wizard	
3.	2,000	Perennial Rye(City Lawns-Irrigated) Quoting on:	\$ 1.47	\$ 2,940.00	\$ 1.291	\$ 2,582.00
			Shining Star		33% Palmer,33% Pennant,33%Wizard	
4.	2,600	Turf-Type Tall Fescue Blend Quoting on:	\$ 1.67	\$ 4,342.00	\$ 1.25	\$ 3,239.98
			Emerald Park - Tri Fesque		45%Shenadoa,35%Falcon,20%Scorpion	
5.	4,700	Kentucky Blue Grass Quoting on:	\$ 1.29	\$ 6,063.00	\$ 1.65	\$ 7,749.50
			85/80		Washington	
6.	400	Annual Rye Grass Quoting on:	\$ 0.79	\$ 316.00	\$ 0.55	\$ 219.95
			Gulf/Jacks		Select Blend	
7.	1,000	Cellulose Hydro Spray Mulch without tack (in bales) Bales:	\$ 13.24	\$ 264.80	\$ 7.26	\$ 223.38
			50 #		32.5 avg.	
8.	2,000	20-20-20 Water Soluble Fertilizer In 25 # bags /Bag	\$ 26.85	\$ 2,148.00	\$ 17.94	\$ 1,435.39
		Quoting on:	Peters		20-20-20 Water Soluable	
9.	250	Alpha 1 Bentgrass (Golf Course) NO SUB Quoting on:	Unable to Quote		\$ 9.89	\$ 2,472.50
					Alpha 1 Bentgrass	
ESTIMATED TOTAL FOR AWARDED ITEMS--			N/A		N/A	
MINIMUM SHIPMENT:			8,000 lbs		\$250.00	
DELIVERY TURNAROUND:			Days: 1 week		3 to 5 Business days	
CONTACT INFORMATION:			Hrs of Oper. 8 AM to 6 PM M-F 8AM to 4 PM Sat		7 AM to 5 PM	
			Phone # 586-463-0545		810-223-5554	
VARIETY CERTIFICATION: Signed Y or N			Yes		Yes	
TERMS			Net 30		2% 10, 30 days net	
WARRANTY			As per Manufacturer		Blank	
EXCEPTIONS			Blank		Hardcopy purchase order requested prior to delivery & Bid as one Lot Pricing	
ACKNOWLEDGEMENT: Completed Y or N			Yes		Yes	

VENDOR NAME:			Natural Environmental Reclamation Concepts, Inc.		Turfgrass Inc.	
ITEM #	EST QTY (lbs)	DESCRIPTION	PRICE/ LBS	TOTAL	PRICE/ LBS	TOTAL
1.	2,600	Perennial Rye (Not irrigated) Quoting on:	\$ 1.40	\$ 3,640.00	\$ 1.24	\$ 3,224.00
			Buccaneer II		Golden Rye Blend	
2.	2,000	Perennial Rye (Irrigated) Quoting on:	\$ 1.45	\$ 2,900.00	\$ 1.24	\$ 2,480.00
			Champion Blend		Golden Rye Blend	
3.	2,000	Perennial Rye(City Lawns-Irrigated) Quoting on:	\$ 1.45	\$ 2,900.00	\$ 1.24	\$ 2,480.00
			Champion Blend		Golden Rye Blend	
4.	2,600	Turf-Type Tall Fescue Blend Quoting on:	\$ 1.40	\$ 3,640.00	\$ 1.26	\$ 3,276.00
			Defiance Blend		Tall Green	
5.	4,700	Kentucky Blue Grass Quoting on:	\$ 1.32	\$ 6,204.00	\$ 1.97	\$ 9,259.00
			Park		Top Blue	
6.	400	Annual Rye Grass Quoting on:	\$ 0.60	\$ 240.00	\$ 0.66	\$ 264.00
			Gulf		VNS	
7.	1,000	Cellulose Hydro Spray Mulch without tack (in bales) Bales:	\$ 7.32	\$ 183.00	\$ 8.48	\$ 169.60
			40#		50 #	
8.	2,000	20-20-20 Water Soluble Fertilizer In 25 # bags /Bag Quoting on:	\$ 52.50	\$ 4,200.00	\$ 19.24	\$ 1,539.20
			As specified		Turfgrass 20-20-20	
9.	250	Alpha 1 Bentgrass (Golf Course) NO SUB Quoting on:	DMS	\$ 442.50	\$ 8.18	\$ 2,045.00
			Alpha 4 Bentgrass		Alpha	
ESTIMATED TOTAL FOR AWARDED ITEMS--			N/A		N/A	
MINIMUM SHIPMENT:			400 lbs		1 Bag	
DELIVERY TURNAROUND:			Days: 5 Days		1 to 3 days	
CONTACT INFORMATION:			Hrs of Oper. 8 AM to 5 PM		8 AM to 5 PM	
			Phone # 517-563-2898		248-866-6081	
VARIETY CERTIFICATION: Signed Y or N			Yes		Yes	
TERMS			30 Days		Net 30 days	
WARRANTY			Yes		None	
EXCEPTIONS			One Lot Pricing with up to.... 6 Separate shipments		Blank	
ACKNOWLEDGEMENT: Completed Y or N			Yes		Yes	



CITY COUNCIL ACTION REPORT

October 11, 2006

TO: Phillip L. Nelson, City Manager

FROM: Jeanette Bennett, Purchasing Director
Gert Paraskevin, Information Technology Director
William S. Nelson, Fire Chief

SUBJECT: Standard Purchasing Resolution 7: Proprietary Service Contract
CLEMIS Fire Records Management System

Background:

- The fire department has been using the CLEMIS Fire Records Management System (FRMS) since 2000. CC Resolution # 2002-08-459-E7
- The Oakland County Board of Commissioners has authorized Oakland County to fund 75% of the FRMS costs.
- The FRMS permits fire departments within Oakland County to share data as required.
- The fire department share of the cost was fixed at approximately \$5,300 per year for the first five years of the program.
- The cost for each participating agency has been increased 10% for 2007, 3% for 2008, and 3% for 2009.

Financial Considerations:

- Funds are budgeted in the fire department operating budget for this program.

Legal Considerations:

- The fire department is required by state law to report fire incident activity to the State Fire Marshal.

Policy Considerations:

- This regional program is consistent with City Council goals I – Minimize cost and increase efficiency of City government; and goal VI – protect life and property.

Options:

- City management recommends approval of a five-year interlocal agreement with Oakland County for participation in the Oakland County Fire Records Management System at an estimated cost of \$18,025.00 to expire December 31, 2009.

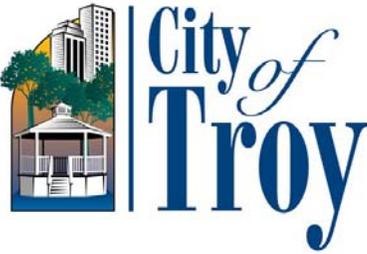
**Oakland County
Fire Records Management System**

2006 - 2009 Fee Structure

2006	2007	2008	2009
Annual Department Fees	Annual Department Fees	Annual Department Fees	Annual Department Fees
\$ 3,500.00	\$ 3,850.00	\$ 3,966.00	\$ 4,085.00
Annual Additional Station Fee	Annual Additional Station Fee	Annual Additional Station Fee	Annual Additional Station Fee
\$ 300.00	\$ 330.00	\$ 340.00	\$ 350.00

Approved 1/11/2006
Oakland County Fire Governance Committee

Note: This is the first fee increase since the program's inception.



CITY COUNCIL ACTION REPORT

Date October 10, 2006

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Standard Purchasing Resolution 1: Award To Low Bidder – One (1) 60,000 GVW Tandem
 Combination Sewer & Catch Basin Cleaning Machine, Less Trade-In

Background:

- On August 29, 2006, bids were received for one 60,000 GVW tandem axle combination sewer and catch basin cleaning machine, less trade-in.
- Jack Doheny Supplies, Inc. of Northville, MI was the low total bidder.
- 34 Vendors were notified via the MITN system with two bidders responding.
- In addition, one vendor walked-in to pick up the documents, and one bidder submitted a no bid, as the engine size was too small for Volvo trucks.

Financial Considerations:

- Funds are available in the Public Works Fleet Division capital account # 565.7981.

Legal Considerations:

- ITB-COT 06-43 for one 60,000 GVW tandem axle combination sewer and catch basin cleaning machine, less trade-in was competitively bid and opened with two bidders responding.
- All bidders were given the opportunity to respond with their level of interest in supplying a tandem axle combination sewer and catch basin cleaning machine, less trade-in for the City of Troy.
- The award is contingent upon the recommended bidder's submission of proper contract and bid documents, including all other specified requirements.

Policy Considerations:

- The combination sewer jet & catch basin cleaner is used by City crews on a daily basis to assure proper and proactive sewer maintenance. (Goal IV & VI)
- The purchase of this machine would assure the health and welfare of citizens and businesses and also reduce the liability for the City. (Goal VI)

Options:

- City management of the Public Works Fleet division recommends awarding one 60,000 GVW tandem axle combination sewer and catch basin cleaning machine to the low total bidder, Jack Doheny Supplies, Inc. of Northville, MI for \$299,500.00 less trade-in of \$115,000.00 for an estimated net total cost of \$184,500.00.

Opening Date -- 8-29-06
 Date Prepared -- 9/18/06

CITY OF TROY
 BID TABULATION
 TANDEM SEWER & CATCH BASIN CLEANING MACHINE

VENDOR NAME:

* Jack Doheny	Great Lakes		
Supplies	Service & Supplies		

**PROPOSAL-- FURNISH ONE(1) 60,000 GVW Tandem Combination Sewer & Catch Basin Cleaning Machine
 Less Optional Trade-In - Model 2006/2007 -**

IN ACCORDANCE WITH THE SPECIFICATIONS

COMPLETE FOR THE SUM OF:	\$ 299,500.00	\$ 289,136.77	
QUOTING ON MODEL:	2115-J6F/LT7501	Stering LT7500 6x4	
MANUFACTURED BY:	Vactor/Stering	Vac - Con	
LESS: Optional Trade-In			
One 2000 Sterling LT-7501 Truck chassis			
60,000 GVW Diesel - Model 2115-J6F			
	(\$115,000.00)	(\$86,136.77)	
NET TOTAL	\$ 184,500.00	\$ 203,000.00	

DESCRIPTIVE LITERATURE:	Yes	Yes	
LOANER: Can or Cannot	Over 150 rental units CAN	(If one is available) CAN	
SERVICE FACILITY: Location	Northville, MI	Petersburg, MI	
Inventory Parts	\$5,000,000	\$250,000	
Hours of Oper.	6am to 6pm M-F 8-12 Sat	8am to 5pm	
Special Orders	1 Day	2 to 3 Days	
Notification time	1 Hour	1 Hour	
Warranty Work	Yes - Full Service	Yes - at Facility	
TERMS:	Net 30	30 Days	
WARRANTY:	AS SPECIFIED		
DELIVERY DATE:	Immediate	180 Days	
EXCEPTIONS:	None on Vactor Modules	Attached to Bid	
ACKNOWLEDGEMENT: Y or N	Yes	Yes	

NO BIDS:
VIP Truck Centers

* **DENOTES LOW TOTAL BIDDER**

ATTEST:
Charlene McComb
Sam Lamerato
Linda Bockstanz

Jeanette Bennett, Purchasing Director



CITY COUNCIL ACTION REPORT

October 17, 2006

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Standard Purchasing Resolution 11: Rejection of Bid – Vehicle Wash Services

Background:

- The City has contracted the use of local car wash facilities to wash the City owned fleet of automobiles and light trucks.
- Both exterior and exterior/interior car washes have been utilized to wash approximately 4,000 vehicles per year.
- 61 Vendors were notified via the MITN system with no responsive bids received. The City received two bids not meeting specifications and one late bid.
- One of the disqualified bidders, *Your Car Wash*, applies reclaimed water in three stages of the vehicle wash cycle and not fresh water as specified. A sample of the filtered water was taken and found to be cloudy with particles of dirt suspended in the water.
- When City staff followed up with the owner/operator to determine if he could meet the specifications, the owner/operator said he could turn off all reclaimed water (approximately 60 gallons). Several vehicles were run through the wash using the reduced quantity of water. The results were unsatisfactory (road film, insect residue and dirt remained on the vehicles). When car washes are designed, they are engineered with a set number of gallons for proper vehicle wash/rinse, assuring a clean vehicle. Removing approximately 60 gallons of water from a vehicle wash and not replacing it with fresh water, results in an inadequate wash and rinse cycle.
- The engineered gallons of fresh water are required to clean the vehicle and help protect the vehicle finish and maintain residual value.

Legal Considerations:

- On September 13, 2006, competitive bids were sought and opened for ITB-COT 06-46, two-year requirements of vehicle wash services with an option to renew for two (2) additional years.
- The rejection of bids is due to:
 - *Your Car Wash* does not meet specifications, nor did they take exception to the specification, which states, “fresh water must be used at all times”.
 - *Town Auto Center’s* bid was non-responsive, as the bid surety check specified did not accompany the bid.

October 17, 2006

To: Phillip L. Nelson, City Manager
Re: Rejection of Bid – Vehicle Wash Services

Policy Considerations:

- All bidders were given the opportunity to respond with their level of interest in supplying services for the City of Troy. (Goal 1)

Options:

- City management recommends rejecting all bids and re-bidding the contract, which provides for two (2) year requirements of vehicle wash services with an option to renew for two (2) additional years, as no one met specifications.

SL\sl S:Murphy's Review/Agenda 10.16.06 SR11: Vehicle Wash Services RejectLetter

Opening Date -- 9/13/06
 Date Prepared -- 10/2/06

CITY OF TROY
 BID TABULATION
 VEHICLE WASH SERVICES

ITB-COT 06-46

VENDOR NAME:

				-- RECOMMEND REJECTION --			
ITEM	EST. QTY	DESCRIPTION	SERVICE LEVEL	CHECK #	AMOUNT	COST/UNIT	
1.	1,950	Wash Outside of Vehicle (passenger car & mid-size SUV)	A				
2.	400	Complete Car Wash (clean inside/out)	B				
3.	1,600	Pickup Trucks and Vans (outside wash)	A				
4.	50	Pickup Trucks and Vans (clean inside/out)	B				
ESTIMATED TOTAL AWARDED ITEMS:							
CAR WASH LOCATIONS:							
CONTACT INFORMATION: Hrs of Oper. Phone #							
INSURANCE Can meet Cannot meet							
SITE VISIT: Contact Name Phone # Facility Address							
TERMS:							
WARRANTY:							
EXCEPTIONS:							
ACKNOWLEDGEMENT: Y or N							

PROPOSAL - Two (2) Year Requirements for City Vehicle Wash Services with an Option to renew for an Additional Two (2) Years

DMS: Town Auto Center - No Check
Your Car Wash - (\$12,425.00) Reason: Bidder does not use fresh water as specified.

ATTEST:
 Kathy Denby

 Jenetta L. Simmons

 Linda Bockstanz

 Jeanette Bennett
 Purchasing Director



CITY COUNCIL ACTION REPORT

Date October 16, 2006

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Standard Purchasing Resolution 1: Award To Low Bidders – Concrete Pavement Repair

Background:

- On October 10, 2006, bids were received for Concrete Pavement Repair under three proposals: A), A-1)- Local Roads, B)- Major Roads, and C)- Industrial Roads with an option to renew for one additional year.
- Hard Rock Concrete Inc., Six-S, Inc., and Major Cement Company were the three separate low bidders for each proposal category.
- 97 vendors were notified via the MITN system with one additional vendor walk-in.

Financial Considerations:

- Funds for this project are available in the 2006/07 Capital Accounts for Public Works Construction.
- Proposal A. Acc.# 401499.7989.500 Local Roads, Proposal A-1 Acc.# 401499.7989.051015 Local Roads -Section 11.
- Proposal B. Acc.# 401479.7989.500 Major Roads,
- Proposal C. Acc.# 401479.7989.300 Industrial Roads.

Legal Considerations:

- ITB-COT 06-42, Concrete Pavement Repair was competitively bid and opened with ten bidders responding.
- The awards are contingent upon the recommended bidders submission of proper contracts and bid documents, including bonds, insurance certificates and all other specified requirements.

Policy Considerations:

- All bidders were given the opportunity to respond with their level of interest in the concrete pavement repair program for the City of Troy. (Goal1).
- Moving this work forward would improve public safety and also reduce the liability for the City. (Goal VI)

October 16, 2006

To: Phillip L. Nelson, City Manager
Re: Bid Award – Concrete Pavement Repair

Options:

- City management of the Public Works department recommends contract awards to three separate low bidders, Hard Rock Concrete Inc. of Westland, for proposal A, A-1 – Local Roads, Six-S. Inc. of Waterford for proposal B – Major Roads, and Major Cement Company of Detroit, MI, proposal C – Industrial Roads for an estimated total cost of \$842,350.00, \$872,925.00 and \$864,425.00 respectively at unit prices contained in the bid tabulation not to exceed budgetary limitations.

Prepared by: Marina Basta-Farouk, Project Construction Manager

VENDOR NAME:

	Hardrock	Six-S	Major	Lacaria
	Concrete	Inc	Cement Co	Concrete
Ck Number	514507186	710545098-6	710540842-5	473333442
Ck Amount	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00

Proposal A: Abbington, Ashley, Mayberry Littler & Scattered Location in Section #11

NO.	DESCRIPTION	EST. QTY.	Year 2007 UNIT PRICE	Year 2007 UNIT PRICE	Year 2007 UNIT PRICE	Year 2007 UNIT PRICE
1	Remove & Replace with Concrete Type 7 Sack HE, - 8" Non-reinforced	1000 S.Y.	\$33.00	\$41.00	\$36.00	\$35.00
2	Remove & Replace with Concrete Type 7 Sack HE, - 7" Non-reinforced	16,000 S.Y.	\$31.00	\$39.00	\$34.00	\$34.50
3	Remove & Replace with Concrete Sidewalk/ Driveway, 6" Non-reinforced (Locations not specified)	25 S.Y.	\$36.00	\$37.08	\$30.00	\$30.00
4	Remove & Replace with Concrete Sidewalk/ 4" Non-reinforced (Locations not specified)	25 S.Y.	\$36.00	\$37.08	\$28.00	\$28.00
5	Gatewell Adjustment	1 Each	\$375.00	\$229.96	\$250.00	\$300.00
6	Gatewell Repair Per Foot	2 L.F.	\$375.00	\$227.85	\$100.00	\$300.00
7	Manhole or Catch Basin Adjustment	2 Each	\$375.00	\$229.95	\$275.00	\$300.00
8	Manhole or Catch Basin Repair per Foot	2 L.F.	\$375.00	\$227.85	\$100.00	\$300.00
9	Miscellaneous Base Repair per Cubic Yard to excavate & replace with 21AA compacted	1000 CY	\$17.00	\$15.00	\$22.00	\$20.00
10	Installation of 6" edge drain (Locations not specified)	100 L.F.	\$12.00	\$9.27	\$10.00	\$10.00
11	Remove and Replace Curb and Gutter.	100 L.F.	\$22.00	\$15.00	\$20.00	\$20.00
12	Install MDOT Sidewalk Ramp with 24" Detectable Warning	10 Each	\$350.00	\$286.78	\$300.00	\$400.00
13	Traffic Maintenance	Included				
Estimated Total Cost – Proposal A			\$557,325.00	\$688,750.06	\$610,650.00	\$617,550.00

Proposal A-1: Various Sections - Bradbury, Blair, Gabriel Court, Lyster Lane, Victoria Court & Other Scattered Locations

NO.	DESCRIPTION	EST. QTY.	Year 2007 UNIT PRICE	Year 2007 UNIT PRICE	Year 2007 UNIT PRICE	Year 2007 UNIT PRICE
1	Remove & Replace with Concrete Type 7 Sack HE, - 8" Non-reinforced	800 S.Y.	\$34.00	\$45.75	\$42.00	\$39.00
2	Remove & Replace with Concrete Type 7 Sack HE, - 7" Non-reinforced	7,000 S.Y.	\$34.00	\$44.20	\$40.00	\$37.70
3	Remove & Replace with Concrete Sidewalk/ Driveway, 6" Non-reinforced (Locations not specified)	25 S.Y.	\$36.00	\$38.09	\$29.00	\$33.00
4	Remove & Replace with Concrete Sidewalk/ 4" Non-reinforced (Locations not specified)	25 S.Y.	\$36.00	\$38.09	\$28.00	\$31.00
5	Gatewell Adjustment	1 Each	\$375.00	\$236.24	\$250.00	\$400.00
6	Gatewell Repair Per Foot	2 L.F.	\$375.00	\$234.07	\$100.00	\$400.00
7	Manhole or Catch Basin Adjustment	2 Each	\$375.00	\$236.22	\$275.00	\$400.00
8	Manhole or Catch Basin Repair per Foot	2 L.F.	\$375.00	\$234.07	\$100.00	\$400.00
9	Miscellaneous Base Repair per Cubic Yard to excavate & replace with 21AA compacted	500 C.Y.	\$17.00	\$15.00	\$21.00	\$21.00
10	Installation of 6" edge drain (Locations not specified)	100 L.F.	\$12.00	\$8.00	\$10.00	\$10.00
11	Remove and Replace Curb and Gutter.	100 L.F.	\$22.00	\$15.00	\$20.00	\$20.00
12	Install MDOT Sidewalk Ramp with 24" Detectable Warning	10 Each	\$350.00	\$250.00	\$300.00	\$400.00
13	Traffic Maintenance	Included				
Estimated Total Cost – Proposal A-1			\$285,025.00	\$361,849.46	\$332,725.00	\$317,000.00
ESTIMATED TOTAL COST FOR A & A-1:			\$842,350.00	\$1,050,599.52	\$943,375.00	\$934,550.00

VENDOR NAME:

Hardrock Concrete	Six-S Inc	Major Cement Co	Lacaria Concrete
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Proposal B – 2006-07 Major Road Maintenance - Rochester Road, Coolidge Hwy., Elliott & Scattered Locations

NO.	DESCRIPTION	EST. QTY.	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE
1	Remove & Replace with Concrete Pavement Patching Type P-NC-9" Non-reinforced	18,500 S.Y.	No Bid	\$ 45.75	\$ 47.00	\$ 50.75
2	Remove & Replace with Concrete Pavement Patching - 8" Non-reinforced	25 S.Y.	No Bid	\$ 44.00	\$ 42.00	\$ 50.00
3	Remove & Replace with Concrete Pavement Patching - 7" Non-reinforced	25 S.Y.	No Bid	\$ 42.00	\$ 35.00	\$ 49.00
4	Remove & Replace with Concrete Sidewalk/ Driveway, 6" Non-reinforced (Locations not specified)	25 S.Y.	No Bid	\$ 32.00	\$ 29.00	\$ 48.00
5	Remove & Replace with Concrete Sidewalk 4" Non-reinforced (Locations not specified)	25 S.Y.	No Bid	\$ 27.00	\$ 27.00	\$ 40.00
6	Gatewell Adjustment	1 Each	No Bid	\$ 223.31	\$ 250.00	\$ 500.00
7	Gatewell Repair Per Foot	2 L.F.	No Bid	\$ 221.27	\$ 100.00	\$ 500.00
8	Manhole or Catch Basin Adjustment	2 Each	No Bid	\$ 223.30	\$ 275.00	\$ 500.00
9	Manhole or Catch Basin Repair per Foot	2 L.F.	No Bid	\$ 221.27	\$ 100.00	\$ 500.00
10	Miscellaneous Base Repair per Cubic Yard to excavate & replace with 21AA Gravel	900 C.Y.	No Bid	\$ 15.00	\$ 21.00	\$ 22.00
11	Installation of 6" edge drain (Locations not specified)	100 L.F.	No Bid	\$ 8.00	\$ 7.00	\$ 10.00
12	Remove and Replace Curb and Gutter. (Locations not specified)	100 L.F.	No Bid	\$ 15.00	\$ 20.00	\$ 22.00
13	Install MDOT Sidewalk Ramp with 24" Detectable Warning	20 Ea	No Bid	\$ 278.49	\$ 250.00	\$ 400.00
14	Traffic Maintenance	Included				
Estimated Total Cost – Proposal B			No Bid	\$ 872,924.79	\$ 900,625.00	\$ 978,050.00

Proposal C: 2006-07 Major Road Maintenance - Industrial - Kirts, Executive, Minnesota, Northfield Parkway, Robbins & Allen

NO.	DESCRIPTION	EST. QTY.	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE
1	Remove & Replace with Concrete Pavement Patching Type P-NC-9" Non-rein	18,500 S.Y.	\$ 46.00	\$ 45.75	\$ 45.00	\$ 50.75
2	Remove & Replace with Concrete Pavement Patching - 8" Non-reinforced	25 S.Y.	\$ 45.00	\$ 44.00	\$ 42.00	\$ 50.00
3	Remove & Replace with Concrete Pavement Patching - 7" Non-reinforced	25 S.Y.	\$ 44.00	\$ 42.00	\$ 35.00	\$ 49.00
4	Remove & Replace with Concrete Sidewalk/ Driveway, 6" Non-reinforced (Locations not specified)	25 S.Y.	\$ 36.00	\$ 32.00	\$ 29.00	\$ 48.00
5	Remove & Replace with Concrete Sidewalk 4" Non-reinforced (Locations not specified)	25 S.Y.	\$ 36.00	\$ 27.00	\$ 27.00	\$ 40.00
6	Gatewell Adjustment	1 Each	\$ 375.00	\$ 223.31	\$ 250.00	\$ 500.00
7	Gatewell Repair Per Foot	2 L.F.	\$ 375.00	\$ 221.27	\$ 100.00	\$ 500.00
8	Manhole or Catch Basin Adjustment	2 Each	\$ 375.00	\$ 223.30	\$ 275.00	\$ 500.00
9	Manhole or Catch Basin Repair per Foot	2 L.F.	\$ 375.00	\$ 221.27	\$ 100.00	\$ 500.00
10	Miscellaneous Base Repair per Cubic Yard to excavate & replace with 21AA compacted	900 C.Y.	\$ 17.00	\$ 15.00	\$ 22.00	\$ 22.00
11	Installation of 6" edge drain (Locations not specified)	100 L.F.	\$ 12.00	\$ 8.00	\$ 7.00	\$ 10.00
12	Remove and Replace Curb and Gutter. (Locations not specified)	100 L.F.	\$ 22.00	\$ 15.00	\$ 19.00	\$ 22.00
13	Install MDOT Sidewalk Ramp with 24" Detectable Warning	20 Ea	\$ 350.00	\$ 278.49	\$ 250.00	\$ 400.00
14	Traffic Maintenance	Included				
Estimated Total Cost – Proposal C			\$883,350.00	\$872,924.79	\$864,425.00	\$978,050.00

VENDOR NAME:			Hardrock Concrete	Six-S Inc	Major Cement Co	Lacaria Concrete
INSURANCE:	Can Meet		XX	XX	XX	XX
	Cannot Meet					
PROPOSED PAYMENT SCHEDULE:			Bi-Weekly	Bi-weekly	every two weeks	not at this time
CONTACT INFORMATION	Hrs of Oper.		7 AM to 8 PM	8 - 5pm	313-532-3212	7 - 5pm
	Phone		734-564-0925	248-249-8705	248-388-1168	313-218-6834
AWARD	100% of Contract			XX	XX	XX
	Partial Contract:	Proposal A	X			
		Proposal B				
		Proposal C	X			
COMPLETION SCHEDULE:	BY JUNE 30, 2007					
TERMS:			As in Contract	Net 15 days	14 days	Blank
WARRANTY:			As per Contract	Maintenance Bond	Blank	Blank
EXCEPTIONS:			Blank	Blank	Blank	None
ACKNOWLEDGEMENT:		Y or N	Yes	Yes	Yes	Yes
VENDOR QUESTIONNAIRE		Y or N	Yes	Yes	Yes	Yes
	Legal Status of Bidder	Y or N	Yes	Yes	Yes	Yes
	Non-Collusion Affidavit	Y or N	Yes	Yes	Yes	Yes

ATTEST:

Aileen Bittner
Marina Basta Farouk
Emily Frontera
Linda Bockstanz

BOLDFACE TYPE DENOTES LOW BIDDERS

PROPOSAL - City of Troy Concrete Pavement Repair Program for Local, Major, and Industrial Roads with an Option to Renew for an Additional One-Year Period

 Jeanette Bennett
 Purchasing Director

VENDOR NAME:

	Century	DiLisio	Florence	Giorgi
	Cement Co	Contracting	Cememt Co	Concrete LLC
Ck Number	736270808	1080001386	473350702	46022
Ck Amount	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00

Proposal A: Abbington, Ashley, Mayberry Littler & Scattered Location in Section #11

NO.	DESCRIPTION	EST. QTY.	Year 2007 UNIT PRICE	Year 2007 UNIT PRICE	Year 2007 UNIT PRICE	Year 2007 UNIT PRICE
1	Remove & Replace with Concrete Type 7 Sack HE, - 8" Non-reinforced	1000 S.Y.	\$44.00	\$40.60	\$46.75	\$48.20
2	Remove & Replace with Concrete Type 7 Sack HE, - 7" Non-reinforced	16,000 S.Y.	\$40.00	\$39.60	\$43.90	\$44.89
3	Remove & Replace with Concrete Sidewalk/ Driveway, 6" Non-reinforced (Locations not specified)	25 S.Y.	\$35.00	\$38.60	\$40.00	\$47.25
4	Remove & Replace with Concrete Sidewalk/ 4" Non-reinforced (Locations not specified)	25 S.Y.	\$34.00	\$35.00	\$33.75	\$37.80
5	Gatewell Adjustment	1 Each	\$500.00	\$150.00	\$150.00	\$315.00
6	Gatewell Repair Per Foot	2 L.F.	\$300.00	\$200.00	\$170.00	\$157.50
7	Manhole or Catch Basin Adjustment	2 Each	\$400.00	\$150.00	\$150.00	\$262.50
8	Manhole or Catch Basin Repair per Foot	2 L.F.	\$300.00	\$200.00	\$170.00	\$157.50
9	Miscellaneous Base Repair per Cubic Yard to excavate & replace with 21AA compacted	1000 CY	\$1.00	\$30.00	\$24.00	\$26.25
10	Installation of 6" edge drain (Locations not specified)	100 L.F.	\$12.00	\$6.00	\$9.00	\$12.60
11	Remove and Replace Curb and Gutter.	100 L.F.	\$30.00	\$22.00	\$23.00	\$26.25
12	Install MDOT Sidewalk Ramp with 24" Detectable Warning	10 Each	\$350.00	\$400.00	\$475.00	\$367.50
13	Traffic Maintenance	Included				
Estimated Total Cost - Proposal A			\$696,925.00	\$714,090.00	\$784,073.75	\$803,846.25

Proposal A-1: Various Sections - Bradbury, Blair, Gabriel Court, Lyster Lane, Victoria Court & Other Scattered Locations

NO.	DESCRIPTION	EST. QTY.	Year 2007 UNIT PRICE	Year 2007 UNIT PRICE	Year 2007 UNIT PRICE	Year 2007 UNIT PRICE
1	Remove & Replace with Concrete Type 7 Sack HE, - 8" Non-reinforced	800 S.Y.	\$44.00	\$40.60	\$46.75	\$48.20
2	Remove & Replace with Concrete Type 7 Sack HE, - 7" Non-reinforced	7,000 S.Y.	\$40.00	\$39.60	\$43.90	\$44.89
3	Remove & Replace with Concrete Sidewalk/ Driveway, 6" Non-reinforced (Locations not specified)	25 S.Y.	\$35.00	\$38.60	\$40.00	\$47.25
4	Remove & Replace with Concrete Sidewalk/ 4" Non-reinforced (Locations not specified)	25 S.Y.	\$34.00	\$35.00	\$33.75	\$37.80
5	Gatewell Adjustment	1 Each	\$500.00	\$150.00	\$150.00	\$315.00
6	Gatewell Repair Per Foot	2 L.F.	\$300.00	\$200.00	\$170.00	\$157.50
7	Manhole or Catch Basin Adjustment	2 Each	\$400.00	\$150.00	\$150.00	\$262.50
8	Manhole or Catch Basin Repair per Foot	2 L.F.	\$300.00	\$200.00	\$170.00	\$157.50
9	Miscellaneous Base Repair per Cubic Yard to excavate & replace with 21AA compacted	500 C.Y.	\$1.00	\$30.00	\$24.00	\$26.25
10	Installation of 6" edge drain (Locations not specified)	100 L.F.	\$12.00	\$6.00	\$9.00	\$12.60
11	Remove and Replace Curb and Gutter.	100 L.F.	\$30.00	\$22.00	\$23.00	\$26.25
12	Install MDOT Sidewalk Ramp with 24" Detectable Warning	10 Each	\$350.00	\$400.00	\$475.00	\$367.50
13	Traffic Maintenance	Included				
Estimated Total Cost - Proposal A-1			\$327,625.00	\$334,570.00	\$367,623.75	\$377,071.25
ESTIMATED TOTAL COST FOR A & A-1:			\$1,024,550.00	\$1,048,660.00	\$1,151,697.50	\$1,180,917.50

VENDOR NAME:

Century Cement Co	DiLisio Contracting	Florence Cement Co	Giorgi Concrete LLC
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Proposal B – 2006-07 Major Road Maintenance - Rochester Road, Coolidge Hwy., Elliott & Scattered Locations

NO.	DESCRIPTION	EST. QTY.	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE
1	Remove & Replace with Concrete Pavement Patching Type P-NC-9" Non-reinforced	18,500 S.Y.	\$ 55.00	\$ 48.90	\$ 53.00	NO BID
2	Remove & Replace with Concrete Pavement Patching - 8" Non-reinforced	25 S.Y.	\$ 50.00	\$ 43.50	\$ 50.00	
3	Remove & Replace with Concrete Pavement Patching - 7" Non-reinforced	25 S.Y.	\$ 45.00	\$ 39.60	\$ 47.00	
4	Remove & Replace with Concrete Sidewalk/ Driveway, 6" Non-reinforced (Locations not specified)	25 S.Y.	\$ 35.00	\$ 38.60	\$ 40.00	
5	Remove & Replace with Concrete Sidewalk 4" Non-reinforced (Locations not specified)	25 S.Y.	\$ 34.00	\$ 35.00	\$ 33.75	
6	Gateway Adjustment	1 Each	\$ 500.00	\$ 150.00	\$ 150.00	
7	Gateway Repair Per Foot	2 L.F.	\$ 300.00	\$ 200.00	\$ 170.00	
8	Manhole or Catch Basin Adjustment	2 Each	\$ 400.00	\$ 150.00	\$ 150.00	
9	Manhole or Catch Basin Repair per Foot	2 L.F.	\$ 300.00	\$ 200.00	\$ 170.00	
10	Miscellaneous Base Repair per Cubic Yard to excavate & replace with 21AA Gravel	900 C.Y.	\$ 1.00	\$ 30.00	\$ 16.00	
11	Installation of 6" edge drain (Locations not specified)	100 L.F.	\$ 12.00	\$ 6.00	\$ 9.00	
12	Remove and Replace Curb and Gutter. (Locations not specified)	100 L.F.	\$ 30.00	\$ 22.00	\$ 23.00	
13	Install MDOT Sidewalk Ramp with 24" Detectable Warning	20 Ea	\$ 350.00	\$ 400.00	\$ 475.00	
14	Traffic Maintenance	Included				
Estimated Total Cost – Proposal B			\$ 1,036,200.00	\$ 947,617.50	\$ 1,012,998.75	

Proposal C: 2006-07 Major Road Maintenance - Industrial - Kirts, Executive, Minnesota, Northfield Parkway, Robbins & Allen

NO.	DESCRIPTION	EST. QTY.	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE
1	Remove & Replace with Concrete Pavement Patching Type P-NC-9" Non-rein	18,500 S.Y.	\$ 52.00	\$ 48.90	\$ 53.00	NO BID
2	Remove & Replace with Concrete Pavement Patching - 8" Non-reinforced	25 S.Y.	\$ 50.00	\$ 43.50	\$ 50.00	
3	Remove & Replace with Concrete Pavement Patching - 7" Non-reinforced	25 S.Y.	\$ 45.00	\$ 39.60	\$ 47.00	
4	Remove & Replace with Concrete Sidewalk/ Driveway, 6" Non-reinforced (Locations not specified)	25 S.Y.	\$ 35.00	\$ 38.60	\$ 40.00	
5	Remove & Replace with Concrete Sidewalk 4" Non-reinforced (Locations not specified)	25 S.Y.	\$ 34.00	\$ 35.00	\$ 33.75	
6	Gateway Adjustment	1 Each	\$ 500.00	\$ 150.00	\$ 150.00	
7	Gateway Repair Per Foot	2 L.F.	\$ 300.00	\$ 200.00	\$ 170.00	
8	Manhole or Catch Basin Adjustment	2 Each	\$ 400.00	\$ 150.00	\$ 150.00	
9	Manhole or Catch Basin Repair per Foot	2 L.F.	\$ 300.00	\$ 200.00	\$ 170.00	
10	Miscellaneous Base Repair per Cubic Yard to excavate & replace with 21AA compacted	900 C.Y.	\$ 1.00	\$ 30.00	\$ 16.00	
11	Installation of 6" edge drain (Locations not specified)	100 L.F.	\$ 12.00	\$ 6.00	\$ 9.00	
12	Remove and Replace Curb and Gutter. (Locations not specified)	100 L.F.	\$ 30.00	\$ 22.00	\$ 23.00	
13	Install MDOT Sidewalk Ramp with 24" Detectable Warning	20 Ea	\$ 350.00	\$ 400.00	\$ 475.00	
14	Traffic Maintenance	Included				
Estimated Total Cost – Proposal C			\$980,700.00	\$947,617.50	\$1,012,998.75	

VENDOR NAME:		Century Cement Co	DiLisio Contracting	Florence Cement Co	Giorgi Concrete LLC
INSURANCE:	Can Meet	XX	XX	XX	XX
	Cannot Meet				
PROPOSED PAYMENT SCHEDULE:		monthly	Bi-Weekly	Bi-Weekly	Every 30 Days
CONTACT INFORMATION	Hrs of Oper. Phone	6am-6pm	9 am to 5 pm	7am - 7pm	7am-5pm
		734-284-8770	586-783-4044	586.781.8691	313.300.3599
AWARD	100% of Contract	XX		XX	XX
	Partial Contract: Proposal A		X		X
	Proposal B		X		
	Proposal C		X		
COMPLETION SCHEDULE:		BY JUNE 30, 2007			
TERMS:		90 Days	TBD	Blank	every 30 days
WARRANTY:		Blank	Two-Year Maintenance	Blank	One Year
EXCEPTIONS:		Blank	N/A	Based upon award of all sections	N/A
ACKNOWLEDGEMENT:	Y or N	Yes	Yes	Yes	Yes
VENDOR QUESTIONNAIRE	Y or N	Yes	Yes	Yes	Yes
	Legal Status of Bidder	Y or N	Yes	Yes	Yes
	Non-Collusion Affidavit	Y or N	Yes	Yes	Yes

VENDOR NAME:

	Koala-T	Hartwell		
	Construction Inc	Cement Co		
Ck Number	314139167	473351653		
Ck Amount	\$ 10,000.00	\$ 10,000.00		

Proposal A: Abbington, Ashley, Mayberry Littler & Scattered Location in Section #11

NO.	DESCRIPTION	EST. QTY.	Year 2007 UNIT PRICE	Year 2007 UNIT PRICE		
1	Remove & Replace with Concrete Type 7 Sack HE, - 8" Non-reinforced	1000 S.Y.	\$48.50	\$51.30		
2	Remove & Replace with Concrete Type 7 Sack HE, - 7" Non-reinforced	16,000 S.Y.	\$46.70	\$49.60		
3	Remove & Replace with Concrete Sidewalk/ Driveway, 6" Non-reinforced (Locations not specified)	25 S.Y.	\$40.00	\$47.90		
4	Remove & Replace with Concrete Sidewalk/ 4" Non-reinforced (Locations not specified)	25 S.Y.	\$36.00	\$45.00		
5	Gatewell Adjustment	1 Each	\$250.00	\$175.00		
6	Gatewell Repair Per Foot	2 L.F.	\$500.00	\$150.00		
7	Manhole or Catch Basin Adjustment	2 Each	\$250.00	\$175.00		
8	Manhole or Catch Basin Repair per Foot	2 L.F.	\$500.00	\$150.00		
9	Miscellaneous Base Repair per Cubic Yard to excavate & replace with 21AA compacted	1000 CY	\$35.00	\$25.00		
10	Installation of 6" edge drain (Locations not specified)	100 L.F.	\$13.00	\$8.00		
11	Remove and Replace Curb and Gutter.	100 L.F.	\$30.00	\$25.00		
12	Install MDOT Sidewalk Ramp with 24" Detectable Warning	10 Each	\$450.00	\$950.00		
13	Traffic Maintenance	Included				
Estimated Total Cost - Proposal A			\$844,150.00	\$886,147.50		

Proposal A-1: Various Sections - Bradbury, Blair, Gabriel Court, Lyster Lane, Victoria Court & Other Scattered Locations

NO.	DESCRIPTION	EST. QTY.	Year 2007 UNIT PRICE	Year 2007 UNIT PRICE		
1	Remove & Replace with Concrete Type 7 Sack HE, - 8" Non-reinforced	800 S.Y.	\$48.50	\$51.30		
2	Remove & Replace with Concrete Type 7 Sack HE, - 7" Non-reinforced	7,000 S.Y.	\$48.00	\$49.60		
3	Remove & Replace with Concrete Sidewalk/ Driveway, 6" Non-reinforced (Locations not specified)	25 S.Y.	\$40.00	\$47.90		
4	Remove & Replace with Concrete Sidewalk/ 4" Non-reinforced (Locations not specified)	25 S.Y.	\$36.00	\$45.00		
5	Gatewell Adjustment	1 Each	\$250.00	\$175.00		
6	Gatewell Repair Per Foot	2 L.F.	\$500.00	\$150.00		
7	Manhole or Catch Basin Adjustment	2 Each	\$250.00	\$175.00		
8	Manhole or Catch Basin Repair per Foot	2 L.F.	\$500.00	\$150.00		
9	Miscellaneous Base Repair per Cubic Yard to excavate & replace with 21AA compacted	500 C.Y.	\$35.00	\$25.00		
10	Installation of 6" edge drain (Locations not specified)	100 L.F.	\$13.00	\$8.00		
11	Remove and Replace Curb and Gutter.	100 L.F.	\$30.00	\$25.00		
12	Install MDOT Sidewalk Ramp with 24" Detectable Warning	10 Each	\$450.00	\$950.00		
13	Traffic Maintenance	Included				
Estimated Total Cost - Proposal A-1			\$405,750.00	\$416,987.50		
ESTIMATED TOTAL COST FOR A & A-1:			\$1,249,900.00	\$1,303,135.00		

VENDOR NAME:

Koala-T	Hartwell		
Construction Inc	Cement Co		

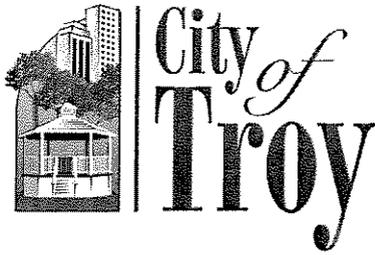
Proposal B – 2006-07 Major Road Maintenance - Rochester Road, Coolidge Hwy., Elliott & Scattered Locations

NO.	DESCRIPTION	EST. QTY.	UNIT PRICE	UNIT PRICE		
1	Remove & Replace with Concrete Pavement Patching Type P-NC-9" Non-reinforced	18,500 S.Y.	NO BID	\$ 53.00		
2	Remove & Replace with Concrete Pavement Patching - 8" Non-reinforced	25 S.Y.		\$ 51.30		
3	Remove & Replace with Concrete Pavement Patching - 7" Non-reinforced	25 S.Y.		\$ 49.60		
4	Remove & Replace with Concrete Sidewalk/ Driveway, 6" Non-reinforced (Locations not specified)	25 S.Y.		\$ 47.90		
5	Remove & Replace with Concrete Sidewalk 4" Non-reinforced (Locations not specified)	25 S.Y.		\$ 45.00		
6	Gatewell Adjustment	1 Each		\$ 175.00		
7	Gatewell Repair Per Foot	2 L.F.		\$ 150.00		
8	Manhole or Catch Basin Adjustment	2 Each		\$ 175.00		
9	Manhole or Catch Basin Repair per Foot	2 L.F.		\$ 150.00		
10	Miscellaneous Base Repair per Cubic Yard to excavate & replace with 21AA Gravel	900 C.Y.		\$ 25.00		
11	Installation of 6" edge drain (Locations not specified)	100 L.F.		\$ 8.00		
12	Remove and Replace Curb and Gutter. (Locations not specified)	100 L.F.		\$ 30.00		
13	Install MDOT Sidewalk Ramp with 24" Detectable Warning	20 Ea		\$ 950.00		
14	Traffic Maintenance	Included				
Estimated Total Cost – Proposal B				\$ 1,031,770.00		

Proposal C: 2006-07 Major Road Maintenance - Industrial - Kirts, Executive, Minnesota, Northfield Parkway, Robbins & Allen

NO.	DESCRIPTION	EST. QTY.	UNIT PRICE	UNIT PRICE		
1	Remove & Replace with Concrete Pavement Patching Type P-NC-9" Non-rein	18,500 S.Y.	NO BID	\$ 53.00		
2	Remove & Replace with Concrete Pavement Patching - 8" Non-reinforced	25 S.Y.		\$ 51.30		
3	Remove & Replace with Concrete Pavement Patching - 7" Non-reinforced	25 S.Y.		\$ 49.60		
4	Remove & Replace with Concrete Sidewalk/ Driveway, 6" Non-reinforced (Locations not specified)	25 S.Y.		\$ 47.90		
5	Remove & Replace with Concrete Sidewalk 4" Non-reinforced (Locations not specified)	25 S.Y.		\$ 45.00		
6	Gatewell Adjustment	1 Each		\$ 175.00		
7	Gatewell Repair Per Foot	2 L.F.		\$ 150.00		
8	Manhole or Catch Basin Adjustment	2 Each		\$ 175.00		
9	Manhole or Catch Basin Repair per Foot	2 L.F.		\$ 150.00		
10	Miscellaneous Base Repair per Cubic Yard to excavate & replace with 21AA compacted	900 C.Y.		\$ 25.00		
11	Installation of 6" edge drain (Locations not specified)	100 L.F.		\$ 8.00		
12	Remove and Replace Curb and Gutter. (Locations not specified)	100 L.F.		\$ 30.00		
13	Install MDOT Sidewalk Ramp with 24" Detectable Warning	20 Ea		\$ 950.00		
14	Traffic Maintenance	Included				
Estimated Total Cost – Proposal C				\$1,031,770.00		

VENDOR NAME:		Koala-T	Hartwell		
		Construction Inc	Cement Co		
INSURANCE:	Can Meet	XX	XX		
	Cannot Meet				
PROPOSED PAYMENT SCHEDULE:		every two weeks	As required by City		
CONTACT INFORMATION	Hrs of Oper.	7am - 7pm	8am - 4:30pm		
	Phone	810.560.3213	248.789.4148		
AWARD	100% of Contract		XX		
	Partial Contract: Proposal A	X			
	Proposal B				
	Proposal C				
COMPLETION SCHEDULE:		BY JUNE 30, 2007			
TERMS:		14 days	Net 30 Days		
WARRANTY:		One Year	One Year		
EXCEPTIONS:		N/A	Blank		
ACKNOWLEDGEMENT:	Y or N	Yes	Yes		
VENDOR QUESTIONNAIRE	Y or N	Yes	Yes		
	Legal Status of Bidder	Y or N	Yes		
	Non-Collusion Affidavit	Y or N	Yes		



CITY COUNCIL ACTION REPORT

October 17, 2006

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services & Economic Development
Jeanette Bennett, Purchasing Director

SUBJECT: Standard Purchasing Resolution 8: Best Value Award – Appraisal Services –
John R Improvement Projects, Long Lake to Square Lake, and Square Lake to South
Boulevard

Background:

- On August 29, 2006, request for proposals were received to provide appraisal services for the John R Improvement Projects, Long Lake to Square Lake, and Square Lake to South Boulevard.
- 15 Vendors from MDOT's approved appraiser list were notified; 5 companies responded with 2 firms disqualified for failing to meet insurance requirements.

Financial Considerations:

- The estimated cost for the right-of-way phase is \$1,000,000 per project. Of this amount, \$800,000 in Transportation Economic Development funds Category "C" are available for each project. The local share of the projects to be paid for by the City is estimated to be \$200,000 per project.
- Funds for the City of Troy's share are included in the 2006-07 Major Road fund, account #401479.7989.022035 and account #401479.7989.022045.

Legal Considerations:

- RFP-COT 06-47, Appraisal Services was competitively bid from an MDOT approved list of qualified appraisers and opened with five companies responding.
- This award recommendation is based upon the company offering the best combination of a variety of factors, and not simply the lowest bidder meeting certain minimal requirements. A best value approach addresses ability, experience and quality issues leading to a successful contract and reduction in risk of poor service for high profile appraisal services.
- The award is contingent upon the recommended bidder's submission of proper contract and bid documents, including insurance certificates and all other specified requirements.

October 17, 2006

To: Phillip L. Nelson, City Manager
Re: Best Value Award – Appraisal Services

Policy Considerations:

- The appraisal of property interests needed for this project is the first step in the acquisition process for these road improvement projects. (Goal IV)
- Moving this work forward would improve public safety and also reduce the liability for the City. (Goal VI)

Options:

- City management recommends awarding a contract for appraisal services to Andrew Reed & Associates, Inc. of Berkley, MI, the highest rated and lowest priced bidder as a result of a best value process with a final weighted score of 88, for an estimated cost of \$36,500.00, plus \$150.00 per hour for any required updates not to exceed 45% of the original appraisal cost for updates; and \$150.00 per hour plus reasonable expenses for testifying at trial, if necessary.

PP\Greenstar & Associates PAPI\G\MEMOS TO MAYOR & CC\Appraisal Services



EXECUTIVE SUMMARY

Appraisal Services

STATISTICS:

- ◆ Fifteen (15) Appraisers notified from MDOT Approved List (MDOT funded project)
- ◆ Five (5) proposals were received
- ◆ Three (3) proposals qualified by passing the minimum requirements
- ◆ Andrew Reed & Associates was the most qualified firm by receiving the highest weighted score

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

Firm	SCORE
Andrew Reed & Associates, Inc.	88
Collier's International	74
Jamie J. Muter & Associates, Inc. dba Muter & Associates	44

REQUEST FOR PROPOSALS – FIRMS DISQUALIFIED

- **Terzo & Bologna, Inc.: Did not meet Insurance specifications**
- **R. S. Thomas & Associates, Inc. / Harold Blake Company: Did not meet Insurance specifications**

Attachments:

- ✓ **Weighted Final Scoring Including Interview and Price Scoring**
- ✓ **Evaluation Process**



WEIGHTED FINAL SCORING
Appraisal Services

Final Score Calculation:

25% x Weighted Average Score for Qualifications
 35% x Interview Score
 40% x Price Score
 100% = Final Weighted Score

In order to equate the price to the weighted evaluation process scoring, the prices had to be converted into a score with the base of 100.

Weighted Average Score for Qualifications: 25%

Raters:	1	2	3	AVERAGE
Vendors:				
Collier's International	90	89	100	93
Andrew Reed & Associates, Inc.	68	84	86	79
Jamie J. Muter & Associates, Inc.	52	84	74	70

Interview Score: 35%

Raters:	1	2	3	AVERAGE
Vendors:				
Collier's International	82	82	70	78
Andrew Reed & Associates, Inc.	84	80	73	79
Jamie J. Muter & Associates, Inc.	79	76	71	75

Price Score: 40%

Vendors:	Weighted Criteria – Difference in Costs (1-(proposal price – low price)/low price) x available points
Collier's International	(1- (51,000 – 36,500)/36,500) x 100 = 60.3
Andrew Reed & Associates, Inc.	(1-(36,500 – 36,500)/36,500) x 100 = 100
Jamie J. Muter & Associates, Inc.	(1-(120,925 – 36,500)/36,500) x 100 = 0

FINAL WEIGHTED SCORE:

VENDORS:	Collier's International	** Andrew Reed & Associates, Inc.	Jamie J. Muter & Associates, Inc.
Score			
Qualifications Score: (x .25) =	93 x .25 = 23	79 x .25 = 20	70 x .25 = 18
Interview Score: (x .35) =	78 x .35 = 27	79 x .35 = 28	75 x .35 = 26
Price Score: (x .40) =	60 x .40 = 24	100 x .40 = 40	0 x .40 = 0
Final Score:	74	88	44

**** HIGHEST RATED VENDOR – RECOMMENDED AWARD**



SELECTION PROCESS

CRITERIA FOR SELECTION

A City Evaluation Committee will review the proposals independently. The City of Troy reserves the right to award this contract to the appraiser considered the most qualified based upon a combination of factors including but not limited to the following:

- A. Compliance with qualification criteria
- B. Completeness of the proposal
- C. Any other factors which may be deemed to be in the City's best interest
- D. Evaluation Process

Phase 1: MDOT List

Bidders must be qualified by MDOT and be on the MDOT Approved Appraiser List. Also, the firm must be able to submit the required Insurance in accordance with the Sample Certificate.

Phase 2: Qualifications Weighted Evaluation Process

Each City Committee member will use a weighted score sheet to independently evaluate the proposals and attachments submitted. The scores of the three Committee Members will be averaged into one score for each bidder for this phase of the process.

Phase 3: Interviews

Interviews will be scheduled for all appraisers with acceptable evaluation scores. Each City Committee member will use a weighted score sheet to independently evaluate the interviewee. The scores of the three Committee Members will be averaged into one score for each appraiser for this phase of the process.

Phase 4: Price

Points for price will be calculated as follows:

CALCULATIONS:

1. The proposals shall be arranged from lowest proposal to highest proposal.
2. High Proposal (-) Low Proposal = Range
3. A mean or average will be calculated from the data, as well as the variance and standard deviation. This information will be used to compare and interpret the measures of location and variability within the population. Points will be given based upon the number of standard deviations that the bid price is from the mean average or similar process depending upon the population.

Phase 5: Final Scoring and Appraiser Selection

25% x Weighted Average Score for Qualifications

35% x Interview Score

40% x Price Score

100%

= Final Weighted Score

The highest final weighted scored appraiser will be the appraiser recommended to the Troy City Council for Award.

Note: The City of Troy reserves the right to change the order or eliminate an evaluation phase if deemed in the City's best interest to do so.



CITY COUNCIL ACTION REPORT

October 11, 2006

TO: Phillip L. Nelson, City Manager

FROM: William S. Nelson, Fire Chief *WRN*
David J. Roberts, Assistant Fire Chief *DR*

SUBJECT: Macy*s Fireworks Permit Application

Background:

- Macy*s at Oakland Mall along with Zambelli Fireworks, Inc., of New Castle, Pennsylvania, have submitted a permit application for a public fireworks display to celebrate the beginning of their holiday shopping season.
- Macy*s and Zambelli Fireworks, Inc., are requesting the Troy City Council grant a permit for a fifteen-minute public fireworks display to occur on Friday, November 10, 2006, at 7:00 PM in their west parking lot.
- Macy*s west parking lot will accommodate the necessary distances required for the display.

Financial Considerations:

- The Fire Department will arrange to have Fire Station #4 on standby at the event along with the necessary number of Fire Prevention Division staff members to help ensure fire safety.
- There is no cost for Station #4 and no cost for staff members, other than compensatory time.

Legal Considerations:

- Michigan's Fireworks Law requires that any person or group that would like to conduct a fireworks display must apply to the local unit of government for a permit. The law defines local unit of government as the council or commission of a city or village, or the township board of a township.
- City Council has previously granted permission for a fireworks display for last year's event at Oakland Mall, as well as for the annual Troy Daze festival at Boulan Park.

Policy Considerations:

- It is necessary for the fire department to have the appropriate equipment and adequate staffing on hand during such an event to help ensure fire safety for the viewing public and to immediately respond in the event of an emergency.

Options:

- Staff recommends that City Council issue a fireworks permit to Zambelli Fireworks, Inc., for a public fireworks display. Enclosed for Council's review is the permit application and permit to be signed and issued.

Where legal review is necessary:

Approved as to Form and Legality:

Lori Grigg Bluhm, City Attorney

**Holiday Event at Macy's Oakland
Friday, November 10, 7-9pm**

Event Overview:

For the second year, Macy's will host an event at our Oakland store to kickoff the holidays.

Event Elements:

- 7-7:15pm** Fireworks by Zambelli International (same as 2005) in Macy's parking lot. Note: Zambelli International is the company that provided the July 4th fireworks display on the Detroit riverfront every year.
- 7:15pm** Santa arrives by horse-drawn carriage following fireworks finale, circles parking lot and stops in front of Macy's door, waves to crowd, Merry Christmas to all, enters store, proceeds to Kids department for visits with Santa.
- 7:30pm** Holiday-themed refreshments served throughout store, holiday carolers, holiday cooking demos, Santabear costumed characters, balloon twisters, face painters, etc.

Advertising:

- Macy's events website
- In-store signage/flyers
- ROP, Detroit News/Free Press
- Press release, pre-publicity campaign

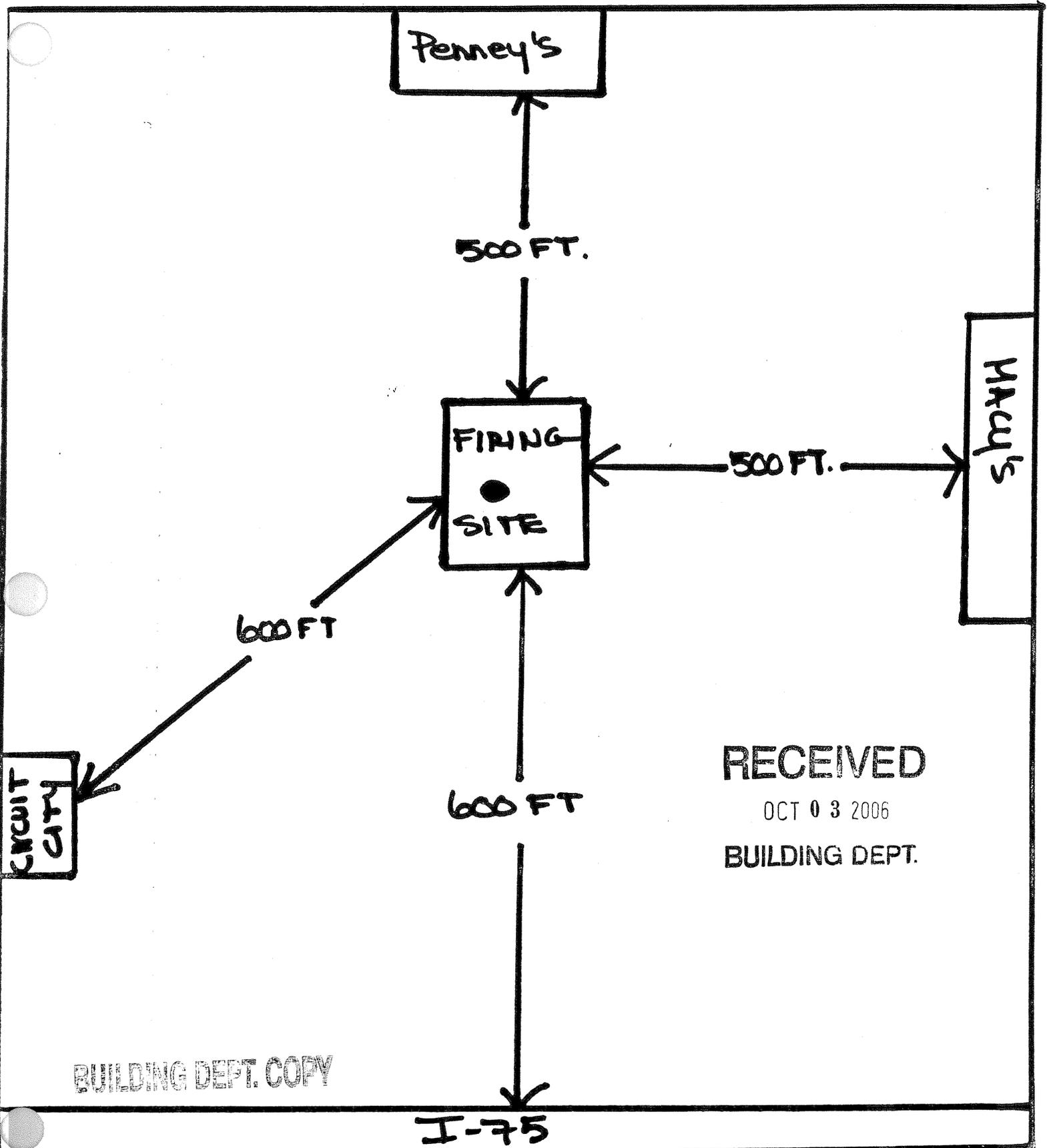
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ORLANDO FLORIDA -
MACY'S PARKING LOT G
FIREWORKS DISPLAY - FRIDAY, 11/10, 7-7:15 PM



* AREA WILL BE BARRICADED / NO ONE ALLOWED
INSIDE SHOOTING AREA OTHER THAN ZAMBELL
EMPLOYEES

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RETENTION BASIN

OCT 03 2006

BUILDING DEPT

RESIDUAL

OPENT CITY
2,544 SFL

CHICAGO 2000
(ANALYST 2000)

MAP STATION

140000000

77' Drive

MAP STATION

SERVICE

JC PENNEY
(1 LEVEL)
304,000 S.F., G.S.

TBA

ENCLOSURE HALL
(2 LEVEL)
347,000 S.F., G.S.

10000
11000 S.F., G.S.

ENCLOSURE HALL
(1 LEVEL)
812,193 S.F., G.S.
2000 61100

OAKLAND MALL

MARSHALL
FIELD'S
(3 LEVEL)
371,617 S.F., G.S.

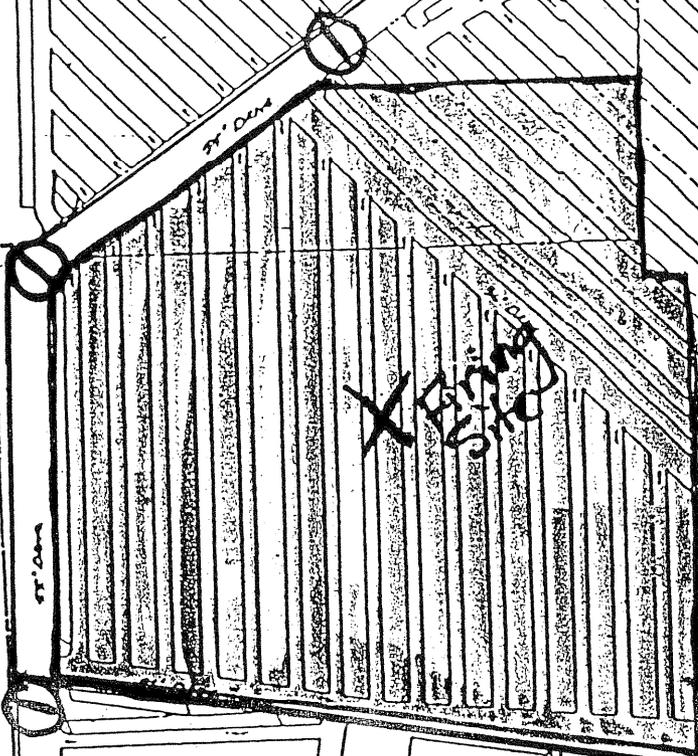
SERVICE

SERVICE

10000 S.F. Drive

10000 S.F. Drive

BUILDING DEPT. COPY



ACORD™ CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
10/02/2006

PRODUCER
Aon Risk Services, Inc. of Pennsylvania
Dominion Tower, 10th Floor
625 Liberty Avenue
Pittsburgh PA 15222-3110 USA

PHONE: (866) 283-7122 FAX: (847) 953-5390

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURED
Federated Department Stores, Inc.
Its Subsidiaries & Affiliates
7 West Seventh Street
Cincinnati OH 45202 USA

INSURERS AFFORDING COVERAGE		NAIC #
INSURER A:	Liberty Mutual Fire Ins Co	23035
INSURER B:	Liberty Insurance Corporation	42404
INSURER C:	Liberty Mutual Insurance Co.	23043
INSURER D:	National Union Fire Ins Co of Pittsburgh	19445
INSURER E:		

COVERAGES SIR May Apply

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	ADD'L INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
C		GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY CLAIMS MADE <input checked="" type="checkbox"/> OCCUR SIR \$1,000,000 Ea Occ GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	EB1681004060766	02/01/06	02/01/07	EACH OCCURRENCE	\$4,000,000
						DAMAGE TO RENTED PREMISES (Ea occurrence)	
						MED EXP (Any one person)	Excluded
						PERSONAL & ADV INJURY	\$4,000,000
						GENERAL AGGREGATE	\$10,000,000
						PRODUCTS - COMP/OP AGG	\$7,500,000
A	A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON OWNED AUTOS <input checked="" type="checkbox"/> \$500 Ded Collision <input checked="" type="checkbox"/> \$500 Ded Comprehensive	AS2681004060876 Executive Fleet AS2681004060776 Master Fleet	02/01/06	02/01/07	COMBINED SINGLE LIMIT (Ea accident)	\$5,000,000
						BODILY INJURY (Per person)	
						BODILY INJURY (Per accident)	
						PROPERTY DAMAGE (Per accident)	
		GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT	
						OTHER THAN AUTO ONLY: EA ACC	
						AGG	
D		EXCESS / UMBRELLA LIABILITY <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> DEDUCTIBLE <input checked="" type="checkbox"/> RETENTION \$1,000,000	BE4485168	02/01/06	02/01/07	EACH OCCURRENCE	\$6,000,000
						AGGREGATE	\$10,000,000
B		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR / PARTNER / EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below	WA768D004060846	02/01/06	02/01/07	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTH-ER	
						E.L. EACH ACCIDENT	\$1,000,000
						E.L. DISEASE-EA EMPLOYEE	\$1,000,000
						E.L. DISEASE-POLICY LIMIT	\$1,000,000
B	B	OTHER Excess WC	Ew768N004060866 Ew768N004060966	02/01/06	02/01/07	EL Each Accident	\$1,000,000
						EL Disease - Policy	\$1,000,000
						EL Disease - Ea Emp	\$1,000,000

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS
 STATES: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, IA, IL, IN, KS, KY, LA, MA, MD, ME, MI, MN, MO, MS, NC, NE, NH, NM, NJ, NV, NY, OH, OK, OR, PA, RI, SC, TN, UT, VA, WA, WI, WV. See attached list of Named Insureds. City of Troy is included as Additional Insured, as their interests may appear, under the Commercial General Liability

CERTIFICATE HOLDER

CANCELLATION

City of Troy
 Attn: Mark stimak
 500 West Big Beaver
 Troy MI 48084 USA

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SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT. BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE
Donald C. Bachu

Holder Identifier : 570019610042 Certificate No : 570019610042

INSURED

Federated Department Stores, Inc.
Its Subsidiaries & Affiliates
7 West Seventh Street
Cincinnati OH 45202 USA

Named Insured Schedule

22 East Realty Corporation
Advertex Communications, Inc.
Bloomingdale's Atlantic City, Inc.
Bloomingdale's By Mail Ltd.
Bloomingdale's, Inc.
Bloomingdale's, LLC
Bloomingdales.com, Inc.
Dayton's Iron Horse Liquors, Inc.
FACS Group, Inc.
FACS Insurance Agency, Inc.
FDS Bank
FDS Thrift Holding Co., Inc.
FE Florida, Inc.
Federated Brands, Inc.
Federated Corporate Services, Inc.
Federated Department Stores Foundation
Federated Dept. Stores Insurance Company, Inc.
Federated Dept. Stores Insurance Company, Ltd.
Federated Retail Holdings, Inc., f/k/a The May Department Stores Company
Federated Systems Group, Inc.
Federated Western Properties, Inc.
First Automated Systems & Technology, Inc.
FSG Leasing Corp.
iTrust Insurance Agency, Inc.
Jordan Marsh Insurance Agency, Inc.
Jordan Servicenter, Inc.
Leadville Insurance Company
Macy's Department Stores, Inc.
Macy's East, Inc.
Macy's East, LLC
Macy's Florida, Inc.
Macy's Florida, LLC
Macy's Home Store, LLC
Macy's Insurance, Inc.
Macy's Merchandising Group, LLC
Macy's Midwest, Inc.
Macy's Midwest, LLC
Macy's North, Inc.
Macy's North, LLC
Macy's Northwest, Inc.
Macy's Northwest, LLC
Macy's Puerto Rico, Inc.
Macy's South, Inc.
Macy's South, LLC
Macy's Texas, Inc.
Macy's TX I, LP
Macy's West, LLC
Macys.com, Inc.
Marshall Field's Chicago, Inc.
May Capital Holdings I, Inc.
May Department Stores International, Inc.
Mayfair Wine & Liquor Shop, Inc.
MOA Rest, Inc.
Prime II Receivable Corporation
Prime Receivables Corporation
R.H. Macy Holdings (HK), Ltd.
R.H. Macy Warehouse (HK), Ltd.
Rooftop, Inc.
Seven Hills Funding Corporation
Snowdin Insurance Company

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Certificate No :

570019610042

APPLICATION

FOR FIREWORKS DISPLAY PERMIT

Act 358, P.A. 1968

DATE OF APPLICATION

9-28-06

1. TYPE OF DISPLAY: Public Display Agricultural Pest Control

2. APPLICANT

NAME OF PERSON Macy's	ADDRESS 21500 North Western Hwy Southfield, MI 48075	AGE: Must be 21 or over
IF A CORPORATION: Name of President	ADDRESS	

3. PYROTECHNIC OPERATOR

NAME Robert Mays	ADDRESS 1709 W. Washington st. New Castle, PA 16101	AGE: Must be 21 or over 33
EXPERIENCE!		
NUMBER OF YEARS 12+	NUMBER OF DISPLAYS 200+	WHERE throughout the United States

NAMES OF ASSISTANTS:

NAME to be determined	ADDRESS	AGE
NAME	ADDRESS	AGE

4. NON-RESIDENT APPLICANT

NAME	ADDRESS	
Name of Michigan Attorney or Resident Agent	ADDRESS	TELEPHONE NUMBER

5. EXACT LOCATION OF PROPOSED DISPLAY

Parking lot of Oakland Mall, Troy, MI - Map attached

DATE 11/10/06 rain date: 11/11/06	TIME 7 pm
---	---------------------

6. NUMBER AND KINDS OF FIREWORKS TO BE DISPLAYED

3" Aerial Shells	1350
4" Aerial Shells	468
Barrage Cakes	18

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MANNER & PLACE OF STORAGE PRIOR TO DISPLAY

delivered on day of display on Zambelli Company Truck

(Subject to Approval of Local Fire Authorities)

7. FINANCIAL RESPONSIBILITY

A. AMOUNT OF BOND OR INSURANCE

(to be set by municipality)

\$ 10,000,000

B. BONDING CORPORATION OF INSURANCE COMPANY: NAME

Allied Specialty Insurnace

ADDRESS

10451 Gulf Boulevard

Treasure Island, FL 33706

PERMIT

FOR FIREWORKS DISPLAY Act 358, P.A. 1968

This permit is not transferable. Possession of this permit by the herein named person will authorize him to possess, transport and display fireworks in the amounts, for the purpose, and at the place listed below only.

TYPE OF DISPLAY: Public Display Agricultural Pest Control

ISSUED TO:

NAME

Zambelli Fireworks Mfg. Co., Inc.

ADDRESS

PO Box 1463 New Castle, PA 16103

AGE

REPRESENTING:

NAME OF ORGANIZATION, GROUP, FIRM OR CORPORATION

Macy's

ADDRESS

21500 North Western Hwy Southfield, MI 48075

NUMBER & TYPES OF FIREWORKS:

3" Aerial Shells 1350

4" Aerial Shells 468

Barrage Cakes 18

DISPLAY:

EXACT LOCATION

Parking lot of Oakland Mall, Troy, MI

CITY, VILLAGE, TOWNSHIP

DATE

11/10/06 Rain date: 11/11/06

TIME

7 pm

BOND OR INSURANCE FILED:

Yes

No

AMOUNT

\$10,000,000

ISSUED BY:

Issued by action of the _____
(council, commission, board)

of the _____ of _____
(city, village, township) (name of city, village, township)

on the _____ day of _____ 19

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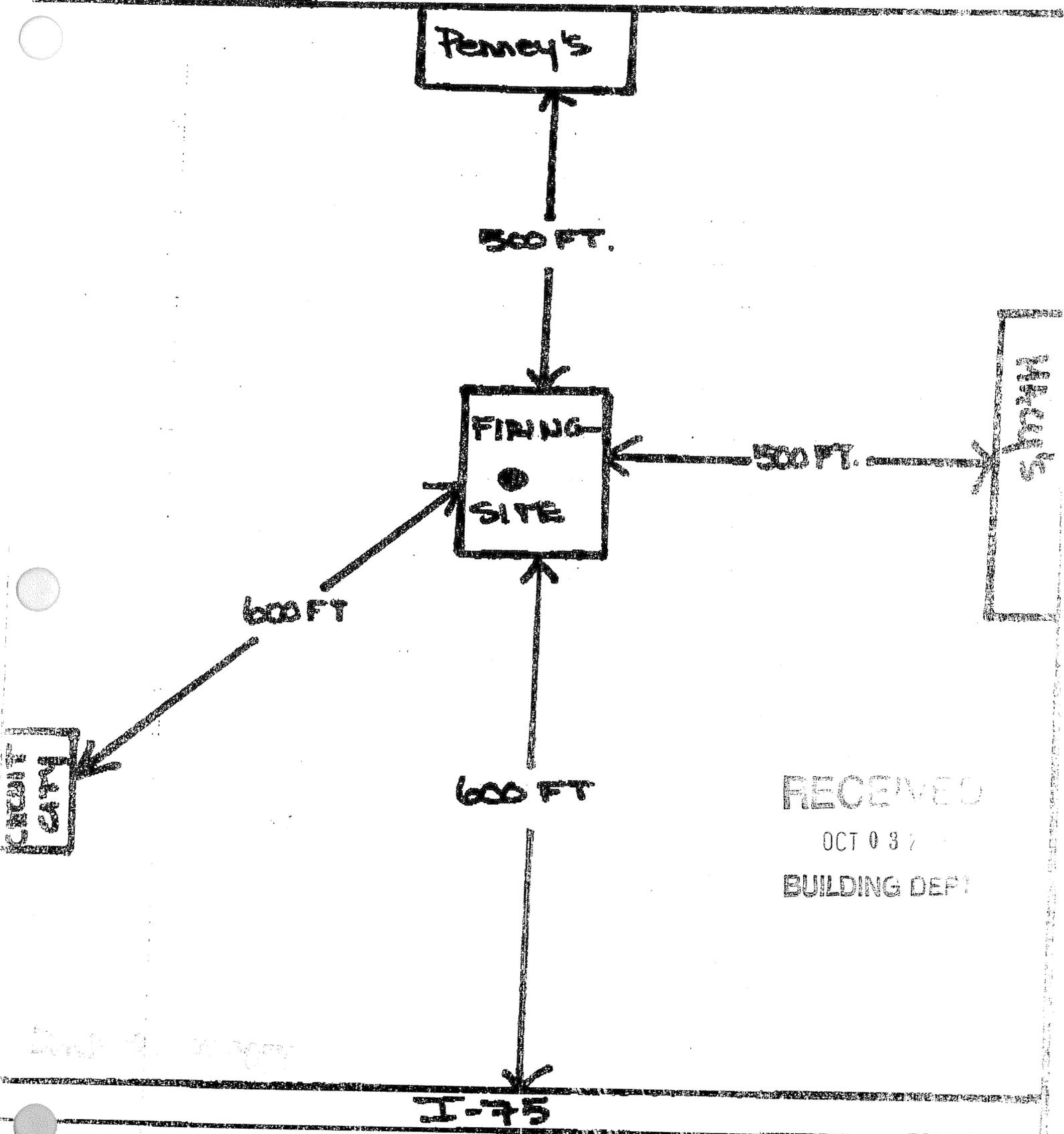
OCT 03 2006

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(signature & position of council, commission or board representative)

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MACY'S PARKING LOT G FIREWORKS DISPLAY - FRIDAY, 11/03/06



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* AREA WILL BE BARRICADED / NO ONE ALLOWED
INSIDE SHOOTING AREA OTHER THAN ZAMBELLI

CERTIFICATE OF INSURANCE

Issue Date MM/DD/YY

September 28, 2006

PRODUCER:

Allied Specialty Insurance
10451 Gulf Blvd
Treasure Island, FL 33706
1-800-237-3355

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

COMPANIES AFFORDING COVERAGE

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 OCT 03 2006
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INSURED:

ZABELLI FIREWORKS MFG.CO. INC.
ZABELLI FAMILY PARTNERSHIP
20 SOUTH MERCER
NEW CASTLE, PA 16103-1463

COMPANY A T.H.E. INSURANCE COMPANY
 LETTER
 COMPANY B Certificate# 10097
 LETTER
 COMPANY C Show# 061408-061409
 LETTER
 COMPANY D
 LETTER

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOT WITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN. THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFF DATE	POLICY EXP DATE	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> OWNER'S & CONT PROT <input type="checkbox"/> _____	M6MF9016	2/1/06	2/1/07	GENERAL AGGREGATE \$3,000,000 PRODUCTS-COMP/OP AGG \$1,000,000 PERSONAL & ADV INJURY \$1,000,000 EACH OCCURANCE \$1,000,000 FIRE DAMAGE (any one fire) \$50,000 MED EXP (any one person) \$NA
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS <input type="checkbox"/> _____	M6MF9016	2/1/06	2/1/07	COMBINED SINGLE LIMIT \$1,000,000 BODILY INJURY \$ (per person) BODILY INJURY \$ (per accident) PROPERTY DAMAGE \$
	GARAGE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> _____				AUTO ONLY -EA ACCIDENT \$ OTHER THAN AUTO ONLY: EACH ACCIDENT \$ AGGREGATE \$
A	EXCESS LIABILITY <input type="checkbox"/> UMBRELLA FORM <input checked="" type="checkbox"/> OTHER THAN UMBRELLA FORM	M6XF9017	2/1/06	2/1/07	EACH OCCURENCE \$1,000,000 AGGREGATE \$1,000,000
A	WORKERS COMPENSATION AND EMPLOYEES' LIABILITY THE PROPRIETOR/ <input type="checkbox"/> INCL PARTNERS/EXECUTIVE OFFICERS ARE: <input type="checkbox"/> EXCL	WC058857	12/30/05	12/30/06	<input type="checkbox"/> STATUTORY LIMITS EACH ACCIDENT \$1,000,000 DISEASE-POLICY LIMIT \$1,000,000 DISEASE-EACH EMPLOYEE \$1,000,000
A	OTHER EXCESS LIABILITY HIRED PHYSICAL DAMAGE	M6XF9018 M6MF9016	2/1/06 2/1/06	2/1/07 2/1/07	EACH OCCURENCE \$8,000,000 AGGREGATE \$8,000,000 LIMIT \$100,000 \$2,500 Ded.

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS
 DISPLAY DATE: 11/10/06 or alternate date as per contract. LOCATION: Parking lot of Oakland Mall Troy, MI
 THE FOLLOWING ARE NAMED AS ADDITIONAL INSUREDS AS RESPECTS COMMERCIAL GENERAL LIABILITY INSURANCE PERTAINING TO THE OPERATIONS OF THE NAMED INSURED ONLY:
 Macy's; Oakland Mall; City of Troy, Michigan - As their interests may appear

CERTIFICATE HOLDER
 Macy's
 21500 North Western Hwy
 Southfield, Michigan

CANCELLATION
 SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTH: *Robert W. A. L...*

COPIES OF CERT COPY

Oakland Mall

MERCHANTS ASSOCIATION

412 W. 14 Mile Road
Troy, MI 48083
248.585.4114 phone
248.585.2440 fax
www.oaklandmall.com

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OCT 04 2006
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September 28, 2006

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

Ladies and Gentlemen of City Council,

This letter serves as a formal request for approval of the Macy's Fireworks event on Friday, November 10, 2006 at 7pm in the Oakland Mall parking lot. In allowing Oakland Mall to host the Macy's Fireworks, both the City of Troy and the shopping center benefit from the positive publicity created by an event of this degree.

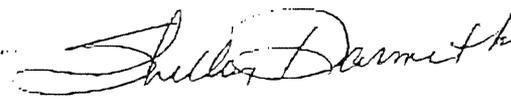
We hope you share our enthusiasm and stand in approval.

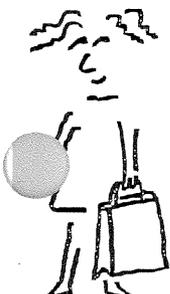
Respectfully,

Oakland Mall LLC

Oakland Mall Merchants Association


Douglas Mossman
Partner


Shelley Darnetko
Marketing Director





CITY COUNCIL ACTION REPORT

October 17, 2006

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services
 Steven J. Vandette, City Engineer *SV*
 Larysa Figol, Right-of-Way Representative *LF*

SUBJECT: Request for Acceptance of Six Warranty Deeds for Caswell Town Center PUD 5, Section 2

Background:

- As part of the development of Caswell Town Center PUD 5, located at Rochester Road and South Boulevard, the Real Estate & Development Department has received six Warranty Deeds required for necessary right-of-way along Rochester and South Boulevard. The deeds convey approximately 90 feet of right-of-way along Rochester Road and 60 feet along South Boulevard:
- | | |
|---|--|
| <ul style="list-style-type: none"> ▪ SIDWELL # 88-20-02-101-001 88-20-02-101-003 88-20-02-101-004 88-20-02-101-008 88-20-02-101-009 88-20-02-101-002 | <p>PROPERTY OWNER</p> <ul style="list-style-type: none"> Joseph Petruzzello, as Trustee Joseph Petruzzello, as Trustee Joseph and Josephine Petruzzello Genesis Real Estate Investment, LLC Genesis Real Estate Investment, LLC Gary F. and Brenda Abitheira |
|---|--|

Financial Considerations:

- The consideration amount on each document is \$1.00.

Legal Considerations:

- The format and content of these deeds is consistent with deeds previously accepted by City Council.

Policy Considerations:

- The dedication of right-of-way is required as part of the PUD process, and by the Assessing Department to prepare the necessary lot splits and combinations. (Goal IV)

- It has been the City's policy to accept right-of-way dedications for PUD's and new developments. (Goal II & IV)

Options:

- City Management recommends that City Council accept the attached six Warranty Deeds for right-of-way, consistent with our policy of accepting dedications in new developments.

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That **Joseph Petruzzello, as Trustee or his Successor Trustee(s) under Agreement dated October 27, 1999**, whose address is 11205 Chippewa, Warren, Michigan 48093 (herein "Grantor"), conveys and warrants to the **CITY OF TROY, MICHIGAN**, a Michigan municipal corporation, whose address is 500 West Big Beaver Road, Troy, MI, 48084 ("Grantee"), all of Grantor's interest in and to the following described premises situated in the City of Troy, County of Oakland and State of Michigan, to-wit:

See legal description on Exhibit A, attached hereto (the "Property"),

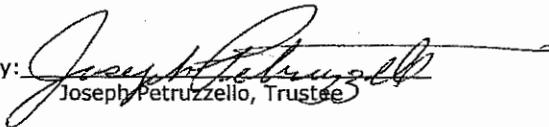
together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, for the sum of One Dollar (\$1.00).

If the land being conveyed is unplatted, the following is deemed to be included: "This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act."

Dated this 6th day of September, 2006.

Signed by:

**JOSEPH PETRUZZELLO, as Trustee under
Agreement dated October 27, 1999**

By: 
Joseph Petruzzello, Trustee

[Notary signatures on next page.]

EXHIBIT A- PARCEL A
ID# 88-20-02-101-001

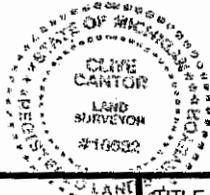
PARCEL A

A PART OF THE NORTHWEST ¼ OF SECTION 2, T. 2 N., R. 11 E., CITY OF TROY, OAKLAND COUNTY MICHIGAN. DESCRIBED AS BEGINNING AT A POINT BEING ON THE SOUTH LINE OF EAST SOUTH BOULEVARD (120.00 FEET WIDE) & BEING SOUTH 60.00 FEET & N.89°42'00E. 90.00 FEET FROM THE N.W. CORNER OF SAID SECTION 2 & PROCEEDING THENCE DUE SOUTH 196.00 FEET; THENCE S.89°42'00"W. 90.43 FEET TO THE CENTER LINE OF ROCHESTER ROAD , ALSO BEING THE WEST LINE OF SAID SECTION 2; THENCE ALONG SAID LINE, N.00°07'27"E. 196.00 FEET TO THE SOUTH LINE OF SAID EAST SOUTH BOULEVARD; THENCE ALONG SAID LINE N. 89°42'00"E. 90.00 FEET TO THE POINT OF BEGINNING.

I HEREBY CERTIFY THE ABOVE LEGAL DESCRIPTION,
DESCRIPTION WAS GENERATED FROM TAX PARCEL ID# 88-20-02-101-001

CLIVE CANTOR

LS 10682



HENNESSEY



ENGINEERS, INC

ENGINEERING THE FUTURE

2674 WEST JEFFERSON AVE.
SUITE 200
TRENTON, MI 48183
(734) 692-3300
FAX (734) 692-3203

TITLE CASWELL DEVELOPMENT
CITY OF TROY
OAKLAND COUNTY, MICHIGAN

FILE NAME:	DISK No.
DRAWN JMC	APPROVED
PROJECT No. 53224	SCALE 1"=40'
DATE 4-20-06	DRAWING NUMBER 1 OF 1

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That **Joseph Petruzzello, as Trustee or his Successor Trustee(s) under Agreement dated October 27, 1999**, whose address is 11205 Chippewa, Warren, Michigan 48093 (herein "Grantor"), conveys and warrants to the **CITY OF TROY, MICHIGAN**, a Michigan municipal corporation, whose address is 500 West Big Beaver Road, Troy, MI, 48084 ("Grantee"), all of Grantor's interest in and to the following described premises situated in the City of Troy, County of Oakland and State of Michigan, to-wit:

See legal description on Exhibit A, attached hereto (the "Property"),

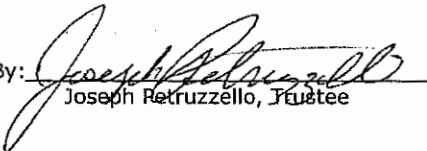
together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, for the sum of One Dollar (\$1.00).

If the land being conveyed is unplatted, the following is deemed to be included: "This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act."

Dated this 8th day of September, 2006.

Signed by:

JOSEPH PETRUZZELLO, as Trustee under Agreement dated October 27, 1999

By: 
Joseph Petruzzello, Trustee

[Notary signatures on next page.]

STATE OF MICHIGAN)
COUNTY OF OAKLAND) ss.

The foregoing instrument was acknowledged before me this 8th day of September, 2006, by Joseph Petruzzello, as Trustee under Agreement dated October 27, 1999, as Trustee.

Cathy E. Shields, Notary Public
State of Michigan, County of Oakland
My Commission Expires 3/1/2012
Acting in the County of Oakland

Cathy E. Shields
_____, Notary Public
Oakland County, Michigan
My Commission Expires: 3-1-2012
Acting in Oakland County, Michigan

County Treasurer's Certificate		City Treasurer's Certificate
When Recorded Return To: _____ City Attorney City of Troy Big Beaver Road Troy, MI 48084	Send Subsequent Tax Bills To: Grantee	Drafted by: Gregory J. DeMars, Esq. Business Address: Honigman Miller Schwartz & Cohn LLC 2290 First National Building 660 Woodward Avenue Detroit, MI 48226-3506

Tax Parcel #: See attached Exhibit A Recording Fee _____ Revenue Stamps _____

EXHIBIT A- PARCEL B
ID# 88-20-02-101-003

PARCEL B

A PART OF THE NORTHWEST 1/4 OF SECTION 2, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN. DESCRIBED AS BEGINNING AT A POINT ON THE EAST LINE OF ROCHESTER ROAD (VARIABLE WIDTH) & BEING S.00°05'42"W. 256.00 FEET & N.89°42'00"E. 90.43 FROM THE N.W. 1/4 OF SAID SECTION 2, & PROCEEDING THENCE DUE SOUTH 100.00 FEET; THENCE S.89°42'00"W. 90.59 FEET TO THE WEST LINE OF SAID SECTION 2, ALSO BEING THE CENTER LINE OF SAID ROCHESTER ROAD; THENCE ALONG SAID LINE N.00°05'42"E. 100.00 FEET; THENCE N.89°42'00"E. 90.43 FEET TO THE POINT OF BEGINNING.

I HEREBY CERTIFY THE ABOVE LEGAL DESCRIPTION, DESCRIPTION WAS GENERATED FROM TAX PARCEL ID# 88-20-02-101-003

Clive Cantor
CLIVE CANTOR LS/10682



HENNESSEY



ENGINEERS, INC

ENGINEERING THE FUTURE.

2674 WEST JEFFERSON AVE.
SUITE 200
TRENTON, MI 48183
(734) 692-3300
FAX (734) 692-3203

TITLE CASWELL DEVELOPMENT
CITY OF TROY
OAKLAND COUNTY, MICHIGAN

FILE NAME:		DISK No.	
DRAWN JMC		APPROVED	
PROJECT No. 53224		SCALE 1"=40'	
DATE 4-20-06	DRAWING NUMBER 1 OF 1		

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That **Joseph Petruzzello, a married man and Josephine Petruzzello, his wife** whose address is 11205 Chippewa, Warren, Michigan 48093 (herein "Grantor"), conveys and warrants to the **CITY OF TROY, MICHIGAN**, a Michigan municipal corporation, whose address is 500 West Big Beaver Road, Troy, MI, 48084 ("Grantee"), all of Grantor's interest in and to the following described premises situated in the City of Troy, County of Oakland and State of Michigan, to-wit:

See legal description on Exhibit A, attached hereto (the "Property"),

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, for the sum of One Dollar (\$1.00).

If the land being conveyed is unplatted, the following is deemed to be included: "This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act."

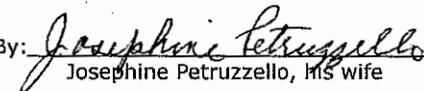
Dated this 8th day of September, 2006.

Signed by?

By:


Joseph Petruzzello

By:


Josephine Petruzzello, his wife

[Notary signatures on next page.]

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 8th day of September, 2006, by Joseph Petruzzello, a married man and Josephine Petruzzello, his wife.

Cathy E. Shields, Notary Public
State of Michigan, County of Oakland
My Commission Expires 3/1/2012
Acting in the County of Oakland

Cathy E. Shields
_____, Notary Public
Oakland County, Michigan
My Commission Expires: 3-1-2012
Acting in Oakland County, Michigan

County Treasurer's Certificate		City Treasurer's Certificate
When Recorded Return To: _____ City Attorney City of Troy Big Beaver Road Troy, MI 48084	Send Subsequent Tax Bills To: Grantee	Drafted by: Gregory J. DeMars, Esq. Business Address: Honigman Miller Schwartz & Cohn LLC 2290 First National Building 660 Woodward Avenue Detroit, MI 48226-3506

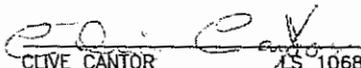
Tax Parcel #: See attached Exhibit A Recording Fee _____ Revenue Stamps _____

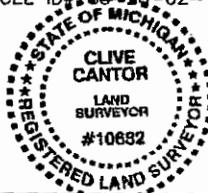
EXHIBIT A- PARCEL C
ID# 88-20-02-101-004

PARCEL C

A PART OF THE NORTHWEST 1/4 OF SECTION 2, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY MICHIGAN. DESCRIBED AS BEGINNING AT A POINT ON THE EAST LINE OF ROCHESTER ROAD (VARIABLE WIDTH) & BEING S.00°05'42"W. 356.00 FEET & N.89°42'00"E. 90.00 FROM THE N.W. 1/4 OF SAID SECTION 2, & PROCEEDING THENCE DUE SOUTH 156.00 FEET; THENCE S.89°42'00"W. 90.85 FEET TO THE WEST LINE OF SAID SECTION 2, ALSO BEING THE CENTER LINE OF SAID ROCHESTER ROAD; THENCE ALONG SAID LINE N.00°05'42"E. 156.00 FEET; THENCE N.89°42'00"E. 905.93 FEET TO THE POINT OF BEGINNING.

I HEREBY CERTIFY THE ABOVE LEGAL DESCRIPTION, DESCRIPTION WAS GENERATED FROM TAX PARCEL ID# 88-20-02-101-004


CLIVE CANTOR LS 10682



HENNESSEY



ENGINEERS, INC

ENGINEERING THE FUTURE.

2674 WEST JEFFERSON AVE.
SUITE 200
TRENTON, MI 48183
(734) 692-3300
FAX (734) 692-3203

TITLE CASWELL DEVELOPMENT
CITY OF TROY
OAKLAND COUNTY, MICHIGAN

FILE NAME:		DISK No.	
DRAWN JMC		APPROVED	
PROJECT No. 53224		SCALE 1" = 40'	
DATE 4-20-06 /	DRAWING NUMBER 1 OF 1		

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That **GENESIS REAL ESTATE INVESTMENT, LLC**, a Michigan **limited liability company** whose address is 104 Moran, Grosse Pointe Farms, Michigan 48236 (herein "Grantor"), Quit Claims to the **CITY OF TROY, MICHIGAN**, a Michigan municipal corporation, whose address is 500 West Big Beaver Road, Troy, MI, 48084 ("Grantee"), all of Grantor's interest in and to the following described premises situated in the City of Troy, County of Oakland and State of Michigan, to-wit:

See legal description on Exhibit A, attached hereto (the "Property"),

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, for the sum of One Dollar (\$1.00).

If the land being conveyed is unplatted, the following is deemed to be included: "This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act."

Dated this JUNE day of 29th 2006.

Signed by:
GENESIS REAL ESTATE INVESTMENT, LLC, a
Michigan limited liability company


By: _____
BRAD BYRSKI
Its: MEMBER

[Notary signatures on next page.]

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me this 29th day of JUNE, 2006, by BRAD BYARSKI, the MEMBER of GENESIS REAL ESTATE INVESTMENT, LLC, a Michigan limited liability company, on behalf of the limited liability company.

JAMES M. TORRE
Notary Public, State of Michigan
County of Oakland
My Commission Expires Sep. 23, 2011
Acting in the County of Oakland

James M. Torre
_____, Notary Public
County of Michigan
My Commission Expires: SEP 23, 2011
Acting in Oakland County, Michigan

County Treasurer's Certificate		City Treasurer's Certificate	
When Recorded Return To: _____, City Attorney City of Troy Big Beaver Road Troy, MI 48084	Send Subsequent Tax Bills To: Grantee	Drafted by: Gregory J. DeMars, Esq. Business Address: Honigman Miller Schwartz & Cohn LLC 2290 First National Building 660 Woodward Avenue Detroit, MI 48226-3506	

Tax Parcel #: See attached Exhibit A Recording Fee _____ Revenue Stamps _____

EXHIBIT A- PARCEL E
ID# 88-20-02-101-008

PARCEL E

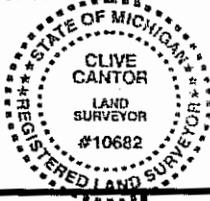
A PART OF THE NORTHWEST 1/4 OF SECTION 2, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY MICHIGAN. DESCRIBED AS BEGINNING AT A POINT ON THE EAST LINE OF ROCHESTER ROAD (VARIABLE WIDTH) & BEING S.00°18'00"E. 705.30 FEET & N.89°42'00"E. 92.53 FROM THE N.W. 1/4 OF SAID SECTION 2, & PROCEEDING THENCE DUE SOUTH 196.72 FEET; THENCE S.89°42'00"W. 91.50 FEET TO THE WEST LINE OF SAID SECTION 2, ALSO BEING THE CENTER LINE OF SAID ROCHESTER ROAD; THENCE ALONG SAID LINE N.00°18'00"E. 196.72 FEET; THENCE N.89°42'00"E. 92.53 FEET TO THE POINT OF BEGINNING.

I HEREBY CERTIFY THE ABOVE LEGAL DESCRIPTION, DESCRIPTION WAS GENERATED FROM TAX PARCEL ID# 88-20-02-101-008

Clive Cantor

CLIVE CANTOR

LS 10682



HENNESSEY



ENGINEERS, INC

ENGINEERING THE FUTURE.

2674 WEST JEFFERSON AVE.
SUITE 200
TRENTON, MI 48183
(734) 692-3300
FAX (734) 692-3203

TITLE CASWELL DEVELOPMENT
CITY OF TROY
OAKLAND COUNTY, MICHIGAN

FILE NAME:		DISK No.	
DRAWN JMC		APPROVED	
PROJECT No. 53224		SCALE 1"=40'	
DATE 4-20-06	DRAWING NUMBER 1 OF 1		

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That **GENESIS REAL ESTATE INVESTMENT, LLC**, a Michigan **limited liability company** whose address is 104 Moran, Grosse Pointe Farms, Michigan 48236 (herein "Grantor"), Quit Claims to the **CITY OF TROY, MICHIGAN**, a Michigan municipal corporation, whose address is 500 West Big Beaver Road, Troy, MI, 48084 ("Grantee"), all of Grantor's interest in and to the following described premises situated in the City of Troy, County of Oakland and State of Michigan, to-wit:

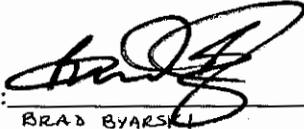
See legal description on Exhibit A, attached hereto (the "Property"),

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, for the sum of One Dollar (\$1.00).

If the land being conveyed is unplatted, the following is deemed to be included: "This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act."

Dated this 29 day of JUNE, 2006.

Signed by:
GENESIS REAL ESTATE INVESTMENT, LLC, a
Michigan limited liability company

By: 
BRAD BYARSKI
Its: **MEMBER**

[Notary signatures on next page.]

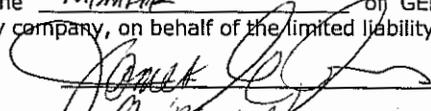
STATE OF MICHIGAN)

) ss.

COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 29th day of JUNE, 2006, by GRAD BYAPKI, the MEMBER of GENESIS REAL ESTATE INVESTMENT, LLC, a Michigan limited liability company, on behalf of the limited liability company.

JAMES M. TORRE
Notary Public, State of Michigan
County of Oakland
My Commission Expires Sep. 23, 2011
Acting in the County of Oakland



Oakland County, Michigan
My Commission Expires: Sept 23, 2011
Acting in Oakland County, Michigan

County Treasurer's Certificate		City Treasurer's Certificate	
When Recorded Return To: _____ City Attorney City of Troy Big Beaver Road Troy, MI 48084	Send Subsequent Tax Bills To: Grantee	Drafted by: Gregory J. DeMars, Esq. Business Address: Honigman Miller Schwartz & Cohn LLC 2290 First National Building 660 Woodward Avenue Detroit, MI 48226-3506	

Tax Parcel #: See attached Exhibit A Recording Fee _____ Revenue Stamps : _____

EXHIBIT A-PARCEL F
ID# 88-20-02-101-009

PARCEL F

A PART OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 2, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY MICHIGAN. DESCRIBED AS BEGINNING AT A POINT ON THE EAST LINE OF ROCHESTER ROAD (VARIABLE WIDTH) & BEING S.00°05'42"W 902.02 FEET & N.89°42'00"E. 91.50 FROM THE N.W. $\frac{1}{4}$ OF SAID SECTION 2, & PROCEEDING THENCE DUE SOUTH 162.87 FEET; THENCE S.89°42'00"W. 91.77 FEET TO THE WEST LINE OF SAID SECTION 2, ALSO BEING THE CENTER LINE OF SAID ROCHESTER ROAD; THENCE ALONG SAID LINE N.00°05'42"E. 162.78 FEET; THENCE N.89°42'00"E. 91.50 FEET TO THE POINT OF BEGINNING

I HEREBY CERTIFY THE ABOVE LEGAL DESCRIPTION,
DESCRIPTION WAS GENERATED FROM TAX PARCEL ID# 88-20-02-101-009

Clive Cantor

CLIVE CANTOR

LS 10682



HENNESSEY



ENGINEERS, INC

ENGINEERING THE FUTURE

2674 WEST JEFFERSON AVE.
SUITE 200
TRENTON, MI 48183
(734) 692-3300
FAX (734) 692-3203

TITLE CASWELL DEVELOPMENT
CITY OF TROY
OAKLAND COUNTY, MICHIGAN

FILE NAME: DISK No.

DRAWN JMC APPROVED

PROJECT No. 53224 SCALE 1"=40'

DATE 4-20-06 DRAWING NUMBER 1 OF 1

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That **GARY F. ABITHEIRA, a married man and BRENDA ABITHEIRA, his wife** whose address is 178 Larchwood, Troy, Michigan 48083 (herein "Grantor"), conveys and warrants to the **CITY OF TROY, MICHIGAN**, a Michigan municipal corporation, whose address is 500 West Big Beaver Road, Troy, MI, 48084 ("Grantee"), all of Grantor's interest in and to the following described premises situated in the City of Troy, County of Oakland and State of Michigan, to-wit:

See legal description on Exhibit A, attached hereto (the "Property"),

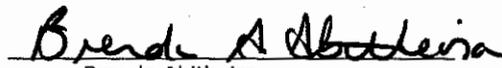
together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, for the sum of One Dollar (\$1.00).

If the land being conveyed is unplatted, the following is deemed to be included: "This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act."

Dated this 29th day of JUNE 2006.

Signed by 

Gary F. Abitheira



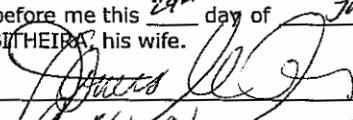
Brenda Abitheira

[Notary signatures on next page.]

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me this 29th day of JUNE, 2006, by GARY F. ABITHEIRA, a married man, and BRENDA ABITHEIRA, his wife.

JAMES M. TORRE
Notary Public, State of Michigan
County of Oakland
My Commission Expires Sep. 23, 2011
Acting in the County of Oakland


_____, Notary Public
County Michigan
My Commission Expires: Sept 23, 2011
Acting in Oakland County, Michigan

County Treasurer's Certificate		City Treasurer's Certificate
When Recorded Return To: _____ Attorney City of Troy Big Beaver Road Troy, MI 48084	City Send Subsequent Tax Bills To: Grantee	Drafted by: Gregory J. DeMars, Esq. Business Address: Honigman Miller Schwartz & Cohn LLC 2290 First National Building 660 Woodward Avenue Detroit, MI 48226-3506

Tax Parcel #: See attached Exhibit A Recording Fee _____ Revenue Stamps _____

**EXHIBIT A- PARCEL T
ID# 88-20-02-101-002**

PARCEL T

A PART OF THE N.W. ¼ OF SECTION 2, T. 2 N. R. 11 E., CITY OF TROY, OAKLAND COUNTY MICHIGAN DESCRIBED AS BEGINNING AT A POINT ON THE SOUTH LINE OF EAST SOUTH BOULEVARD (120.00 FEET WIDE) & BEING S.00°07'27"W. 60.00 FEET & N.89°42'00"E. 547.33 FEET FROM THE N.W. CORNER OF SAID SECTION 2 & PROCEEDING THENCE N00°06'41"E. 60.00 FEET TO THE CENTER LINE OF SAID EAST SOUTH BOULEVARD, ALSO BEING THE NORTH LINE OF SAID SECTION 2; THENCE ALONG SAID LINE N.89°47'51"E. 100.00 FEET; THENCE S.00°06'41"W. 60.00 FEET TO A POINT ON THE SOUTH LINE OF SAID EAST SOUTH BOULEVARD; THENCE ALONG SAID LINE S.89°42'00"W. 100.00 FEET TO THE POINT OF BEGINNING.

I HEREBY CERTIFY THE ABOVE LEGAL DESCRIPTION, DESCRIPTION WAS GENERATED FROM TAX PARCEL ID# 88-20-02-101-002

Clive Cantor
CLIVE CANTOR LS 10682



ENGINEERING THE FUTURE
2674 WEST JEFFERSON AVE.
SUITE 200
TRENTON, MI 48183
(734) 692-3300
FAX (734) 692-3203

**TITLE CASWELL DEVELOPMENT
CITY OF TROY
OAKLAND COUNTY, MICHIGAN**

FILE NAME: /		DISK No.	
DRAWN JMC		APPROVED	
PROJECT No. 53224		SCALE	
DATE 4-20-06	DRAWING NUMBER 1 OF 1		



CITY COUNCIL ACTION REPORT

September 29, 2006

TO: Phillip L. Nelson, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration
Brian Murphy, Assistant City Manager/Services
Carol Anderson, Director of Parks and Recreation

SUBJECT: Municipal Credit and Community Credit Agreement

Background:

- Municipal credits are state-authorized funds that are given directly to the Suburban Mobility Authority for Regional Transportation (SMART) to be divided among every city, township and village in Oakland, Wayne and Macomb Counties on a per capita basis. Community credits are a direct result of the SMART millage that provides opt-in communities with additional funds.
- Troy's municipal and community credit dollars have been used to support the community based Troy Medi-Go Plus service. Medi-Go Plus provided over 11,000 rides to 603 unique senior and disabled riders in 2005.

Financial Considerations:

- There is neither expense nor financial implications to the City for this program.

Legal Considerations:

- There is no change to format and content of previous agreements with Medi-Go.

Policy Considerations:

- These funds must be used for local public transportation. Medi-Go provides door-to-door service and wheelchair accessible vehicles. For these reasons, Medi-Go is well suited for our frail elderly and disabled population. (Goal #1)

Options:

- The City can transfer Municipal Credit funds in the amount of \$76,084 and Community Credit funds in the amount of \$99,087 to Troy Medi-Go Plus for the operation of transportation service for senior citizens and persons with disabilities.

Where legal review is necessary:

Approved as to Form and Legality:

Lori Grigg Bluhm, City Attorney

MUNICIPAL CREDIT and COMMUNITY CREDIT CONTRACT FOR FY - 2007

I, _____, on behalf of the City of Troy apply to SMART for our Municipal and Community Credits for the period July 1, 2006 to June 30, 2007, and agree that the Municipal and Community Credits Master Agreement, which is incorporated herein by reference, will form part of this agreement. Specific terms, conditions, and budgetary projections are set forth in Exhibits A and B as necessary.

Our community agrees to use the \$76,084 in **Municipal Credit** funds available to us as follows:

- (1) Transfer of \$ _____ to _____
TRANSFeree COMMUNITY
At the cost of \$ _____
 - (2) Transportation program operated/administered by the community
(Includes Charters, Van/Bus Program, Taxi Reimbursement)
At the cost of \$ 76,084
 - (3) Transportation service purchased from SMART
(Includes SMART Tickets/Passes, Shuttle Service, Dial-A-Ride)
At the cost of \$ _____
- Total \$ \$76,084**

Our community agrees to use the \$99,087 in **Community Credit** funds available to us as follows:

- (1) Transfer of \$ _____ To _____
TRANSFeree COMMUNITY
At the cost of \$ _____
- (2) Transportation program operated/administered by the community
(Includes Charters, Van/Bus Program, Taxi Reimbursement)
At the cost of \$ 99,087
- (3) Transportation service purchased from SMART
(Includes SMART Tickets/Passes, Shuttle Service, Dial-A-Ride)

At the cost of \$ _____

(4) Capital Purchases

At the cost of \$ _____

Total \$ \$99,087

Capital purchases permitted with Community Credits are subject to applicable state and federal regulations, and SMART procurement guidelines. When advantageous, SMART may make procurements directly. Reimbursement for purchases made by a community requires presentation of proper documentation to support the purchase (i.e. purchase orders, receiving reports, invoices, etc.). Additional Community Credit dollars, available in FY 2003 – FY 2007, inclusive, may be required to serve local employer transportation needs per the coordination requirements set forth in the aforementioned Master Agreement.

City of Troy

By: _____

Dated _____

Its: Louise Schilling, Mayor

For the Suburban Mobility Authority for
Regional Transportation

Dated _____

By: _____

Dan G. Dirks
General Manager



CITY COUNCIL ACTION REPORT

October 18, 2006

TO: Phillip L. Nelson, City Manager
FROM: Cindy Stewart, Community Affairs Director
SUBJECT: Annual Appreciation Banquets

Background:

- As in previous years, the City Council appoints a master of ceremonies for the annual Boards & Committees Appreciation Banquet (February 10, 2007) and the annual Fire Fighters Appreciation Banquet (May 19, 2007).

The Community Affairs Department has already begun the planning process for the annual banquets to ensure a first class event. Please have City Council appoint a councilperson that will act as the official master of ceremonies that evening and work with the Community Affairs Department. Responsibilities include selecting a minister or priest to give the invocation, greeting all guests and distributing party favors that evening, and serving as master of ceremonies for the program.

Financial Considerations:

- There are no financial considerations associated with this item.

Legal Considerations:

- There are no legal considerations associated with this item.

Policy Considerations:

- There are no policy considerations associated with this item.

Options:

- It is recommended that Troy City Council appoint a council member to act as the official master of ceremonies for the Board and Committee Appreciation banquet and one for the Fire Fighters Appreciation Banquet.



CITY COUNCIL REPORT

October 17, 2006

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Announcement of Public Hearing - Zoning Ordinance Text Amendment (File Number: ZOTA 227) – Articles XXII, XXIII, XXIV and XXVIII – Ambulance Facilities in the B-3, H-S, O-1 and M-1 Districts

Background:

- A public hearing is scheduled for the November 13, 2006 City Council meeting.
- The draft zoning ordinance text amendment would permit ambulance facilities as a conditional use in the M-1 Light Industrial District. Additionally, ambulance facilities would no longer be permitted in the B-3 General Commercial District, H-S Highway Service District and O-1 Office Building District.
- The Planning Commission held a public hearing on this item on October 10, 2006, and recommended approval of the proposed text amendment.

Financial Considerations:

- The proposed text amendment would expand the range of uses permitted within the M-1 Light Industrial District.

Legal Considerations:

- City Council has the authority to amend the Zoning Ordinance.

Policy Considerations:

- A text amendment to the B-3, H-S, O-1 and M-1 provisions would apply to all similarly zoned property in the City. City Council should determine whether it is appropriate to add ambulance facilities in the M-1 Light Industrial zoning district and delete ambulance facilities in the B-3, H-S and O-1 zoning districts.
- The item is consistent with City Council Goal II (Retain and attract investment while encouraging redevelopment) and Goal VI (Protect life and property).

Options:

- City Management recommends approval of the proposed text amendment, as recommended by the Planning Commission.

Approved as to form and legality:

Lori Grigg Bluhm, City Attorney

Attachments:

1. Draft ZOTA 227

Prepared by RBS/MFM

G:\ZOTAs\ZOTA 227 Ambulance Facilities in M-1\Announce CC Public Hearing 11 13 06.doc

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 Article XXII of Chapter 39

Article XXII of Chapter 39 of the Code of the City of Troy is amended to eliminate Ambulance Facilities in the B-3 (General Business) District, to read as follows:

22.20.00 PRINCIPAL USES PERMITTED:

22.20.03 Bus or transit passenger stations, taxicab offices and dispatching centers, ~~and emergency vehicle or ambulance facilities. Sleeping accommodations may be provided in conjunction with ambulance facilities in order to accommodate not more than three employees per each vehicle storage bay.~~

Section 3. Amendment to Article XXIII of Chapter 39

Article XXIII of Chapter 39 of the Code of the City of Troy is amended to eliminate Ambulance Facilities in the H-S (Highway Service) District, to read as follows:

23.20.00 PRINCIPAL USES PERMITTED:

23.20.02 Bus or transit passenger stations, taxicab offices and dispatching centers, ~~and emergency vehicle or ambulance facilities. Sleeping accommodations may be provided in conjunction with ambulance facilities in order to accommodate not more than three employees per each vehicle storage bay.~~

Section 4. Amendment to Article XXIV of Chapter 39

Article XXIV of Chapter 39 of the Code of the City of Troy is amended to eliminate Ambulance Facilities in the O-1 (Low Ride Office) District, to read as follows:

24.30.00 USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL:

~~24.30.04 Private ambulance facilities may be permitted by the City Council, following a report and recommendation by the Planning Commission, when the Council determines that the establishment of the proposed use is necessary to serve the surrounding area, and when the following conditions are met:~~

~~A. Points of ingress and egress shall be laid out so as to minimize possible conflicts between traffic on and adjacent to the site.~~

~~B. Sleeping accommodations may be permitted in conjunction with such uses, to accommodate not more than two employees for each ambulance or emergency vehicle kept within the building, when such accommodations are determined to be necessary in order to provide 24-hour emergency service.~~

~~C. No servicing or repair of vehicles shall take place on the site, and no ambulances or emergency vehicles may be kept or stored outside the building.~~

~~D. The City Council may impose additional conditions and safeguards as it deems necessary to minimize any adverse effects of such uses on the surrounding areas.~~

~~E. The City Council may rescind approval in the event of violation of this Ordinance, or the creation of a public nuisance as defined in the City Code, subject to the following procedures:~~

~~1. The Chief Building Inspector shall notify the operator of any such violation or nuisance, with the condition that such shall be stopped within 10 days of such notice.~~

~~2. If such notice is not complied with, the City Council shall establish a public hearing on the matter. Following said hearing, the City Council shall take any appropriate action necessary to bring about compliance, which may include revocation of the use permitted by this Section.~~

24.30.045 Utility Sub-Stations, Transformer Stations or Gas Regulator Stations (Without Storage Yards) subject to the following:

- A. The Planning Commission shall determine that operating requirements necessitate the location of such uses within the District in order to serve the immediate vicinity.
- B. All proposed uses and facilities shall be contained within masonry buildings or structures similar to or compatible with buildings in adjacent or typical office areas.
- C. Overhead transmission lines and tower structures supporting such lines are expressly prohibited from such sites. All lines serving such sites shall be underground.
- D. In order to maximize the efficiency of the provision of utility services, while also minimizing the impact of such facilities on the total community, collocation, or the provision of more than one utility facility at a single location, may be required by the Planning Commission. In this regard, the applicant may be required to provide information regarding the feasibility of collocation at proposed sites.
 - 1. Applications for the placement of freestanding tower structures and antennas under this Section, which do not involve collocation, shall be considered only in conjunction with a report from an independent qualified and licensed professional engineer, indicating reasons why collocation is physically or technically not feasible.
- E. The setback for a freestanding communications antenna tower structure, from an abutting residentially zoned or used parcel, shall be at least equal to five (5) times the height of the structure. This setback requirement shall not apply to sites on which antenna tower structures were constructed prior to July 1, 1998.
- F. Actions to approve the placement of freestanding tower structures and antennas under this Section shall be conditioned upon submittal, by the applicant, of financial assurances in a form acceptable to the City Manager, in order to assure that the subject facilities

will be removed from the site within one (1) year of the date that their use ceases.

(Rev. 10-05-98)

24.30.056 Mechanical or Laboratory Research Involving Testing and Evaluation of Products, or Prototype or Experimental Product or Process Development.

- A. Such research areas may be permitted only in office buildings developed within areas designated for the use of the Office Development Options, in accordance with Sections 36.00.00 and 36.40.00 of this Chapter.
- B. Such research areas shall occupy no more than twenty-five (25) percent of the gross floor area occupied by any individual or corporate office occupant or tenant, and shall be contiguous with the office area of the occupant or tenant.
- C. Such research areas shall be located and designed so as to minimize any negative impact on adjacent office occupants from effects such as noise, dust, vibration and odor.
- D. Such research activities shall not involve vehicles or engines containing fuel.
- E. Such research activities shall be limited to uses which do not require building construction having a higher fire rating than that required for office uses.

(Rev 05-03-99)

24.30.067 Childcare centers, nursery schools, or day nurseries (not including dormitories), subject to the following conditions:

- A. For each child so cared for, there shall be provided and maintained a minimum of one hundred fifty (150) square feet of outdoor play area. Such play area shall have a total minimum area of not less than five thousand (5,000) square feet and shall be fenced or screened from adjoining properties in a manner acceptable to the Planning Commission.
- B. The site layout shall be designated so as to minimize vehicular traffic conflicts both on and adjacent to the site and to provide the highest level of pedestrian/child safety within the site.

(06-07-99)

Section 5. Amendment to Article XXVIII of Chapter 39

Article XXVIII of Chapter 39 of the Code of the City of Troy is amended by adding provisions permitting Ambulance Facilities in the M-1 Light Industrial District, to read as follows:

28.25.00 CONDITIONAL USES PERMITTED:

28.25.07 Ambulance facilities, subject to the following conditions:

- A. There shall be a minimum distance of 300 feet between the ambulance facility property and any residential-zoned property.
- B. Incidental uses such as administrative offices, vehicle maintenance and sleeping quarters shall be permitted within the ambulance facility.

Section 6. 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 7. 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 8. 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 Schilling, Mayor

Tonni Bartholomew, City Clerk

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CITY COUNCIL REPORT

October 17, 2006

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Announcement of Public Hearing – Street Vacation (File Number: SV 148-C) – Portions of Daley Street abutting Lots 28 and 33 of Supervisors Plat No. 11 Subdivision, South of Big Beaver, North of I-75, Section 26

Background:

- A public hearing is scheduled for the November 13, 2006 City Council meeting.
- The Daley Street public street easement is 50 feet wide. The portion proposed to be vacated is approximately 135 feet in length.
- The Planning Commission held a public hearing on this item on October 10, 2006, and recommended approval of the proposed street vacation.

Financial Considerations:

- There are no financial considerations associated with this item.

Legal Considerations:

- City Council has the authority to approve the street vacation request.

Policy Considerations:

- The street vacation would not eliminate public street frontage for any buildings along Daley; however, it appears that large trucks will be unable to back up onto the property unless they utilize a portion of the vacated street.

- The item is consistent with City Council Goal II (Retain and attract investment while encouraging redevelopment) and Goal VI (Protect life and property).

Options:

- City Council may approve or deny the street vacation request.
- City Management and the Planning Commission recommend approval of the proposed street vacation, with the following conditions:
 1. Retention of all public and private utility easements.
 2. Retention of a public turnaround easement.
 3. Roadway will be kept clear of parked vehicles at all times.

Approved as to form and legality:

Lori Grigg Bluhm, City Attorney

Attachments:

1. Maps

Prepared by RBS/MFM

G:\STREET VACATION\SV 148-C Daley Street Sec 26\Announce CC Public Hearing 11 13 06.doc

ROAD VACATION

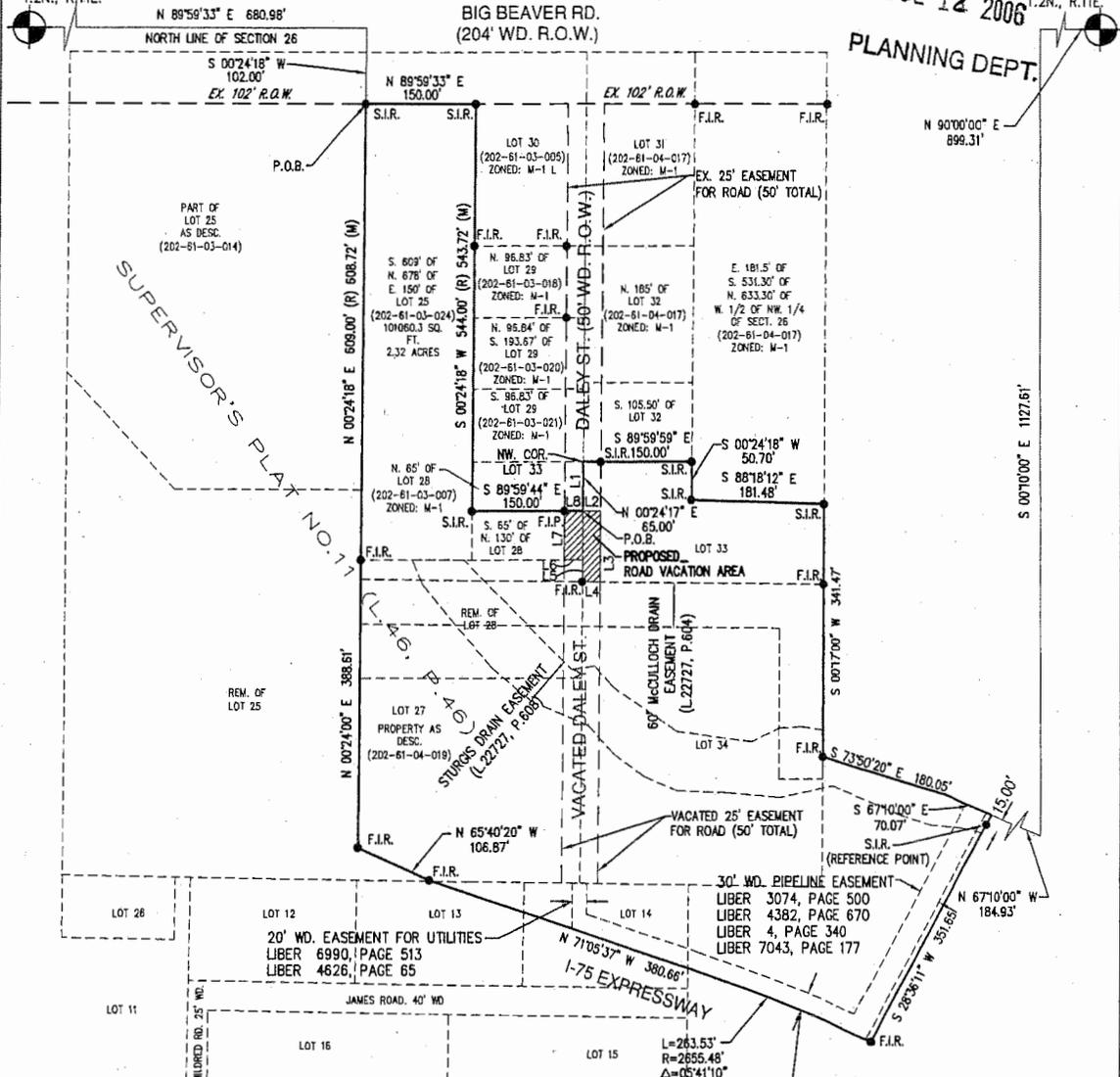
REC'D

JUL 12 2006

PLANNING DEPT.

NW 1/4 COR.
SECTION 26
T.2N., R.11E.

N 1/4 COR.
SECTION 26
T.2N., R.11E.



BASE OF BEARING IS THE NORTH SECTION LINE OF SECTION 26, T.2N., R.11E.



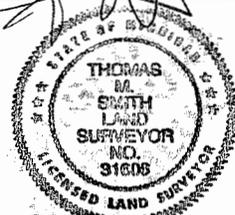
SCALE: 1" = 200'



20' WD. SANITARY SEWER EASEMENT
 LIBER 4605, PAGE 786 & 788
 LIBER 5244, PAGE 13
 LIBER 6288, PAGE 757
 LIBER 4480, PAGE 280
 LIBER 4521, PAGE 415
 LIBER 7043, PAGE 177

LINE	BEARING	DISTANCE
L1	S 00°24'17" W	65.00'
L2	S 89°59'44" E	25.00'
L3	S 00°24'17" W	94.38'
L4	N 89°19'34" W	25.00'
L5	N 00°25'07" E	29.02'
L6	N 89°59'11" W	25.00'
L7	N 00°24'17" E	65.07'
L8	S 89°59'44" E	25.00'

ISSUED FOR: _____ REVD BY: _____ ISSUED FOR: _____ REVD BY: _____
 ISSUED FOR: _____ REVD BY: _____ ISSUED FOR: _____ REVD BY: _____



SURVEYOR'S SEAL



MICKALICH and ASSOCIATES, INC.
 CIVIL ENGINEERING SURVEYING PLANNING
 2359 AVON INDUSTRIAL DR, ROCHESTER HILLS, MI 48309
 INTERNET: WWW.MICKALICH.COM PHONE: (248) 852-1900 FAX: (248) 852-1070

DRAWN BY MLB JOB No. 06023

DATE 5-17-06 SHEET No. 1 of 2 SCALE 1"=200'

DESCRIPTION
**BEHR BUILDING & PARKING
 ROAD VACATION**

LEGAL DESCRIPTION

LEGAL DESCRIPTION:

Part of Lots 25, 28 and all of Lot 33, Supervisor's Plat No. 11, A subdivision of Part of the Southwest 1/4 of the Southwest 1/4 of Section 23 and Part of the Northwest 1/4 of the Northwest 1/4 of Section 26, T.2N., R.11E., City of Troy, Oakland County Michigan, as recorded in (L.46, P.46). Also part of Lot 12, 13 and 14 and part of vacated Jasper Avenue of "Supervisor's Plat No. 10" a subdivision of part of the Northeast 1/4 of Section 27 and part of Northwest 1/4 of Section 26, T.2 N., R.11 E., City of Troy, Oakland County, Michigan (L.46, P.42) also part of the Northwest 1/4 of Section 26 also the east 150.00 feet of Lot 25 except the North 678.00 feet and except that part of 1-75 Highway, also Lot 27 and 28 except the North 130.00 feet and Lot 34 of "Supervisor's Plat No. 11" a subdivision of part of Southwest 1/4 of Southwest 1/4 of Section 23 and part of Northwest 1/4 of Northwest 1/4 of Section 26, T.2 N., R.11 E., City of Troy, Oakland County, Michigan (L.46, P.46), more particularly described as:

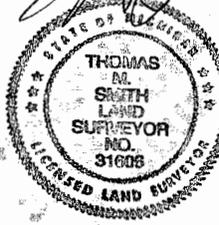
Commencing at the Northwest 1/4 corner of Section 26; thence along the North line of said Section 26 N 89°59'33" E, 680.98 feet; thence S 00°24'18" W, 102.00 feet to the Southerly line of Big Beaver Road and the point of beginning; thence along the Southerly line of Big Beaver Road N 89°59'33" E, 150.00 feet; thence S 00°24'18" W, 543.72 feet; thence S 89°59'44" E, 150.00 feet; thence N 00°24'17" E, 65.00 feet; thence S 89°59'59" E, 150.00 feet; thence S 00°24'18" W, 50.70 feet; thence S 88°18'12" E, 181.48 feet; thence S 00°17'00" W, 341.47 feet; thence S 73°50'20" E, 180.05 feet; thence S 67°10'00" E, 70.07 feet; thence S 28°36'11" W, 351.65 feet to a point on the Northerly right-of-way of 1-75 (variable width); thence along said line 263.53 feet along a curve to the left, a radius of 2655.48 feet, chord bearing and distance of N 68°15'02" W, 263.42 feet; thence N 71°05'37" W, 380.66 feet; thence N 65°40'20" W, 106.87 feet; thence N 00°24'00" E, 388.61 feet; thence N 00°24'18" E, 608.72 feet to the Southerly line of Big Beaver Road and the point of beginning.

Parcel Contains: 511,561.37 sq. ft., 11.7 acres.

DESCRIPTION OF VACATION:

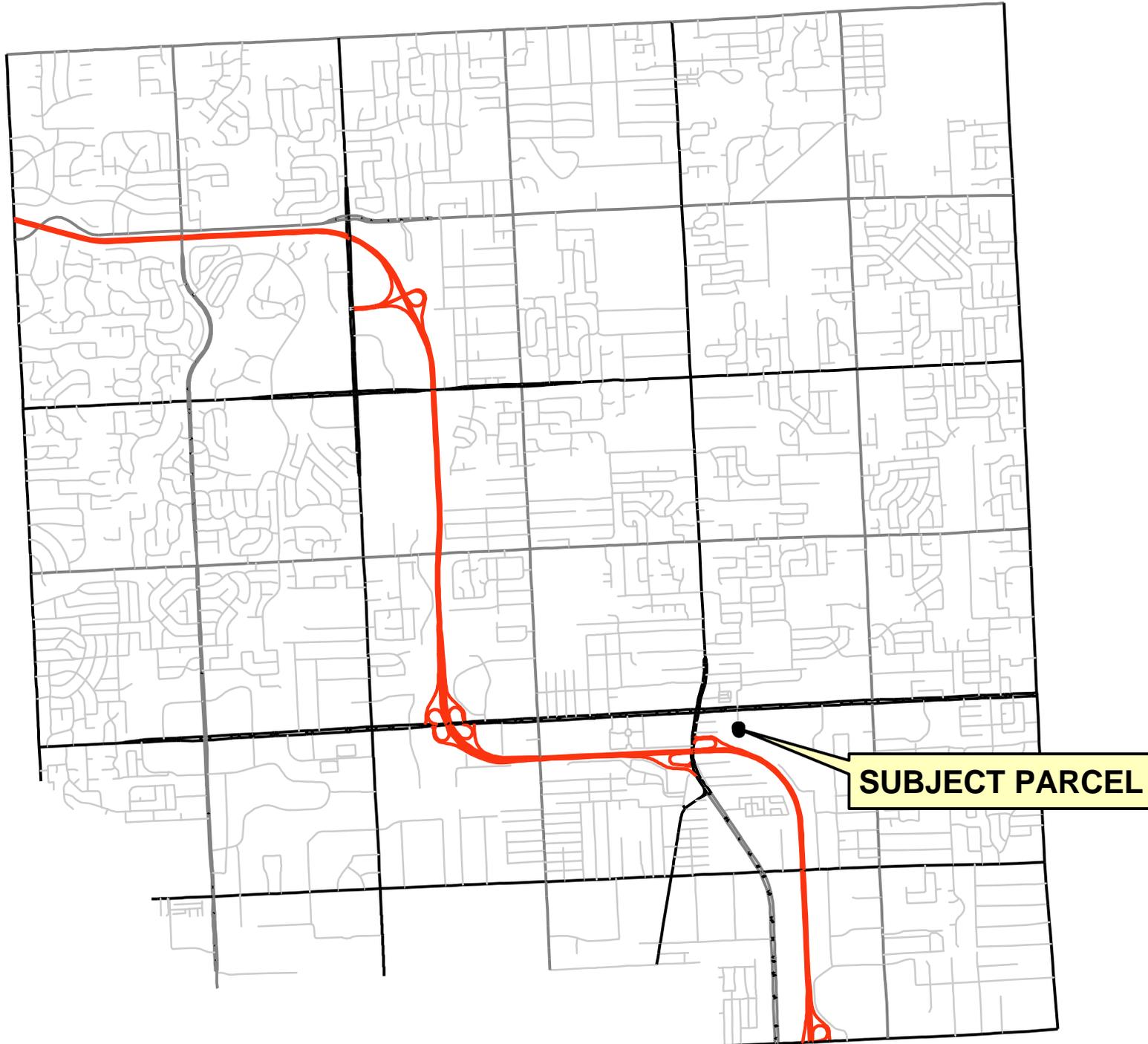
Port of Lots 28 and 33, Supervisor's Plat No. 11, A subdivision of Part of the Southwest 1/4 of the Southwest 1/4 of Section 23 and Part of the Northwest 1/4 of the Northwest 1/4 of Section 26, T.2N., R.11E., City of Troy, Oakland County Michigan, as recorded in (L.46, P.46), more particularly described as:

Commencing from a point in the centerline of Daley Street (50' wide) distant S 00°24'17" W, 65.00 feet from the Northwesterly most corner of Lot 33; thence S 89°59'44" E, 25.00 feet to the East line of said Daley street; thence along the East line of said Daley Street S 00°24'17" W, 94.38 feet; thence N 89°19'34" W, 25.00 feet to the centerline of said Daley Street; thence along said centerline N 00°25'07" E, 29.02 feet; thence N 89°59'11" W, 25.00 feet to the West line of said Daley Street; thence along said West line N 00°24'17" E, 65.07 feet; thence S 89°59'44" E, 25.00 feet to the centerline of said Daley Street and the point of beginning.

ISSUED FOR:	REV'D BY:	ISSUED FOR:	REV'D BY:
ISSUED FOR:	REV'D BY:	ISSUED FOR:	REV'D BY:
		MICKALICH and ASSOCIATES, INC. CIVIL ENGINEERING SURVEYING PLANNING	
		2359 AVON INDUSTRIAL DR, ROCHESTER HILLS, MI 48309 INTERNET: WWW.MICKALICH.COM PHONE: (248) 852-1900 FAX: (248) 852-1070	
		DRAWN BY <u>MLB</u> JOB No. <u>06023</u>	DESCRIPTION BEHR BUILDING & PARKING ROAD VACATION
DATE <u>5-17-06</u> SHEET No. <u>2 of 2</u> SCALE <u>1"=200'</u>			

SURVEYORS SEAL

CITY OF TROY



STREET VACATION REQUEST
DALEY STREET
S OF BIG BEAVER, E OF ROCHESTER RD.
ZONED M-1 SEC. 26 (SV-148 C)

1178

2877

2873

2868

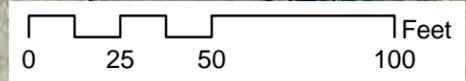
DALEY

2850

2835

PROPOSED VACATION AREA

2852



Robert W. Easterly

Attorney and Counselor

189 EAST BIG BEAVER, SUITE 104
TROY, MICHIGAN 48083-1201
(248) 528-2770 Fax:(248) 528-6644
RWElaw@aol.com

REC'D

JUL 06 2006

July 6, 2006

PLANNING DEPT.

Troy Planning Commission
City of Troy
500 W. Big Beaver
Troy, Michigan 48084

Re: Our Client: Protofab Corp.
2835 Daley Street
Troy, Mich. 48083

OBJECTIONS TO PROPOSED VACATING OF DALEY STREET ON BEHALF OF BEHR AMERICA and 7-11-06 PUBLIC HEARING

Dear Planning Commission:

This office represents Protofab Corp., a longstanding "resident", taxpayer and member of the business community in Troy for more than 40 years now. On or about June 20, 2006, our Client received it's first Notice of the proposed vacating of portions of Daley Street directly in front and to the south of it's business location and facilities. Notice is hereby given that my Client will strenuously object to any such action by the City. These objections include, but are not limited to the following:

1. **Delivery of Steel – 50 ft Semi-Trailer needs turning radius.** The proposed closing of the Street is directly in front of my Client's facility, and would effectively render the building and facility unusable for its present purposes. On a regular basis, Protofab needs large deliveries of metal and other raw materials, which can only be delivered in large 50 foot semi-trailers. Currently, these trucks need every inch of the existing road in order to maneuver into the Protofab driveway. If any portion of the roadway is taken or "vacated", the deliveries of necessary raw materials would be impossible.

2. **Recent Impingements of Rights.** The entire situation referred to in paragraph 1 is exasperated by the fact that Behr America recently purchased (or is leasing) the land directly to the south of my Client's building where the Protofab employees have parked their vehicles for the last 40 years. Behr America is now insisting on allowing it's employees to park there, so what precious little room remains to the front and north side of my Client's building needs to be fully protected and accessible.

3. **Interference with Fire Hydrants.** Currently, the closest fire hydrant to the Protofab building is directly across the street, on the other side of Daley. If the Behr America proposal were granted, this hydrant would then be on the private property of Behr, who wishes to use most of this area for the private parking of it's employees. This and other safety issues and requirements haven't yet been addressed, but are of much concern to my Client, Protofab. It is my understanding that there should also be a fire lane to the south of my Client's building (which would be blocked by the proposal), and that the

vacating of the street may prohibit the required maneuvering of fire trucks down this Street (which would also be a violation of City Ordinance).

4. **The Behr proposal shows an unconscionable amount of parking to the immediate south of Protofab.** The proposal of Behr shows proposed parking up to the south side of my Client's building and also permanent parking directly on what is currently Daley Street, to the immediate south of my Client's lot. As mentioned in paragraphs 1 and 2 above, my Client urgently needs these areas for its operations and deliveries. It is believed that the parking on the current street area, thereby blocking the road, would violate the local ordinances, and the proposal even has permanent curbs jutting out into what is now the through street. This should not be allowed.

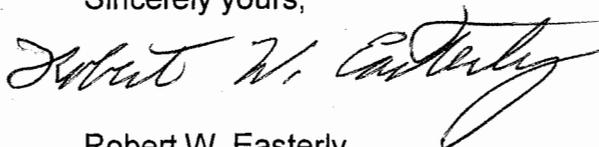
5. **Recently paid for street improvements.** In the fairly recent past, my Client and it's neighbors to the north were required to help pay for improvements to Daley Street. Our Client did not do this just so Behr could then take over the Street via "vacating" it. It is not believed that the City is in the business of selling it's streets. If it is, then my Client would also like to have the possibility of having the street vacated and purchased by them, since Protofab Corp. has been there more than 40 years and is not a new-comer to the area.

6. **Future problems inevitable.** Based upon reliable information, this proposal by Behr America to vacate Daley Street is only the first of a long series of plans to interfere with my client's property rights. A study recently obtained from the Michigan Department of Environmental Quality shows that Behr next wants to alter the flood plain in the area, so that it backs up into and onto my Client's parking lot. This would effectively render it a swamp and cause other problems. None of this is necessary, and we propose that the entire matter be stopped now.

7. **Other Objections.** To be addressed at the 7-11-06 Hearing. We plan on attending.

In closing, my Client Protofab requests that it's business not be ruined by the granting of this proposal. It is hoped that the City will recognize this and will protect the property rights of it's taxpayers and citizens. In connection with this, my Client has requested that I take whatever steps are necessary to protect it's rights. Hopefully, this matter will conclude without further action being necessary. Thank you very much for your time and consideration.

Sincerely yours,



Robert W. Easterly

RWE/mc

Prototfab





07/06/2006



07/06/2006



BEHR

07/06/2006

Prototab
↓

can barley
get in.

proto fab
drive way

07/06/2006



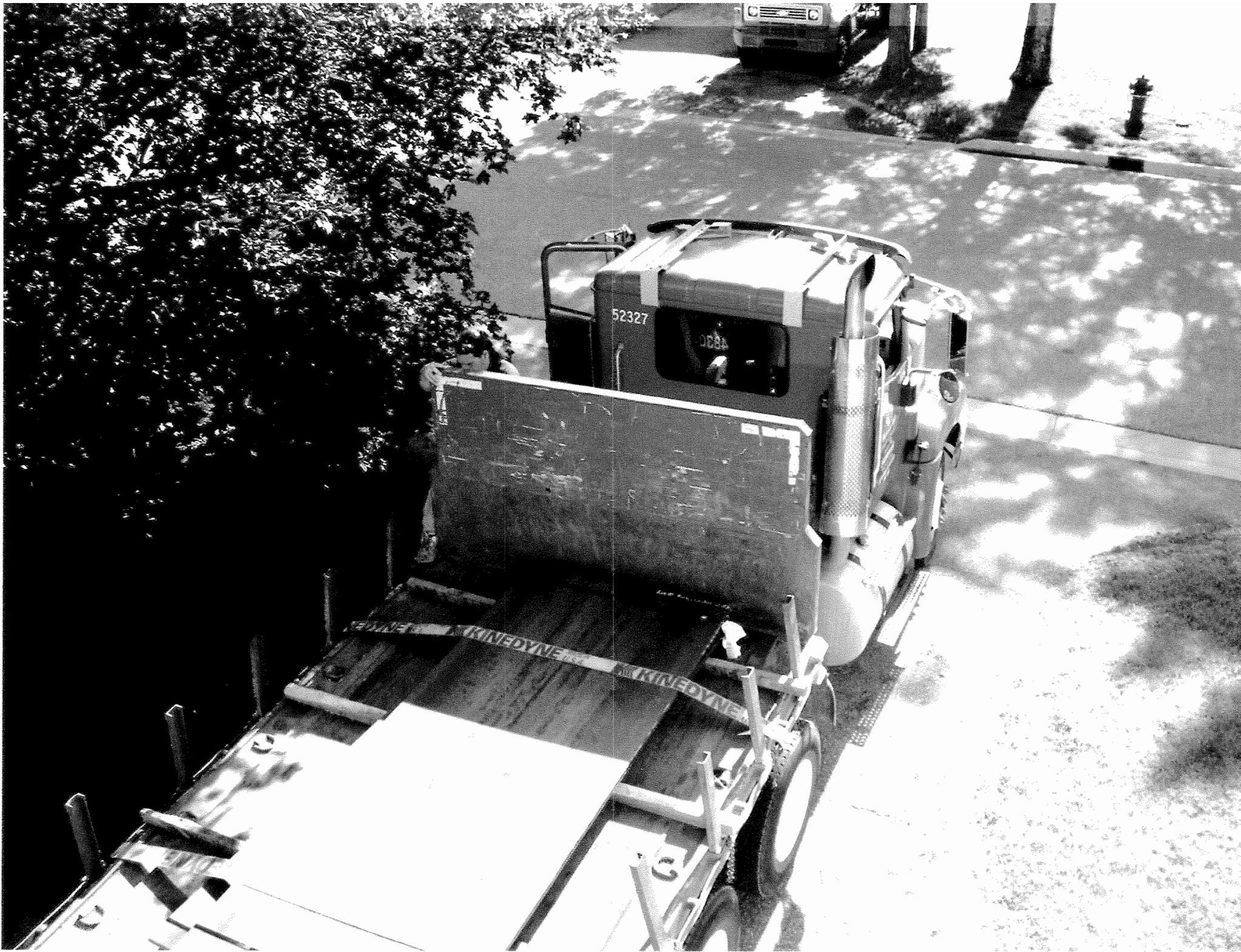
07/06/2006



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07/06/2006

CHARLES E. CLOS
PAUL P. ASKER¹
GARY E. PERLMUTER
GARY A. RUSSELL
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Also admitted in: CA¹

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TROY, MI 48098
(248) 879-5157

BARRY A. SEIFMAN
Of Counsel

FILED

SEP 11 2006

PLANNING DEPT.

September 11, 2006

VIA HAND DELIVERY

Troy Planning Commission
500 West Big Beaver Road
Troy, MI 48084

**RE: Application for Vacation of Portion of Daley Drive Easement
Reply to Objections Filed By Protofab
Public Hearing: September 12, 2006, at 7:30 p.m.**

Dear Planning Commission:

This law firm represents Behr America, Inc. ("Behr"), applicant for the vacation of a portion of the road easement for Daley Drive. This letter is Behr's reply to the letter of objections ("Objections") dated July 6, 2006, filed by Protofab, whose address is 2835 Daley Drive, Troy, Michigan. As set forth below in detail, the Objections filed by Protofab have been made with reckless disregard for the truth. Protofab's Objections are merely a desperate attempt by Protofab to extract funds from Behr by intentionally interfering with Behr's beneficial use of its property and its construction of improvements in accordance with the recent site plan approved by the Planning Commission on May 9, 2006.

Below is Behr's detailed reply to each of the consecutively numbered Objections filed by Protofab in its letter of July 6, 2006:

1. **The proposed vacation does not in any way interfere with Protofab's use of its property.** Protofab simply misstates the truth in alleging that the proposed vacation is directly in front of Protofab's property. First, the proposed vacation of a portion of the easement is directly to the east of Behr's property, and covers that part of Daley Drive that abuts only Behr's property. Protofab alleges that it is the record title owner to the North 65 feet of Lot 28 of Supervisor's Plat No. 11. Behr, in contrast, is the record title owner to many of the lots in Supervisor's Plat No. 11, including, without limitation, the south 65 feet of the north 130 feet of Lot 28. The proposed vacation abuts the south 65 feet of the north 130 feet of Lot 28, and does not at all abut or front the property to the north that Protofab claims it owns. This fact is evident on the Road Vacation Survey prepared by Michalich and Associates attached as **Exhibit A**. Second, Behr is not proposing to close down any portion of Daley Drive, so Protofab's semi-trailers will have the same access to the roadway that it has had in the past. Deliveries to Protofab would not be affected in any manner whatsoever.

2. **Behr has not in any way impinged upon rights of Protofab.** First, as set forth above, Behr is the record title owner to the property directly to the south of Protofab, described as the South 65 feet of the North 130 feet of Lot 28. As such, Behr enjoys the sole right to freely use, occupy, possess and control its property. Protofab has no legal right to park on or use Behr's property, or to prohibit Behr from allowing its employees to park on its own property. Second, the issue whether or not Protofab's employees have parked on Behr's property in the past has nothing to do with the proposed vacation. Behr has used its subject property for its own parking since occupying and owning the property, and simply desires to further improve its property and maximize additional parking on the South 65 feet of the North 130 feet of Lot 28. Third, Protofab's representation that it has parked on Behr's property for the last 40 years is simply preposterous and false. Behr acquired the subject property by warranty deed on or about April 13, 2006, but also occupied that property as the sole tenant for approximately four (4) years prior to that date. During these years, Protofab employees did not park on Behr's portion of Lot 28. In fact, Protofab employs just a few people, and they all park their vehicles on the north and west sides of Protofab's building, not on Behr's property to the South.
3. **Behr's proposed vacation in no way interferes with fire hydrants or public safety.** The existing fire hydrant located directly across from Protofab's property, to the east, is depicted on the Survey excerpt attached as **Exhibit B**. This fire hydrant is neither located on Protofab's property nor Behr's property. Further, this fire hydrant is not at all within the proposed area of the easement to be vacated. The fire hydrant's location will not change, and it remains fully accessible to all. In fact, the Troy Fire Department even signed off on Behr's proposed vacation of part of the road easement. In no way will access to the fire hydrant be blocked by any of Behr's parked vehicles. Behr's vehicles will be parked on its own property approximately 65 feet to the south and 50 feet to the west of the hydrant. With regard to the fire lane issue raised by Protofab, this is simply erroneous. There is and has never been a fire lane within the roadway easement for Daley Drive. Ironically, Behr has learned that Protofab unilaterally purchased and installed two (2) "NO PARKING, FIRE LANE" signs on its own lot, just north of its shared boundary line with Behr, to keep vehicles from parking on the south side of Protofab's building, but then parks its own vehicles from time to time between its building and the shared boundary line with Behr. Nevertheless, there is and has been no fire lane for use by public safety vehicles.
4. **Protofab's parking objection has no relevance to the proposed vacation of the easement.** First, the proposed parking spaces on Behr's portion of Lot 28 are detailed on its Site Plan, not on its survey of the proposed vacation of the easement. Behr's Site Plan, which contains new parking spaces on the South 65 feet of the North 130 feet of Lot 28, already received site plan approval on May 9, 2006. Copies of the Site Plan and site plan approval letter from the City of Troy (dated May 24, 2006) are attached for your reference as **Exhibit C**. Any objection to the proposed vacation of the easement that is premised upon the number or location of parking spaces is misplaced. The proposed parking spaces have already been approved per Behr's Site Plan. Second, contrary to Protofab's false assertion, Behr's Site Plan does not depict any parking spaces inside the confines of Daley Drive. The

vacation of that portion of the easement for Daley Drive requested by Behr would allow Behr to design parking without application of difficult (50 feet) setback requirements, so that parking could be established in greater volume and closer to the paved roadway. But in no instance will the parking spaces fall within the paved roadway. Attached as **Exhibit D** is an excerpt from Behr's Site Plan showing the location of all future parking spaces in relation to the roadway. No parking spaces fall within the paved roadway whatsoever. Third, Protofab's delivery trucks will continue to have full use of the current paved roadway, for maneuvering trucks, since Behr is not proposing to alter or detrimentally affect the existing paved roadway in any manner whatsoever. Fourth, since no parking spaces will be located within the actual paved roadway, there would be no Ordinance violation for blocking the roadway, as erroneously asserted by Protofab.

5. **Behr's improvements to its property benefit the public, and its development is not an attempt to acquire public land.** First, by vacating that small portion of the easement for the roadway requested by Behr, the City of Troy is neither selling nor conveying any real property to Behr. Simply put, Behr is not acquiring or taking over any portion of public land. On the contrary, Behr is simply requesting the City to vacate a portion of the easement for Daley Drive that is located on Behr's own property. Protofab's statement that the City is selling its street to Behr is nonsense and does not merit further comment.
6. **Behr's proposed vacation of a portion of Daley Drive is genuine and necessary for the development of Behr's property and the construction of improvements in accordance with its approved Site Plan.** Protofab's stated belief that the proposed vacation is merely Behr's first of many instances to carry out a long-term plan of interfering with Protofab's property rights is preposterous. There is no basis in fact for this false belief. Protofab's reference to a study of the Michigan Department of Environmental Quality and the detrimental alteration of a flood plain is a red herring. This has nothing to do with the proposed vacation. More importantly, Behr's approved MDEQ plan (to the extent it is even relevant here), actually benefits Protofab and seeks to prevent the very flooding that Protofab alleges concern over. Behr's property development and improvements do not at all affect Protofab's title to its own real property, and do not at all affect Protofab's use of Daley Drive. Even further, if any party is attempting to interfere with property rights of the other, it is Protofab. Its reckless and false statements contained within its Objections could lead a reasonable person to conclude that it is Protofab who is interfering with Behr's use and enjoyment of its property.
7. **Behr has not received any notice of further objections from Protofab.** In the event that Protofab makes any further objections to Behr's proposed vacation of a portion of the roadway easement for Daley Drive, they will be addressed and rebutted at the public hearing. However, Behr is not aware of any additional objections filed by Protofab to date, other than the Objections referenced above.

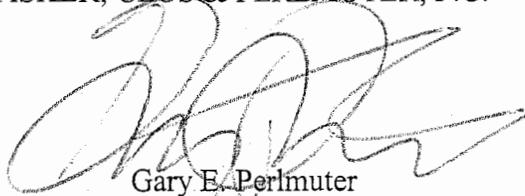
Troy Planning Commission

September 11, 2006

Page 4

We look forward to answering any questions that you might have, and providing you with any additional information that you might require, at the upcoming public hearing of the Planning Commission on Tuesday, September 12, 2006.

Very truly yours,
ASKER, CLOS & PERLMUTER, P.C.

A handwritten signature in black ink, appearing to read 'G. Perlmutter', is written over the typed name below.

Gary E. Perlmutter

GEP/cml

cc: Katja Knupfer, Esq. (w/o enclosures)
Mr. Phil Tocco (w/o enclosures)
Mr. Olaf Maly (w/o enclosures)
Paul P. Asker, Esq. (w/o enclosures)

LEGAL DESCRIPTION

LEGAL DESCRIPTION:

Part of Lots 25, 28 and all of Lot 33, Supervisor's Plat No. 11, A subdivision of Part of the Southwest 1/4 of the Southwest 1/4 of Section 23 and Part of the Northwest 1/4 of the Northwest 1/4 of Section 26, T.2N., R.11E., City of Troy, Oakland County Michigan, as recorded in (L.46, P.46). Also part of Lot 12, 13 and 14 and part of vacated Jasper Avenue of "Supervisor's Plat No. 10" a subdivision of part of the Northeast 1/4 of Section 27 and part of Northwest 1/4 of Section 26, T.2 N., R.11 E., City of Troy, Oakland County, Michigan (L.46, P.42) also part of the Northwest 1/4 of Section 26 also the east 150.00 feet of Lot 25 except the North 678.00 feet and except that part of I-75 Highway, also Lot 27 and 28 except the North 130.00 feet and Lot 34 of "Supervisor's Plat No. 11" a subdivision of part of Southwest 1/4 of Southwest 1/4 of Section 23 and part of Northwest 1/4 of Northwest 1/4 of Section 26, T.2 N., R.11 E., City of Troy, Oakland County, Michigan (L.46, P.46), more particularly described as:

Commencing at the Northwest 1/4 corner of Section 26; thence along the North line of said Section 26 N 89°59'33" E, 680.98 feet; thence S 00°24'18" W, 102.00 feet to the Southerly line of Big Beaver Road and the point of beginning; thence along the Southerly line of Big Beaver Road N 89°59'33" E, 150.00 feet; thence S 00°24'18" W, 543.72 feet; thence S 89°59'44" E, 150.00 feet; thence N 00°24'17" E, 65.00 feet; thence S 89°59'59" E, 150.00 feet; thence S 00°24'18" W, 50.70 feet; thence S 88°18'12" E, 181.48 feet; thence S 00°17'00" W, 341.47 feet; thence S 73°50'20" E, 180.05 feet; thence S 67°10'00" E, 70.07 feet; thence S 28°36'11" W, 351.65 feet to a point on the Northerly right-of-way of I-75 (variable width); thence along said line 283.53 feet along a curve to the left, a radius of 2655.48 feet, chord bearing and distance of N 68°15'02" W, 263.42 feet; thence N 71°05'37" W, 380.66 feet; thence N 65°40'20" W, 106.87 feet; thence N 00°24'00" E, 388.61 feet; thence N 00°24'18" E, 608.72 feet to the Southerly line of Big Beaver Road and the point of beginning.

Parcel Contains: 511,561.37 sq. ft., 11.7 acres.

DESCRIPTION OF VACATION:

Part of Lots 28 and 33, Supervisor's Plat No. 11, A subdivision of Part of the Southwest 1/4 of the Southwest 1/4 of Section 23 and Part of the Northwest 1/4 of the Northwest 1/4 of Section 26, T.2N., R.11E., City of Troy, Oakland County Michigan, as recorded in (L.46, P.46), more particularly described as:

Commencing from a point in the centerline of Daley Street (50' wide) distant S 00°24'17" W, 65.00 feet from the Northwest corner of Lot 33; thence S 89°59'44" E, 25.00 feet to the East line of said Daley street; thence along the East line of said Daley Street S 00°24'17" W, 94.38 feet; thence N 89°19'34" W, 25.00 feet to the centerline of said Daley Street; thence along said centerline N 00°25'07" E, 29.02 feet; thence N 89°59'11" W, 25.00 feet to the West line of said Daley Street; thence along said West line N 00°24'17" E, 65.07 feet; thence S 89°59'44" E, 25.00 feet to the centerline of said Daley Street and the point of beginning.

ISSUED FOR:	REV'D BY:	ISSUED FOR:	REV'D BY:
ISSUED FOR:	REV'D BY:	ISSUED FOR:	REV'D BY:
 <p>MICKALICH and ASSOCIATES, INC. CIVIL ENGINEERING SURVEYING PLANNING 2369 AVON INDUSTRIAL DR, ROCHESTER HILLS, MI 48309 INTERNET: WWW.MICKALICH.COM PHONE (248) 862-1900 FAX (248) 862-1070</p>	DRAWN BY <u>MLB</u> JOB No. <u>0602J</u>		DESCRIPTION
	DATE <u>8-17-08</u> SHEET No. <u>2 of 2</u> SCALE <u>1"=200'</u>		BEHR BUILDING & PARKING ROAD VACATION
	SURVEYOR'S SEAL		



May 24, 2006

500 West Big Beaver
Troy, Michigan 48064
Fax: (248) 524-0851
www.ci.troy.mi.us

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

Philip Tocco
2700 Daley Drive
Troy, MI 48083

Subject: PRELIMINARY SITE PLAN APPROVAL (SP 689-B) - Addition to Behr America, South of Big Beaver, East and West sides of Daley (2700-2852 Daley), Section 26, M-1 (Light Industrial) District

Dear Mr. Tocco:

At their Regular Meeting of May 9, 2006, the Planning Commission acted upon your request for Preliminary Site Plan Approval of the addition to Behr America located south of Big Beaver, east and west sides of Daley, Section 26, M-1 zoning district, in the following manner:

Resolution # PC-2006-05-084

Moved by: Schultz
Seconded by: Littman

RESOLVED, That Preliminary Site Plan Approval, as requested for the Proposed Addition to Behr America, located south of Big Beaver, on the east and west sides of Daley, located in Section 26, on approximately 11.7 acres, within the M-1 zoning district, is hereby granted.

Yes: All present (8)
No: None
Absent: Wright

MOTION CARRIED

This Preliminary Approval is valid for a period of one (1) year from date of Preliminary Approval. The Preliminary Approval may continue to be valid after this date if the applicant can show reasonable progress toward completion of the Final Site Plan Approval checklist.

The enclosed checklist indicates the items that shall be provided or actions that shall be taken for Final Site Plan Approval. Additional items may be added to this list in the course of Building and Engineering Plan Review. Please feel free to contact the undersigned if you should have any further questions or comments regarding this matter.

Very truly yours,



Mark F. Miller, AICP/PCP
Planning Director

Enclosure

cc: Building Department
Engineering Department
Fire Department
File/ SP 689-B
File/ Correspondence

NOTE:
ESTIMATED ±200 CYD OF ADDITIONAL
FLOODPLAN VOLUME BEING CREATED.

LOT 32

LOT 33

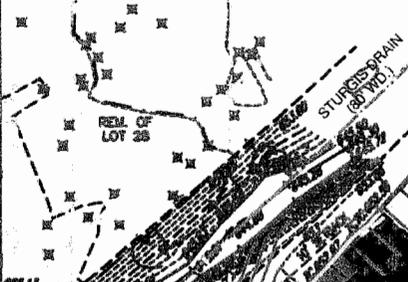
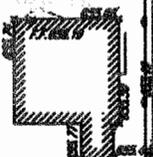
BENCHMARK
ARROW ON HYDRANT
ELEV=857.50
N.G.V.D. DATUM

DALEY ST. (50' WD. R.O.W.)

ASPHALT PAVEMENT

N. 88.54' OF
S. 183.67' OF
LOT 29
(202-81-03-020)
ZONED: M-1 LIGHT
INDUSTRIAL

S. 88.83' OF
LOT 29
(202-81-03-021)
ZONED: M-1 LIGHT INDUSTRIAL



PR. BUILDING

SV 1780
#6
REC'D
SEP 12 2006
PLANNING DEPT.
2:15 PM

Robert W. Easterly

Attorney and Counselor
189 EAST BIG BEAVER, SUITE 104
TROY, MICHIGAN 48083-1201
(248) 528-2770 Fax:(248) 528-6644
RWElaw@aol.com

September 11, 2006

Troy Planning Commission
City of Troy
500 W. Big Beaver
Troy, Michigan 48084

Re: Our Client: Protofab Corp.
2835 Daley Street
Troy, Mich. 48083

**ADDITIONAL OBJECTIONS TO PROPOSED VACATING OF DALEY STREET
FOR BEHR AMERICA and 9-12-06 PUBLIC HEARING**

Dear Planning Commission:

As you know, this office represents Protofab Corp., who acknowledges the new downscaled version of the Behr America request to vacate portions of Daley Street, next to and adjacent to my Client's property. However, the entire request of Behr America is still strenuously objected to and currently under litigation by my Client.

Firstly, my Client hereby reasserts as if set forth fully herein, the first 7 Objections to the Street Vacating which were set forth in our July 6, 2006 letter to the Planning Commission, together with all of the Exhibits attached thereto.

Protofab however also asserts the following additional points:

8. **Need vs. Convenience** (+ potential unlawful "taking" issue). As mentioned in the earlier paragraph 1 of the 7-6-06 letter, Protofab needs the Street in it's current condition, and receives large deliveries of metal and other raw materials, which can only be delivered in large 50 foot semi-trailers. Protofab has used the Street for over 40 years, and had every reason to believe that it would not just be "taken away" because a larger company wanted the space for additional parking, etc. The entire request by Behr America under the circumstances of this case is strictly for their convenience, so they can have some additional room for parking and related type issues, because of their over-expansion for the area that they bought. Protofab submits that if Behr wants additional space for their convenience, then they should do what everyone else has to do and buy additional land, and not attempt to take away the Street area that Protofab had every right to believe would continue to exist.

9. **Land Ownership dispute.** It is imperative to note that even on the new revised proposal from Behr America, the entire top (or north) 65 feet of the "Street Vacating" request involves land that is claimed as being owned by Protofab, who has filed Suit in the Oakland County Circuit Court to have the Court resolve this. Specifically, Protofab claims full ownership to the north 21 feet of the proposed "Vacation Area", and full rights under an easement by prescription to the next 44 feet of the proposed "Vacation

Area". Given these facts, there is no way the City should even consider the request of Behr to Vacate land which they don't own and which doesn't even abut their own property. At a minimum, the Circuit Court Lawsuit which is before Judge Gene Schnelz, should be decided first before any decision is made by the City on any of these issues.

In connection with the foregoing paragraph, I am attaching the following documents:

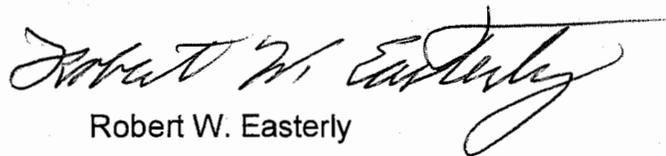
1. Verified Claim of Interest which has been filed with the Oakland County Register of Deeds (2 pages);
2. Copy of the Lawsuit which has been filed with the Oakland County Circuit Court (7 pages); and
3. Copy of recent letter dated September 8, 2006 to the Corporate Attorney for Behr America (2 pages).

Further, Protofab has (or is contemporaneous herewith) filing for a Preliminary Injunction against Behr America to maintain the current Status quo, which should be heard by Judge Schnelz in the next few weeks. This gives an additional reason for both the City and Behr to not continue to proceed with this matter until a decision has been reached on the underlying issues.

In closing, my Client Protofab requests that the demand of Behr America to Vacate the Street be denied, or at an absolute minimum, not decided until the conclusion of the Circuit Court matter. It is hoped that the City would honor this request and would protect the property rights of it's taxpayers and citizens.

Thank you very much for your time and consideration.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Robert W. Easterly".

Robert W. Easterly

RWE/mc
Enclos.

the south 44 feet of the south 65 feet of the north 130 feet of Lot 28, Supervisors Plat No. 11, as recorded in Liber 46 of Plats, Page 46, Oakland County Records (the "Easement Parcel")

by non-exclusive use which use has been actual, visible, open, notorious, under cover of claim of right, and continuous and uninterrupted for over 15 years.

- 7. Both the Title Parcel and the Easement Parcel are part of Parcel No.: 20-26-103-024, commonly known as 1176 – 1178 E. Big Beaver Road.
- 8. A Warranty Deed allegedly granting title to both the Title Parcel and the Easement Parcel, in addition to other land, was dated April 13, 2006 and recorded April 27, 2006 in Liber 37475, Page 372, Oakland County Records.
- 9. During the time Protofab Corporation has occupied the Title Parcel and used the Easement Parcel, no other person or persons, either pursuant to a deed or otherwise, has exercised ownership rights over the Title Parcel, and no other person has forbidden the use of the Easement Parcel by Protofab Corporation.

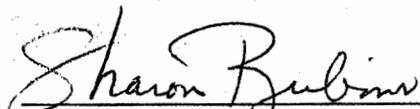
FURTHER DEPONENT SAYETH NOT.



 William H. Hart, IV

State of Michigan)
) ss
 County of Oakland)

The foregoing Affidavit was signed, acknowledged and sworn to before me by William H. Hart, IV, known to me to be the person named in and who executed the foregoing Affidavit on the 17th day of August, 2006.



 Sharon Rubino, Notary Public
 State of Michigan, County of Oakland
 Acting in the County of Oakland
 My commission expires: 04-09-2011

Drafted by and when recorded return to:

John Sharp, Esq.
 Strobl & Sharp, P.C.
 300 E. Long Lake Road, Suite 200
 Bloomfield Hills, MI 48304

SHARON RUBINO
 Notary Public, State of Michigan
 County of Oakland
 My Commission Expires Apr. 9, 2011
 Acting in the County of Oakland



COURT JUDGE GENE SCHNELZ
COUNTY PROTOFAB CORP V BEHR AMERICA, INC.

STATE OF MICHIGAN JUDICIAL DISTRICT 6TH JUDICIAL CIRCUIT COUNTY PROBATE	SUMMONS AND COMPLAINT
---	------------------------------

Court address
1200 N. Telegraph Road, Dept. 404, Pontiac, Michigan 48341-0404

(248) 858-1000

Plaintiff name(s), address(es), and telephone no(s). PROTOFAB CORPORATION, a Michigan corporation, 2835 Daley Drive, Troy, MI 48083	v	Defendant name(s), address(es), and telephone no(s). BEHR AMERICA, INC. a Delaware corporation 2700 Daley Drive, Troy, MI 48083
Plaintiff attorney, bar no., address, and telephone no. John Sharp (P29042) and Robert W. Easterly (P26367) Attorneys for Plaintiff 189 E. Big Beaver, Suite 104 Troy, Michigan 48083-1201 (248) 258-2770		

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 a written answer with the court** and serve a copy on the other party or take other lawful action with the court (28 days if you were served by mail or you were served outside this state). MCR 2.111(C)
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 25 2006	This summons expires	NOV 27 2006	Court clerk	RUTH JOHNSON
--------	-------------	----------------------	-------------	-------------	--------------

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

This document must be sealed by the seal of the court.

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, Michigan	Defendant(s) residence (include city, township, or village) Troy, Michigan
Place where action arose or business conducted Oakland County, Troy, Michigan	

08/21/2006

Date

Signature of attorney for plaintiff Robert W. Easterly

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.

06-076958-CH



OAKLAND COUNTY JUDGE GENE SCHNELZ
COUNTY PROTOFAB CORP V BEHR AMERICA

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

PROTOFAB CORPORATION
a Michigan corporation,

RECEIVED FOR FILING
OAKLAND COUNTY CLERK

Plaintiff,

'06 AUG 25 P2:31

Case No. 06-

06-076958-CH



OAKLAND COUNTY JUDGE GENE SCHNELZ
COUNTY PROTOFAB CORP V BEHR AMERICA

-vs.-

Honorable: _____

DEPUTY COUNTY CLERK

BEHR AMERICA, INC.,
a Delaware corporation,

Defendant.

John Sharp (P29042)
STROBL & SHARP, P.C.
Attorneys for Plaintiff
300 East Long Lake Road, Suite 200
Bloomfield Hills, MI 48304-2376
(248) 540-2300

Robert W. Easterly (P26367)
Co-Counsel for Plaintiff
189 E. Big Beaver Road, Suite 104
Troy, MI 48083
(248) 528-2770

VERIFIED COMPLAINT

There is no other pending or unresolved civil action arising out of the same transaction or occurrence as alleged in this complaint. [M.C.R. 2.113(C)(2)(a).]

NOW COMES PROTOFAB CORPORATION, a Michigan corporation ("Protofab"),
by its undersigned counsel, and for its Verified Complaint, states as follows:

1. Plaintiff is a Michigan corporation with its primary place of business at 2835 Daley, Troy, Michigan 48083.

2. Defendant is a Delaware corporation with a place of business at 2700 Daley Drive, Troy, Michigan 48083.

3. By this action, Plaintiff seeks an order of the Court vesting legal title to certain real property in Plaintiff and further vesting in Plaintiff an easement by prescription in certain other property.

4. The real property at issue for vesting legal title is described as the north 21 feet of the south 65 feet of the north 130 feet of Lot 28, Supervisors Plat No. 11, according to the Plat thereof recorded in Liber 46 of Plats, Page 46, Oakland County Records (the "Title Parcel").

5. The parcel at issue as to the easement by prescription is the south 44 feet of the south 65 feet of the north 130 feet of Lot 28 of Supervisors Plat No. 11, according to the Plat thereof recorded in Liber 46 of Plats, Page 46, Oakland County Records (the "Easement Parcel").

6. Both the Title Parcel and the Easement Parcel are part of tax parcel no. 20-26-103-024, commonly known as 1176 – 1178 East Big Beaver Road, Troy, Michigan 48083, which also includes other land.

7. Plaintiff is the owner in fee simple of real property immediately to the north of the property at issue.

8. Plaintiff's property is legally described as the north 65 feet of Lot 28, Supervisors Plat No. 11, as recorded in Liber 46 of Plats, Page 46, Oakland County Records and is tax parcel no. 20-26-103-007, commonly known as 2835 Daley.

9. Plaintiff Protofab acquired the property commonly known as 2835 Daley by warranty deed from William H. Hart and Dorothy Hart, his wife, who are shareholders of Protofab, under a deed dated December 1, 1987 and recorded December 2, 1987, in Liber 10217, Page 255, Oakland County Records.

10. Plaintiff Protofab and Protofab's predecessors in title, the Harts, are related parties in that the Harts are shareholders and officers of Protofab, and Protofab is entitled to "tack" its interest to that of the Harts.

11. Defendant is the record title owner to both the Title Parcel and the Easement Parcel by virtue of a Warranty Deed dated April 13, 2006 and recorded April 27, 2006 in Liber 37475, Page 372, Oakland County Records.

12. Plaintiff and its predecessor, the Harts, have for many years exercised actual, visible, open, notorious, exclusive, continuous and uninterrupted control over the Title Parcel.

13. Plaintiff and its predecessor, the Harts, have excluded others from the use of the Title Parcel and Plaintiff holds it under a claim of right.

14. Plaintiff's and its predecessor, the Harts, use and control of the Title Parcel has extended far in excess of 15 years.

15. In addition, Plaintiff has exercised use of the Easement Parcel for well in excess of 15 years to make deliveries to its plant, and such use has been actual, visible, open, notorious, continuous and uninterrupted. Such use has been shared in common with Defendant's predecessor in title via a common driveway serving both Plaintiff's plant and the plant of the Defendant's predecessor in title.

16. In the year 2006, Defendant attempted to install certain stakes and strings on the Title Parcel, but Plaintiff has continued to possess the property to the edge of the drive on the Easement Parcel.

Wherefore, Plaintiff requests that this Court enter judgment in its favor:

(a) Declaring that Plaintiff is the lawful owner of the Title Parcel, to-wit:

The north 21 feet of the south 65 feet of the north 130 feet of Lot 28, Supervisors Plat No. 11, according to the Plat thereof recorded in Liber 46 of Plats, Page 46, Oakland County Records.

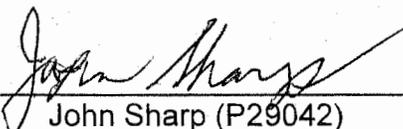
(b) Declaring that Plaintiff has acquired an easement by prescription over the Easement Parcel for driveway use and delivery to Plaintiff's plant, the Easement Parcel being described as:

The south 44 feet of the south 65 feet of the north 130 feet of Lot 28, Supervisors Plat No. 11, according to the Plat thereof recorded in Liber 46 of Plats, Page 46, Oakland County Records.

(c) Awarding Plaintiff such other and further relief as to this Court shall seem just and equitable.

Respectfully submitted,

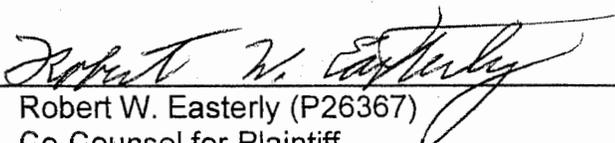
STROBL & SHARP, P.C.

By: 

John Sharp (P29042)
Attorneys for Plaintiff
300 East Long Lake Road, Suite 200
Bloomfield Hills, MI 48304-2376
(248) 540-2300

Dated: August 17th, 2006

LAW OFFICES OF ROBERT W. EASTERLY

By: 

Robert W. Easterly (P26367)
Co-Counsel for Plaintiff
189 E. Big Beaver Road, Suite 104
Troy, MI 48083
(248) 528-2770

Dated: August 17th, 2006

VERIFICATION

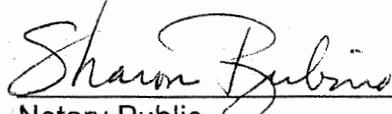
WILLIAM H. HART, IV, being first duly sworn, does state that he is authorized to sign this Verification as an Officer of PROTOFAB CORPORATION, a Michigan corporation, and that he has read the Verified Complaint set forth above and is familiar with the facts stated therein and that they are true and correct to the best of his information, knowledge and belief, and that he would be competent to testify thereto if called as a witness in the within matter.



WILLIAM H. HART, IV

STATE OF MICHIGAN)
)Ss
COUNTY OF OAKLAND)

On this 17th day of August, 2006, William H. Hart, IV, acknowledged that he signed the above Verification on behalf of the Plaintiff with full authority to do so.



Notary Public
Oakland County, Michigan
Acting in Oakland County

My commission expires: 04-09-2011

SHARON RUBINO
Notary Public, State of Michigan
County of Oakland
My Commission Expires Apr. 9, 2011
Acting in the County of Oakland

J:\DOCS\03353\001\pldg\SB178274.DOC



300 East Long Lake Road Suite 200
Bloomfield Hills Michigan 48304-2376

t 248 540 2300
f 248 645 2690
www.stroblpc.com

John Sharp
Direct Dial (248) 205-2747
Email jsharp@stroblpc.com

September 11, 2006

**Via Facsimile 248.743.3801
and First Class Mail**

Behr America, Inc.
2700 Daley Road
Troy, MI 48083
Attn: Katja Knupfer

Re: Your letter of August 29, 2006 addressed to Protofab Corporation

Dear Ms. Knupfer:

Please be advised that the undersigned along with Robert W. Easterly represent Protofab Corporation. I am responding to your letter dated August 29, 2006 addressed to William H. Hart, IV of Protofab Corporation.

As you are no doubt aware by now, Protofab Corporation claims ownership of the north 21 feet of the south 65 feet of the north 130 feet of Lot 28, and therefore denies that your letter properly refers to property owned by Behr America, Inc. Protofab Corporation recorded an Affidavit of Claim of Interest in Liber 38032, Page 045 and 046, Oakland County Records on August 25, 2006, a copy of which is enclosed in this letter. Further, Protofab Corporation has instituted legal action against Behr America, Inc. in the Oakland County Circuit Court, also on August 25, 2006, which has now been served upon Behr America, Inc.

Your letter is a belated attempt to reconstruct the history of this action. It is not only days late, but years and decades late.

Since you are now aware that my client asserts ownership of the parcel, Behr America, Inc. is cautioned that it proceeds at its peril.



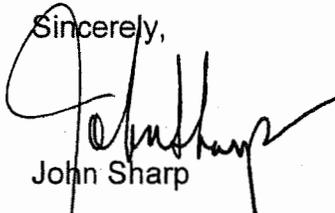
300 East Long Lake Road Suite 200
Bloomfield Hills Michigan 48304-2376

t 248 540 2300
f 248 645 2690
www.stroblpc.com

September 11, 2006
Page 2 of 2

Finally, since you are now aware that Protofab Corporation is represented by counsel all future contact should be through this office or the office of Mr. Easterly.

Sincerely,



John Sharp

JS/mdt

Enclosure

cc: Robert W. Easterly
William Hart

J:\DOCS\03353\001\tr\SB180762.DOC



CITY COUNCIL REPORT

October 17, 2006

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Announcement of Public Hearing
Commercial Vehicle Appeal – 5933 Diamond

Background:

- Commercial Vehicles, other than a pick-up truck or van are prohibited from being parked outside on residential property per Section 40.66.00 of the Troy Zoning Ordinance.
- Mr. Karim Abdal, the owner of the property at 5933 Diamond, parks a 2006 Chevrolet cutaway van, used for the commercial purpose of a heating and cooling business in the driveway of the home.
- Mr. Abdal was notified of the violation on September 13, 2006, and was given the option of removing the vehicle or seeking an appeal of the parking restrictions.
- On October 16, 2006, Mr. Abdal submitted an application seeking appeal.
- A public hearing, as required by Section 44.02.01 of the Zoning Ordinance, is scheduled for November 27, 2006

Financial Considerations:

- There are no financial considerations for this item.

Legal Considerations:

- City Council has the authority to grant appeals of the restrictions for outdoor parking of commercial vehicles on residential property after a public hearing per Section 44.02.00 of the Zoning Ordinance.

Policy Considerations:

- Holding public hearings on matters considered for appeals allows the public to offer their comments and concerns to promote effective decision making. (Goal 3)

Options:

- There are no options for this item.

**COMMERCIAL VEHICLE
APPEAL APPLICATION**

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

NAME: Karim Abdal

ADDRESS: 5933 Diamond Dr

CITY: Tray - M. MI. ZIP: 48085 PHONE: 248-224-1513

ADDRESS OF SITE: 5933 Diamond Dr

NUMBER OF VEHICLES: ~~2~~ 1

VEHICLE IDENTIFICATION NUMBER(S) 1GBH0310261122481 express cutaway

LICENSE PLATE NUMBER(S) 5463 MY

DESCRIPTION OF VEHICLE(S) 2006 Chevrolet Cutaway

BUILDING DEPT
OCT 16 2006
RECEIVED

REASON FOR APPEAL (see A - D below) C

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

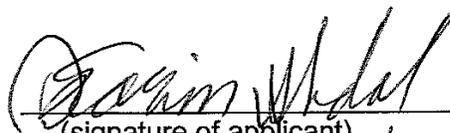
44.02.01 ACTIONS TO GRANT APPEALS ... SHALL BE BASED UPON AT LEAST ONE OF THE FOLLOWING FINDINGS BY THE CITY COUNCIL:

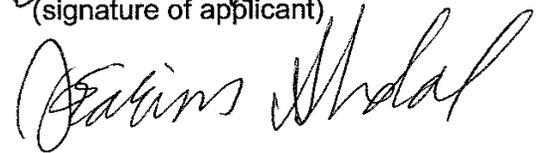
- A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).
- B. Efforts by the applicant have determined there are no reasonable or feasible alternative locations for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

COMMERCIAL VEHICLE APPEAL APPLICATION

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

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



(signature of applicant)


STATE OF MICHIGAN
COUNTY OF OAKLAND

On this 18th day of September, 2006 before me personally appeared the above named person who depose and sayeth that he/she signed this application with full knowledge of its contents and that all matters stated therein are true.

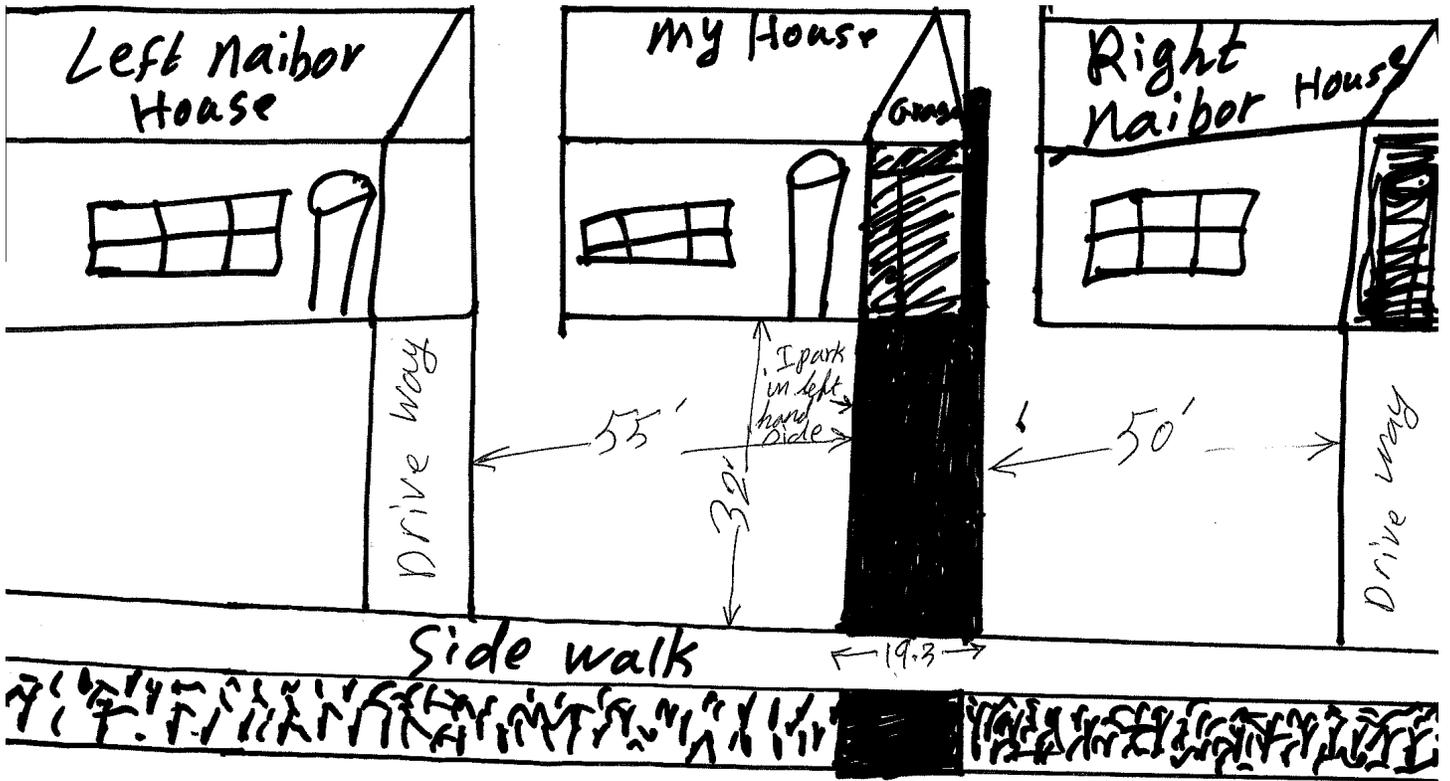


Notary Public, _____ County, Michigan

PAMELA R. PASTERNAK
Notary Public, State of Michigan, County of Macomb
My Commission Expires September 1, 2007
Acting in the County of _____

My Commission Expires: _____

PAMELA R. PASTERNAK
Notary Public, State of Michigan, County of Macomb
My Commission Expires September 1, 2007
Acting in the County of Oakland



RECEIVED
OCT 16 2006
BUILDING DEPT.



LIBRARY ADVISORY BOARD MINUTES - FINAL

JUNE 29, 2006

A Regular Meeting of the Troy Library Board was held on Thursday June 29 , 2006 at the Office of the Library Director. Audre Zembrzuski, Vice-Chairman, called the meeting to order at 7:30 P.M.

ROLL CALL

PRESENT: Heather Eisenbacher
Kul B. Gauri
Lynne Gregory
Nancy Weeler
Audre Zembrzuski

Lauren Andreoff, Student Representative
Cheng Chen, Student Representative

Brian Stoutenburg, Library Director

The Pledge of Allegiance to the Flag was given.

Resolution #LB-2006-6-01

Moved by Gregory
Seconded by Wheeler

RESOLVED, That Minutes of May 11, 2006 be approved.

Yes: 5—Eisenbacher, Gauri, Gregory, Wheeler, Zembrzuski
No: 0

Reviewed Agenda entries

Resolution #LB-2006-06-02

Moved by Eisenbacher
Seconded by Wheeler

RESOLVED, That the Agenda be approved.

Yes: 5—Eisenbacher, Gauri, Gregory, Wheeler, Zembrzuski
No: 0

MOTION CARRIED

POSTPONED ITEMS

Kul B. Gauri was introduced and welcomed to the Board.

Election of Officers

Resolution #LB-2006-06-03

Moved by Wheeler
Seconded by Gauri

RESOLVED, That the Library Advisory Board Officers shall be: Lynne Gregory, Chairman; Heather Eisenbacher, Vice-Chairman; Nancy Wheeler, Secretary.

Yes: 5—Eisenbacher, Gauri, Gregory, Wheeler, Zembrzuski

No: 0

REGULAR BUSINESS

There was no Regular Business.

REPORTS & COMMUNICATIONS

Director's Report.

The annual Public Library Trustee Association of Oakland County Spring Dinner was attended by Gauri, Gregory, Zembrzuski and Stoutenburg. L. Brooks Patterson spoke on the Wireless Oakland Project.

Meaghan Battle has been hired to replace Esther Cram who recently retired as Assistant Director for Public Services. She will start on August 14, 2006.

The Summer Reading Clubs for Youth, Teens and Adults are underway with a large number of signups during the first week.

Board Member's Comments.

Eisenbacher asked about the exhibit sign. A discussion about the exact language was held. The sign shall read: The Library cannot be involved in the sale of items on exhibit and no sales can take place within the Library. For more information contact the exhibitor.

Wheeler asked about the building expansion plans. A discussion was held about possible roles that the Board could play. The Friends of the Library was represented by Maria Hunciag and she outlined the intent of the Friends for an expansion or new facility and invited the Board to attend the Friends Building Committee meetings. Gauri suggested that the Board gather data to support increased space such as a survey of patrons. The Board decided to have this discussion continue at the September meeting.

Zembrzuski asked if the Outreach Services Flyer could be more widely distributed, particularly to Seniors. Gauri suggested distributing flyers also to the Advisory Committee for Persons with Disabilities.

Student Representative's Comments

Andreoff and Chen expressed their farewell wishes to the Board. Both are off to college in the fall and this would be their last meeting.

Resolution #LB-2006-06-04

Moved by Gauri

Seconded by Wheeler

RESOLVED, That Student Representatives Andreoff and Cheng are recognized for their important service to the Library Advisory Board.

Yes: 5—Eisenbacher, Gauri, Gregory, Wheeler, Zembrzuski
No: 0

Suburban Library Cooperative.

Gregory reported that there was a major upgrade release of the Sirsi program in June. SLC had made application to the State to be part of the MelCat program. Minor changes in the Personnel Policy were made. Disposal of old PCs owned by SLC would take place according to policy.

Friends of the Troy Public Library.

Maria Hunciag talked about the Friend's master plan "The Library of the Future". The Building Committee includes Tammy Duszynski, Eve Parsons, Mary Kerwin and herself. It's a 5-10 year plan.

Gifts.

Two gifts totaling \$65.00 were received.

Informational Items.

June and July TPL Calendars

Contacts and Correspondence.

7 written comments from the public were reviewed.

Public Participation.

A public comment was made asking that benches be installed at the front of the building.

The Library Board meeting adjourned at 8:45 P.M.

Audre Zembrzuski
Vice-Chairman

Brian Stoutenburg
Recording Secretary

A regular meeting of the Liquor Advisory Committee was held on Monday, July 10, 2006 in the Lower Level Conference Room of Troy City Hall, 500 West Big Beaver Road. Chairman Max K. Ehlert called the meeting to order at 7:00 p.m.

ROLL CALL:

PRESENT: Max K. Ehlert, Chairman
Henry W. Allemon
David S. Ogg
Bohdan L. Ukrainec
Kelsey Brunette, Student Representative
Christopher Forsyth, Assistant City Attorney
Lieutenant Michael Lyczkowski
Pat Gladysz

ABSENT: W. Stan Godlewski
Patrick C. Hall
Timothy P. Payne

Resolution to Excuse Committee Members Godlewski, Hall, and Payne

Resolution #LC2006-07-010

Moved by Allemon

Seconded by Ukrainec

RESOLVED, that the absence of Committee members Godlewski, Hall, and Payne at the Liquor Advisory Committee meeting of July 10, 2006 BE EXCUSED.

Yes: 4
No: 0
Absent: Godlewski, Hall, and Payne

Resolution to Approve Minutes of June 12, 2006 Meeting

Resolution #LC2006-07-011

Moved by Allemon

Seconded by Ukrainec

RESOLVED, that the Minutes of the June 12, 2006 meeting of the Liquor Advisory Committee be approved.

Yes: 4
No: 0
Absent: Godlewski, Hall, and Payne

Agenda Items

1. **ZAKHO CHALDEAN SOCIAL CLUB, INC.**, requests a new club license with dance-entertainment permit to be located at 336 John R, Troy, MI 48083, Oakland County. [MLCC REQ# 330741]

Present to answer questions from the Committee were John Yarimian and Raad Marougi.

Mr. Marougi made the following statements to the Committee.

- The Troy Manor Restaurant is approximately 4,500 square feet and has a capacity of 236 patrons.
- They are requesting a club license to serve alcohol to members of their club.
- The facility is open to the public until 5:00 p.m. After 5:00 p.m., the club will be open only to members.

Lt. Lyczkowski spoke on behalf of the Police Department and raised several issues of concern.

- An inspection of the facility was performed by Sgt. Stout.
- There was no permanent barrier in the facility to separate the public patrons from the club patrons, only a temporary wall was in place.
- Public patrons would have to walk through club area to use restrooms.
- Mr. Marougi reported that the club will only meet one to two times per week, yet 75% of the restaurant was designated for the club. The Police Department questions how they expect to make a profit.
- Mr. Marougi has provided inconsistent information as to the purpose of the club license
 - Member meetings twice a week
 - Weddings, baby showers (which could include non-members who cannot be served alcoholic beverages with a club license)
- Mr. Margougi has provided inconsistent membership information
 - The Police Department does not yet have a resolution from club members requesting a club license from the MLCC
 - Conflicting information has been provided regarding membership dues. Mr. Marougi stated \$150 per member and his attorney stated \$100 per member. This information is required in Troy PD Liquor License Questionnaire.
- The building owner is delinquent on 2004 winter tax and 2005 summer and winter taxes.

- The following briefly summarizes police reports for incidents at Troy Manor:
 - 03/19/05
 - Assault & Battery; physical confrontation between waiter and patron of restaurant
 - 08/04/05
 - Domestic felonious assault; confrontation between an employee and his wife
 - 01/17/06
 - Felonious assault with a knife; 100-150 people in the parking lot; disturbance originated inside at a party and continued outside; two citations were issued for minor in possession/consumption of alcohol
- MLCC investigator confirmed that Troy Manor, Inc. applied for a Class C license in 2005. When told that none were available, the Zakho Social Club applied for a club license.
- An inspection of the outside trash was performed and an empty beer carton was found. This is a concern since the establishment currently holds no liquor license.
- The Police Department notes the disturbances that have occurred in the past with no liquor being served, and they have concerns about those increasing when liquor is available.

Mr. Yarimian responded with the following statements:

- He personally owes no property taxes since he is leasing the building.
- They chose to not erect a permanent wall or barrier to enable them to accommodate different size groups.
- Liquor will only be served to members of their private social club.
- Their membership dues are \$100 per person.
- Their membership is currently at 60-70 people, but they expect it to grow significantly after they obtain a liquor license due to the large Chaldean community.
- They anticipate constant parties which will earn large profits.
- The violent disturbances that the Police Department mentioned began outside of the building.
- The domestic violence incident had no direct connection to the club.
- The intoxicated minors consumed liquor before they arrived at the club.
- Patrons currently bring their own beer into the club.
- The food service is their main objective and results in a large income.

In response to questions by Committee members, Assistant Attorney Chris Forsyth made the following statements:

- According to the MLCC, in order to obtain a club license, all members of the club must be at least 21 years of age.
- There is no requirement that the applicant secure the approval of 51% of the business and residential neighbors within 500' of the business.
- Applicant must file with the MLCC a certified resolution at a club meeting where the members requested the club license. Since this has not been done, this is a basis for denial.
- There are several club licenses in Troy. This location is totally different since the restaurant and the club blend together.

The Committee members voiced the following concerns:

- The establishment needs a Class C liquor license not a club license.
- There are several procedural and structural issues.
- The building owner is delinquent in payment of the property taxes.

Resolution #LC2006-07-012

Moved by Ehlert

Seconded by Ukrainec

RESOLVED, that ZAKHO CHALDEAN SOCIAL CLUB, INC., be denied their request for a new club license with dance-entertainment permit located at 336 John R, Troy, MI 48083, Oakland County.

Yes: 4
No: 0
Absent: Godlewski, Hall, and Payne

2. **CZARYD ENTERPRISES, INC.**, requests to transfer all stock in 2005 SDD and SDM licensed corporation by dropping John Czarnota as stockholder through transfer of 1000 shares of stock to existing stockholder, Stanley Rydzewski, sometime in 1986; and wherein sole stockholder, Stanley Rydzewski, transfers 2000 shares of stock to new stockholder, Daniel Rydzewski, to be located at 6990 John R, Troy, MI 48085, Oakland County. [MLCC REQ# 276253]

Present to answer questions from the Committee were Stanley Rydzewski, Daniel Rydzewski, and Joseph Ciaramitaro.

This business has been family owned and operated for 20 years. Because of health reasons, Stanley Rydzewski wishes to sell the business to his son, Daniel Rydzewski, who has always worked there. There are no non-family employees. All family members have been TIPS/TAMS trained. There is no seating in the establishment, but they do sell small food items.

Lt. Lyczkowski stated that the Police Department had no concerns with this transfer.

Resolution #LC2006-07-013

Moved by Ogg

Seconded by Ukrainec

RESOLVED, that CZARYD ENTERPRISES, INC., be allowed to transfer all stock in 2005 SDD and SDM licensed corporation by dropping John Czarnota as stockholder through transfer of 1000 shares of stock to existing stockholder, Stanley Rydzewski, sometime in 1986; and wherein sole stockholder, Stanley Rydzewski, be allowed to transfer 2000 shares of stock to new stockholder, Daniel Rydzewski, to be located at 6990 John R, Troy, MI 48085, Oakland County.

Yes: 4

No: 0

Absent: Godlewski, Hall, and Payne

3. **TROY, INC.** requests to transfer ownership of 2005 Class C Licensed Business located at 1129 E. Long Lake, Troy, MI, 48085, Oakland County, from Ichibang Corporation, Inc.; and add new dance-entertainment permit. [MLCC REQ# 355382]

Present to answer questions from the Committee were John Kallabat, Rachel Savaya, and Saadi Manjo.

This is an item that was tabled from the June 12, 2006 meeting.

Ms. Savaya stated:

- Pursuant to last month's discussion, she obtained signatures from over 50% of the businesses/residences within 500' of the restaurant.
- She also stated that she was interviewed by the Daily Tribune regarding her new establishment.

Lt. Lyczkowski spoke on behalf of the Police Department and raised several issues of concern.

- Ms. Savaya does not document any management experience in the liquor business on the Troy PD Liquor License Questionnaire.
- Regarding the opinion of local residents, City Council has received two Emails from residents of the adjacent subdivision voicing opposition to a dancing/entertainment/nightclub establishment so close to a residential neighborhood.
- An inspection of the outside and parking lot was performed by Lt. Lyczkowski and Sgt. Stout, and it was determined that there is a close proximity of the restaurant to homes on Mayberry and Abington; separated by only two rows of parking spaces and travel aisle of 75'-80', and a 5.5'-6' block wall.
- Ms. Savaya's husband has had several encounters with law enforcement
 - Felonious assault/MDOP; arrest
 - Felony weapon; arrest
 - Felony dangerous drugs; arrested for possession of 276 pounds of marijuana
 - Subsequent search of his home located several rifles, shotgun, bullet-proof vest, book entitled "Drug Smuggling, the Forbidden Book"
 - Suspect in three other assaults
- In Ms. Savaya's 05/13/06 letter to the MLCC, she addresses some of her husband's past contacts with police.
- The Savaya's filed a joint Federal Income Tax Return in 2005, showing a significant increase in income for Ms. Savaya. The Police Department questions if Mr. Savaya's money is being used for the

business. Also, it is reasonable to expect that Mr. Savaya will frequent the establishment.

- In previous years, our Department has responded to numerous calls at similar type establishments that no longer exist in the City of Troy. Calls for service included assaults, threats, weapons offenses, larcenies, destruction of property, disorderly conduct, LCC violations, and other liquor offenses.

Mr. John Kallabat, Ms. Savaya's attorney, responded as follows:

- Ms. Savaya has been married for less than one year.
- Mr. Savaya has his own businesses (scrap yard, gas stations, grocery stores, record producer) and will have no part in this business.
- Money for start up of this venture came from savings accounts and gifts.

Ms. Savaya had the following comments:

- Her management experience comes from being involved in her father's beer and wine sales business since she was a young girl.
- Her husband will not be connected to her restaurant/nightclub in any way.
- She will employ one cook and three to four servers (TIPS/TAMS trained). She will act as manager/owner/hostess and will look to her father for guidance.
- On Friday and Saturday nights, she plans to have live entertainment with dancing. The music will be targeted to older people.
- She will perform a sound study to confirm that music will not be too loud.
- She stated that the music will not be very loud since there will be food served and conversation among the patrons.
- She plans to open for lunch and dinner, with the kitchen closing at 11:00 p.m.

In response to questions by Committee members, Assistant Attorney Chris Forsyth made the following statements:

- Mr. Savaya's history is definitely of concern to the City.
- He cited Pease v City Council of St. Clair Shores, 1978 Michigan Court of Appeals decision. Case discusses factors a city should consider in approving an application of liquor license. One factor is the moral character of applicant and the possibility of greater vices (gambling, fighting, drugs) existing on property.

Mr. Kallabat responded as follows:

- Ms. Savaya is a good citizen.
- Her husband's background should not be considered; this is unfair since he was not convicted.
- The joint tax return should not be an issue.

Lt. Lyczkowski spoke again to reinforce the position of the Police Department that the following issues need to be considered:

- Possession of Taser and guns
- Possession of marijuana
- Felonious assaults

Also, Lt. Lyczkowski stated that:

- While the sound study will confirm the volume of music, the police will more than likely be called by neighbors for unruly activity outside.
- While an older crowd may be the target, similar businesses attract younger crowds.
- While there are other such establishments in Troy, no others are in such close proximity to neighborhoods.

Mr. Kallabat responded with the following comments:

- Ms. Savaya will be targeting an older Chaldean crowd.
- They are familiar with similar establishments in other cities and there are no problems.
- Mr. Savaya's background and history should not be taken into consideration as he will have no management connection with the business.
- It is unfair to bring his history into the discussion.

In response to questions by Committee members, Assistant Attorney Chris Forsyth made the following statements:

- Ms. Savaya's lack of management experience, both alcohol and general in nature, is of concern.
- We must consider the business reputation, moral character, and neighborhood reaction.

Committee members had the following comments/questions:

- Would it be possible to approve the license transfer without the dance-entertainment permit? Perhaps this would be a good option.
- Why does the restaurant/club need to stay open until 2:00?

- Members are trying to be open-minded and allow a new entrepreneur to make an attempt at a new business, but issues are of a concern.

Mr. Kallabat responded with the following comments:

- Without the dance-entertainment permit Ms. Savaya could not possibly hit the target market.
- Regarding the neighbors, everyone she spoke with agreed to her business.
- Ms. Savaya will handle all the business matters with her father's help.

In response to questions by Committee member David Ogg, Assistant Attorney Chris Forsyth made the following statements:

- The Committee cannot approve on a temporary basis, but could approve the Class C license transfer without the dance-entertainment permit, or could approve the Class C license transfer with the dance-entertainment permit with conditions:
 - Review in one year before City Council for renewal or revocation
 - Husband, Simen Savaya, not allowed on premises

Committee members proposed and discussed these further conditions:

- Closing time will be 1:00 a.m.
- Sound will not be carried to the neighborhood

Lt. Lyczkowski again stated:

- From past experience, late hours of operation result in more calls for service.
- From the position of the Police Department, the business operation as described by Ms. Savaya has all of the elements that could result in problems experienced in other similar establishments. Of course, the Police Department is in the position to respond to any problems, but this is an opportunity to prevent them in the first place.

In response to questions by Committee members, Assistant Attorney Chris Forsyth made the following statements:

- If City Council votes to revoke after one year, there will be a due process hearing.

- The matter will then be referred to the MLCC and they will follow the local legislative recommendations.

Resolution #LC2006-07-014

Moved by Allemon

Seconded by Ukraineec

RESOLVED, that TROY, INC. be allowed to transfer ownership of 2005 Class C Licensed Business located at 1129 E. Long Lake, Troy, MI, 48085, Oakland County, from Ichibang Corporation, Inc.; and add new dance-entertainment permit, with the following conditions:

- Review in one year before City Council for renewal or revocation
- Husband, Simen Savaya, not allowed on premises
- Closing time will be 1:00 a.m.
- Sound will not be carried to the neighborhood

Yes: 4

No: 0

Absent: Godlewski, Hall, and Payne

Chris Forsyth stated that the function of this Committee was that of advisory or buffer. He informed the Committee that by our next meeting he would have a model ordinance for review. Then, this ordinance will go to City Council for approval or rejection.

Mr. Ukrainech questioned the Hooters issue. Mr. Forsyth explained that after City Council rejected the license transfer, Hooters filed suit against the City.

The meeting adjourned at 8:55 p.m.

Max K. Ehlert, Chairman

Patricia A. Gladysz, Secretary II

A regular meeting of the Liquor Advisory Committee was held on Monday, August 14, 2006 in the Lower Level Conference Room of Troy City Hall, 500 West Big Beaver Road. Committee member W. Stan Godlewski called the meeting to order at 7:00 p.m.

ROLL CALL:

PRESENT: W. Stan Godlewski
Patrick C. Hall
David S. Ogg
Timothy P. Payne
Bohdan L. Ukrainec
Christopher Forsyth, Assistant City Attorney
Sergeant Christopher Stout
Pat Gladysz

ABSENT: Max K. Ehlert, Chairman
Henry W. Allemon
Kelsey Brunette, Student Representative

Resolution to Excuse Committee Members Ehlert and Allemon

Resolution #LC2006-08-015
Moved by Payne
Seconded by Ogg

RESOLVED, that the absence of Committee members Ehlert and Allemon at the Liquor Advisory Committee meeting of August 14, 2006 BE EXCUSED.

Yes: 5
No: 0
Absent: Ehlert, Allemon

Resolution to Approve Minutes of July 10, 2006 Meeting

Resolution #LC2006-08-016
Moved by Ukrainec
Seconded by Hall

RESOLVED, that the Minutes of the July 10, 2006 meeting of the Liquor Advisory Committee be approved.

Yes: 5
No: 0
Absent: Ehlert, Allemon

Agenda Items

1. **RCSH OPERATIONS, LLC (A LOUISIANA LIMITED LIABILITY COMPANY)** requests to transfer ownership of 2006 Class C-SDM licensed business with dance permit and direct connections-3, located at 755 W. Big Beaver, Troy, MI 48084, Oakland County, from Prime Steak-Troy, LLC (A Louisiana Limited Liability Company) [MLCC REQ# 365039] (Ruth’s Chris Steak House)

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 franchisee 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 general manager and employees will not change.

The parent company is also looking to expand in Michigan, possibly opening two additional locations.

Resolution #LC2006-08-017
Moved by Hall
Seconded by Ukrainec

RESOLVED, that RCSH OPERATIONS, LLC (A LOUISIANA LIMITED LIABILITY COMPANY) be allowed to transfer ownership of 2006 Class C-SDM licensed business with dance permit and direct connections-3, located at 755 W. Big Beaver, Troy, MI 48084, Oakland County, from Prime Steak-Troy, LLC (A Louisiana Limited Liability Company)

Yes: 5
No: 0
Absent: Ehlert, Allemon

Assistant City Attorney Chris Forsyth advised the Committee that the ordinance revisions would be presented at the September meeting. He also stated that he would no longer be attending these meetings. In September, Assistant City Attorney Allan Motzny will represent the City Attorney's Office at the Liquor Advisory Committee Meetings.

The Committee thanked Mr. Forsyth for his assistance.

Mr. Forsyth updated the Committee on the Hooters litigation:

- Hooters filed a Motion for superintended control to force City Council to approve their request
- The Motion was denied
- Hooters then filed an appeal seeking to reverse the decision of the Circuit Judge
- The City feels that the Court of Appeals will uphold the decision

Sergeant Christopher Stout advised the Committee that he has received two requests that will not require the Committee's approval. They are both requests for additional bars at Sanctuary Lakes Golf Course and Mon Jin Lau restaurant.

The meeting adjourned at 7:12 p.m.

W. Stan Godlewski, Committee Member

Patricia A. Gladysz, Secretary II

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, September 13, 2006, at Troy City Hall, 500 W. Big Beaver Rd., Troy, MI. The meeting was called to order at 12:15 p.m.

TRUSTEES PRESENT: Mark Calice
 Michael Geise
 Thomas Houghton, Chair
 Martin F. Howrylak
 John M. Lamerato
 William R. Need (Ex-Officio)
 Phillip L. Nelson
 Steven A. Pallotta

MINUTES

Resolution # ER – 2006 – 09 - 034

Moved by Pallotta
Seconded by Calice

RESOLVED, That the minutes of the August 9, 2006 meeting be approved.

Yeas: All 7

OTHER BUSINESS – DECEMBER 31, 2005 ANNUAL ACTUARIAL VALUATION

Randall J. Dziubek of the Gabriel, Roeder, Smith & Company reviewed the December 31, 2005 Annual Actuarial Valuation with the board.

OTHER BUSINESS – SUMMARY ANNUAL REPORT TO MEMBERS – DECEMBER 31, 2005

The board received a copy of the report, which will be distributed to all retirees and full-time employees.

OTHER BUSINESS – RETIREE NEWSLETTER

The board reviewed a draft of the retiree newsletter which will be distributed in September to all retirees.

OTHER BUSINESS – ESTABLISH 2007 MEETING DATES

Resolution # ER – 2006 – 09 - 035

Moved by Calice
Seconded by Geise

RESOLVED, That the board approve the 2007 meeting dates, and that a copy of the schedule be attached to the original minutes.

Yeas: All 7

INVESTMENTS

Resolution # ER – 2006 – 09 - 036

Moved by Pallotta
Seconded by Lamerato

RESOLVED, That the Board buy the following securities:

Buy: \$500,000 SLMA, 6.42% due 12/15/09, Floating Rate
\$500,000 Barclays Bank, 5.75% due 9/12/08, Floating Rate
\$500,000 Toyota MotorCredit, 5.50% due 9/22/11

Yeas: All 6
Absent: Nelson

INVESTMENTS

Resolution # ER – 2006 – 09 - 037

Moved by Houghton
Seconded by Pallotta

RESOLVED, That the Board sell the following investments:

Sell: Aptar Group; Avery Dennison; Mutual Funds – Delaware Balanced Fund; Delaware Trend Fund; Dreyfus Premium Balanced Fund; Phoenix Balanced Fund; and Phoenix Capital Growth Fund

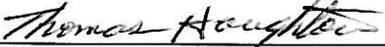
Yeas: All 7

PUBLIC COMMENT

There was no public comment.

The next meeting is October 11, 2006 at 12:00 p.m. at City Hall, Conference Room C, 500 W Big Beaver, Troy, MI.

The meeting adjourned at 1:35 p.m.



Thomas Houghton, Chairman



John M. Lamerato, Secretary

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:34 p.m. on September 26, 2006 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Lynn Drake-Batts
Mary Kerwin
Lawrence Littman
Robert Schultz
Thomas Strat
David T. Waller
Wayne Wright

Absent:

Fazal Khan
Mark J. Vleck

Also Present:

Mark F. Miller, Planning Director
R. Brent Savidant, Principal Planner
Susan Lancaster, Assistant City Attorney
Jonathan Shin, Student Representative
Richard Carlisle, Carlisle/Wortman Associates, Inc.
Rod Arroyo, Birchler Arroyo Associates, Inc.
Randy Metz, Grissim Metz Andreise Associates
Davis Peterhans, C3 Community Core Creators

Resolution # PC-2006-09-155

Moved by: Schultz
Seconded by: Wright

RESOLVED, That Members Khan and Vleck are excused from attendance at this meeting for personal reasons.

Yes: All present (7)
No: None
Absent: Khan, Vleck

MOTION CARRIED

2. APPROVAL OF AGENDA

Resolution # PC-2006-09-156

Moved by: Littman
Seconded by: Wright

RESOLVED, To approve the Agenda as presented.

Yes: All present (7)
No: None
Absent: Khan, Vleck

MOTION CARRIED

3. MINUTES

Resolution # PC-2006-09-157

Moved by: Schultz

Seconded by: Wright

RESOLVED, To approve the September 12, 2006 Regular meeting minutes as published.

Yes: All present (7)

No: None

Absent: Khan, Vleck

MOTION CARRIED

4. PUBLIC COMMENT (Items Not on the Agenda)

There was no one present who wished to speak.

5. BOARD OF ZONING (BZA) APPEALS REPORT

Mr. Wright reported on the September 19, 2006 Board of Zoning Appeals (BZA) meeting.

6. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

Mr. Miller reported on the September 20, 2006 Downtown Development Authority (DDA) meeting.

7. PLANNING AND ZONING REPORT

Mr. Miller presented the Planning and Zoning report.

8. BIG BEAVER CORRIDOR STUDY PRESENTATION

Rod Arroyo of Birchler Arroyo Associates led discussion of the Big Beaver Corridor Study, beginning with the key concepts listed on Page 38.

General discussion of the document followed.

Chair Strat requested a recess at 9:00 p.m.

[Ms. Drake Batts left at 9:00 p.m. due to illness.]

The meeting reconvened at 9:10 p.m.

Discussion on the Big Beaver Corridor Study continued.

Richard Carlisle, Planning Consultant, Carlisle & Wortman Associates, presented short-term implementation items identified in the Big Beaver Corridor Study.

Resolution # PC-2006-09-158

Moved by: Schultz

Seconded by: Kerwin

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

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

WHEREAS, The key concepts of the document were adopted by both the Downtown Development Authority and City Council;

THEREFORE, BE IT RESOLVED, That the key concepts included in the Big Beaver Corridor Study are hereby supported by the Planning Commission.

Yes: All present (6)

No: None

Absent: Drake-Batts (left at 9:00 p.m.), Khan, Vleck

MOTION CARRIED

The Planning Commission thanked the project team for their hard work and excellent document.

9. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 225) – Article XXXV - Amendments to Planned Unit Development Provisions

Mr. Miller updated the Planning Commission on the PUD provisions. The PUD approval process is proposed to be modified so that projects can receive conceptual approval without the petitioner having to invest significant time and money into the project.

A flow chart that summarizes the proposed PUD approval process was discussed.

Mr. Miller indicated that a draft text amendment would be prepared and presented to the Planning Commission in the near future.

10. VENUE FOR NOVEMBER 7, 2006 SPECIAL/STUDY MEETING AND ESTABLISHMENT OF 2007 MEETING SCHEDULE

The Planning Commission discussed this item and the conflict with the General Election. They agreed to hold the November 7, 2006 meeting at the Police and Fire Training Center.

Resolution # PC-2006-09-159

Moved by: Wright
Seconded by: Waller

WHEREAS, There is a Planning Commission Special/Study meeting scheduled for November 7, 2006; and

WHEREAS, There will be no meeting rooms available in Troy City Hall on November 7, 2006 because of the General Election;

THEREFORE BE IT RESOLVED, The Planning Commission shall hold its Special/Study meeting on November 7, 2006, at the Police and Fire Training Center, located at 4850 John R, Troy, MI.

Yes: All present (6)
No: None
Absent: Drake-Batts (left at 9:00 p.m.), Khan, Vleck

MOTION CARRIED

Resolution # PC-2006-09-160

Moved by: Wright
Seconded by: Schultz

RESOLVED, The Planning Commission hereby approves the City Planning Commission calendar for 2007 as presented, with the exception that the following dates shall be deleted: January 2, 2007, July 3, 2007, and September 4, 2007, because of conflicts with national holidays.

Yes: All present (6)
 No: None
 Absent: Drake-Batts (left at 9:00 p.m.), Khan, Vleck

MOTION CARRIED

POSTPONED ITEM

- 11. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 212-B) – Articles 25.00.00, 26.00.00, 27.00.00 – Improving design and strengthening the relationship of freestanding restaurants, day care centers and banks with the abutting streets in the R-C, O-M, and O-S-C Zoning Districts

Mr. Savidant presented this item. It was agreed that Mr. Waller would assist the Planning Department in preparing provisions that require more sustainable design elements, including definitions of these elements.

- 12. PUBLIC COMMENTS – Items on Current Agenda

There was no one present who wished to speak.

GOOD OF THE ORDER

Resolution # PC-2006-09-161

Moved by: Littman
 Seconded by: Waller

RESOLVED, That Member Drake-Batts is excused from attendance at this meeting for personal reasons.

Yes: All present (6)
 No: None
 Absent: Drake-Batts, Khan, Vleck

MOTION CARRIED

Mr. Schultz discussed the City of Palm Desert, California, and their requirements that developers contribute to a fund for public art.

Mr. Waller indicated that the City of Loveland, Colorado, has a similar program.

Ms. Kerwin indicated that she believes the public would support landscaping and public art. She also announced dates and times for the Grand Opening of the Boys and Girls Club of Troy.

Mr. Miller talked about the upcoming Comprehensive Plan process.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 10:20 p.m.

Respectfully submitted,

Thomas Strat, Chair

R. Brent Savidant, Principal Planner

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A meeting of the **Troy Youth Council (TYC)** was held on September 27, 2006 at 7:00 PM at the Troy Community Center, 3179 Livernois. Katie Thoenes and Rishi Joshi called the meeting to order at 7:03 p.m.

- MEMBERS PRESENT: Alexandra (Sasha) Bozimowski
Andrew Corey
Maxine D’Amico
Ales Gabriel
Rishi Joshi (Co-chair)
Jessica Kraft
Joseph Niemiec
Anupama Prasad
Kristin Randall
Neil Shaw
Katie Thoenes (Co-chair)
Karen Wullaert (Secretary)
- MEMBERS ABSENT: Nicole Vitale
- VISITORS: Sandy Macknis, Troy Daze Committee
- STAFF PRESENT: Scott Mercer, Recreation Supervisor

1. Roll Call

2. Approval of Minutes

Resolution # TY-2006-09-12
 Moved by Prasad
 Seconded by Kraft

RESOLVED, That the minutes of August 23, 2006 be approved.
 Yes: All – 12
 No: 0
 Absent: 1 - Vitale

3. Attendance Report:

Updated through September 2006. Reviewed by council members, no comments.

4. Futures Process:

No update at this time. Final report has not been completed.

5. Visitor: Carol Anderson, Parks and Recreation Director.

Presentation covered the topic of undeveloped parkland. Anderson reviewed the parcels, what the community requested in each parcel, funding and timeline for development.

6. Troy Daze Festival:

- Youth Council reviewed 2006 event and expressed the following concerns:
 - Viewed inappropriate images on prizes and on rides.
 - Image of Troy Daze as a family friendly event with pornographic images on rides.
 - Violence will happen any time and suggested having tightened security.
 - Disappointed in hours, friends get off of work at 9:30pm and are unable to attend due to 10:00pm closing time.
 - Parking system needs to be evaluated. Lots are too small to accommodate traffic and better communication is needed regarding parking procedures.
 - Surveys from age 30+ attendees preferred the 10:00pm closing time and every teen survey preferred the 11:00pm closing time.
 - D’Amico to draft a letter to present to Troy Daze Committee regarding concerns with rides, parking and hours.

7. Motion to Excuse Absent Members Who Have Provided Advance Notification

Resolution # TY-2006-09-13
 Moved by Wullaert
 Seconded by Niemiec

RESOLVED that Anupama Prasad, Katie Thoenes (late) are excused.
 Yes: 12
 No: 0
 Absent: 1 – Vitale

8. Youth Council Comments –

-None.

9. Public Comments –

-None.

10. Public Comments - None

The meeting adjourned at 7:46 P.M.

Katie Thoenes, Co-chair

Scott Mercer, Recreation Supervisor

Reminder Next Meeting: November 29 at 7:00 P.M. @ *Troy Community Center*

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:30 A.M., on Wednesday, October 4, 2006 in the Lower Level Conference Room of the Troy City Hall.

PRESENT: Ted Dziurman
 Rick Kessler
 Tim Richnak
 Rick Sinclair
 Frank Zuazo

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
 Marlene Struckman, Housing & Zoning Inspector Supervisor
 Pamela Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES – MEETING OF SEPTEMBER 6, 2004

Motion by Sinclair
Supported by Kessler

MOVED, to approve the minutes of the meeting of September 6, 2006 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – VARIANCE REQUEST. NORM MORTON, 1785 CRESTLINE, for relief of Chapter 83 to install a 48” high chain link fence.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to install a 48” high chain link fence. This property is a double front corner lot. As such, it has front yard setback requirements along both Crestline and Crimson. Chapter 83 limits the height of fences in front setbacks at this location to not more than 30”. The site plan submitted indicates a 48” high chain link fence in the front yard setback along Crimson.

Mr. and Mrs. Norm Morton were present. Mr. Morton said that he became concerned when his nephew was playing football and went after a ball that went into the street. Mr. Morton said he is very concerned about the safety of his children. Furthermore, the Morton’s have a dog and this fence would keep the dog contained in their yard. This home is located along one of the main entrances to the subdivision and there is a lot of traffic. Mr. Morton also said that he had spoken to his surrounding neighbors and they did not object to this fence.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are four (4) written approvals on file. There are no written objections on file.

ITEM #2 – con't.

Mr. Kessler asked if they had spoken to the neighbor directly behind their home. Mr. Morton indicated that he had and this neighbor had no objection as long as the existing pine trees were to remain.

Mr. Kessler said that he had noticed other homes in this subdivision that had fences that go to the sidewalk, and feels they are very noticeable as you go into the subdivision. Mr. Kessler explained that this Board tries to have fences located away from the sidewalk and screened by extra landscaping so that they do not have an impact on surrounding neighbors. Mr. Kessler also suggested that the petitioner place this fence inside the tree line, which would provide screening.

Mr. Morton said that if he put the fence in this location it would make it difficult to maintain the trees and the existing grass.

Mr. Richnak stated that he can appreciate the maintenance issue, but the Board has to look for a hardship that runs with the land in order to grant a variance, and maintenance in his opinion would not be such an issue. When a variance is granted, the Board wants it to have the minimum impact to the surrounding residents. Mr. Richnak suggested that Mr. Morton spray something around this area so that the grass would not grow.

Mr. Kessler suggested that additional ground cover be added in the area. Mr. Kessler said that he believes there is enough space available that the fence can be put behind the tree line rather than in front of the trees.

Mr. Richnak suggested two different types of ground cover that could be put in that would be inexpensive, low maintenance, and would fill the area in.

Mr. Dziurman asked how Mr. Morton felt about these suggestions and Mr. Morton said that he would be willing to do whatever the Board suggested. Mr. Morton presented a map showing other fences in the area.

Mr. Stimac explained that four (4) of the homes shown on this map were not double front corner lots and the Ordinance did not have the same restrictions on them that were on this property.

Motion by Richnak
Supported by Kessler

MOVED, to grant Norm Morton, 17895 Crestline, relief of Chapter 83 to install a 48" high chain link fence.

- Fence will be erected on the north side of the three (3) closest pine trees to Crimson.
- No additional landscaping will be required.

ITEM #2 – con't.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED**ITEM #3 – VARIANCE REQUEST. JOE NOVITSKY, JSN ARCHITECTS, REPRESENTING SAIF JAMEEL, 2987 CROOKS ROAD, for relief of the 2003 Michigan Building Code.**

Mr. Stimac explained that the petitioner is the architect representing the owner of the gasoline station located at the southwest corner of the intersection of Crooks Road and Big Beaver Road. The owner is in the process of adding a brick veneer on the exterior of the existing building. Unfortunately, the work was begun without first obtaining a building permit. This is in part, due to a misunderstanding of the scope of work of the project between the owner and Building Department staff. The existing building is a pre-manufactured modular building, which is placed upon a cast in place concrete trench footing. A concrete sidewalk surrounds the building. Rather than installing the brick veneer directly upon the foundation as required by the Building Code, the brick is being installed on top of the sidewalk. The petitioner is asking for approval to install the brick veneer on top of the sidewalk in lieu of directly upon the foundation based upon the specific conditions of the site as outlined in the appeal application.

Mr. Joe Novitsky of JSN Architects, and Mr. Saif Jameel, the owner of the property were present. Mr. Novitsky stated that when putting in these veneers they want to protect the area from heave and settlement and he believes that will not happen on this site. If they cut around the building it will break up the continuity. The footings are all formed up and are free floating. When they saw cut an area they found that there was between 4' and 6' of sand on the entire site, which allows the ground water to migrate through and that would minimize inevitable heaving. Mr. Novitsky does not believe there is any reason to stop the construction at this point. This would be a radical improvement for this site and would not cause safety or health issues even though it does not meet the Code. Mr. Novitsky also stated that he believes adding a foundation would create more problems.

Mr. Zuazo asked what type of sand was under the structure and how far it extended from the structure. Mr. Novitsky said he had no idea what kind of sand it was, although he believes it is standard mason sand, very coarse and deep brown in color. Very reputable contractors have told him that this is a very stable site.

Mr. Zuazo asked how far the sand was from the perimeter of the building and Mr. Novitsky stated he thought it was roughly 2' to 3', but was unable to be 100% sure unless they cut into the cement.

Mr. Richnak asked about the “dog-bone” foundations underneath the canopy. Mr. Stimac explained that the drawings show a canopy-footing about one foot below the paving.

ITEM #3 – con't.

Mr. Dziurman asked if all of the columns had been bricked at this time and Mr. Novitsky stated that about 75% of the work is complete. Mr. Dziurman asked if they also wanted to put up the brick around the islands and Mr. Novitsky stated that they did.

Mr. Kessler stated that they could get footings around the foundation. Mr. Novitsky said that there is about 6" of compacted sand around the "dog-bone".

Mr. Kessler asked what they are proposing around the island and Mr. Novitsky said that they don't want to cut it. Mr. Novitsky said that cutting it could cause a negative effect on the foundation. They would like to keep it sealed and let them indemnify the City and allow him to take responsibility for this action.

Mr. Kessler said that if they went 12" around the columns, they could cut away and put in 6" of concrete. Mr. Kessler also asked what the life expectancy of the pumps was. Mr. Novitsky said that the foundations were installed in 1995 and were recently removed and replaced. In ten (10) years they could be looking at new style pumps. At that time the islands would have to be re-worked. Mr. Kessler said this would be the ideal time to isolate the columns. Mr. Novitsky said he did not think that would be a problem.

Mr. Richnak said that they could cut 12" out around each columns. Mr. Novitsky said that he thinks this is a very stable site and would yield to whatever decisions the Board makes. If they took it all down and put in a footing, Mr. Novitsky believes it would weaken the site and make it less stable.

Mr. Kessler asked if they had gone around the entire perimeter of the building to look for settlement and heaving. Mr. Novitsky said that he had looked everywhere and did not see any denigration in the site anywhere. This is an amazingly stable site.

Mr. Richnak stated that he had looked over this site and found cracking at either side of the door to the car wash.

Mr. Dziurman asked about using shelf angles to support the brick? Mr. Novitsky said that they would look terrible and since this is a light gage metal frame building they would have worry about the fasteners failing, which would cause collapsing.

Mr. Kessler asked about brick flashing. Mr. Novitsky said that there is a flashing, but the only problem is that it's tucked behind the siding.

Mr. Kessler asked if there was a sufficient gap to allow for movement on the area between the metal and the aluminum windows. Mr. Novitsky said that there is very little space and it would have to be caulked. Mr. Kessler asked if the windows would be able to withstand heaving. Mr. Novitsky said that the brick would heave independently.

ITEM #3 – con't.

Mr. Kessler asked what the conditions of the site were. Mr. Novitsky stated that the entire site is paved. Mr. Kessler said that the front area is under a large canopy that protects it from the weather. Mr. Kessler asked if you could see that the structure around the perimeter sits on the footing. Mr. Novitsky said that he had exposed an area and you can actually feel the edge of the sidewalk resting on the footing.

Mr. Kessler stated that Rob Winkelman, Building Inspector, said that the front door did not open properly and asked if this was from heaving. Mr. Novitsky said that there is no evidence of heaving, but believes it is caused by the denigration of the threshold.

Mr. Stimac stated if the island curbs are replaced again, the brick would have to come down and be replaced.

Mr. Sinclair asked if the columns were all bricked. Mr. Novitsky said that two are and four are not.

Mr. Kessler stated that he did not feel the petitioner should have to correct the two columns that are already bricked, but that the other four columns should have the brick put on them correctly and that would include a footing.

Motion by Kessler
Supported by Sinclair

MOVED, to grant Joe Novitsky, JSN Architects, representing Saif Jameel, 2987 Crooks Road, relief of the 2003 Michigan Building Code to add brick veneer to an existing building with the following stipulations:

- The two (2) columns that are already bricked will be saw-cut to isolate them from the islands.
- The four (4) remaining columns that do not have brick will have footings down to pier foundations.
- Under all aluminum window frames, space will be left to allow for movement and heaving.
- A "Hold Harmless" letter will be provided from the petitioner indicating, that the City, this Board, and any members of the City Staff will not be held responsible for any lawsuits or damages resulting from approval of this variance.

Yeas: 4 – Kessler, Richnak, Sinclair, Zuazo
Nays: 1 – Dziurman

MOTION TO GRANT VARIANCE CARRIED

Mr. Stimac informed the Board that he is awaiting documentation from a petitioner asking that this Board hold a special meeting. Basically the petitioner is asking to have

a special event sign up for a period that would exceed the seven (7) day limit allowed by the Ordinance. Because this request is for a sign, there is a fourteen (14) day requirement to allow the Building Department to notify property owners within 300' of the subject property. Mr. Stimac asked if there would be a quorum of Board members to hold this meeting on Wednesday, October 18, 2006, assuming proper paperwork is received from the petitioner.

Mr. Dziurman said that he might not be available on that date.

The Building Code Board of Appeals meeting adjourned at 9:28 A.M.

Ted Dziurman, Chairman

Pamela Pasternak, Recording Secretary

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, October 11, 2006, at Troy City Hall, 500 W. Big Beaver Rd., Troy, MI. The meeting was called to order at 12:15 p.m.

TRUSTEES PRESENT: Mark Calice
 Michael Geise
 Thomas Houghton, Chair
 John M. Lamerato
 Phillip L. Nelson
 Steven A. Pallotta

ABSENT: Martin F. Howrylak
 William R. Need (Ex-Officio)

EXCUSE ABSENT MEMBERS

Resolution # ER – 2006 – 10 - 038

Moved by Lamerato

Seconded by Nelson

RESOLVED, That Martin F. Howrylak and William R. Need be excused.

Yeas: All 6

Absent: Howrylak

MINUTES

Resolution # ER – 2006 – 10 - 039

Moved by Pallotta

Seconded by Calice

RESOLVED, That the minutes of the September 13, 2006 meeting be approved.

Yeas: All 6

Absent: Howrylak

OTHER BUSINESS – PRIOR GOVERNMENTAL SERVICE CREDIT

The board received and filed the requests of Kim Swails, Joseph Mairorano and Gerald Kerezi.

INVESTMENTS

Resolution # ER – 2006 – 10 - 040

Moved by Nelson

Seconded by Geise

RESOLVED, That the Board buy the following securities:

Buy: \$1,000,000 Alliance Bernstein International Value Fund
 \$700,000 ING International Value Fund
 \$1,000,000 John Hancock International Core Fund

Yeas: All 6

Absent: Howrylak

PUBLIC COMMENT

There was no public comment.

The next meeting is November 8, 2006 at 12:00 p.m. at City Hall, Conference Room C, 500 W Big Beaver, Troy, MI.

The meeting adjourned at 12:58 p.m.



CITY COUNCIL REPORT

October 17, 2006

TO: Phillip L. Nelson, City Manager
FROM: John M. Lamerato, Assistant City Manager/Finance & Administration
SUBJECT: Quarterly Financial Report, September 30, 2006

Background:

- Section 8.6 of Chapter 8 of the City Charter requires a quarterly financial report be provided to City Council.

Financial Considerations:

- There are no financial considerations associated with this item.

Legal Considerations:

- There are no legal considerations associated with this item.

Policy Considerations:

- There are no policy considerations associated with this item.

Options:

- This report is submitted for Council to note and file. I am happy to provide additional information or answer any questions that might arise. Providing the quarterly financial report relates to Council Goal III, "Effectively and professionally communicate internally and externally".

CITY OF TROY
QUARTERLY FINANCIAL REPORT
FOR THE THREE MONTHS ENDED SEPTEMBER 30, 2006

- QUARTER END HIGHLIGHTS
- STATEMENT OF REVENUES AND EXPENDITURES - BUDGET AND ACTUAL
- INVESTMENT LISTING (TYPE, LOCATION, RATE, MATURITY DATE)
- BANK BALANCES (LOCATION, FUND, BALANCE)

QUARTER END HIGHLIGHTS (September 30, 2006)

GENERAL FUND

- REVENUE AND EXPENDITURES THRU THE 1ST QTR. APPEAR IN LINE WITH THE BUDGET
- STATE SHARED REVENUE RECEIPTS TOTALED \$6.8 MILLION VS. \$6.5 BUDGETED LAST FISCAL YEAR. THE STATE IS PROJECTING \$6.8 MILLION THIS YEAR VS. \$6.6 BUDGETED.
- BUILDING PERMT ACTIVITY IS UP SLIGHTLY COMPARED TO LAST YEAR.

SYLVAN GLEN GOLF COURSE

- SURVIVED THE CONSTRUCTION PHASE AND ENDED UP WITH AN INCREASE IN NET ASSETS OF \$26,000 FOR LAST FISCAL YEAR. HOWEVER THE 1ST QTR. OF THIS FISCAL YEAR SHOWS REVENUES DOWN \$71,000 COMPARED TO THE 1ST QTR. OF LAST YEAR.

SANCTUARY LAKE GOLF COURSE

- REPORTED A FIRST YEAR LOSS IN OPERATIONS FOR THE FISCAL YEAR ENDED JUNE 30, 2005 OF APPROXIMATELY \$800,000. PRELIMINARY JUNE 30, 2006 RESULTS SHOW A LOSS OF \$557,510 AND IMPROVEMENT OF \$ 242,490. THE 1ST QTR SHOWS REVENUE DOWN APPROX. \$43,400 WHEN COMPARED TO LAST FISCAL YEAR. WE WILL CONTINUE TO MEET MONTHLY TO REIVEIW THE OPERATING RESULTS OF THE COURSE.

DEPARTMENT HIGHLIGHTS

- PASSPORT ACTIVITY (JULY THRU SEPT) – 531 TRANSACTIONS; 248 PHOTOS GENERATING \$18,410 IN REVENUE.
- NEW RESIDENT PACKET DISTRIBUTION JULY – SEPTEMBER – 253
BREAKDOWN:

OUT OF COUNTRY	12
OUT OF STATE	28
TROY-TO-TROY	64
IN STATE	144
REALTORS	5

CAPITAL PROJECTS

- THROUGH SEPTEMBER 30, 2006 WE HAVE EXPENDED \$2.5 MILLION ON CAPITAL PROJECTS.

CITY OF TROY
MONTHLY FINANCIAL REPORT
30-Sep-06

CITY OF TROY
 Monthly Financial Report
 General Fund
 For the Period Ending September 30, 2006

CITY OF TROY GENERAL FUND

Description	Last Year Actual	2006-07 Budget	Current Month	Year To Date	%
GENERAL FUND REVENUES					
TAXES	35,229,231	35,473,690	65,628	36,361,078	102.50
BUSINESS LICENSES & PERMITS	42,846	40,000	1,890	5,732	14.33
NON-BUS. LICENSES & PERMITS	1,619,746	2,019,000	146,341	447,706	22.17
FEDERAL GRANTS	36,999	34,500	0	0	.00
STATE AGENCIES	7,001,768	6,765,000	2,575	51,748	.76
CONTRIBUTIONS-LOCAL	188,667	140,000	36,779	36,779	26.27
CHARGES FOR SERVICES - FEES	1,413,488	1,271,500	26,620	75,337	5.93
CHARGES FOR SERVICES - REND.	1,620,747	1,642,100	127,692	340,435	20.73
CHARGES FOR SERVICES - SALES	172,760	151,500	18,401	28,235	18.64
CHARGES FOR SERVICES - REC	3,562,207	3,410,200	360,341	934,424	27.40
FINES & FORFEITS	994,372	1,012,000	52,878	237,408	23.46
INTEREST AND RENTS	1,583,459	1,443,300	181,680	379,362	26.28
OTHER REVENUE	493,433	491,900	116,136	145,917	29.66
OTHER FINANCING SOURCES	7,001,703	11,092,120	1,168,718	1,168,718	10.54
TOTAL GENERAL FUND REVENUE	60,961,426	64,986,810	2,305,679	40,212,879	61.88
EXPENDITURES					
LEGISLATIVE	1,837,323	2,041,140	149,597	399,938	19.59
FINANCE	4,552,248	4,869,370	374,017	1,050,021	21.56
OTHER GEN GOVERNMENT	2,612,507	2,807,150	282,903	476,721	16.98
POLICE	21,945,432	23,174,400	1,728,227	4,905,591	21.17
FIRE	4,036,110	4,212,260	248,747	1,395,045	33.12
BUILDING INSPECTION	1,991,733	2,169,250	159,149	462,948	21.34
STREETS	4,754,570	5,359,530	363,555	896,958	16.74
ENGINEERING	2,835,770	3,096,890	208,470	559,401	18.06
RECREATION	8,453,068	8,744,820	733,259	2,107,277	24.10
LIBRARY	4,780,601	5,002,000	488,691	1,062,141	21.23
TRANSFERS OUT	110,000	3,510,000	0	3,500,000	99.72
TOTAL GEN FUND EXPENDITURES	57,909,362	64,986,810	4,736,615	16,816,041	25.88

CITY OF TROY
 Monthly Financial Report
 Refuse Fund
 For the Period Ending September 30, 2006

REFUSE FUND

Description	Last Year Actual	2006-07 Budget	Current Month	Year To Date	%
REVENUES					
TAXES	4,120,154	4,248,000	0	4,274,791	100.63
CHARGES FOR SERVICES - REND.	43,378	0	0	0	.00
CHARGES FOR SERVICES - SALES	1,387	1,500	97	451	30.07
INTEREST AND RENTS	130,482	100,000	18,732	36,203	36.20
OTHER FINANCING SOURCES	0	182,330	0	0	.00
TOTAL REVENUE	4,295,401	4,531,830	18,829	4,311,445	95.14
EXPENDITURES					
CONTRACTORS SERVICE	4,218,477	4,363,000	419,707	846,381	19.40
OTHER REFUSE EXPENSE	47,329	55,450	9,313	11,986	21.62
RECYCLING	101,287	113,380	8,538	22,328	19.69
TOTAL EXPENDITURES	4,367,093	4,531,830	437,558	880,695	19.43

CITY OF TROY
 Monthly Financial Report
 Capital Fund
 For the Period Ending September 30, 2006

CAPITAL FUND

Description	Last Year Actual	2006-07 Budget	Current Month	Year To Date	%
REVENUES					
TAXES	8,041,747	8,291,000	0	8,240,890	99.40
FEDERAL GRANTS	452,430	305,000	0	0	.00
STATE AGENCIES	716,655	1,409,000	0	0	.00
CHARGES FOR SERVICES - REND.	256,611	150,000	572	1,011	.67
INTEREST AND RENTS	1,028,366	607,200	79,559	165,453	27.25
OTHER REVENUE	1,093,607	335,260	0	389,771	116.26
OTHER FINANCING SOURCES	2,917,330	8,700,000	425,000	425,000	4.89
TOTAL REVENUE	14,506,746	19,797,460	505,131	9,222,125	46.58
EXPENDITURES					
ELECTIONS	40,500	65,000	0	0	.00
FINANCE	90,789	35,000	0	0	.00
OTHER GEN GOVERNMENT	4,593,061	2,170,000	8,897	26,573	1.22
POLICE	290,806	554,700	15,995	24,995	4.51
FIRE	890,504	497,830	4,586	9,394	1.89
BUILDING INSPECTION	1,992	10,000	0	190	1.90
STREETS	9,522,243	10,286,000	492,799	1,392,551	13.54
ENGINEERING	0	0	13,919	369,123	.00
RECREATION	6,305,029	3,778,500	94,912	453,168	11.99
LIBRARY	128,715	229,650	0	0	.00
MUSEUM	290,313	265,000	148	1,920	.72
STORM DRAINS & RET PONDS	1,519,540	1,205,780	94,473	189,408	15.71
INFORMATION TECHNOLOGY	0	700,000	7,145-	0	.00
TOTAL EXPENDITURES	23,673,492	19,797,460	718,584	2,467,322	12.46

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FINANCE
FIN583

CITY OF TROY
Monthly Financial Report
Sanctuary Lake Golf Course
For the Period Ending September 30, 2006

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SANCTUARY LK GOLF COURSE FUND

Description	Last Year Actual	2006-07 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - SALES	31,413	45,000	3,341	14,647	32.55
CHARGES FOR SERVICES - REC	1,130,375	1,803,070	121,393	479,875	26.61
INTEREST AND RENTS	11,231	16,000	941	1,881	11.76
OTHER REVENUE	835	0	141	42	.00
OTHER FINANCING SOURCES	0	0	0	0	.00
TOTAL REVENUE	1,173,854	1,864,070	125,816	496,445	26.63
EXPENDITURES					
SANCTUARY LAKE GREENS	803,524	950,650	70,969	198,974	20.93
SANCTUARY LAKE PRO SHOP	922,103	1,109,230	34,167	100,289	9.04
SANCTUARY LAKE CAPITAL	4,606	25,000	0	0	.00
TOTAL EXPENDITURES	1,730,233	2,084,880	105,136	299,263	14.35

83500
FINANCE
FIN584

CITY OF TROY
Monthly Financial Report
Sylvan Glen Golf Course
For the Period Ending September 30, 2006

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SYLVAN GLEN GOLF COURSE FUND

Description	Last Year Actual	2006-07 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - SALES	26,486	38,500	3,759	12,981	33.72
CHARGES FOR SERVICES - REC	886,959	1,097,130	110,369	434,637	39.62
INTEREST AND RENTS	223,099	188,000	11,959	103,807	55.22
OTHER REVENUE	323-	0	29	114	.00
OTHER FINANCING SOURCES	0	0	0	0	.00
TOTAL REVENUE	1,136,221	1,323,630	126,116	551,539	41.67
EXPENDITURES					
SYLVAN GLEN GREENS	761,017	819,060	63,260	176,815	21.59
SYLVAN GLEN PRO SHOP	349,406	342,090	37,015	103,835	30.35
SYLVAN GLEN CAPITAL	0	136,000	0	28,568	21.01
TOTAL EXPENDITURES	1,110,423	1,297,150	100,275	309,218	23.84

83500
FINANCE
FIN587

CITY OF TROY
Monthly Financial Report
Aquatic Center
For the Period Ending September 30, 2006

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AQUATIC CENTER FUND

Description	Last Year Actual	2006-07 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - REC	445,498	444,000	4,691	165,048	37.17
INTEREST AND RENTS	37,191	30,900	2,710	17,972	58.16
OTHER REVENUE	2	0	0	0	.00
TOTAL REVENUE	482,691	474,900	7,401	183,020	38.54
EXPENDITURES					
AQUATIC CENTER	638,064	616,730	49,978	244,315	39.61
CAPITAL	0	75,000	0	0	.00
TOTAL EXPENDITURES	638,064	691,730	49,978	244,315	35.32

CITY OF TROY
 Monthly Financial Report
 Sewer Fund
 For the Period Ending September 30, 2006

SEWER FUND

Description	Last Year Actual	2006-07 Budget	Current Month	Year To Date	%
REVENUES					
FEDERAL GRANTS	91,556	0	0	0	.00
CHARGES FOR SERVICES - FEES	154,746	700,000	78,234	121,565	17.37
CHARGES FOR SERVICES - REND	9,964,801	11,698,200	1,500,754	858,842	7.34
INTEREST AND RENTS	886,043	610,000	82,826	173,733	28.48
OTHER REVENUE	300,068	0	0	0	.00
TOTAL REVENUE	11,397,214	13,008,200	1,661,814	1,154,140	8.87
EXPENDITURES					
ADMINISTRATION	9,095,363	9,747,310	964,916	1,981,318	20.33
MAINTENANCE	1,344,160	1,350,480	213,773	286,396	21.21
CAPITAL	0	5,313,000	401,724	661,895	12.46
TOTAL EXPENDITURES	10,439,523	16,410,790	1,580,413	2,929,609	17.85

CITY OF TROY
 Monthly Financial Report
 Water Fund
 For the Period Ending September 30, 2006

WATER FUND

Description	Last Year Actual	2006-07 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - FEES	953,176	1,000,000	104,528	236,793	23.68
CHARGES FOR SERVICES - SALES	14,530,393	15,117,400	1,985,426	982,551	6.50
INTEREST AND RENTS	696,888	549,000	54,506	151,172	27.54
OTHER REVENUE	349,945	0	0	0	.00
TOTAL REVENUE	16,530,402	16,666,400	2,144,460	1,370,516	8.22
EXPENDITURES					
ADMINISTRATION	11,763,791	12,022,350	213,950	1,746,273	14.53
TRANS AND DISTRIBUTION	268,198	202,640	4,650	16,199	7.99
CUSTOMER INSTALLATION	72,949	101,870	7,038	19,262	18.91
CONTRACTORS SERVICE	157,225	191,590	12,594	41,289	21.55
MAIN TESTING	47,307	127,580	2,334	10,660	8.36
MAINTENANCE OF MAINS	311,450	380,800	21,696	127,279	33.42
MAINTENANCE OF SERVICES	197,156	224,710	10,831	48,298	21.49
MAINTENANCE OF METERS	337,341	352,160	11,575	154,783	43.95
MAINTENANCE OF HYDRANTS	221,812	261,400	24,462	52,608	20.13
METERS AND TAP-INS	267,684	351,940	15,406	54,358	15.45
WATER METER READING	113,466	83,510	14,199	47,793	57.23
ACCOUNTING AND COLLECTING	73,368	100,000	10,998	32,867	32.87
CAPITAL	0	6,660,000	24,515	320,662	4.81
TOTAL EXPENDITURES	13,831,747	21,060,550	374,248	2,672,331	12.69

83500
FINANCE
FIN661

CITY OF TROY
Monthly Financial Report
Motor Pool
For the Period Ending September 30, 2006

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MOTOR POOL FUND

Description	Last Year Actual	2006-07 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - REND	941	5,000	0	0	.00
INTEREST AND RENTS	3,875,782	3,909,500	296,878	900,724	23.04
OTHER REVENUE	538,048	430,000	32,266	107,347	24.96
OTHER FINANCING SOURCES	0	1,176,210	0	0	.00
TOTAL REVENUE	4,414,771	5,520,710	329,144	1,008,071	18.26
EXPENDITURES					
ADMINISTRATION	525,097	557,590	46,585	115,646	20.74
OPERATION AND MAINTENANCE	3,168,002	3,310,820	267,146	734,698	22.19
DPW FACILITY MAINTENANCE	341,986	405,700	43,434	81,444	20.07
CAPITAL	0	1,246,600	4,969	17,996	1.44
TOTAL EXPENDITURES	4,035,085	5,520,710	362,134	949,784	17.20

Fund	Mat Yr.	Mat Mo.	Mat Day	Type	Loc	Pur Yr.	Pur Mo.	Pur Day	Rate	Name	Face	Accrue 6/30	Book
112	2006	10	5	7	HUNT BANK	2006	7	27	5.490	CD	1,104,101		1,104,140.61
	2006	10	5	7	FLAGSTAR	2006	7	27	5.550	CD	1,062,337		1,062,337.27
	2006	10	5	7	PRIV BANK	2006	8	3	5.350	CD	506,369		506,369.38
	2006	10	12	7	FITB	2006	8	9	5.310	CD	1,000,000		1,000,000.00
	2006	10	12	7	FLAGSTAR	2006	8	9	5.510	CD	1,000,000		1,000,000.00
	2006	10	12	7	PRIV BANK	2006	8	10	5.300	CD	1,024,635		1,024,634.68
	2006	10	12	7	HUNT BANK	2006	8	17	5.370	CD	2,186,757		2,186,757.30
	2006	10	12	7	FITB	2006	8	24	5.230	CD	2,084,474		2,084,473.56
	2006	10	19	7	TCF BANK	2006	8	9	5.450	CD	1,000,000		1,000,000.00
	2006	10	19	7	FITB	2006	8	10	5.340	CD	2,096,975		2,096,974.56
	2006	10	19	7	FLAGSTAR	2006	8	17	5.480	CD	2,085,060		2,085,060.39
	2006	10	19	7	FLAGSTAR	2006	8	24	5.430	CD	2,152,328		2,152,327.53
	2006	10	21	8	FITB	2006	6	1	4.000	FHLB SLG1	500,000		496,909.72
	2006	10	23	8	NATL CITY	2006	7	25	4.500	FHLM	1,075,000		1,061,428.13
	2006	10	26	9	ML	2006	7	27	5.050	TBILL	2,406,000		2,376,046.96
	2006	10	26	7	CITIZENS	2006	8	10	5.350	CD	1,043,501		1,043,501.25
	2006	10	26	7	HUNT BANK	2006	8	24	5.360	CD	1,082,243		1,082,243.28
	2006	10	30	8	ML	2006	8	31	4.000	MM	1,509		1,509.38
	2006	10	31	8	NAT CITY	2006	8	1	5.125	FHLM	1,029,000		1,015,838.52
	2006	11	2	9	ML	2006	8	4	5.080	TBILL	2,156,000		2,129,292.55
	2006	11	2	7	HUNT BANK	2006	8	31	5.360	CD	2,089,335		2,089,334.75
	2006	11	2	7	CHART ONE	2006	8	31	5.310	CD	1,000,000		1,000,000.00
	2006	11	2	7	FLAGSTAR	2006	9	8	5.430	CD	2,185,668		2,185,668.22
	2006	11	8	7	FITB	2006	8	31	5.260	CD	2,227,581		2,227,581.17
	2006	11	9	9	ML	2006	8	10	5.040	TBILL	2,257,000		2,228,987.49
	2006	11	9	7	HUNT BANK	2006	8	31	5.400	CD	1,000,000		1,000,000.00
	2006	11	9	7	FITB	2006	9	7	5.260	CD	2,091,493		2,091,492.84
	2006	11	15	8	FITB	2005	11	30	5.000	2802	826,844		826,844.30
	2006	11	16	9	ML	2006	8	17	5.070	TBILL	2,301,000		2,272,266.91
	2006	11	16	7	CITIZENS	2006	8	31	5.280	CD	2,087,390		2,087,390.25
	2006	11	16	7	REPUBLIC	2006	9	7	5.300	CD	2,170,751		2,170,750.74
	2006	11	22	7	FLAGSTAR	2006	9	8	5.460	CD	1,000,000		1,000,000.00
	2006	11	22	7	CITIZENS	2006	9	14	5.300	CD	2,094,687		2,094,686.51
	2006	11	30	9	ML	2006	8	24	5.050	TBILL	2,354,000		2,322,472.10
	2006	11	30	7	TCF	2006	9	8	5.350	CD	1,000,000		1,000,000.00
	2006	11	30	7	HUNT BANK	2006	9	8	5.390	CD	1,000,000		1,000,000.00
	2006	11	30	7	FLAGSTAR	2006	9	14	5.460	CD	2,156,139		2,156,138.54
	2006	12	7	9	ML	2006	9	8	4.930	TBILL	3,979,000		3,931,202.26
	2006	12	7	7	FITB	2006	9	13	5.260	CD	2,000,000		2,000,000.00
	2006	12	14	9	ML	2006	9	8	4.920	TBILL	2,721,000		2,685,881.71
	2006	12	14	7	CITIZENS	2006	9	13	5.350	CD	2,000,000		2,000,000.00
	2006	12	15	8	FITB	2005	5	25	5.000	FHLM 2808	189,439		189,439.29
	2006	12	21	7	CITIZENS	2006	9	13	5.350	CD	2,000,000		2,000,000.00
	2006	12	21	9	ML	2006	9	14	4.900	TBILL	3,212,000		3,170,248.46
	2006	12	28	7	FLAGSTAR	2006	9	13	5.490	CD	2,000,000		2,000,000.00
	2006	12	28	9	ML	2006	9	21	4.940	TBILL	2,712,000		2,676,747.77
	2006	12	30	8	FITB	2004	3	25	4.500	FHR 2669DT	511,651		511,651.33

7 = CD 8 = Paper 9 = T-Bills

Fund	Mat Yr.	Mat Mo.	Mat Day	Type	Loc	Pur Yr.	Pur Mo.	Pur Day	Rate	Name	Face	Accrue 6/30	Book
112	2006	12	31	8	FITB	2004	1	1	4.000	MM	158,926		158,926.04
	2007	1	4	7	FLAGSTAR	2006	9	13	5.490	CD	2,000,000		2,000,000.00
	2007	1	11	7	HUNT BANK	2006	9	13	5.410	CD	2,000,000		2,000,000.00
	2007	1	18	7	TCF BANK	2006	9	13	5.350	CD	2,000,000		2,000,000.00
	2007	1	25	7	CHART ONE	2006	9	13	5.360	CD	2,000,000		2,000,000.00
	2007	2	1	7	FITB	2006	9	13	5.310	CD	2,000,000		2,000,000.00
	2007	2	8	7	CHART ONE	2006	9	21	5.350	CD	2,000,000		2,000,000.00
	2007	2	15	7	FITB	2006	9	21	5.310	CD	2,000,000		2,000,000.00
	2007	2	22	7	FLAGSTAR	2006	9	21	5.530	CD	2,000,000		2,000,000.00
	2007	3	1	7	HUNT BANK	2006	9	21	5.410	CD	2,000,000		2,000,000.00
	2007	3	8	7	TCF BANK	2006	9	21	5.400	CD	2,000,000		2,000,000.00
	2007	3	15	7	TCF BANK	2006	9	21	5.400	CD	2,109,508		2,109,508.46
	2007	3	16	8	FITB	2005	2	9	3.560	FHLB 3133	971,500		971,500.00
	2007	3	22	7	CITIZENS	2006	9	21	5.350	CD	2,109,055		2,109,054.96
	2007	3	22	7	TCF BANK	2006	9	28	5.350	CD	2,101,931		2,101,930.98
	2007	3	29	7	LA SALLE	2006	9	28	5.175	CD	2,970,564		2,970,563.53
	2007	3	29	7	HUNT BANK	2006	9	28	5.360	CD	2,102,370		2,102,369.83
	2007	6	30	8	FITB	2003	2	27	5.000	MAX SAVER	6,848,215		6,848,214.83
	2007	6	30	8	FITB	2003	5	19	5.000	FHLMC95237	536,000		535,923.12
	2007	6	30	8	FITB	2003	7	30	3.600	FHR03 2640	436,000		435,540.81
	2007	6	30	8	FITB	2004	1	30	4.250	FHR 2537LA	123,000		122,437.47
	2007	6	30	8	FITB	2004	1	30	4.000	FHR 2535LK	1,252,000		1,251,784.53
	2007	6	30	8	HUNT BANK	2004	8	27	4.300	MM	554,453		554,453.16
	2007	6	30	8	FITB	2004	10	7	2.250	FHR 2625QX	358,200		358,152.17
	2007	6	30	8	FITB	2004	10	8	3.250	FHR 2564CN	1,144,000		1,143,963.23
	2007	6	30	8	FITB	2004	10	12	4.000	FHR 2617BG	2,526,000		2,525,590.76
	2007	6	30	8	FITB	2004	11	16	3.500	FHLM 2586	139,000		138,706.72
	2007	6	30	8	FITB	2005	8	30	4.500	2545	366,000		365,684.95
	2007	6	30	8	FITB	2005	9	29	4.500	FHLM 2618	775,000		775,000.00
	2007	6	30	8	MBIA	2005	11	18	5.090	MBIA	1,535,344		1,535,344.26
	2007	6	30	8	FITB	2006	1	30	4.500	FHLM 2557	997,000		996,281.25
	2007	6	30	7	CITIZENS	2006	5	4	5.000	MMIA	1,068,115		1,068,114.68
	2007	6	30	8	FITB	2006	9	8	5.000	MAXSAVER+	1,003,082		1,003,082.49
	2007	7	15	8	FITB	2006	9	25	4.500	2866	577,233		578,990.35
	2007	7	31	8	FITB	2004	7	26	3.500	FNMR03 24GA	84,000		77,074.49
	2007	7	31	8	FITB	2005	1	11	4.000	FNMA 42	1,360,000		1,249,477.88
	2007	7	31	8	FITB	2005	8	26	4.500	31	1,318,000		1,235,400.76
	2007	7	31	8	FITB	2006	3	13	5.500	FNMA 71	155,000		122,706.17
	2007	7	31	8	FITB	2006	4	17	4.000	2003-10	534,000		473,212.07
	2007	7	31	8	FITB	2006	6	30	5.000	86	478,000		460,311.67
	2007	7	31	8	FITB	2006	8	25	5.500	FNMA 73	750,641		747,890.63
	2007	11	15	8	FITB	2005	7	27	4.500	FHLM 2687	2,830,000		2,826,031.25
										TOTAL			137,381,853.21
591	2006	10	10	8	NAT CITY	2006	7	11	5.300	FHLM	1,500,000		1,480,472.92
	2006	11	2	7	REPUBLIC	2006	8	31	5.300	CD	148,626		148,625.56

7 = CD 8 = Paper 9 = T-Bills

10/13/06 15:35:57

10/13/06

T-Bills, Commercial Paper, C.D. etc.

Ref.: INVQY012
Page: 3

PAGE 3

Fund	Mat Yr.	Mat Mo.	Mat Day	Type	Loc	Pur Yr.	Pur Mo.	Pur Day	Rate	Name	Face	Accrue 6/30	Book
591	2006	11	2	7	HUNT BANK	2006	8	31	5.360	CD	162,477		162,477.22
	2006	11	15	8	FITB	2005	8	26	4.500	FHLM 2687	1,000,000		995,000.00
	2006	12	31	8	FITB	2006	2	25	3.500	FHLM 2786	89,000		88,702.58
	2007	3	29	7	LA SALLE	2006	9	28	5.175	CD	2,890,953		2,890,953.00
	2007	6	26	8	FITB	2006	6	26	3.000	FNMA 3136	100,000		99,241.67
	2007	6	30	7	COMERICA	1997	7	1	4.900	GOV'T POOL	1,970,061		1,970,061.55
	2007	6	30	8	FITB	2004	2	2	3.750	FNR03 24MN	247,000		246,378.95
	2007	6	30	8	FITB	2005	8	31	1.000	MM	185,639		185,638.97
	2007	6	30	8	FITB	2005	9	29	4.500	FHLM 2618	325,000		325,000.00
	2007	6	30	8	FITB	2006	3	3	5.000	FHLM 2561	97,000		96,023.15
	2007	6	30	8	FITB	2006	4	11	3.950	FNMA 3135	1,000,000		980,833.33
	2007	6	30	8	FITB	2006	5	25	4.000	GNMA 20	64,000		63,723.00
	2008	3	25	8	FITB	2006	8	9	5.500	FNMA 73	125,000		124,801.22
										TOTAL			9,857,933.12
688	2007	6	30	7	CHASE	1997	7	1	4.910	GOV'T POOL	1,392,608		1,392,608.93
										TOTAL			1,392,608.93
										TOTAL			148,632,395.26

*** END OF REPORT ***

7 = CD 8 = Paper 9 = T-Bills

BANK ACCOUNTS
9/31/06

BANK	FUND	POOLED INVESTMENT BALANCE
Fifth Third	General	\$ 4,928,632.94
Fifth Third	Trust & Agency	1,924,735.82
Fifth Third	Investment-MM	713,453.57
TOTAL		<u>\$ 7,566,822.33</u>

October 2006

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

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	7:30am CANCELLED 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				

11/13 PH E-6 CDBG 2007 App.
 11/13 PH SV 148-C Daley St.
 11/13 PH ZOTA 227 Amb. Fac. B-3, H-S, O-1, M-1 Dist.
 11/27 PH Comm. Veh.App. 5933 Diamond

November 2006

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

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

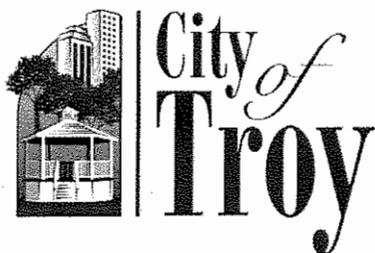
11/13 PH E-6 CDBG 2007 App.
 11/13 PH SV 148-C Daley St.
 11/13 PH ZOTA 227 Amb. Fac. B-3, H-S, O-1, M-1 Dist.
 11/27 PH Comm. Veh.App. 5933 Diamond

December 2006

December 2006							January 2007						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
3	4	5	6	7	8	9	7	8	9	10	11	12	13
10	11	12	13	14	15	16	14	15	16	17	18	19	20
17	18	19	20	21	22	23	21	22	23	24	25	26	27
24	25	26	27	28	29	30	28	29	30	31			
31													

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
				December 1	2
					3
4	5	6	7	8	9
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)			10
					11
11	12	13	14	15	16
	7:30pm Planning Commission Regular Meeting (Council Chambers)				17
					18
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)		City Hall Closed	24
					25
25	26	27	28	29	30
City Hall Closed				City Hall Closed	31

11/13 PH E-6 CDBG 2007 App.
 11/13 PH SV 148-C Daley St.
 11/13 PH ZOTA 227 Amb. Fac. B-3, H-S, O-1, M-1 Dist.
 11/27 PH Comm. Veh.App. 5933 Diamond



CITY COUNCIL REPORT

RECEIVED

OCT 18 2006

CITY OF TROY
CITY MANAGER'S OFFICE

October 17, 2006

TO: Phillip L. Nelson, City Manager *PN*

FROM: John M. Lamerato, Assistant City Manager - Finance *JML*
Brian Stoutenburg, Library Director *BS*

SUBJECT: Preliminary Report from the Historic Homes Study Committee
Concerning the Charlene Harris-Freeman and Carl Freeman Property

Background:

- The Historic Homes Study Committee was established in April, 2004. Included in their duties is the review of requests from owners of historic resources for changes in designation of their properties. Charlene Harris-Freeman and Carl Freeman own the lot and house located at 2995 East Quail Run Drive. They have requested that this lot and house, currently listed as a Historic District in Chapter 13 of the City Code, be removed from Historic District designation.

The Historic Homes Study Committee researched the property and submits this Preliminary Report in accordance with the City's Historic Preservation ordinance.

After sixty days of this report's appearance on the City Council Agenda as an information item, a public hearing will be held. After the public hearing, the Historic Homes Study Committee will write a Final Report. This report will be sent to the Historic District Commission and the Planning Commission for their recommendation. The Final Report and the recommendations along with the corresponding ordinance change will then be advanced to the City Council for their action.

Financial Considerations:

- There are no financial considerations connected to this Preliminary Report.

Legal Considerations:

- The process stated in Chapter 13 of the City Code, Section 14 Establishment, Modification or Elimination of a Historic District is being followed.

J-6

Policy Considerations:

- The property is currently listed in Chapter 13 of the City Code Section 3 A. as a historic district. If the property were removed from historic district status, then Chapter 13 would need to be revised to reflect that. This relates to City Council goal II: Retain and attract investment while encouraging redevelopment.

Options:

- City Council review of the Preliminary Report of the Historic Homes Study Committee will trigger a public hearing to be held in not less than sixty (60) calendar days.

Where legal review is necessary:

Approved as to Form and Legality:

Lori Grigg Bluhm, City Attorney

To: State Historic Preservation Office

From: Troy Historic District Study Committee

Date: October 5, 2006

Re.: Preliminary Report to de-list 2955 Quail Run, Troy MI

Attached please find the preliminary report requesting to de-list the historic resource at 2955 Quail Run in Troy Michigan. The extensive attachments were included at the insistence of the owners of the resource. They represent thorough research and new findings regarding the age of the resource and the historic significance. Three copies have been included for 60-day review by your office, the Michigan Historical Commission and the State Historic Preservation Review Board.

The Historic Homes Study Committee was established April 2004 pursuant to the Sec. 14.A of Chapter 13 of the City Code as amended February 16, 2004. Owners of historic resources were notified that this committee would review requests for changes in designation of their properties. A request to remove the historic designation of the house at 2995 East Quail Run Drive was received. Charlene Harris-Freeman and Carl Freeman own this property. Ms. Harris-Freeman serves on the Historic Home Study Committee and participated in discussions regarding the resource. However, she abstained from all votes regarding the committee's recommendations for changes in designation.

The following is the preliminary report by the Historic Home Study Committee and their recommendation to de-list the property.

Composition of Committee:

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

Description of Resource:

2995 Quail Run Drive
Referred to as the Trowbridge Home

Legal Description of 2995 Quail Run Drive:

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

History of Proposed District:

The historic significance of the district, known both as the Trowbridge House and Strawberry Hill, was based on the ownership of Stephen V.R. Trowbridge. Steven Trowbridge was an early pioneer in Troy, and instrumental in its early development. He served as Troy Supervisor and also in the state legislature.

The inventory, completed Oct 5, 1983, states that the structure was built about 1830 by Steven Trowbridge, and that it was being considered for designation because of its association with him. It was included as a local historic district by an act of City Council on Feb 13, 1984.

The current owners, Charlene Harris-Freeman and Carl Freeman petitioned to have the house removed from the district on Feb. 7, 2006. The homeowners submitted evidence supporting delisting the resource based on the criteria stipulated by the State Historic Preservation Officer (SHPO). Those documents are listed attached and listed at the end of this report:

Statement of Significance:

The property was listed in error. The historic significance of the house, as stated on the 1983 inventory, was related directly to pioneer Stephen Trowbridge. The homeowners have done extensive research and provided documentation and expert testimony to the committee that proves Stephen Trowbridge could not have built nor resided in this house. According to documentation provided (see attached) the house was not built in the 1830's, but most likely constructed in the 1880's. Stephen Trowbridge died in 1859. The property cannot draw its significance from a connection with him. The homeowners have proven to the satisfaction of the committee that the resource is not significant in the way previously defined. The committee also wished the historic record to be accurate.

It is therefore the recommendation of the Troy Historic District Study Committee with the consent of the property owners that the property be eliminated from the Historic District.

The following attachments are included as requested by the homeowners'

Homeowners' Research Attached as Requested

I. Order of Attachments

A. Attachments from Homeowners'

1. Homeowners' letter of February 7, 2006 requesting de-designation
2. Original Designation Materials
3. Homeowners' summary of findings documenting reasons for delisting the resource at 2955 Quail Run Dr. Troy, Michigan under all three SHPO criteria. Note: *The homeowners request that the resource be de-designated under all three criteria.*

Materials Pertaining to Not Significant in the Way Previously Thought

4. Stephen V. R. Trowbridge family history, written by Luther Trowbridge showing that Stephen V. R. Trowbridge died March 1, 1859.
5. Emails from Robbert McKay, Michigan State Historic Architect, showing that the house is in the Colonial Revival style with additional features in the Adams style. Also, Mr. McKay uses the construction techniques, and materials to date the construction of the house between 1890 and 1910. Well after the death of S. V. R. Trowbridge.
6. From the autobiography of Sir Henry Bessemer, indicating that the wire steel nails used to construct the house were not invented until 1862.
7. Web page from the University of Vermont showing that wire steel nails were not commonly made in the USA until after 1886.
8. Locks in the house are of the Corbin type, a cantilever lock mounted in the door, invented in 1868.
9. The fireplace dust bin door bears the name, "Orr and Lockett, a Chicago hardware firm that was founded in 1872 and whose first Catalog of Hardware was not published until 1887. Information from Jim Roan, Librarian in charge of catalogs at the Smithsonian Institution.
10. Coal Chute Doors bears the name, Majestic Manufacturing. This St. Louis Missouri company was formed in 1890 and its manufacturing facility was not operational until 1895. Thus, the earliest the house could have been built was 1895, well after S. V. R. Trowbridge had died and his children sold the land.
11. Tract Deed Record showing that Guy Maxwell Trowbridge sold his mother's land to Caleb Horton in 1885.
12. Some committee members argued that Guy Maxwell could have built the house. In the 1860 and 1870 census, Guy Maxwell, a census worker listed Troy as his residence

(see 12a). By 1876, when his daughter Emily was born, he listed Bloomfield Hills as his residence (12b.). In the 1880 Census Guy listed Pontiac as his residence (12c). As noted above the house was not built until the 1890's.

Attachment 12b, is not a normal birth certificate. The Oakland County Clerk's office would not permit us to copy the actual certificate. However, along the margin of the card, showing which record we were looking at, the County employee helping us noted that the parents listed their residence as Bloomfield Hills, Michigan, and the employee then signed her name to indicate the authenticity of this document.

Materials Pertaining to Faulty Procedures

13. Current Chapter 13 of Troy City Code: Historic Preservation; obtained from the City website, last modified 12/22/2005.
14. Letter from City of Troy legal department stating that procedures followed in designating the resource at 2955 Quail Run were in compliance with State law.
15. Memo from Homeowner's Attorney, Susan Friedlaendar, stating that the procedures followed by the City in designating 2955 Quail Run were not in compliance with State law.

Materials Pertaining to Lost Significance that it might have had

16. Architectural Significance see item 6 showing the confusing styles. Emails between Carl Freeman and Robert Christensen
17. Photo of farm as it was in the 1940's and 1950's.
18. Photo of the tenant house adjacent to the main house circa 1940's.
19. Current Photos of resource

B. Attachments from Research done by the Troy Historical Museum Staff

20. Plat Maps, from Troy
21. Biographical and genealogical records of Trowbridge family

February 7, 2006

Historic District Commission
Historical District Study Committee
C/o 60 W. Wattles Road
Troy, MI 48098

To Whom It May Concern:

On October 10, 2001 I signed a purchase agreement to purchase my home at 2955 Quail Run Dr. Troy. I subsequently purchased the home in December of 2001. At the time that I signed the agreement and purchased my home, I had no knowledge of Chapter 13 or that it applied to my home. In short, I purchased my home with no knowledge of the ramifications of owning a City designated historic home. At the time of purchase, Oakland County Register of Deeds had no encumbrances nor was there any indication on the deed that my home was designated as a City historic district. Similarly, the title search also failed to indicate any historic designation. Neither my real estate agent, nor the seller's agent indicated that my home was a designated historic home. This lack of disclosure is particularly troubling because the City had previously designated my home as historic—albeit in error (see the November 11, 1983 memo from Laurence G. Keisling, Planning Director to Frank Gerstenecker, City Manager). My first indication that the City intended to formally designate my home as a historic district came in a letter dated July 16th 2003 in which I was informed that the City was amending Chapter 13 and that this might affect my property rights (I never knew chapter 13 existed!). Who would purchase a home knowing that the City's designation would compromise their property rights? This designation may infringe on my ability to sell my home in the future by making my home less desirable due to cumbersome restrictions and regulations that the City has placed upon changes to the house. When I purchased my home, I had considered building a smaller house on a portion of the property and selling the larger home. I went so far as to discuss this plan with the head of the Assessment Department. This plan, like all changes to the exterior of my home should meet City approval.

On July 31, 2003, I delivered a letter to the City attorney requesting that my home be eliminated from the proposed historic district. I was informed that my home could not be eliminated from the historic district, at that time, because the City did not have a Historic District Study Committee. According to Chapter 13, the first step in the process of removing such a designation begins by requesting the Historic District Study Committee to recommend removal of the historic district designation. Instead of eliminating my house from the Historic District, the City of Troy amended my deed on 2/17/04 formally designating my home as a historic district. Rather than act, at that time, I choose to study the pros and cons of having the historic designation, and to observe and participate in the workings of the Historic District Study Committee.

After careful deliberations, I believe that it is in my best interest to have my home de-designated and I am formally requesting this committee to begin that process as prescribed on page 14 of Chapter 13 Section D, #3. I believe that my home was designated pursuant to a defective procedure, and that the designation is invalid. Moreover, I believe that the designation severely restricts my economic and other options. As there was no such designation on the deed, when I purchased my home, I believe it is improper for the City to add such restrictions, with all their inherent burdens, after the fact and without proper disclosure at the time of purchase.

I contend that the designation of my home as a City Historic District is invalid because it preceded the creation of a historic district study committee. According to Public Act 169 of 1970, the designation of a structure as historic occurs only after study and review by a properly impaneled historic district study committee. This requirement has been retained and is presently in the act. Here, I should note that the current Historic District Study Committee is presently in the process of examining my house and therefore the designations in 1983 and 2004 are premature and invalid as neither was preceded by the recommendation of a historic district study committee. Moreover, the records of the planning commission and City council of the 1983 designation do not contain any indication of communication between the City and register of deeds, as required by public act 169 of 1970. This accounts for why I was not officially informed of the designation at the time of purchase.

I also contend that my home does not merit the designation as a City historic district as it fails to meet the state and federal requirements to be considered historic. According to the Michigan Historic Resource Survey, "Historic resources are districts, buildings, sites, structures or objects that exemplify a period of history." While there is no doubt that my home is old and possess history, it is also a historical chimera and not, therefore a suitable candidate for City designation. My home was built in three different time periods (approximately the 1830's, 1906 and 1916) and cannot therefore be exemplary of any one time period. Moreover, my home fails to meet the tests of integrity, as defined by the Secretary of Interior, that historic resources are required to meet. Specifically, according to Local Historic Districts in Michigan guidelines, (page 16) there are seven areas that must be evaluated with respect of integrity: location, design, setting, materials, workmanship, feeling and association. Under the heading of materials: "When evaluating materials look at roofing, foundation, siding, windows, doors, porches and architectural details. A property must retain the majority of its original materials and distinguishing features that date from its period of historic significance."

The original cedar shingle roofing has been replaced by asphalt shingles. A "Michigan basement" has been further dug out. The wood siding has been covered by vinyl siding. Storm windows have been added; the original shutters have been replaced by vinyl, an 80 foot veranda has been added. One of the original chimneys has been rebuilt in a more contemporary style, and the exterior of a dormer has been covered by louvers obliterating the original look. The Copland family, who owned the home from 1885-1936, enclosed the original back porch covering the original transom. In all of the above, the original architectural design, materials, workmanship and details have been either covered or removed thus disqualifying this structure as historic according to the guidelines published by the Secretary of Interior.

The historic significance of my home is largely due to the original owner, Stephen V. R. Trowbridge. In its attempts to have my home designated as historic, the City has always cited S. V. R. Trowbridge as the reason for the designation. However, the Trowbridge portion of the house is less than one third of the present structure and was built in the 1830's. The alterations and additions by other owners, prior to me, have significantly altered the appearance of the original home's exterior and are not themselves of historic significance because these owners are not of historic significance. Accordingly, I must conclude that my home does not meet the definition of a historic resource. Moreover, the State has disqualified the old Beach house as historic because it too was an amalgam of different structures and time periods.

I further contend that my home is not a historic district. The State defines a historic district as "a group of related historic resources." It goes on to say that "When defining local historic district boundaries historic district study committees must use the guidelines developed by the U. S. Secretary of the Interior for determining historic boundaries for the National Register of Historic

Places.” According to the National Register, Bulletin 15, “A district must be a definable geographic area that can be distinguished from surrounding properties by changes such as density, scale, type, age, style of sizes, buildings, structures, and objects or documented differences in patterns of historic development or associations.” In its guidelines for establishing local historical district boundaries, the State goes on to say that, “Historic districts are typically a concentrated area of contiguous resources. Historic district boundaries should be based upon three factors: historic significance, physical integrity of the resources, and/or the location of significant geographic features.” ... “The district’s identity is a result of the interrelationship between individual resources that work together to create a visual sense of its history”

My home fails all tests of a historic district. There is no group of related historic resources. The closest designated historic resource is roughly one half mile away, with no direct road or visual connection and it is of a different style and is not related to my house in any historical way. There is no definable geographic area with a concentration of historic resources from the same time period. My home is surrounded on all sides by a modern subdivision. The closest buildings which could even be construed as being related to Stephen V. R. Trowbridge are those of the Troy Historical Museum on the Green roughly four miles away (so much for visual and historical continuity). As I indicated above, my home lacks physical integrity of the historically important period. Finally, there are no significant geographic features. The State specifically states that, “The discontinuous district should NOT be used to include an isolated resource or group of resources that have been cut off from the district due to demolition or new construction.” I believe that the City has attempted to use my home in precisely this way.

The State does permit the establishment of, “a single resource district.” However, in such cases, the resource must meet, “the criteria for eligibility for the National Historic Register of Historic Places on its own merits for its association with a significant person, event or as an example of significant design or construction technique. Appropriate single resource districts would include, Michigan’s State Capitol Building, a house designed by Frank Lloyd Wright, Ernest Hemingway’s summer cottage.” My home does not meet the criteria for inclusion on the National Historic Register of Historic Places. Stephen V. R. Trowbridge was not of national significance. Moreover, a careful reading of history shows that other, related and unrelated Trowbridges were of much greater significance than S.V. R. Trowbridge. The historical study committee needs to be sure it does not attribute the historical significance of these other Trowbridges to S. V. R. Trowbridge.

As a member of the Historic District Study Committee, I have made several disturbing observations. First, in the time that I have served on the committee, we have had four prior requests to have homes de-designated, but no requests to have homes designated. This indicates that **the designation is not desirable.** This point has been repeatedly affirmed by realtors in my conversations with them. Moreover, there has been no offer by the City to help defray the costs of maintaining the original appearance of these homes, despite the economic hardship required to do so (heating, maintenance etc.). Here it should be noted that tax relief is available for state and federally designated resources.

There is little doubt that having designated historical homes adds to the charm, educational resources, and character of the City. However, the City has not articulated a compelling argument as why its citizens should desire to have their homes designated as historic resources, particularly when the City designation is far more restrictive than either the federal or state designation and when there are no economic benefits that accrue from such a designation.

Prior City ordinances, and the conduct of the City, have been out of compliance with the State and Federal guidelines. Accordingly, the City has, in the last two years, sought to bring its ordinance and behavior into compliance with these other statutes, and for this the City is to be commended. There is, however, more that I think should be done and I have a series of specific recommendations:

- 1) Homebuyers must be notified, in writing, that a home is designated as a historic resource prior to the purchase of the home;
- 2) The majority of people on the Historic District Study Committee should be owners of historic homes;
- 3) Chapter 13 should be re-written, following the state and federal guidelines, to make owning a City designated historic home more palatable and prestigious than it presently is. Clearly, and most importantly, owners of historic homes should be included in this undertaking. I wonder how many owners of historic homes were involved in creating the present version of Chapter 13 and if problems could have been avoided by their inclusion?
- 4) Historic homes should not be in single resource districts except in extreme cases, and then they should have to meet more stringent standards of historical significance, e.g., Thomas Edison's childhood home. Property values do rise when older homes are in multiple resource historic districts and thus the majority of designated homes should be in multiple resource districts.
- 5) The City needs to be foresightful; it has few homes from the 19th century that could be included in historic districts, but it presently has many homes from different decades in the 20th century that could be set aside now (as they are older than 50 years) into multiple resource historic districts. Such a move would add to the home's value and the charm of the City for decades to come. Such a move could, in time, give rise to distinctive and prestigious neighborhoods.

In whatever changes and policies the City makes, with respect to historic homes, the goodwill of the homeowners is paramount to achieving the aims of the City. While the City does have right to impose its will on owners of historic homes, such an imposition is costly and must be undertaken in only the most strenuous of cases. On a day-to-day basis preservation of historic resources is a matter of how committed the homeowners are towards preservation. Remember, homeowners can do whatever they want in the way of maintenance. Accordingly, it is in the interest of the City to strike a balance of power between the ardent advocates of the preservation community and the owners of historic homes. In my opinion, the homeowners have been getting the short end of the stick. This likely stems from the fact that most of the people in positions of power, with respect to historic homes, do not own historic homes. Indeed there is no official advocate for the homeowners.

When you are asking people to spend more money to maintain these homes than other homeowners do, and you are asking them to relinquish some of their property rights-- for the good of the community, you want to make sure that your cause is just and that the people making the sacrifice understand the sacrifice and are willing and able to make it. Otherwise the City risks lawsuits for frivolous takings.

This City has been plagued by a raft of poor decisions, regarding historic resources, made by a few individuals without due regard for law, proper procedure, or the homeowners—in short the more ardent advocates have run amok. Consequently, while many stately homes have been designated (including my home) many such designations cannot withstand the light of scrutiny.

Hence the high proportion of requests for de-designation of historic homes. I strongly implore and plead with the City to revisit its Chapter 13 to rectify the problems I have encountered.

I support historic preservation. I have willingly given my time and spent my hard-earned money to restore an important home in this City, and I will continue to maintain and improve it. However, my home should not be designated historic for the reasons I cited above. That notwithstanding, I believe it is in the City's interest to create historic districts but it must, absolutely must, do so by involving the homeowners of historic homes as partners in the decision making processes and not merely subjects who are told what they can and cannot do.

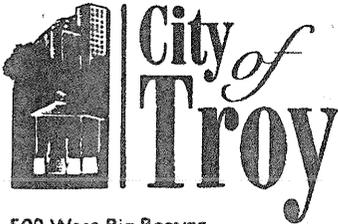
Sincerely,



Charlene Harris-Freeman
2955 Quail Run Dr.
Troy, MI 48098

attachments

cc. Lori Grigg Bluhm, City Attorney
Allan T. Motzny, Assistant City Attorney
Historic District Commission



500 West Big Beaver
Troy, Michigan 48064
Fax: (248) 524-0851
www.ci.troy.mi.us

November 26, 2003

Area code (248)

Assessing
524-3311

Bldg. Inspections
524-3344

Bldg. Operations
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 Technology
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

Charlene Harris
2955 Quail Run
Troy MI 48096-4126

Re: Designation of 2955 Quail Run as Historic District

Dear Ms. Harris:

You have recently inquired with regard to the process followed by the City of Troy when your property at 2955 Quail Run was originally designated as a Historic District in Section 3, of Chapter 13 of the City Code.

The City of Troy records indicate the Troy Historic District Commission at a meeting held October 5, 1983 recommended the Trowbridge House, 2955 Quail Run, be submitted to the City Council for consideration as a Historic District. According to a memo from the City's Planning Director, the owners of the home at that time, Joy and Lawrence Ramaker, had no objection to the home being designated as a Historic District. The Ramakers also signed a document in October of 1983 indicating they consented to the property being submitted to the Michigan Department of State for inclusion in the state wide historic resource inventory and potentially for nomination to the state register of historic sites.

On November 11, 1983, the City of Troy Plan Commission recommended to City Council the property be designated as a Historic District. Subsequently, the records of the City Clerk indicate the Ramakers were notified by mail of a public hearing at which City Council was to consider the historic designation. The minutes of the City Council meeting held on February 13, 1984 indicate City Council passed a resolution designating 2955 Quail Run as a Historic District. The owner, Larry Ramaker, requested this designation. I have provided copies of the documentation with regard to the property and its designation as a Historic District.

If you have any questions, please do not hesitate to call me.

Very truly yours,

CITY ATTORNEY'S OFFICE

Allan T. Motzny
Assistant City Attorney

ps
enclosure
cc: Lori Grigg Bluhm, City Attorney

November 11, 1983

TO: Frank Gerstenecker, City Manager
FROM: Laurence G. Keisling, Planning Director
SUBJECT: Proposed Historic District - "Trowbridge House" (2955 Quail Run) -
East of Adams, South of Long Lake - Section 18

As indicated by the enclosed excerpt from the Minutes of the Historic District Commission, that Body has once again recommended that the City Council add the site known as 2955 Quail Run, the former "Trowbridge House", and "Strawberry Hill Farm", to the list of Historic Districts within Chapter 13 of the City Code, the Historic Preservation Ordinance. In accordance with that Chapter, recommendations from the Plan Commission are also necessary prior to action on such matters by the City Council. Plan Commission review and recommendation requirements were included in Chapter 13 simultaneous with the adoption of Zoning Ordinance provisions which potentially enable some use flexibility as to sites which are established as "Historic Districts".

A similar proposal was considered in 1981, but the City Council subsequently took no action on same. In the course of that consideration, action was taken to amend the text of the Zoning Ordinance in order to eliminate the potential use flexibility for designated Historic Districts which do not have frontage on Major Thoroughfares. Even with that Ordinance Amendment, concern was expressed by neighboring residents that the proposed Historic District designation would be a hindrance in relation to the prospective purchase of this site for residential purposes. *Still remains a concern*

★ Within the past year, this property has been sold and the new residents, Mr. and Mrs. Lawrence Ramaekers, are in the process of renovating and restoring the house. They have apparently indicated to the Historic District Commission that they have no objection to the proposed Historic District designation. The Planning Department also sees no problem with such a designation.

The Plan Commission considered this matter at their Regular Meeting of November 8, 1983. At that time Mr. and Mrs. Ramaekers, the property owners, were present along with Mrs. Scott of the Historic District Commission. They briefly discussed their on-going efforts to restore this house, and indicated their support for Historic District designation. The Plan Commission then adopted the following resolution regarding this matter:

B-1

Frank Gerstenecker, City Manager -2-

November 11, 1983

"Proposed Historic District - 'Trowbridge House'
(2955 Quail Run) - East of Adams, South of
Long Lake - Section 18"

Moved by Reece

Supported by Holdan

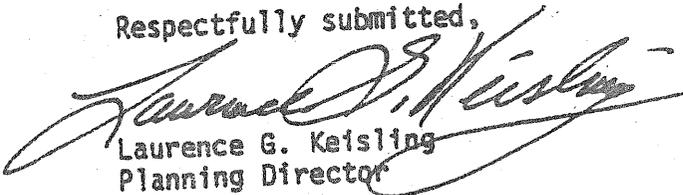
RESOLVED, that the Plan Commission hereby recommends to the City Council that the property known as the "Trowbridge House" or the "Strawberry Hill Farm", at 2955 Quail Run (Lot 37 of Strawberry Hill Subdivision, except that part combined with Lot 38 of the same subdivision) be designated as an Historic District in accordance with the provisions of Chapter 13 of the City Code, and in accordance with the recommendation of the Historic District Commission.

Yeas: All Present - (5)

Absent: Deckert, Melaragni,
Wright

MOTION CARRIED

Respectfully submitted,



Laurence G. Keisling
Planning Director

LGK/ph

copy: W. Robert Semple, Assistant City Manager

TROY HISTORIC DISTRICT COMMISSION

REGULAR MEETING

Troy City Hall
500 W. Big Beaver

7:30 P.M.
October 5, 1983

CALL TO ORDER: The meeting was called to order at 7:45 p.m.

ROLL CALL: PRESENT: Stickal, Scott, Dill, Renshaw
ABSENT: Baron, Holdburg, Miller, Fellrath

PROCEEDINGS:

Because of the lack of attendance, all regular business was suspended except for the following item.

Item #4 - Site Survey

Mrs. Scott presented a re-submittal on the Trowbridge House with new evidence supporting the designation of this home as historic:

- 1) Under new ownership by Joy J. & Lawrence Ramaekar who intend to live in it as their family home.
- ★ 2) Mrs. Ramaekar has spoken with the neighbors and has indicated no negative response to it becoming an Historic District.

MOVED BY: Renshaw

SUPPORTED BY: Dill

Williams - "Strawberry Hill"

RESOLVED, That the new Site Survey on the Trowbridge House, 2955 Quail Run, Troy, Michigan 48084, be submitted to the City Council for consideration as an Historic District.

Yeas: All-4

Item #9 - Adjournment

MOVED BY: Dill

SUPPORTED BY: Renshaw

RESOLVED, That the meeting be adjourned at 7:49 p.m.

NEXT MEETING - NOVEMBER 2, 1983

*Nothing in
written record
of this meeting*

ALLEY VACATION - SECTION 15 - CONTINUED

A-3

BE IT FURTHER RESOLVED, That the City Clerk shall forward and record a certification of this resolution in accordance with Section 256 and 257 of Act 288 of Michigan Public Acts of 1967, as amended.

Yeas: All-6
Absent: Husk

1983-84 BUDGET AMENDMENT #7

A-4

Resolution #84-134
Moved by Pallotta
Supported by Liebrecht

RESOLVED, That budget amendment No. 7 to correct 1982-83 budget to actual expenditures, to move allocations from 1982-83 budget to the 1983-84 budget for projects not completed by June 30, 1983, and to adjust allocations per current estimates, is hereby approved, and a copy shall be attached to and made a part of the original minutes of this meeting.

Yeas: All-6
Absent: Husk

VISITORS, DELEGATIONS AND CITIZENS

A-5

ITEMS TAKEN OUT OF ORDER

Resolution #84-135
Moved by Doyle
Supported by Pallotta

RESOLVED, That Items B-1, C-9 and C-16 be taken out of order and considered at this time.

Yeas: All-6
Absent: Husk

HISTORIC DISTRICT - TROWBRIDGE HOUSE, EAST OF ADAMS, SOUTH OF LONG LAKE,
SECTION 18

B-1

Mr. Larry Ramakers, owner, requested approval.

Resolution #84-136
Moved by Taucher
Supported by Schilling

RESOLVED, That property known as "Trowbridge House", located at 2955 Quail Run, (Lot 37 of Strawberry Hill Subdivision, except that part combined with Lot 38 of the subdivision), be designated as an Historic District in accordance with the provisions of Chapter 13 and in accordance with the recommendation of the Plan Commission and Historic District Commission and an Ordinance to amend Chapter 13 is hereby adopted, a copy of which shall be attached to the original minutes of this meeting.

Yeas: All-6
Absent: Husk

PROPOSED REZONING - SOUTH SIDE OF SQUARE LAKE, EAST OF JOHN R - SECTION 12 -
R-1C TO O-1 (AND P-1)

C-9

Mr. Palmer was available for questions.

Resolution #84-137
Moved by Stine
Supported by Taucher

RESOLVED, That a Public Hearing is hereby established for March 5, 1984 to consider the proposed rezoning - south side of Square Lake, east of John R, in Section 12, from R-1C to O-1 and P-1.

Yeas: All-6
Absent: Husk

2/13/84

BUILDING-STRUCTURE INVENTORY FORM

Michigan History Division
Michigan Department of State
Lansing, Michigan 48918

For Office Use

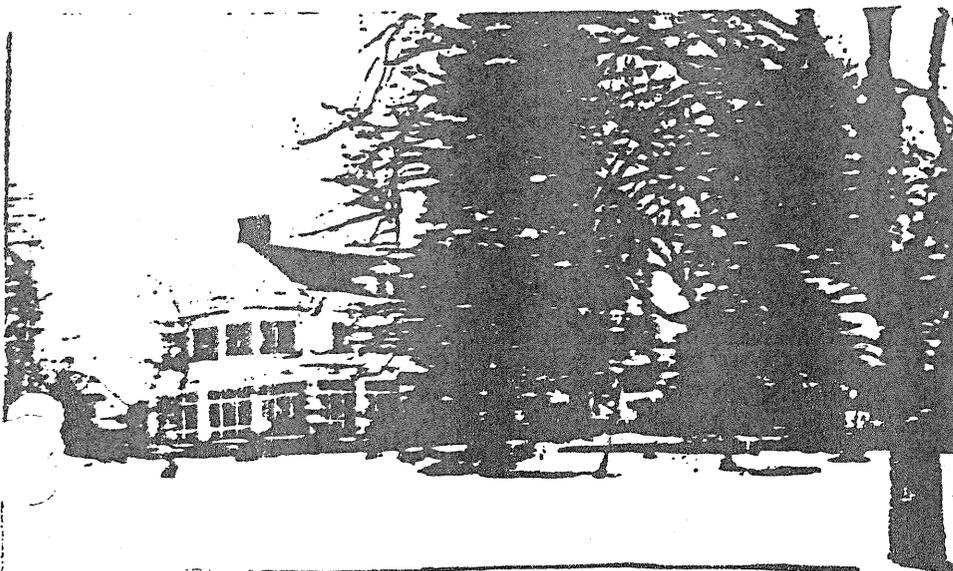
Theme _____

IDENTIFICATION

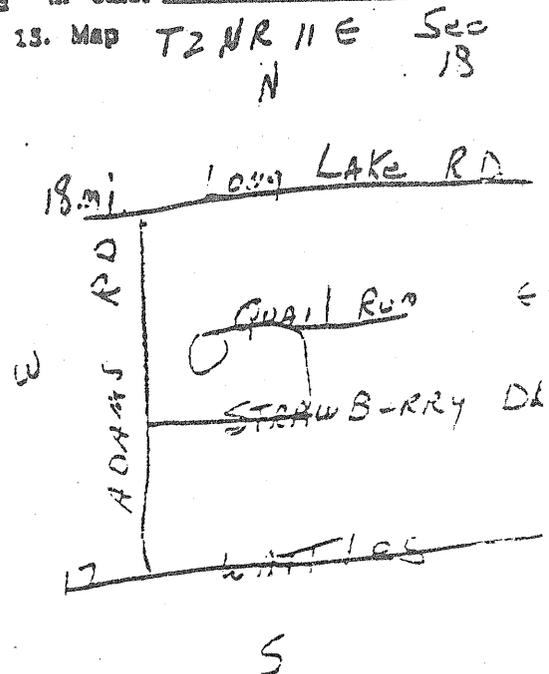
1. Building name Strawberry Hill Farm House
2. County Oakland Town/City Troy Village _____
3. Street Location 2955 Quail Run
4. Ownership: a. Public b. Private
5. Present Owner Lawrence & Joy Ramaeker Address 2962 Orchard Trail
6. Use: Original _____ Present _____
7. Accessibility to Public: Exterior visible from public road: Yes No
Interior accessible: Explain Private Home

DESCRIPTION

8. Building Material: a. clapboard b. stone c. brick d. board and batten
e. cobblestone f. shingles g. stucco h. other _____
9. Structural Material: a. wood frame with interlocking joints b. wood frame with light members (balloon frame)
c. masonry load-bearing walls d. iron frame e. steel frame with curtain walls
f. reinforced concrete g. other _____
10. Condition: a. excellent b. good c. fair d. deteriorated
11. Integrity: a. original site b. moved if so, when? about 1830
Notes on alterations and additions, with dates and architect. not known
Original owner had seven sons and four daughters. Fairly well to do settler. Therefore the house was large to start plus later owners were fair to do.
12. Related Outbuildings and Property: none
a. barn b. carriage house c. garage d. privy e. shed
f. shop g. greenhouse h. landscape features i. other _____
13. Surroundings of the Building: a. open land b. woodland c. scattered outbuildings d. densely built-up
e. commercial f. industrial g. residential h. other _____
14. Photo
15. Map T2 NR 11 E Sec 18
N



STRAWBERRY FARM



18. Interrelationship of Building and Surroundings

Its a large large old house surrounded by trees and bushes and surrounded by a modern subdivision

17. Other Notable Features of Building and Site

★ Has remained inside and outside without the redo which most people try to do when they get an old house. It has 8 large bedrooms with such things as butler pantry and maid quarters.

18. Threats to Building None at this time.

- a. none known
- b. zoning
- c. roads
- d. developers
- e. deterioration
- f. other _____

SIGNIFICANCE (Indicate sources of information for all statements)

19. Architectural Significance

Date of Construction about 1830 Architect Settler Steven Trowbridge

Builders, suppliers, etc. SVR Trowbridge

Notes on original plan and specifications:

Only that when SVR built his barn and had the neighbors for a barn raising, he broke a jug of water over the top and shouted "I christen you Strawberry Hill Farm".

20. Historical Significance: In that SVR was a prominent person and guide to any settler seeking help and advice. He served as Troy Supervisor and was a close friend of Governor Lewis Cass.

Both SVR and Elizabeth his wife are buried in the cemetery closeby There are many descendants still in the area.

★ See our copy of National Register of Historic places inventory- on file in your office.

21. Sources (for primary and secondary sources, give complete facts of publication: author, title, place of publication, date):

- Oakland County Liber Books: County Bldg, Pontiac, Mich
- Assessment Rolls: Troy Township, City of Troy
- History of the Trowbridge family, copy in hands of descendant
- Tax Records, Oakland County Records at Kresge Library U of M.

Prepared by Dorothy Scott - Troy Historic District Date October 5, 83

Address 120 Belknap Telephone 580-0514

Organization Troy Historic District

8 SIGNIFICANCE

PERIOD	AREAS OF SIGNIFICANCE -- CHECK AND JUSTIFY BELOW			
<input type="checkbox"/> PREHISTORIC	<input type="checkbox"/> ARCHEOLOGY-PREHISTORIC	<input type="checkbox"/> COMMUNITY PLANNING	<input type="checkbox"/> LANDSCAPE ARCHITECTURE	<input type="checkbox"/> RELIGION
<input type="checkbox"/> 1400-1499	<input type="checkbox"/> ARCHEOLOGY-HISTORIC	<input type="checkbox"/> CONSERVATION	<input type="checkbox"/> LAW	<input type="checkbox"/> SCIENCE
<input type="checkbox"/> 1500-1599	<input type="checkbox"/> AGRICULTURE	<input type="checkbox"/> ECONOMICS	<input type="checkbox"/> LITERATURE	<input type="checkbox"/> SCULPTURE
<input type="checkbox"/> 1600-1699	<input type="checkbox"/> ARCHITECTURE	<input type="checkbox"/> EDUCATION	<input type="checkbox"/> MILITARY	<input type="checkbox"/> SOCIAL/HUMANITARIAN
<input type="checkbox"/> 1700-1799	<input type="checkbox"/> ART	<input type="checkbox"/> ENGINEERING	<input type="checkbox"/> MUSIC	<input type="checkbox"/> THEATER
<input type="checkbox"/> 1800-1899	<input type="checkbox"/> COMMERCE	<input type="checkbox"/> EXPLORATION/SETTLEMENT	<input type="checkbox"/> PHILOSOPHY	<input type="checkbox"/> TRANSPORTATION
<input type="checkbox"/> 1900-	<input type="checkbox"/> COMMUNICATIONS	<input type="checkbox"/> INDUSTRY	<input type="checkbox"/> POLITICS/GOVERNMENT	<input type="checkbox"/> OTHER (SPECIFY)
		<input type="checkbox"/> INVENTION		

SPECIFIC DATES

BUILDER/ARCHITECT

STATEMENT OF SIGNIFICANCE

Trowbridge - An American Family

The story of this family is a record of generations of Americans of the finest type, those to whom character counted more than possessions and character was more important than to be important.

Steven Van Rensselaer Trowbridge served in the U. S. calvary in the War of 1812. After the war S.V.R. and his wife and small children came west to make their home, probably following a younger brother, Charles C. Trowbridge. Charles had settled in Detroit and made a name for himself, even being Mayor in 1834. He was a lawyer of good standing and later a Senator. The name Trowbridge is in many places in the Detroit area.

Charles originally granted the West 1/2 with SVR taking the East 1/2. Charles bought his 80 acres in Sept and sold to SVR in December, apparently he decided to move into Detroit. This gave SVR a sizeable amount of property, and his tax record shows him to be a large land owner.

Government entry May 28, 1821
Certificate #51 - SVR Trowbridge of New York
E 1/2 of NW 1/4 Sec 18 Feb 5, 1822

Certificate #86 Charles C. Trowbridge of Detroit, Michigan for
West half of NW 1/4 of Sec 18 Bk 274 page 52.

House passes to Guy Maxwell Trowbridge. Then to Alexander Copland who in his will devises to wife Charlotte a life interest in Strawberry Hill Farm, containing home.

1936 C peland to Perry Williams.

The ab tract has not been available for study therefore the Libers had to be searched.

MAJOR BIBLIOGRAPHICAL REFERENCES

Pictures of S V.R. Trowbridge from descendant album. Also family information courtesy of descendant.
 Reference books: Pioneer Oakland County
 Tax Records: Oakland County Records at Kresge Library located U. of M Rochester,
 Oakland County Liber Books: County Bldg Pontiac, Mich
 Assessment Rolls: Troy Township: City of Troy. 1872 Map

10 GEOGRAPHICAL DATA

1845 map
 57 Map

ACREAGE OF NOMINATED PROPERTY 2 acres

UTM REFERENCES (we will figure this)



VERBAL BOUNDARY DESCRIPTION

Farm was 30 acres turned into subdivision with 2 acres remaining with the 20 room home. Acreage a matter of abstract description.

LIST ALL STATES AND COUNTIES FOR PROPERTIES OVERLAPPING STATE OR COUNTY BOUNDARIES

STATE	CODE	COUNTY	CODE
none			

11 FORM PREPARED BY

NAME / TITLE

Dorothy Scott

Jan 1, 1981

ORGANIZATION

Troy Historical District Commission

DATE

689-0516

STREET & NUMBER

129 Belhaven

TELEPHONE

CITY OR TOWN

Troy,

STATE

Michigan

12 STATE HISTORIC PRESERVATION OFFICER CERTIFICATION

THE EVALUATED SIGNIFICANCE OF THIS PROPERTY WITHIN THE STATE IS:

NATIONAL STATE LOCAL

As the designated State Historic Preservation Officer for the National Historic Preservation Act of 1966 (Public Law 89-665), I hereby nominate this property for inclusion in the National Register and certify that it has been evaluated according to the criteria and procedures set forth by the National Park Service.

STATE HISTORIC PRESERVATION OFFICER SIGNATURE

TITLE

DATE

FDR NPS USE ONLY

I HEREBY CERTIFY THAT THIS PROPERTY IS INCLUDED IN THE NATIONAL REGISTER

DATE

DIRECTOR, OFFICE OF ARCHEOLOGY AND HISTORIC PRESERVATION
 ATTEST:

DATE

KEEPER OF THE NATIONAL REGISTER

I understand that the Strawberry Hill House
resource name
located at 2955 Quail Run, within the city limits of
Troy, Michigan, County of Oakland and owned by us,
Lawrence & Joy Ramaker, is being submitted to
the Michigan Department of State for inclusion in the state-
wide historic resource inventory and, potentially, for nomina-
tion to the State Register of Historic Sites. I am aware that
no legal restrictions or allowances are conferred to the pro-
perty should the proposed site be found eligible for state
Registration by the Michigan Historical Commission. Therefore,
we, Lawrence & Joy Ramaker, give our consent to the above
mentioned review and potential nomination to the State Register
of Historic Sites.

Signed

Lawrence Ramaker
Joy D. Ramaker

dated

Oct 5 1983

Oct 5 1983

2882 Strawberry Rd.
Troy, Mi 48068
November 26, 1983

City of Troy
500 W. Big Beaver
Troy, Mich 48064

Public Hearing
Historic Site

We wish to voice a strong
objection to the addition of
Trawbudge House at 2955 Inval
Ruin to Section 3 of Chapter 13
of the Troy City Code as a Historic Site

We cannot see any advantage
of this addition to the residents
of the subdivision Strawberry Hill

There is no other access to
this home but through the
streets in our subdivision.

So if, in fact, it is decided
to have this property open to
the public at, certainly

would be a decided detriment
to the residents.

Furthermore if there would
be a tax allowance to the
new owners - it would be
a great assistance to the rest
of the high tax paying
residents.

This question was raised
at an earlier date and
hardly disappointed by the
residents & neighbors of
Strawberry Hill.

Mr. & Mrs. W. L. Conover

{ Don L Conover
William L Conover

perance advocate, braved public opinion by declining to furnish whiskey to the neighbors who had come to help him. He went to the top of the frame carrying a bottle of water, broke the bottle, and called out, "Strawberry Hill" by which name the place was known thereafter. Built in 1830, the elegant house had twenty rooms including eight bedrooms and a large tenant house nearby. It was a structure befitting a well-to-do landowner of that period.

Stephen Van Rensselaer Trowbridge was a close friend of Michigan's Governor Lewis Cass. He was a Troy Supervisor for a number of years and a member of the Territorial Legislature. Governor Cass appointed Trowbridge to handle the annual payments which were made to the Indians. He held positions of great responsibility with the Indian Department especially with respect to treaty monies paid for the extensive domain of Michigan and Wisconsin. His treatment of the Indians was so fair and reasonable that he gained the confidence of the various Indian groups and the backing of the United States Government. Other important posts held by Trowbridge included Assessor of Oakland County and Oakland County's first Coroner.

The discovery of copper in the Lake Superior country started many new enterprises in mining. At first the U. S. Government leased the mines to companies which worked them, and then paid a royalty to the Government. Mr. Trowbridge was appointed to a leadership position in this area and spent two summers at his headquarters in Sault Saint Marie. Later, President Zachary Taylor appointed him Mineral Agent of the Lake Superior Mines.

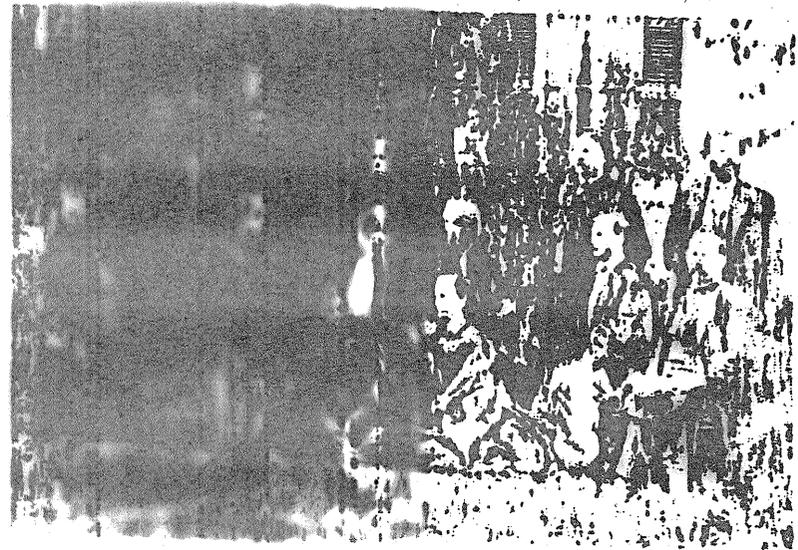
Stephen Trowbridge was an Elder of the Presbyterian Church and a model citizen to his friends and neighbors. He was affectionately known as "Uncle Steve". People would call upon him for advice and he would often prepare last wills and testaments for his fellow citizens. Although he was known to have a quick temper, he was an outstanding community leader who earned the respect and admiration of all who knew him. Stephen Van Rensselaer Trowbridge died on March 4, 1859 at sixty-four years of age. He is buried with his wife Elizabeth at the Beach Road Cemetery. Several of their children became prominent leaders; one became a Missionary in Turkey, another a Professor at Columbia University; one was a leading merchant in Minnesota and another was elected to the U. S. Congress. Guy T. Trowbridge remained at Strawberry Hills Farm in Troy for several years, later moving to Detroit. Descendants of Guy T. Trowbridge still reside in the Troy area.

Published by TROY HISTORIC DISTRICT COMMISSION
Tel 324-3368

heritage post

Vol. 1 No. 2

July 1983



STEPHEN VAN RENSSELAER TROWBRIDGE AND
REBECCA CONNELLIN TROWBRIDGE

AND THEIR FAMILY - TROY, MI

Ed 1983

TROWBRIDGE

A Troy Family Who Conquered The Wilderness

Stephen Van-Kenselack Trowbridge was a prominent early pioneer in the history of Troy. Born on July 4, 1791 in Albany, New York, of English ancestry, he worked as a law clerk and prepared for a career in law. When he was only eighteen years old he enlisted in the Cavalry Service and served on the Niagara Frontier during the War of 1812 as part of the New York State Militia. He was honorably discharged in December 1812. Along with his interest in law, Trowbridge had a love for farming and became an expert with the cradle and scythe. In 1815 he married Elizabeth Conklin of Horseheads in Central New York State and went to live on a farm given to his wife by her father. In 1820, Stephen received a letter from his brother Charles who had gone to Michigan the previous year. The letter described the many opportunities offered. Charles Trowbridge was later elected as Mayor of the City of Detroit and served also as a Regent of the University of Michigan. The Trowbridge name became well-known in the Detroit area.

Stephen Trowbridge decided to follow his brother out West. With \$100.00 sewn in a belt around his waist and a bag filled with pins and needles, tapes and other small articles to exchange for meals and lodging, Stephen started out for Michigan. He walked 500 miles through the dense forests of Canada and after a very lengthy journey finally reached the city of Detroit. He looked about the County of Oakland and found some rich, black soil in Troy where he decided to settle. With enough money saved from his trip, Stephen bought eighty acres of Troy land from the United States Government. He then returned east to make arrangements for

his family to join him. Subsequently, the Trowbridge family boarded a ship at Buffalo, New York, called the "Walk-in-the-Woods" and made their way across Lake Erie to Detroit, and then by ox team to Troy. At one point, when the ox teams were stuck in the mud, Mrs. Trowbridge descended from the wagon with a log in her arms and walked a distance of eight miles. The land they had purchased in northwest Troy included a log house which was 14 x 14 feet in size. There they were sheltered until a more comfortable home could be built.

The Trowbridge family was surrounded by Indians and there were few white settlements in Troy at that time. Stephen had to keep busy to clear the little farm which he later enlarged to include ten hundred and thirty acres. In addition to farming, he worked on stock raising, since the range for cattle was at that time extensive and the Indians kept the underbrush well burned off. There was plenty of wild game, especially caribou, and the Trowbridge family was well supplied with wild meat. Fishes also abounded in the area.

Many families started to migrate to Troy, most of them coming from western and central New York. The more established settlers helped the new arrivals by offering their hospitality. On one occasion, in the little log cabin of the Trowbridge family, they were able to accommodate a party of sixteen men in addition to their own family. As the Trowbridge family grew in size (there were eleven children) a larger log cabin was built. It was considered quite a mansion at that time. Later, an even larger house was built for the burgeoning family on the town line which was Adams Road. It was the second one of the earlier of these houses built by Mr. Trowbridge, a Gen-

T

R

O

Y

SUMMARY OF HOMEOWNERS' RESEARCH

There are three reasons that a historic resource may be de-designated:

- I. The resource is not significant in the way previously thought;
- II. The procedure followed in the designation process were faulty, and
- III. The resource has lost the historical significance which it once had.

I. Resource not significant in the way previously thought

The resource was designated primarily because it was believed to have been built by Stephen V. R. Trowbridge. However, S. V. R. Trowbridge died March 1, 1859 (see attachment 4, family history by Luther Trowbridge), and the design, construction techniques, and construction materials used in the house indicate that it could not have been built prior to 1890, and more likely 1895.

Feature	Description	Date	Source
Style	Narrow Colonial Revival	1880-1910	Field Guide to American Houses
Nails	Wire Steel	1880-present	Bessemer Autobiography and Univ. Vermont website
Locks	Corbin	1868 & later	History of Locks
Dust bin door	Orr and Lockett	1887 & later	Smithsonian Institution
Coal Chute	Majestic Manufacturing	1895	Majestic lofts website

When was the house built? We are much more certain of when the house was not built than when it was. The style of the house was not built prior to 1880 (A Field Guide to American Houses, emails from Robbert McKay, Michigan State Historic Architect, attachment 5). The nails used to build the house were wire steel nails invented by Sir Henry Bessemer in 1862 (attachment 6). These wire nails were not readily available in the United States until after 1886 (attachment 7). The locks are mounted in the door and are the "Corbin type"(2b). Prior to 1868 locks were mounted on the rim of the door. Corbin invented the first cantilever lock that was mounted inside doors (attachment 8). The dust-bin-door to the family room fireplace cleanout is cast iron and bears the name Orr and Lockett Hardware, Chicago. The firm of Orr and Lockett was founded in 1872. Orr and Lockett published their first catalog of builders hardware in 1887 (email from Jim Roan, head librarian for catalog materials Smithsonian Institute, attachment 9). The coal chute door was made by Majestic Manufacturing. This St. Louis Missouri company was formed in the 1890's and its place of business was not built until 1895 (attachment 10). All of the above indicate that the house could not have been built during the life time of S. V. R. Trowbridge as was alleged by the City of Troy in its original designation papers.

Robbert McKay (emails) places the date of construction of the house between 1890 and 1910, well after S. V. R. Trowbridge had died and his children had sold off the land (Tract Deed Records).

A few members of the committee have been very concerned that S. V. R.'s son, Guy Maxwell could have built the house. However, facts do not support this contention. In the 1860 and 1870 censuses, Guy Maxwell Trowbridge, a census worker, indicated that his residence was in Troy (*attachment 12a*). Guy Maxwell sold his land to Danford Beach in 1876. Also, in 1876 Guy Maxwell Trowbridge's daughter Emily was born (*attachment 12b*). The parent's residence was listed as Bloomfield Hills Michigan. Apparently, when he sold his land, Guy Maxwell moved from Troy to Bloomfield Hills. In 1880, Guy Maxwell, listed his residence in that census as Pontiac Michigan (*attachment 12c*). While he did not sell his mother's land (to Caleb Horton, *attachment 11*) until 1885, he had moved from Troy prior to 1880. Note that Guy Maxwell was the last remaining son on the farm, and Augusta Trowbridge was the last remaining daughter. Augusta was married in 1870 and moved to Pontiac that same year. As the house was most likely built after 1895, and it could not have been built by any member of the Trowbridge family.

Extensive research failed to identify the original owner of the house. Subsequent owners do not have any historic significance.

II. Faulty procedures (see City of Troy Code Chapter 13, *attachment 13*). In attachment 14. The Troy City Legal Departments states that the procedures were in compliance, while in attachment 15, the home owners attorney, Susan Friedlaendar states that the following procedural errors were made:

- A. The City failed to appoint a study committee;
- B. Instead of appointing a study committee, the City, contrary to law, purported to authorize the Historic District Commission (HDC) to make recommendations on the formation of historic districts;
- C. The HDC, which had no power to act, further failed to prepare a factually accurate preliminary study;
- D. The HDC then failed to transmit the "preliminary report" to the proper state authorities;
- E. The HDC failed to submit the preliminary report to the planning commission before holding its defective hearing;
- F. The HDC also failed to hold the required public hearing at the proper time and passed the resolution to recommend the historic district without any substantive discussion or even a quorum; and

- G. The HDC also failed to prepare and submit a final report to the City Council before it enacted the purported ordinance establishing the historic district.

III. Lost the Significance it may have once had

The home was originally designed as a narrow colonial revival structure. However, additions and alterations were made in the Adams style prior to 1930 (see email between Robbert McKay and Carl Freeman, attachment 5). The original cedar shake roof has been replaced by asphalt shingles. Vinyl siding and shutters were added after the home was designated in 1984. An attic fan has replaced a dormer; one of the original chimneys has been repaired using contemporary brick (see emails between Carl Freeman and Robert Christensen, attachment 16). All of the original out-buildings have been removed. A tenant house, burned down in 1984 (see photos of farm, attachment 17 and tenant house, attachment 18).

Conclusion

The overwhelming majority of allegations that the City made about the house at 2955 Quail Run Dr., Troy Michigan are false. The procedures followed to designate the house were faulty. Renovations to the outside (and inside) of the house began shortly after its building and continued at least until the late 1980's or early 1990's. The house never should have been designated. Today the house is a hybrid of architectural styles alone in a sea of subdivisions (Google map).to which it has no relation by either history or architecture. The house should be de-designated.

Factual Errors committed by the City on its original designation materials.

Below we address these errors.

Building Structure Inventory Form:

Item 11 Integrity: *the City alleges that the house was built about 1830. **As indicated above, the house was built after 1890.*** The City alleges that, "*the original owner had seven sons and four daughters*", which corresponds to the family of S. V. R. Trowbridge. **However, the original owner of the house is unknown and thus their family composition is also unknown.**

Item 17 Other notable features of building and site.

The City alleges that, "*Has remained inside and outside without the redo which most people try and do when they get an old house. It has 8 large bedrooms with such things as a butler pantry and maid quarters.*" **Blueprints indicate that a major addition was added in 1916. The sleeping porch and a cistern were added sometime after 1928, as the architect listed his office as being in the Penobscot building which was not built until 1928. Similarly, blueprints indicate that an entrance way and captains walk were added after 1928.**

Item 19 Significance

The City alleges that *the house was built "about 1830"*. As indicated above the house was built after 1890.

The City alleges that *the Architect was "Settler Steven Trowbridge"*. *"Builders, suppliers etc. SVR Trowbridge. We presume that Settler Steven Trowbridge refers to Stephen V. R. Trowbridge. S. V. R. Trowbridge died in 1859, prior to the earliest possible date that the house could have been built.*

Notes on original plan and specifications,

The City states that, *"Only that when SVR built his barn and had the neighbors for a barn raising, he broke a jug of water over the top and shouted, "I christen you Strawberry Hill Farm." We fail to see how the City's allegations have any relevance to the original plan and specifications.*

20. Historical Significance: The City alleges that, *"In that SVR was a prominent person and guide to any settler seeking help and advice. He served as Troy Supervisor and was a close friend of Governor Lewis Cass.*

Both SVR and Elizabeth his wife are buried in the cemetery close by. There are many descendents still in the area.

However, important one may think S. V. R. Trowbridge was (he served as the first supervisor of Troy, in the Territorial Council and State Legislature, and as a coroner) he was dead when the house was built, and thus the entire issue is moot. However, it should be noted that Charles Trowbridge, S. V. R.'s brother was Lewis Cass' private secretary and close friend. There is little, if any historical documents indicating that S. V. R. was a friend of Lewis Cass. Moreover we fail to see any significance in where S. V. R., and his wife are buried or the importance of having descendents in the local vicinity.

National Register of Historic Places Inventory—Nomination Form

Item 1 Historic Name, the City alleges that, *the name was, "Steven V. Trowbridge."* As indicated above the correct spelling is Stephen V. R. Trowbridge. Moreover, that individual could not have built the house as he died in 1859 and the house contains materials that had not been invented or produced prior to the time of his death.

Item 7 The City alleges that, *"A 20 room house built about 1830, with large tenant house close by. The house has 7/8 bedrooms. The living room was originally the dining room and present dining room was a sewing room and pantry. This house has 3 floor containing a large attic and 2 bedrooms. There are four original fireplaces. The Trowbridge family was one of seven sons and four daughters and the rooms were all put to good use.*

The house is quite large as befits a large family and a well to do land owner. With Mr. Williams living in now only tells of the quiet excellent taste of a home."

The house does not contain 20 rooms, even counting those in the additions. The earliest records we have are from 1916. They show the present dining room as being labeled the, "servants dining room". There is no indication of any other use for this room, nor any use ascribed to present living room. The S. V. R. Trowbridge family never lived in the house, and it is likely that no Trowbridge ever resided in the present structure.

Item 8 Significance

The City writes, "*Trowbridge-An American Family*

The story of this family is a record of generations of Americanism of the finest type, those to whom character counted more than possessions and character was more important than to be important.

Steven Van Rennselaer Trowbridge served in the U. S. Calvary in the War of 1812. After the war S. V. R. and his wife and small children came west to make their home, probably following a younger brother, Charles C. Trowbridge. Charles had settled in Detroit and made a name for himself, even being mayor in 1834. He was a lawyer of good standing and later a Senator. The name Trowbridge is in many places in the Detroit area.

Charles originally granted the West ½ with SVR taking the East ½ Charles bought his 80 acres in September and sold to SVR in December, apparently he decided to move into Detroit. This gave SVR a sizeable amount of property and his tax record shows him to be a large land owner.

Government entry May 28, 1821 Certificate # 51- SVR Trowbridge of New York E ½ of NW ¼ Sec 18 Feb 5, 1822

Certificate #86 Charles C. Trowbridge of Detroit, Michigan for West half of NW ¼ of Sec 18 BK 274 page 52.

House passes to Guy Maxwell Trowbridge. Then to Alexandar Copland who in his will devises to wife Charlotte a life interest in Strawberry Hill Farm, contain home.

1936 Copland to Perry Williams.

The abstract has not been available to study therefore the Libers had to be searched. "

S. V. R. Trowbridge did not build the house, and even if he had, the materials relating to his war record of 1812 would have no significance. Similarly, as the house was designated based upon being built by S. V. R. Trowbridge, the materials on

Charles have no relevance. Furthermore, Charles C. Trowbridge's home is already on the National Register of Historic place. Moreover, Charles did not sell the land to S. V. R., until 1828—according to the Liber—six years after the City alleges the land was sold. Guy Maxwell Trowbridge did not sell the land to A. W. Copland. Rather he sold the land in 1885 to Caleb Horton (Tract Deed record). The Liber then shows that Horton sold the G. Tuttle in 1890. Tuttle sold the land to W. Willits in 1890. Willits sold the land to F. Joy in 1892. Joy sold the land to W. Walker in 1909. In 1910, Walker sold the land to J. Bryson and J. Bryson sold the land to A. W. Copland in 1915. In 1936 the estate of A. W. Copland did sell the land to Perry Williams.

STEPHEN V. R. TROWBRIDGE AND FAMILY.

A Paper read before the Oakland County Pioneer Society,
Feb. 22d, 1892, by L. S. Trowbridge.

Ladies and Gentlemen:

I desire at the outset to express my grateful appreciation of the compliment, both to myself and to my honored father, in the courteous request of your President that I write a historical sketch of my father and his family.

While the task is a pleasant and grateful one, it is somewhat shadowed by the fear that veneration for my father's memory, may lead me to speak in terms of too high eulogy of the many virtues manifested in his humble, quiet, yet manly and noble life. Judge Brown, now associate Justice of the Supreme Court of the United States in his memorial address on the character and services of Judge Campbell, late of the Supreme Court of this state, paints a picture of the typical pioneer of sixty years ago, which I think you would hardly recognize from your acquaintance with the early pioneers of this county. He says:

"The typical pioneer of the west sixty years ago was a man of humble parentage, restless activity and great energy. His means were limited, but his ambition was boundless. A district school had exhausted its possibilities of education in teaching him to read, to spell more or less correctly, to write a cramped hand and to cipher up to the rule of three. As a boy he was filled with a desire to see something of the world. Upon arriving at manhood he found life at the old homestead irksome and monotonous. He listened to the seductive voice of the land agent, and yearned for broader fields and fresh pastures. He left his native village usually, with the full consent of his neighbors, sometimes with their applause, and occasionally his departure was hastened by the pernicious activity of the town constable, who was

charged to keep an eye upon him until he was well out of sight. His habits were often questionable, his manner uncouth, his speech interlarded with quaint expressions and voice far from melodious.

When work was slack he hunted for game, and when game was scarce he hunted the Indian, seized upon his lands and slew him without mercy. He invested his earnings in large tracts of lands, which he sold to confiding friends from the East—an arrangement of which the latter generally had reason to repent.

If success did not attend him in his legitimate calling and he was not over scrupulous in his methods, he bought tax titles for a nominal amount, procured abstracts showing a clear title from the State, raised a handsome sum of money by mortgaging the land and spent it in riotous living. Withal he was an excellent fellow, when his pockets were full, but when they were empty his best friends would hesitate to give bonds for his good conduct."

I do not know where Judge Brown found his model from which to draw such a picture. There may have been such characters, but I earnestly protest against their being considered as typical. They were certainly not a true type of the honest, brave and hardy pioneers of this state sixty years ago.

As tending to throw some light on the character of the men who came here sixty years ago, I desire to refer to a bit of history with which some of you are doubtless familiar, but which is of much interest in view of the development of later years.

On the 8th of May 1812, Congress passed an act requiring that 2,000,000 acres of land should be conveyed in each of the three territories of Louisiana, Illinois, and Michigan to

be set apart for the soldiers in the war with Great Britain. Each soldier was to have 160 acres of land fit for cultivation. The lands were surveyed and appropriated under the laws of Illinois and Louisiana, but the attempt to survey the lands in Michigan did not meet with success. The following extracts from a letter written by Edward Tiffin to the Secretary of War will give some light on the subject:

Surveyor General's office, Chillicothe, November 30, 1815.

The surveyors who went to survey the military land in Michigan territory have been obliged to suspend operations until the country shall be sufficiently frozen so as to bear man and beast.

Frost set in early. Ice covered nearly the whole country, but broke through at every step, and the pack horses could not be got along with them. In the meantime I think it my duty to give you the information, believing that it is the wish of the government that the soldiers should have lands fit for cultivation and that the whole of the two millions of acres appropriated in the territory of Michigan will not contain anything like one-hundredth part of that quantity or is worth the expense of surveying it.

Perhaps you may think with me that it will be proper to make this representation to the President of the United States and he may arrest all further proceedings by directing me to pay off what has been done and abandon the country."

Then follows a description of the military lands in the territory, the substance of which is that about one-half of the land is covered with lakes and swamps, and "the intermediate space is with few exceptions a poor, barren, sandy land on which scarcely any vegetation grows except small scrubby oaks."

The writer goes on with the description and says: "On approaching the eastern part of the military lands towards the private claims in the straits and lakes the country does not contain so many swamps and lakes, but the extreme sterility and barrenness of the soil continues the same."

The writer thus closes his report: "Taking the country altogether as far as has been explored and to all appearances, together with the information received concurring, the

balance is as bad, there would not be more than one acre out of a hundred if there would be one out of a thousand that would in any case admit of cultivation.

EDWARD TIFFIN."

December 11th, 1815, the same officer says:

"Subsequent accounts confirm the statements and make the country out worse (if possible) than I represented it to be."

Another letter written by the United States Surveyor to either Gov. Cass or to the Surveyor General about 1815, corroborates the foregoing letter but goes further stating that "It was unsafe for men and pack mules, the grounds sinking at each step and shaking several feet round, having indications of being over a vast submarine lake, with a thin cover, which a man or mule might easily break through and be lost, and taking into consideration the fact that this was the general condition of the country, and this was about as far west as civilization was ever likely to extend, the abandonment of the work was advised as dangerous and unnecessary."

The land being surveyed at that time was in Oakland county but exactly what portion I have not been able to determine.

I have referred to this correspondence to show the reputation of Michigan Territory at that time, and incidentally to bring into prominence the courage and hardihood of the brave men who, in spite of its ill repute a few years later entered its domain, cut down its forests, and laid broad and deep the foundations of this commonwealth. Five years after the date of this correspondence the subject of this sketch made his way on foot through Canada, paying his way by selling essence of peppermint, wintergreen and other herbs, saw the land, that it was a goodly land, decided to make his home here, notwithstanding the danger of "breaking through and being lost in the vast sub-marine lake;" and returned to bring on his family.

Stephen Van Rensselaer Trowbridge was born at Albany, July 4th, 1794. He was the son of Capt. Luther Trowbridge, a former resident of Farmington, Mass., who in 1775, when the revolution broke out was a law student in the office of his uncle Edmund Trowbridge, a distinguished lawyer and Judge of the Court of

Kings Bench in Boston. Holding his commission from the British crown it was not unnatural that his sympathies should be on the side of the king. But such was the purity of his personal character and the high esteem in which he was held that he was not molested for his principles, but continued to live in the enjoyment of the respect and affectionate regard of his neighbors.

His nephew, Luther, differed from him radically in politics and was an ardent "rebel." Putting aside his law books he hurried to the army, enlisted in the ranks, though not seventeen years of age, and took part in the battle of Lexington. At the age of seventeen he received an ensign's commission in the Massachusetts line and continued in the service until the close of the war, and when the Continental army was disbanded he had the rank of Captain by Brevet and Quartermaster. Young as he was he was a veteran in service. He served in the perilous expedition of Arnold against Quebec in the fall of 1775. He was also in the army of Gen. Gates at the surrender of Gen. Burgoyne, and in Sullivan's expedition sent out against the Indians after the massacre of Wyoming. He was stationed at West Point when Washington had his headquarters there and his wife, then a very youthful matron, recalled in later years the pleasant manner in which that distinguished soldier served his table with his battered camp equipage. Captain Trowbridge married a daughter of John Tillman, who was also a soldier in General Gates' army at the capture of Burgoyne. At the close of the war they settled at Albany, like all continental soldiers poor in purse, but rich in the satisfaction of having done their part in the great struggle for independence. Captain Trowbridge held various offices by appointment of the governor and Council, and numbered among his personal friends many of the public men of the time, among whom may be mentioned: Mr. Van Rensselaer—the patriot—for whom his son Stephen was named—Elkanah Watson, Abraham Van Vleeten, and Chancellor Kent. The latter in after years meeting with Mr. C. C. Trowbridge referred with much pleasure apparently to his friendship with his father and entertained him with stories of hunting expeditions on Patroon Creek, where Capt. Trowbridge won some reputa-

tion with a little gun carved in the stock, in the shape of a dog's head, which had been presented to him by a French officer during some one of his campaigns. That gun is still in the possession of his family. For some years the writer supposed it was his, and when a boy he also won some reputation with it by killing eighteen pigeons at two shots. The wonder is that the gun overloaded as it was, did not do more damage at the breech than at the muzzle. Captain Trowbridge died at Albany in February, 1802, leaving his widow with six children. The widow died in October, 1845 at the house of her son Charles in Detroit at the ripe age of 84 years.

Upon the death of her husband the children became scattered. His youngest son Charles came to Michigan in 1819, at the age of nineteen and was doubtless instrumental in inducing his brother to follow him two years later. Captain Trowbridge had a very warm friend in Gen. Vincent Matthews, a distinguished lawyer of Elmira, who was frequently at Albany on public business. Through this friendship General Matthews was led to adopt Stephen, and took him into his own family. In due time he entered him in his office as a law clerk, and started him in his preparation for the bar. Subsequently the General embarked in trade as a merchant, and Stephen became his clerk. He also had some fields adjoining the village and there Stephen had an opportunity to gratify his natural taste for farming. He soon became expert with the cradle and scythe, and could hold his own with the best. At the commencement of the war with England, when he was eighteen years of age, the patriotic spirit of his father showed itself, and he enlisted in the cavalry service on the Niagara frontier. This sort of education while irregular and apparently unsatisfactory, nevertheless had its advantages. It has been said of him by one most competent to judge and who knew him well: "He knew enough of law to keep out of it, of accounts to state them handsomely, and in a beautiful hand which he retained till the day of his death, and of farming to make himself independent of fraud in its practice."

These qualities were of great value in a new country and often enabled him to render valuable service to his neighbors, and to the public in official

stations, but I must not get ahead of my story.

He married Miss Elizabeth Cook in January 25th, 1815, and thinking that the west offered better opportunities for getting on in life, in 1820 he made a trip to Michigan to take a look for himself. He had saved money enough to buy of the government 80 acres of land and also to buy the "improvements" of a squatter, who was in possession. The "improvements" consisted of a log house 12 by 14 feet, and a small patch of clearings, which furnished soil for immediate cultivation sufficient to provide for their mere pressing needs. Returning for his family they left their home in Chemung Co. In the fall of 1821, not like Judge Brown's typical pioneer, but with the best wishes, though with also the most serious misgivings of their friends and neighbors. Many bade them farewell not expecting ever to see them again. This brave couple with three children (one being left with her grandparents because too feeble to make the trip) started on their journey to their distant home. Of these three children the oldest was a daughter who afterwards married Mr. Charles Hastings. The second was Charles, whom many of you doubtless knew in later years. The third, a fat boy three or four months' old, was Rowland, known to many of you, and of whom something more will be said later on. After making this journey with all their earthly goods in one wagon to Buffalo they embarked for Detroit on the steamer Walk-in-the-water, the first steamer to cross the lake, and I believe this was her last trip. They were seven days in making the voyage to Detroit, longer than a voyage across the ocean in the steamship of to-day. We must not however be too hard on this steamboat. If she at all resembled the picture of her which I have seen I think the wonder is that she ever reached Detroit in safety. Upon arriving at Detroit my father purchased of a Frenchman a pair of young steers, and loading his household goods on a wagon, with his wife and children, he started for his squatter's cabin in what is now known as the town of Troy. There was one trouble with the steers. They were two highly educated for the position. They understood French, but not English. As my father did not speak French he found

some difficulty in communicating with them. The road for five or six miles out of Detroit was passable, being corduroyed in the worst places, but at the end of the corduroy the prospect looked a little unpromising. My father said to my mother, "Betsy, I guess you will have to get out with the children and walk around this mud hole. I am afraid the steers will get stuck." Out she climbed with the little girl and Charlie, and carrying the fat baby in her arms.

Fortunately a kind-hearted Doctor came along on horseback who picked up Master Charlie, put him in front of him and carried him through to dry ground. That was good Dr. Park for many years our family physician. That was all well for the boy, but not so for the patient woman struggling along carrying her baby, and helping the little girl. That mud hole lasted six miles, and they did not get out of it until nearly midnight. By the help of friendly hands they reached the dry, sandy soil about Royal oak, about 11 o'clock at night. After a night of much needed rest they went on and reached their log house the next day. I am aware that incidents of this sort, while possessing a certain degree of interest, are not of great importance. Life, however, is made up of small things, and incidents like this when woven into the web and woof of daily life, make strong characters.

It was not long after my parents were settled in their new home before a strong current of immigration set in. Land lookers were abundant, and many families from the east soon settled in that part of the country. Any one who had shelter and provisions was obliged to be hospitable. I have often heard my mother tell of lodging and feeding these hardy seekers of new homes. On one occasion in their little log house with one room which served as sitting-room, dining-room, sleeping-room and kitchen, she lodged and fed a party of sixteen men besides her own family. Tradition has preserved the name of but one of that party and that was Mr. Satterlee, who located in the immediate neighborhood and reared a family of highly respected citizens, most of whom are known to you all. For many years the two families lived on adjoining farms, separated only by the township line between Troy and Bloomfield, and drawn to-

gether by bonds of friendship afterwards greatly strengthened by the later-marriage of Rowland E. Trowbridge and Mary Satterlee. The friendly relations existing between these two families were characteristic, to a large degree, of the whole neighborhood. There were no neighborhood quarrels. There were no family feuds. Every one stood ready to lend a helping hand to any one in distress. Was a family overtaken by sickness in the busy harvest season? Strong and willing hands offered to take care of the suffering crops. I am sure that I cannot be mistaken in saying that that friendly feeling of good fellowship pervaded the whole community.

As showing the sort of life led by those early pioneers I venture to quote from a letter in my possession, written by my parents to my grandmother in 1826, after they had been five years in their new home. The letter is written not in the "cramped hand" of Judge Brown's typical pioneer, but in the clear, easy and flowing hand which characterized my father's writing to the day of his death. I am sure that you will overlook the personal character of the letter in the light which it throws on those early days.

It is as follows:

Bloomfield, August 6, 1826.

Dear Mother: Betsey has been anxious for me to write some time ago, but being considerably engaged with the harvest, etc., we have neglected it. We are all well but Kate. She is about so. Recovers very slowly from her severe sickness. Mother is in town and has been since Charles was married which was three or four weeks ago. I went out and was one of the guests. It was a splendid wedding. The old Judge (Sibley) and lady laid themselves out much and gave a pretty general invitation. Among the guests were Judge Trumbull, of Hartford, Conn., author of "McFingal" and a distinguished individual. Cols. Larned and Jones, Maj. Rowland and our Representative in Congress, A. E. Wing, the Secretary of the territory, Wm. Woodbridge, Esq., Doc. Delavan of the army and many citizens. I believe they invited 70, and the fare was great, such as I never saw before, some of it. Oh I was anxious for Betsey to go but she could not leave home well. I brought a piece of cake of each kind home as well as some of

the big wedding cake. Many dishes I told Betsey I did not know what to call them and it was finished with a very large cake of ice cream. I never attended such a party before. The gentlemen all stand continually and the ladies sit, and you may imagine that a backwoodsman felt a little like a cat in a strange garret, but I kept a stiff upper lip and rubbed through. Mr. Wells married them and concluded with some valuable advice.

Our crops are good this summer. The wheat I sowed on the burnt stubble is nearly as good as last year, nine or ten acres very heavy cradling. Corn in the old corn field is good and I have no partner in any of the grain this year. We have the greatest reason of all people for praise and thanksgiving. We have been blessed with rich abundance. Our labor is crowned with plenty and we have reason to believe that we have had spiritual blessings. We daily seem to grow in grace in advance toward that country where sorrow never comes, and that home not made with hands eternal in the heavens, whose builder and maker is God.

If some of our young friends were here to-night they would see us surrounded with Indians on every side. Being rainy they had laid down immediately under the stoop. I went down to Mr. Davis' this evening and when I came back I found them crouched down. The children were some frightened before I came. There is not the least danger from an Indian if he is sober. I held an inquest as coroner last winter on some dead bodies where there had been a desperate conflict: two killed and three or four wounded, but it was whisky, and the white men were more to blame than the Indians."

It may be of interest to some of the young people of to-day to know that the "excellent advice" given by good Parson Wells at my uncle's wedding consumed an hour in its delivery. Did such a custom prevail at the present day we might have fewer weddings and fewer divorces.

The letter is folded so as to be its own wrapper, and on the outside is marked the postage 23 cents. My mother in an addition to the letter said they would have paid the postage but they could not get the money. They could not get money for any kind of property. Butter brought eight to ten cents a pound in trade

And she had sold but one pound for money all summer. Such was pioneer life in that early day.

I do not know just how long they continued to live in the little log house, but it was not very long before they built a large double log house, which was considered quite a mansion in those days; as the family increased in numbers a still larger house was required and a frame house was built on the town line. It was in raising one of these houses that my father braved public opinion by declining to furnish whisky to the neighbors who had come to help him. I have been told that the immediate cause of that action on his part was the fact that he and Mr. Satterlee upon some similar occasion not long before had been obliged to steady each other as they went home. It was a practical lesson to them both, and so my father instead of whisky furnished a bountiful supper, stating the reasons for the change in a temperance lecture of much force, which was well received and was indeed the beginning of a strong temperance movement in that section.

At the risk of being tedious I must mention another illustration of the life of those days. In building the frame house there was a large number of workmen employed, carpenters, masons, etc., besides the farm hands, in all a family of 22 persons, and for that family my mother did all the work, cooking, washing, mending, and housekeeping all summer and found leisure time to quilt two bed quilts. Of such stuff were the early pioneers of that day.

My father began his public service as the first supervisor of Troy in 1828 and for four terms afterwards. He was a member of the first legislative council of the territory in 1828, a body composed of 13 members and when the territory became a state he was elected to the Senate in 1839, 40, 41 and 42. In the meantime he was frequently employed by the general government in offices of responsibility and trust connected with the Indian department, which in those days was of great extent, including seven states and territories, and of great importance having care of the disbursement of the treaty moneys paid for the extensive domain of Michigan and Wisconsin. Unlike Judge Brown's typical pioneer he did not hunt the Indian when game

was scarce, nor did he seize upon his lands and slay him without mercy. On the contrary his treatment of the Indian was so fair and reasonable, so just and merciful, that he gained his confidence, while he had also the hearty approval of the government.

The discovery of copper in the Lake Superior country started many new enterprises in mining. At first the United States, the owner of the land, leased the mines to companies which worked them and paid a royalty to the government. It became necessary for the government to have a resident agent on Lake Superior and my father was appointed to that position. He spent two summers there making his headquarters principally at Sault Ste Marie. The business so changed that he had little to do and he had conscientious scruples about taking a salary for what seemed to him a sinecure. He accordingly reported to the government that in his opinion his position was a sinecure and recommending that it be abolished.

He showed his sincerity by resigning his position at the same time. In what experience I have had with public men and public offices I am not aware that his example has been followed with much frequency. But it was a good example and worthy of the high toned conscientious man that he was. To his intimate friends, who alone knew what he had done, for he was no boaster, his conduct was no surprise, but only what might be expected from one following, so closely as he did, the commands of conscientious duty.

While thus occupied with public affairs his chief business was that of a plain farmer. He worked industriously and lived frugally. He was a pattern of sobriety to all his neighbors and his cheerfulness was so contagious, that he entertained and enlivened every circle. The affectionate name of "Uncle Steve" by which he was known throughout the section about his home indicated the esteem and regard in which he was held. I trust you will pardon the seeming immodesty of my relating the following incident: A gentleman of Detroit, who knew my father well, was passing along a street in London, England. Happening to glance into a shop window he saw a picture. He suddenly stopped and exclaimed:

"Why there is Uncle Steve." Upon closer inspection he saw that the picture was a likeness of Rear-Admiral Sir Thomas Trowbridge of the British navy, who commanded a ship in the battle of the Nile.

Living frugally and working industriously my father from time to time added to his original purchase from the government until he had a fine farm of 300 acres, well cultivated and furnished with comfortable buildings. There he continued to live until March 1st, 1839 when he died. There he reared a family of eleven children, who all reached mature years, and six of whom are still living. As you have asked me for a sketch of the family I will speak of them individually, but before doing so I wish to speak in general terms of my father.

As a neighbor he was always kind, accommodating, always ready to lend a helping hand to anyone in distress. His hospitality was proverbial. It began in the earliest days of his pioneer life, and never ceased. He was frequently called upon to prepare the last wills of his neighbors, a duty in which his early training as a law student was of great service to him. He was foremost in all good works and contributed cheerfully and liberally according to his means in aid of charitable and philanthropic measures. At the time of the great famine in Ireland he was sent to New York in charge of a shipment of 2500 barrels of flour contributed by the generous people of this state and when a cry of suffering came from the early settlers of Gratiot county, he was laboriously engaged in soliciting aid for them, and was sent to see to the proper disbursement of the contributions made.

I would not be doing justice to his memory were I to omit reference to his religious character. With him religion was not a mere theory. If ever a man strove earnestly to exemplify the religion of Jesus Christ in his daily life he did. He had weaknesses such as all flesh is heir to. Naturally he was quick tempered, as most generous natures are, but no one knew it better or lamented it more than he. He was the soul of honor and with all who knew him his word was as good as his bond. He became a member of the Presbyterian church at Pontiac, and was successively deacon and elder in the

churches at Troy and Birmingham up to the time of his death.

This sketch would be wholly incomplete and unsatisfactory did I not make proper mention of my mother, who was so truly a helpmeet to my father, and whose blessed influence was felt not only by the members of the family, but extended to all the neighborhood. She was born at Horseheads, N. Y., May 22nd, 1797. She was indeed a remarkable woman. As I think of her early struggles in those early days, her courage, patience and endurance seem almost beyond belief. I have already mentioned some incidents illustrating these qualities. Those instances were not isolated cases, but rather representative of the general tenor of her life.

Apparently she was not a strong woman, and how she could endure the physical strain of such hard and continued labor has been the occasion of much wonder among her children. She was a great reader but her reading was almost entirely done after eleven o'clock at night when all the other members of the family had retired. Rising at a very early hour she would continue her work all day and never seemed too tired to take her book and read for an hour or two after all the rest were asleep. She was a pure minded, gentle, affectionate mother, and ruled her large family of boys and girls by the power of love. Whatever success her children may have obtained I am sure was largely due to her early teaching and training. In very truth may it be said "Her children rise up and call her blessed." Surely the blessed influences of her christian life will be felt for generations yet to come. She died at the old homestead where the larger part of her life was spent and which she had done so much to make a sacred place to all her children. In the blessed hope of eternal life she quietly fell asleep November 23rd 1873.

I have endeavored to sketch truly and without undue coloring the life of a real pioneer of sixty years ago. May I not hope that he was a better type than the one described by Judge Brown in his memorial address.

I have been requested to speak of my father's family. I have occupied so much time in speaking of my father that I must be brief. Let me first speak of the daughters:

The oldest, Julia, who at the age

of six years trapped with her mother around the mud hole six miles long, married Mr. Charles Hastings and died in 1851, broken down by domestic trouble and affliction. She was a woman of rare graces and sweet Christian character.

The second daughter, Elizabeth Francis, born July 23rd, 1819, married Caleb Hammell, a merchant of New York. She is now living with her daughter Mrs. Rockwell in Connecticut, in the peaceful serenity of a pure and blameless life.

The third daughter, Catherine Jones, born October 23rd, 1823, married Rev. Edwin Goodell and went with him as a missionary to Turkey. His health failing he was obliged to return to this country and died September 12th, 1862. Mrs. Goodell is now living with her oldest son at Cheyenne, in the State of Wyoming, full of zeal in all good works, and never weary in doing good to those about her.

The fourth daughter, Augusta Miller, born April 25th, 1842, married William S. Albertson and until recently lived in this city and is doubtless known to many of you. They are now living at Duluth prospering in business and taking their full share of the duties and responsibilities which attach to all good citizens.

Of the boys the oldest, Charles A., was born August 5th, 1817. At an early age he left the farm to prepare for a mercantile life. His first experience was disastrous. He embarked in the milling business at Wacousta in Clinton county. The panic of 1837 ruined him, as it did many others, and he went into bankruptcy, honestly turning over to his creditors all his property, except the suit of clothes which he wore. Later he engaged in the grocery business with Mr. S. P. Bredy in Detroit. When the rich deposits of iron were discovered in Marquette Co., he was one of the pioneers in developing that business which has grown to such immense proportions. He organized the Collins Iron Co. and built a furnace on the Lead River. Some facts came to my knowledge about a year ago, illustrating the irony of fate. The Collins Co. owned a piece of land adjoining the New York mine from which the late Samuel J. Tilden derived a large portion of his fortune. It was thought that the ore body of the New York mine must extend to the adjoining quarter section, so the Collins Co. sunk a shaft

to reach it, but without success. This was before the days of the diamond drill. They worked at their shaft until their funds gave out and then they were obliged to abandon it. The panic of 1873 came on, and the Collins Co. went to the wall. Their land was sold under foreclosure of a mortgage, and the purchaser went to the old abandoned shaft, sunk but four feet and struck the ore body from which the New York mine had taken so much wealth.

Charles was very much interested in the subject of a railroad to the Pacific coast and did much to secure the necessary legislation, and in the winter of 1864-5 made a journey overland across the continent for the purpose of personal observation. It was a perilous journey at that season of the year and nearly cost him his life.

When the discoveries of silver were made at Silver Islet on the north shore of Lake Superior, he became interested in the property and was secretary of the Silver Islet Mining Co. till the day of his death. He suffered severely from the panic of 1873 but continued to maintain through life a serene and happy demeanor. He died in New York, April 13th, 1889.

The second son, Rowland E., was born at Horseheads, Chemung Co., N. Y. June 18th, 1821. He was the fat baby carried by his mother around the big mud hole in the fall of the same year. He entered Kenyon College in the class of 1841. It was there that he made the acquaintance of Rufus B. Hayes, afterward President of the United States. This acquaintance ripened into the closest friendship, which continued without interruption to the day of his death.

Stanley Matthews, late Associate Justice of the Supreme Court of the United States, was also his warm friend in College days. In his ambition to succeed, he overtaxed the nerves of his eyes and when he graduated in 1841, he was obliged to abandon all thought of any calling which might require the use of his eyes. Although he consulted eminent oculists and spent much time and money in the effort to restore the use of his eyes it was all in vain, and for years he could not see his eyes even to read the current news of the day. He settled on a farm in Berry Co. In 1848, and in the following

year was elected supervisor of the town of Thorndale. In 1851 he exchanged his farm for one in Bloomfield, Oakland Co., and settled there having married Miss Mary A. Satterlee. He worked the farm until 1860 when he exchanged it for a milling property and removed to Birmingham. He was supervisor of Bloomfield in 1855 and a member of the State Senate in 1857-59. In 1860 he was elected to Congress from the 4th district and served from 1861 to 1862; was defeated by a small majority for that position in 1862, and was again elected in 1864, serving from 1865 to 1867. He again became a farmer and in 1874 was employed by Mr. Chandler to take charge of his large farm near Lansing in which he was successful. In 1880 he was appointed by President Hayes, Commissioner of Indian Affairs, and held that office till the time of his death, which occurred April 20th, 1881.

He was president of the Central Michigan Agricultural Society and was widely recognized as a leading agriculturalist. He was a sincere, candid, honest and incorruptible man and was so recognized by all who knew him. In politics he was first a Whig but became a Republican upon the organization of that party. He was a clear and forcible speaker and in debate while not claiming much in the graces of oratory, his manifest fairness and candor in dealing with all public questions, gave great weight to his arguments. This was well illustrated by an incident which I will relate. When the theory of fiat money swept over the country he was called upon to discuss the subject of honest money. His argument was clear and forcible. After the meeting was dismissed a gentleman, a stranger to him, approached him and expressed great satisfaction; "but," said he, "Mr. Trowbridge, I could not discover to which of the old political parties you belong." He was not discussing party politics but the great and important subject of honest money.

The third son, Edmund, was born in Troy, December 16th, 1825. At some time before he attained his majority, the exact year I cannot state. He joined a surveying party under John Mullett and spent two summers I believe in surveying in the upper peninsula. If I remember rightly he took his pay in some sort

of scrip known as copper stocks, which proved worthless and about all the remuneration he received for his summer's work was a valuable experience. He afterwards became a clerk in the employ of Lieut., afterwards Gen. M. C. Meigs, when he was constructing the fortifications at Fort Wayne near Detroit. He afterwards entered the hardware store of Alexander Newbold, and the latter became a member of the firm of Pittman, Trowbridge & Jones, in the forwarding and commission business. He afterwards engaged in the ship chandlery business as senior member of the firm of Trowbridge, Wilcox & Co., in which he continued till the time of his death which occurred February 11th, 1873. Incidentally he became interested in vessel property and in manufacturing and mining, being connected with the Silver Islet Mining Co., and interested in some coal mines in Illinois.

He was an active, energetic, clear-headed business man, largely interested in charitable and philanthropic works. For many years a member of the vestry of Christ church, he died sincerely mourned by a large number of people who had been charmed by his genial cheerful intercourse and aided by his generous help.

The fourth son, William P., was born in Troy, May 25, 1825. He was appointed a cadet in the military academy at West Point, and graduated first in the class of 1848 and was assigned to the corps of Topographical Engineers. He remained three years on duty at West Point as assistant to Prof. Bartlett in the department of Philosophy. In 1851 he was detailed for duty on the United States Coast survey. During this period he was engaged in the triangulation of the coast of Maine, then in the survey of the James and Appomattox rivers in Virginia and in 1853 was sent to the Pacific coast serving under Supt. Bache. He remained three years, and during that time, in his leisure hours, collected several thousand specimens of the natural history of that coast which he presented to the University of Michigan. The collection is said to be very complete and to embrace at least three fourths of the natural history of that coast.

In 1857 he resigned his commission in the army to accept a professorship in the University of Michigan. Not finding that position just what

he had anticipated he resigned and at the solicitation of Professor Bache accepted a civil appointment in the coast survey office at Washington. When the war broke out most of the employes were of southern sympathies and resigned taking with them all the charts of southern harbors. I have been told, though I cannot vouch for the correctness of the information, that my brother was the only person left in the office who could prepare charts of the southern harbors from the original field notes in the office, and for several months he was kept on that duty. He was then selected by Gen. Tollen, late engineer in chief, to take charge of the engineer bureau in the City of New York, and of the construction of some large fortifications for the defence of New York; a position which he held till the close of the war. In that position it was his duty to purchase all the engineering supplies required for the army in the east. I happened to be in New York in the spring of 1862, when he received an order from Gen. McClellan a telegraphic order for 100,000 gunny sacks. This meant a siege of Yorktown, the result of which was disappointing after the successful evacuation of the rebel army.

When the war closed he accepted the position of Vice-President and general manager of the Navetty Iron Works in New York; a position which he held until that corporation went into voluntary dissolution. He then accepted the appointment of Professor of Dynamical Engineering in Yale College. He designed and made the drawings for a high bridge across the East River from New York to Long Island, on the principle of what is now known as the cantilever bridge. He gave me a copy of the design which was approved by some of the most eminent engineers in the country, although a new departure in bridge building. He said at the time that he thought the next bridge across the Niagara River would be built on that principle as the conditions there were favorable for that method of construction, a prophecy soon after realized in the construction of the cantilever bridge at Niagara Falls. He was afterwards offered a professorship of engineering in Columbia College, which he accepted and still holds. Incidentally he has rendered great service to the census bureau in gathering and arranging

statistics on scientific subjects. His services have also been called into requisition as consulting engineer in important matters. He was one of the commissioners appointed to examine and report upon the construction of the State Capitol at Albany. Had the recommendations of that Committee been followed the State of New York would have been saved a large sum of money and secured a safe structure. He has made many valuable contributions to the scientific literature of the day and is a very busy man.

The fifth son, Tillman C. was born in Troy, January 28th, 1831. He graduated at the University of Michigan, in the class of 1852. Feeling called to the ministry he entered Union Theological Seminary in New York, and graduated there in 1855. While there his interest became greatly aroused in the subject of foreign missions, and he applied for such an appointment. In the fall of that year he sailed with Mr. Henry Jessop in a small sailing vessel bound for the Mediterranean, Jessop as a missionary to Syria and he to Central Turkey. He remained in that service until his death which occurred July 21st, 1888.

His important work in that field was the establishment of Central Turkey College at Aintab of which he was appointed President, a position which he held until the day of his death. His whole soul was wrapped up in that college which he believed would surely become a great instrumentality in christianizing the whole Turkish empire. He was a regular correspondent of the London Times, and in his plain outspoken way he gave the English people much valuable information regarding the character of the Turkish government.

President Washburn, of Robert College, who knew my brother intimately, once told me that he was the most courageous man he ever knew. Indeed he thought he was absolutely without fear. "For," said he "it was perfectly well known by the Turkish authorities that he was the correspondent of the London Times, and he knew it, and yet it never deterred him for one moment in exposing the weakness, the corruption and the horribly oppressive character of the Turkish government."

There was a sad and pathetic coincidence connected with his death, which may be of interest to some of

you. Bishop Harris of this diocese with Mr. Hervey C. Parke, had planned an extensive journey through Palestine. Thinking that it would be of mutual interest if my brother, who was an old schoolmate of Mr. Parke in boyhood days, could accompany them, I had endeavored to arrange to have him join them. The Bishop was counting much upon having such a companion, one familiar with the Turkish and Armenian languages, with the country, and the modes of travel, and especially one in whose religious sympathies he would find so much in common with his own. He often spoke of it on the voyage across the ocean, and was looking forward to that part of his journey with anticipation of peculiar pleasure. He reached England. At a communion service in Winchester Cathedral in which he preached the sermon, he was stricken with apoplexy and after lingering a few days quietly passed away. Very shortly afterward my brother, while assisting at a Communion service in the city of Marash in Central Turkey, was stricken in the same manner that Bishop Harris was, and after lingering three or four days closed his useful and unselfish life. This is not the time or place for fulsome eulogy, but I trust I may be pardoned for giving expression to my profound reverence for the saintly life of this beloved brother.

He was the sereneest, the most cheerful, the happiest man I ever knew. For thirty-three years his life was one of unselfish devotion to the highest needs of his fellow-men. The gathering of 2,000 of the native population around his tomb at Alntab, many of them weeping as if they could not be comforted, told in a most impressive manner of the strong hold which he had gained in the affections of that people.

The sixth son, Guy Maxwell, is here to speak for himself. I cannot well say before his face what is in my heart to say. He was born Jan. 31st, 1834. He settled on a farm near the old homestead where he could be near our parents in care of need, and when our father died he went to the old home to care for

and cheer the declining years of her who had been so much to us all. In all his public life he has been faithful, intelligent and honest. In the sometimes delicate and difficult duties connected with the revenue office he was so fair, so honest, and so just, that he gained the confidence of all with whom he was brought into contact. I am sure all who know him would be glad to unite with me in commending him as an honest, earnest, whole souled generous Christian man, whose greatest pleasure in this life is in making others happy.

The seventh son, Luther Stephen, named for his father and his grandfather, was born July 28th, 1836. Of course I cannot be expected to say much of him. His first triumph was at about the age of seven years, when he spelled down the largest spelling school ever gathered in the old red school house. This was followed a few years later by his dividing with Porter Beach a prize of fifty cents offered to the one who should be at the head of the first class in spelling the greatest number of times during the school term. After a year he had been at the head of the class the same number of times, but on the last day of school he was next to the end. If your good fellow citizen Gen. Matthews, who was at the head, had only missed one word he might have captured the whole prize. I do not care to speak of his after career. Modesty forbids it and I think you have heard enough of the Trowbridge family for one occasion. Any how his career has been something like the good deacon's plenty—nothing to boast of.

I feel that I ought to ask your pardon for taxing your patience at so great length. Your honored President is somewhat responsible for it for he told me I might write without limit. I fear that he would say now that there is reason in all things and he did not mean to be understood literally.

It has given me much pleasure to prepare this sketch and if your patience is not entirely exhausted I shall be very glad.

L. S. TROWBRIDGE.

From: Robbert McKay
Date: 05/05/06 15:05:34
To: ad5728@wayne.edu
Subject: Harris/Freeman House

Carl:

Just got your pictures and had an chance to review them. I would call this an early Colonial Revival residence (ca 1880-1910). It appears to have been heavily influenced by the Adamesqhe tradition in true Colonial architecture. The home is especially large for an early Colonial Revival residence and the two story, asymmetric wing is somewhat unusual, but the fundamental form, massing, organization and detailing are all characteristic of this style.

Hope this helps.

Robbert McKay
Historical Architect
State Historic Preservation Office
Michigan Historical Center
Department of History, Arts and Libraries
P.O. Box 30740
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Celebrate National Historic Preservation Month by buying a "Save Our Lights" license plate. Find out how when you discover your connections at www.michiganhistory.org.

dcfreemanad5728@sbcglobal.net

From: "Robbert McKay" <McKayR@michigan.gov>
To: "Carl Freeman" <cfreeman@sun.science.wayne.edu>
Sent: Monday, April 03, 2006 12:43 PM
Subject: Re: Test e-mail

Dear Mr Freeman:

As we have discussed, based on your physical description of the house and the details of its construction, most notably the use of wire nails, it seems extremely unlikely that your home was constructed before 1880. Wire nails were not manufactured until 1880 and did not come into wide spread use until the middle 1880's. Other factors which lead me to believe that the building was constructed significantly later than 1831 are the use of single species standard dimension lumber, sawn lath to support the plaster and continuous balloon framing from the foundation to the attic. Despite the length of time that the Detroit area had been settled in the 1830's these types of off site manufactured building products would have been in very short supply if available at all. I believe that the construction of the residence more likely dates to between 1885 and 1895.

If you have additional questions please feel free to contact and I will do my best to help you.

Sincerely,

Robbert McKay
Historical Architect
State Historic Preservation Office
Michigan Historical Center
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>>> "Carl Freeman" <cfreeman@sun.science.wayne.edu> 3/27/2006 >>>
Robbert,

Your test was successful. Here are the problems I have that the house was built in 1831.

When you write back, please indicate the likely age and why.

tx
Carl Freeman

All of the wood framing is dimensional lumber that is 2 inches thick.
However, the widths are less than the nominal dimension
All nails are wire
Lath is sawed
All lumber is homogeneous*joists are virtually identical as are studs.
there are no logs in the basement
there are no hand-hewn logs
windows are double-sash
fireplaces are designed for coal
subflooring is on a diagonal
dormers do not go all the way to the eaves
white pine joists

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

From: Robbert McKay
Date: 03/27/06 10:32:11
To: ad5728@wayne.edu
Subject: Test e-mail

Robbert McKay
Historical Architect
State Historic Preservation Office
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Local government records document our lives - from birth, to buying a house,
to voting. Find out what a task force said about them when you discover
your connections at www.michiganhistory.org.

As a single instance, I may refer to the manufacture of steel nails. It is an important and well-known fact that a steel nail can be driven into dry hard wood without boring a hole for it. This property of steel nails results in an immense saving of labour, and in the United States, where so many houses are built of wood, it has proved of considerable value. I find from reliable statistics furnished by nail manufacturers, that in 1892 no less than 171,200 tons of unforged nails, and 139,900 tons of steel-wire nails were made in America alone. Medium-sized nails run from 80,000 to 120,000 to the ton, and I have before me some beautifully-formed carpet nails, with large flat heads, of which a single ton of steel will make 3,870,000.

It is an interesting fact that at the International Exhibition of 1862, I exhibited the first steel nails that were ever made. Every form and pattern of nail was shown, large spikes, 6 inches long, weighing only 10 to the pound, or 22,400 to the ton, down to the minute tacks used by upholsterers, and known as gyp tacks, so small that one ton of steel will make more than 14 millions of them.

I well remember how many thousands of people at the Exhibition passed heedlessly by these germs of a new and important industry, apparently without the remotest idea of the future universal employment of steel nails in lieu of iron ones.

Those who have passed through Wolverhampton and the "Black Country" a dozen years ago, must have seen the hundreds of young girls sacrificing all the feminine hopes and aspirations of their young lives, each one toiling from dewy morn to dusky eve, in smoky, grimy smithies, with a pair of iron tongs, holding the red-hot nail in one hand, while with the other she showered upon it blows from the uplifted hammer in such rapid succession as to maintain the incandescence of the iron she was shaping, amid the ceaseless din of her fellow-workers, who, with grimy faces and horny hands, were reeking in the heat and foul air of the nailers' den.

Time in this, as in so many other things, has wrought its wonted change, for to-day the inexorable power of steam, acting on unconscious matter which suffers from neither heat, fatigue, nor moral degradation, now yields from a single machine from 50 to 100 nails per minute, at less cost and of better quality than were ever wrung from human sinews and female degradation. The extent of the change will be better appreciated when it is known that the annual value of unforged steel nails now manufactured exceeds ten millions sterling; and I have often felt that if in my whole life I had done no other useful thing than the introduction of *unforged* steel nails, this one invention would have been a legitimate source of self-congratulation and thankfulness, in so far as it has successfully wiped out so much of this degrading species of slavery from the list of female-employing industries in this country.



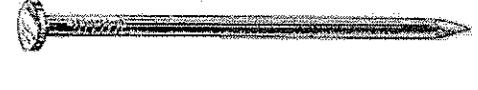
University of Vermont

HISTORIC PRESERVATION PROGRAM

Historic Preservation Research

Nails: Clues to a Building's History

Thomas D. Visser

	Hand-wrought nail, before circa 1800.
	Type A cut nail, circa 1790-1830.
	Type B cut nail, circa 1820-1900.
	Wire nail, circa 1890 to present.

Nails provide one of the best clues to the age of historic buildings, especially those constructed during the nineteenth century, when nail-making technology advanced rapidly. Until the last decade of the 1700s and the early 1800s, hand-wrought nails typically fastened the sheathing and roof boards on building frames. These nails were made one by one by a blacksmith or nailor from square iron rod. After heating the rod in a forge, the nailor would hammer all four sides of the softened end to form a point. The pointed nail rod was reheated and cut off. Then the nail maker would insert the hot nail into a hole in a nail header or anvil and form a head with several glancing blows of the hammer. The most common shape was the rosehead; however, broad "butterfly" heads and narrow L-heads also were crafted. L-head nails were popular for finish work, trim boards, and flooring.

Between the 1790s and the early 1800s, various machines were invented for making nails from bars of iron. The earliest machines chopped nails off the iron bar like a guillotine, wiggling the bar from side to side with every stroke to produce a tapered shank. These are known as type A cut nails. At first, the heads were often made by hand, but soon machines were developed to pound a head on the end. This type of nail was made until the 1830s.

By the 1820s, however, an effective design for a nail making machine was developed: it flipped the iron bar over after each stroke. With the cutter set at an angle, every nail was chopped to a taper. Nails made by this method are known as type B nails. Cutting the nails leaves a small burr along the edge as the metal is torn apart. By carefully examining the edges for evidence of these burrs, it is possible to distinguish between the earlier type A nails and the later type B nails. Type A nails have burrs on the diagonally opposite edges, while the type B nails have both burrs on the same side. This kind of evidence can be used to establish the approximate period of construction or alteration of a building.

Type B cut nails continued to be the most common through most of the greater part of the nineteenth century. With the rapid development of the Bessemer process for producing inexpensive soft steel during the 1880s, however, the popularity of using iron for nail making quickly waned. By 1886, 10 percent of the nails produced in the United States were made of soft steel wire.

Within six years, more steel-wire nails were being produced than iron-cut nails. By 1913, 90 percent were wire nails. Cut nails are still made today, however, with the type B method. These are commonly used for fastening hardwood flooring.



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Adapted from *A Field Guide to New England Barns and Farm Buildings* by Thomas D. Visser, to be published by the University Press of New England in the Fall of 1996.

For further information contact: tvisser@moose.uvm.edu

URL: <http://moose.uvm.edu/~histpres/hp203/nails.html>

April 18, 2006

Ms. Charlene Harris-Freeman
Mr. Carl Freeman
2955 Quail Run Dr.
Troy, MI 48098-4126

RE: Construction period of historic house at 2955 Quail Run Drive

Dear Charlene and Carl:

It was my privilege to visit with you at your home on Wednesday, April 12, 2006. You invited me to walk through your home and assist you in identifying the time period in which the home was built. We addressed a number of issues during our walk-thru including:

- 1) Floor joist size and condition
- 2) Types of nails used in construction
- 3) Type of construction used for the home
- 4) The a-symmetric arrangement of the façade
- 5) The sidelight arrangement at the entrances
- 6) The transom arrangement at the entrances
- 7) Dormer positions
- 8) Window configuration

Other conditions also present in the home were discussed including the type of wood lath that is visible, the arrangement of the sub-floor boards and more.

During the visit we also discovered that a key clue could be ascertained from the original door hardware still in place on the interior of the house. I suggested that you disassemble one of the units and look for clues as to the manufacturer, then go on line and see if that manufacturer still exists and has records of historical hardware. It is my understanding that you were able to determine that the hardware was an original model invented by Carl Corbin in 1868. Carl Corbin went on to found Corbin Lock Company, which still exists today. This clue in itself, places the approximate construction period of the home in the 1870's to 1880's.

architectural studios of

GERALD J. YURK ASSOCIATES

incorporated

ARCHITECTURE & INTERIORS

101 Main Street, Suite 400

Rochester, Michigan 48307

Phone 248.656.1881

Fax 248.656.7625

E-mail: webmaster@geraldjyurk.com

Website: www.geraldjyurk.com

Ms. Charlene Harris-Freeman
Mr. Carl Freeman
April 18, 2006
Page two

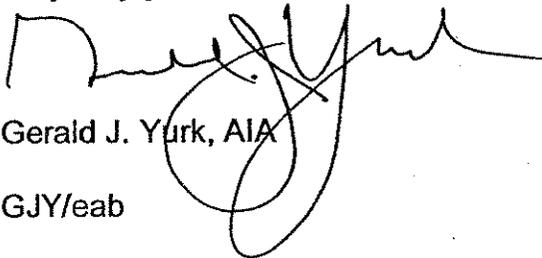
My research into balloon framing, which is present in your home, revealed that balloon framing appeared first in the Chicago market in the mid 1800's. It moved to other parts of the Midwest following that period. This too substantiates that the construction period of your home is, without a doubt 1870's to 1880's.

Floor joists in your home are full 2 x 12, varying in width from 1 7/8 to 2 1/8 inches, consistently spaced at 16" on center and are rough sawn soft wood, such as pine. Another clue that points to 1870's to 1880's.

The original windows appear to be in excellent condition. It was noted that they are glazed with relatively clear glass; only minimal waviness is evident in the glass. Some of the panes are larger than a typical sash of an earlier period. This too, tends to substantiate the approximate date of 1870 to 1880.

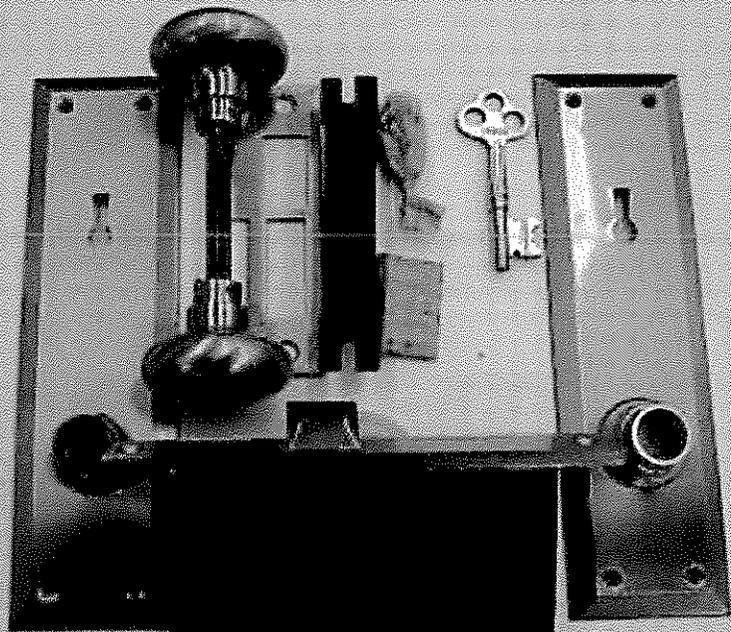
After carefully considering all of these points, I feel confident in representing to you that the construction of your home is in the timeframe between 1870 and 1890.

Very truly yours,

A handwritten signature in black ink, appearing to read "Gerald J. Yurk". The signature is fluid and cursive, with a large loop at the end.

Gerald J. Yurk, AIA

GJY/eab



From: Jim Roan
Date: 07/06/06 15:28:35
To: ad5728@wayne.edu
Subject: Orr & Lockett ash door

I'm sorry but I don't seem to have your name, but attached is the image of the Orr and Lockett ash pit door from the 1887 catalog. I am no expert on scanning so I can't attest to their being good images. The book was much too large for the scanner, so I had to photocopy and then scan the photocopy. This might have degraded the image somewhat. If you need a better image, perhaps my supervisor can help with this, but he is on vacation next week, but back next week. Please acknowledge receipt and furnish your name, so we can include this in our monthly report.

Jim Roan
NMAH Library
Smithsonian

Attachments Preview:

ash door.jpg

CATALOGUE
OF
BUILDERS' HARDWARE

ORR & LOCKETT HARDWARE CO.,

DEALERS IN

BUILDERS' AND GENERAL HARDWARE,
CUTLERY AND TOOLS,

BUTCHERS' SUPPLIES, CONTRACTORS' SUPPLIES,

STABLE FITTINGS.

SMITHSONIAN INSTITUTION
WASHINGTON 25, D. C.

50 STATE STREET.
71 RANDOLPH STREET.

CHICAGO, ILL.



The Majestic Stove Lofts are located in a designated Historic District of the City of St. Louis with two of the buildings already listed on the National Register of Historic Places. Lucius Llewellyn Culver founded the Majestic Manufacturing Company in St. Louis in the 1890's. The North building of the complex was completed in the Renaissance revival style of architecture in 1895, serving as the company's world headquarters until the company was sold in 1948. The company was famous for its popular and extensive line of commercial and home cooking stoves. At the 1904 World's Fair in St. Louis, the company's exhibition of its Majestic Stoves was one of the event's more popular attractions.

Name: Majestic Manufacturing Company Buildings

Address: 2014 Delmar/2011-2017 Lucas Ave.

Year: 1895

Architectural Firm/Architect: Cook and Lynch

Standard Architectural Styles: Renaissance Revival

Front facade: Iron, cast

Designation: National Register of Historic Places

History:

"Built in stages between 1895 and 1913, the Majestic Manufacturing Company Buildings is located midblock between North 20th and 21st Streets from Delmar Blvd. to Lucas Ave. This turn of the century brick industrial complex consists of two five-story brick buildings connected across the alley by the four-story overhead "bridge" to form a hyphenated layout." [From the nomination to the National Register of Historic Places as prepared by Karen Bode Baxter, architectural historian, assisted by Timothy P. Maloney, research associate, October, 1998.]



Received and Received, the 8th day of February, A. D. 1896, at 2 o'clock P. M. David Harrison Registrar.

My M. Sawbridge wife TO Caleb W. Horton Ohio Under Seal, Made 25th day of January

in the year of our Lord one thousand eight hundred and Eighty Six BETWEEN My M. Sawbridge and Family & Sawbridge his wife of the Township of Say in the County of Oakland and State of Michigan

of the first part, and Caleb W. Horton of the City of Pontiac in the same County and State of the second part.

Witnessed, That the said part of the first part, for and in consideration of the sum of Fourteen thousand (\$14,000) Dollars

to them in hand paid, by the said part of the second part (the receipt whereof is hereby confessed and acknowledged, have granted, bargained, sold, remised, released, aliened and confirmed, and by these presents grant, bargain, sell, remise, release, alien and confirm, unto the said part of the second part, and to his heirs and assigns, Forever, all their certain

interests of land situate and being in the Township of Say County of Oakland and State of Michigan and describe as follows to wit: The South West quarter and the West fifty (50) acres of the South West quarter of Section Eighteen (18) containing the following described piece of land to wit: Commencing at a point found by running North 2° West 26 3/4 Chains from the Corner front of the South East Corner of the South West quarter of said Section - and running thence North 2° West 31 1/4 Chains, thence South 85° 30' West 12 3/4 Chains - thence South 2° East 31 1/4 Chains, thence North 85° East 12 3/4 Chains to the place of beginning - this description containing forty (40) acres of land being the parcel conveyed by My M. Sawbridge and wife to Caleb W. Horton and 16 1/2 acres by her to Caleb W. Horton in the Register Office for the County of Oakland on the 12th of June 1886 on Page 318. Also the West half of the South West quarter of Section 18, excepting fifteen (15) acres off the North side of said quarter, being the parcel conveyed thence by My M. Sawbridge and wife to Caleb W. Horton April 2nd A. D. 1877, by deed recorded in the Register Office in the 12th of June 1886 on page 317. And excepting also the following described parcel to wit: Commencing at the South East Corner of said quarter Section and running North on the quarter Section line Eighty (80) rods - thence West twenty (20) rods to a stone, thence South on a line parallel with the quarter Section line Eighty (80) rods to the Section line on the South side of said quarter Section, thence East on the Section line twenty rods to the place of beginning - and containing one acre the last description containing the 1/2 acre conveyed by Elizabeth Sawbridge to Joshua W. Horton May 7th A. D. 1866 by deed recorded in the 26th of June 1886 on page 318. Also a certain parcel of 12 acres of land is entirely reserved under Deed having in witness thereto situated on Sec. 7

FOURTH with all and singular, the hereditaments and appurtenances thereunto belonging or in anywise appertaining: and the reversion and reversions, remainder remainders, rents, issues, and profits thereof; and all the estate, right, title, interest, or demand whatsoever of the said part of the first part, either in Law or Equity, of, in, and to the above bargained premises, with the hereditaments and appurtenances: TO HAVE AND TO HOLD the said premises as above described, with the appurtenances, unto the said part of the second part and to his heirs and assigns, Forever. And the said part of the first part, for their heirs, executors and administrators, do covenant, grant, bargain and agree, to and with the said part of the second part, his heirs and assigns, that at the time of the enjoining and delivery of these presents, they are well seized of the premises above described, as of a good, sure, perfect, absolute and indefeasible estate of inheritance in the law, in Fee Simple; and that the said lands are free from all incumbrances whatever, except One Mortgage and that the above bargained premises, in the quiet and peaceable possession of the said part of the second part, his heirs and assigns, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, they will forever WARRANT AND DEFEND, both against a Mortgage held by My M. Sawbridge and Family of the second part hereby assumed to pay amounting to \$1000. In Witness Whereof, The said part of the first part, has hereunto set their hands, and seal, the day and year first above written.

Signed, Sealed and Delivered in presence of Mrs. Brewer Geo. W. Smith

My M. Sawbridge Family F. Sawbridge

STATE OF MICHIGAN, County of Oakland ss. On this 25th day of January in the year

one thousand eight hundred and Eighty Six before me, a Notary Public in and for said County, personally appeared My M. Sawbridge and Family F. Sawbridge his wife to the known to be the same person who executed the within instrument who acknowledged the same to be their free act and deed;

Geo. W. Smith, Notary Public Oakland County, Mich.

Cont.

- 277 327 & wf to D. Beach cont. 40 A th alg N li of Bryson (J) to Copland (A) WD
sd 40 A to NW cor thereof th in a S'yly direction
& alg W'yly li of sd 40 A 441 ft to iron
stake th N 88° 40' W 1801 ft to an iron
stake in W li of sd sec 18 th N 1790.5
ft to pl of beg. (100 A) subj. to all hwys
5/8/1915 5/13/1915
- 257 52 W 1/2 of -- 12/1/1821 7/23/1915 U. S. to Trowbridge (C) Pat.
- 274 52 E 1/2 of -- 2/5/1822 7/28/1915 U. S. to Trowbridge (S) Pat.
- 277 327 100 A--beg. at NW cor sec 18 rng. th E'yly Bryson (J) to Copland (A) WD
alg sec li betw. sec 7 & 18 to NE cor of
NW 1/4 of sec 18 th S'yly alg N & S 1/2 sec li
sec 18; 1349.5/10 ft to NE cor of parcel
of ld conveyed by G. Trowbridge to D. Beach
th alg N li sd 40 A to NW cor thereof. Th
S'yly alg W'yly li of sd 40 A 441 ft to iron
stake th N 88° 40' W 1891 ft to iron stake
on W li sec 18 th N 1790 5/10 ft to pl of
beg. 5/8/1915 5/13/1915
- 293 239 Beg. at an iron stake on W li of sec 18 Bryson (J) to Bradway (J) Etal WD
1790.5 ft S of the NW cor of sd sec th in
S'yly direction alg to sec li 1662.6 ft
to a pnt th S 88° 11' E 1804.4 ft to the SW
cor of a parcel of ld conveyed by G. Trowbridge
to D. Beach th N 0° 50' E 1634 ft to an iron
stake th N 0° 50' E 51 4/10 ft to a pnt in
W'yly bndry li of a parcel of conveyed by
G. Trowbridge to D. Beach th in W'yly direction
1803.2 ft to pl of beg. (69.318 A)
7/19/1917 7/24/1917
- 297 271 All that pt of sec li desc. as follows: Copland (A) to Bryson (J) 20
Beg. at an iron stake in ctr of hwy. bndry
sd sec 18 on W'yly side thereof & 1790.5 ft
from the NW cor of sd sec 18 rng. th S 88°
40' E 1801 ft to an iron stake in the W'yly
bdry of a parcel of ld conveyed by G. Trowbridge
& wf. to D. Beach 3/16/1876 by deed recorded
in L. 122 P. 318 th N'yly 0° 50' E alg the sd W'yly
bdry of sd last desc. parcel of ld 51.4 ft
th W'yly in a straight li to pl of beg.
5/13/1917 7/24/1917
- 350 79 Peg. at an iron stake on W li sec 18-- Bradway (J) to Stauch (J) WD
1790.5 ft W of NW cor sec 18 th S'yly alg Etal
W sec li 1662.6 ft to pnt th S 88° 11'
E 1804.4 ft to SW cor of parcel of ld
conveyed by G. Trowbridge to D. Beach
th N 0° 50' E 1634 ft to iron stake th N 0°
50' 51.4 ft to pt on W'yly bndry li on parcel
of ld conveyed by G. Trowbridge to D. Beach;
th W'yly 1803.2 ft to pl of beg.
4/26/1921 4/27/1921
- 2 MR 338 225 A on sec 7 & 18 L. Trowbridge to Stephen (VR)

LIST OF SUBDIVISIONS PLATTED PRIOR TO 1948

41 Plats

page 37

"Holford Lane" a subdivision of part of
the W 1/2 of Section 18
12-7-1925Loren G Stauch & wf, Props
Frederick H Holt et al, Vendees
John M Bryson & wf, Mtgees

45 Plats

page 24

"Bloomfield Park" a subdivision of part
of the NW 1/4 of Sec 18
10-22-1926Wessen Realty Co, Props.
Harry Bromley & wf, Vendees

- Gov.
Entry 258 E 1/2 (7.64 A) 5/28/1821 Gov. Entry to Trowbridge (S)
- Gov.
Entry 258 W 1/2 (71.64 A) 9/13/1821 Gov. Entry to Trowbridge (C)
- 4 61 W 1/2 of the NW 1/4 of sec. 18 centg. (79.64 A) Trowbridge (C) to Trowbridge (S) QC
being the same lot which was granted by patent from the pres. of U. S. 12/1/1821
8/30/1828 8/2/1830
- 72 221 Also 10 A off from the S'yly side of the-- Trowbridge (S) to Trowbridge (G) Exc. D
4/29/1861 3/26/1862
- 122 318 Pt of--com at the cor post on the SE cor Trowbridge (S) to Reach (D) WD
of the N 2° W 26.61 chs which will strike the S'ly cor of the ld hereby conveyed th
N 2° W 32.11 chs th S 85° 30' W 12.54 chs th S 2° E 31.61 chs th N 88° E 12.54 chs
to pl of beg. (40 A)
3/16/1876 4/15/1876
- 165 19 Entire (exc. par.) 9/30/1890 10/2/1890 Horton (C) to Tuttle (G) WL
- 165 175 Entire (exc. par.) 11/13/1890 11/17/1890 Tuttle (G) to Willits (W) WL
- 164 335 Entire (exc. par.) 3/30/1892 4/1/1892 Willits (M) to Joy (F) QC
- 167 327 Entire exc. par. 3/30/1892 4/1/1892 Willets (W) to Joy (F) Exec. D
- 180 118 Entire (exc. par.) 1/24/1895 6/14/1895 Joy (L) to Joy (F) QC
- 208 450 Entire (exc. Par.) 5/12/1908 6/1/1908 Hauge (L) to Walker (W) WL
- 208 452 Entire (exc. par.) 5/15/1908 6/2/1908 Walker (W) to Joy (H) WD
- 208 520 Entire (Exc. par.) 10/29/1909 11/17/1909 Joy (H) to Walker (W) Etl WD
- 230 196 S 1/2 of following--Pt of NW 1/4 & pt of SW 1/4 Brooks (E) to Laing (E)
com 26.60 chs N 2° W from SE cor of SW 1/4 of D of Real Est. at Pri. Sale
sec. 18 th N 2° W 32.11 chs th S 85° 30' W 12.54 chs th S 2° E 31.60 chs th N 88° E 12.54 chs to pl of beg. 20 A & being S 1/2
of lds conveyed by G. Trowbridge.
10/16/1909 12/8/1909
- 230 197 N 1/2 of lds being pt of NW 1/4 & pt of SW 1/4 sec. Brooks (E) to Heinze (C)
18 com 26.60 chs N 2° W from SE cor of SW 1/4 D of Real Est. at pri. sale
of sec. 18 th N 2° W 32.11 chs th S 85° 30' (Affidavit--L.52 R. 345)
W 12.54 chs th S 2° E 31.60 chs th N 88° E 12.54 chs to pl of beg. (20 A)
10/16/1909 12/8/1909
- 208 534 Entire (exc. par.) 11/2/1909 3/7/1910 Walker (W) to Bryson (J) WD
- 236 427 Parcel (20 A) com 26.61 chs N 2° W from SE cor of SW 1/4 of sd sec. 18 th N 2° W 32.11 chs Heinze (C) to Laing (E) WL
th S 85° 30' W 12.54 chs th S 2° E 31.61 chs th N 88° E 12.54 chs to beg.
4/11/1910 4/14/1910
- 244 416 Entire (exc. par.) 3/11/1913 6/5/1913 Bryson (S) to Bryson (J) QC
- 266 7 Beg. 26.60 chs N 2° W from SE cor. of th Laing (E) to Baumann (L) WL
N 2° W 32.11 chs th S 85° 30' W 12.54 chs th S 2° E 31.61 chs th N 88° E 12.54 chs to beg. (40 A)
5/4/1914 5/7/1914
- 277 327 the par of ld located in sec. 18 desc. as Bryson (J) to Copland (A) WD
follows; Beg. at NW cor of sec. 18 rvg. th in an N'yly direction alg sec. 11 betw. sec. 7 & 19 to NE cor--th in a S'yly direction alg. N & S 1/4 sec. 11 of sec. 18, 1359.5 ft to NE cor of a par. of ld conveyed by G. Trowbridge
(OVER)

293	239	Und. $\frac{1}{2}$ int. beg. 1790.5 ft. S. of N.W. cor.; th. S. 1662.6 ft.; th. S. 88° 11' E. 1804.4 ft. (69.318 A.)	Bryson to Bradway
297	271	Beg. in cen. of hwy on W. side of sd. sec. 1790.5 ft. fr. N.W. cor. th. W. 88° 40' E. 1801 ft.; th. N. 50' E. 51.4 ft.	Copland to Bryson
350	79	Beg. on W. line sec. 18, 1790.5 ft. S. of N.W. cor. sd. sec.; th. Sly. slg. W. sec. line 1662.6 ft.; th. S. 88° 11' E. 1804.4 ft. to S.W. cor. Beach (122-318) th. N. 50' E. 1634 ft.; th. N. 50' E. 51.4 ft.; to Wly. bd. Beach; th. Wly. to beg.	Bradway to Stauch
398	333	Beg. on W. line 1790.5 ft. S. of N.W. cor.; th. S. ly 340 ft.; th. S. 88° 52' E. 1805.7 ft. to W. line Lillie Bauman; th. N. 50' E. 340 ft. to cor. Copeland; (14,089 A.)	Stauch to Wesson Rty Co
519	462	Und. $\frac{1}{2}$ int. in; Beg. on W. line of sec., 1790.5 ft. S. of N.W. cor. sd. sec.; th. Sly. 340 ft.; th. S. 88° 52' E. 1805.7 ft. to W. line Bauman prop; th. N. 50' E. 340 ft. to cor. Copland; th. N. 88° 50' W. 1804.3 ft. to beg. (14,089 A.)	Wesson Rty. Co. to Burns
405	267	Beg. on W. line of sec.; 1790.5 ft. S. of N.W. cor. sd. sec.; th. Sly. 1662.6 ft.; th. S. 88° 11' E. 1804.4 ft. to S.W. cor. Beach; th. N. 50' E. 1634 ft.; th. N. 50' E. 51.4 ft.; th. Wly. to beg. (69.318 A.) (ex. par.)	Stauch to 1st. Nat. Bk.
498	547	Do	1st. Nat. Bk. to Stauch
503	224	Do	Stauch to Bradway
671	505	Und. $\frac{1}{2}$ int. in fol; Beg. at W. sec. line 1790.5 ft. S. of N.W. cor.; th. Sly. 1662.6 ft.; th. S. 88° 11' E. 1804.4 ft.; th. N. 50' E. 1634 ft.; th. N. 50' E. 51.4 ft.; th. Wly. 1803.2 ft. to beg. (89.318 A.) (ex. par.)	Bradway to Holt
671	503	Und. $\frac{1}{2}$ int. in above	Do to Postal
776	552	Beg. at N.W. cor. of sec.; th. Ely. to N.E. cor.; th. Sly. 1349.5 ft. to N.E. cor. of Trowbridge To Beach ld. of 40A; th. alg. N. line sd. 40A. to N.W. cor.; th. Nly. 309 ft.; th. N. 88° 40' W. to W. line sd. sec.; th. N. to beg. Also Beg. on W. sec. line dist. 1040.5 ft. fr. N.W. cor. of sec.; th. S. 750 ft. to W. sec. line; th. S. 88° 40' E. 1801 ft. to Wly. line of par. con. to Beach cont. 40A; th. N. 750 ft.; th. N. 88° 40' W. to beg. (Final Aopt., etc.)	Est. of Alexander W. Copland,
776	546 & 552	Beg. at S.W. cor. farm on Adams Rd; th. Ely. 1800 ft. to Wly. line of Bauman's prop; th. Nly. 750 ft.; th. 1800 ft. Wly.; th. S. to beg.	Est. of Alexander W. Copland
277	327	Com. NW. cor. sec. 18; th. Ely. to NE. cor. of NW $\frac{1}{4}$ sec. 18; th. Sly. 1349.5 ft. to 40 A. of beach the alg. N. line sd. 40 A. to NW. cor. thereof; th. Sly. 441 ft. (100 A.) (subj. to all hwy.)	Bryson to Copland
1043	524	Beg. at pt on W sec. line sec. 18 dist. 1040.5 ft. Fr NW cor. sec. 18; th. S. alg. sd. sec. line 750 ft. to stake in W sec. line of sec. 18; th. S. 88° 40' E. 1801 ft. to stake in Wly. line of Beach ld.; th. N. alg. this Wly. line of sd. 40 A. as ext. 750 ft.; th. N. 88° 40' W. to beg. (exc. parcel) 5/5/36	Copland (C.C.) to Williams (M.S.) wd
1043	526	Do	Copland (S. D.) to D.

1703	43	Beg. at NW cor. of sec 18, th S 89°50' E alg. sec. line bet. secs 7 & 18, 503.18 ft to a pt; th S 1038.60 ft to a pt; th N 89°52' W 503.18 ft to a pt in W sec. line of sec 18; th N on sd W sec. line 1039.08 ft to pl. of beg. (cont. 12 A.) 11/8/1944 11/20/1944	Gopland(S.D.) to Raisch(A)	Wd
1949	156	lots 1 to 48 incl. of Bloomfield Park, now kn. as Beg. at a pt on W line of sec 18, loc. S1790.50 ft from NW cor. of sec 18; th alg. W line of sec 18 S 340 ft; th S 89°53' 30" E 1804.74 ft; th N 0°09'30" W 340 ft; th N 89°53'30" W 1803.80 ft to pl. of beg. 5/29/1946 7/9/1946	St. of Mich to Wagner(E.A.) et al	QC
2105	520	Beg at pt on W line Sec 18, located S 1790.50 ft from NW cor of Sec 18, th alg W line of Sec 18, S 340 ft; th S 89°53'30" E 1804.74 ft; th N 0°09'30" W 340 ft; th N 89°53'30" W, 1803.80 ft to place of beg. 5/21/1947 6/10/1947	Wagner(E.A.) etal to Wintersteen(M.)	QC
2105	522	N 1/4 of folg des prems: Beg at pt on W line of Sec 18, located S 1790.50 ft from NW cor of Sec 18, th alg W line of Sec 18, S 340 ft; th S 89°53'30" E 1804.74 ft; th N 0°09'30" W 340 ft; th N 89°53'30" W, 1803.80 ft to place of beg. 5/22/1947 6/10/1947	Wintersteen(M.) to Williams(M.P.)	QC
2105	524	S 1/4 of folg des prems: Beg at pt on W line of Sec 18, located S 1790.50 ft from NW cor of Sec 18, th alg W line of Sec 18, S 340 ft; th S 89°53'30" E 1804.74 ft; th N 0°09'30" W 340 ft; th N 89°53'30" W, 1803.80 ft to place of beg. 5/22/1947 6/10/1947	Wintersteen(M.) to Wagner(E.A.)	QC
2185	18	Beg. at a pt on N & S 1/4 line dist S 0°10' W 905.80 ft from N 1/4 cor; th S 0°10' W 325 ft; th N 89°40' W 806.44 ft; th N 0°59' E 325 ft; th S 89°40' E 602.38 ft to beg. 11/12/1947 11/14/1947	Rehbein(C) to Karlet(J.H.)	WD
2272	106	Beg. at a pt in N & S 1/4 sec. line of sd sec 18 dist S 0°10' W on 1/4 sec. line 1230.80 ft from N 1/4 cor. of sd sec 18; th S 0°10' W on 1/4 sec. line 120.65 ft; th S 87°13' W 610.40 ft; th N 0°59' E 153.99 ft; th S 89°40' E 806.44 ft to pt of beg. 6/8/1948 6/9/1948	Williams(M.S.P.)Jr. to Flannery(W.R.)Jr.	WD
2323	326	Beg. at N 1/4 cor. of sd sec 18; th S 0°10' W on N & S 1/4 sec. line 689.95 ft th N 89°40' W 599.34 ft; th N 0°59' E 689.99 ft to N line of sd sec 18; th S 89°40' E on sec. line 589.71 ft to pt of beg. (cont. 9.416 A.) 9/15/1948 9/27/1948	Rehbein(C) to Karlet(J.H.)	WD
2812	44	Same as above 11-13-51 11-21-51	Karlet (J H) to Karlet (RS) etal	WD
2828	334	Beg at pt on W sec line dist S 1709.50 ft from NW Sec cor, th S 170 ft, th S 89°53' 30" E 1804.80 ft th N 0°09'30" W 170 ft, th N 89°53'30" W 1803.80 ft to pt of beg. (exc par) (cont 6.83 Acres) 8-1-51 1-14-52	Williams (M P) to Williams (R J)	WD

SCHEDULE I.—Inhabitants in Troy of Story, in the County of Caledonia, State of Michigan, enumerated by me on the 24th day of August, 1870. 586

Post Office: Birmingham Wm. A. Bunkeridge, Asst. Marshal.

1	2	3	4	5	6	7		10	8							18	19	20
						Value of Real Estate	Value of Personal Estate		Place of Birth, naming State or Territory of U. S.; or the Country, if of foreign birth.	Color	Sex	Age	Whether deaf and dumb, blind, insane, or idiotic.					
		— Mary Jane	38	F	W	Keeping House			Michigan									
		— Sarah	45	W	W	At Home			New York									/
		W. Cassidy John	30	M	W	Farm Hand			Canada	/	/							
326	326	Coswell Solomon	78	M	W	Farmer	12000	1500	Massachusetts									/
		— Melinda	51	F	W	Keeping House			New York									
		— George	28	M	W	At Home			Michigan									/
		Morris Caroline	28	F	W	Teaching School			"									
		Hutchins Elizabeth	20	F	W	Servant			"									
		Leonard Edgar	27	M	W	Farm Hand			"									/
327	328	Willard James	46	M	W	Farmer	9000	600	"									/
		— Rachel	33	F	W	Keeping House			"									
		— Charles	18	M	W	At Home			"									
		— Lea	8	F	W	At Home			"									
328	329	Lacey John	39	M	W	Laborer			Russia	/	/							/
		— Martha	39	F	W	Keeping House			Michigan									
		— Amelia	16	F	W	At Home			"									
		— Clarissa	12	F	W	At Home			"									
		— Laura	9	F	W				"									
		— Emma	9	F	W				"									
		— Phoe	1/2	F	W				"		Dr							
		Newton David	31	M	W	Laborer			"									/
329	330	Lowndes E. M.	26	M	W	Farmer	4000	2000	"									/
		— Emily	34	F	W	Keeping House			New York									
		— Garrison	11	F	W	At Home			"									/
		— David	9	M	W	At Home			Michigan									/
		— Mrs. Elizabeth	73	F	W	At Home	12000		New York									
		Hastings S. T.	22	M	W	At Home			Michigan									/
		Boylan Mary	21	F	W	Servant			"									
		W. Lewis Michael	31	M	W	Farm Hand			Pennsylvania									/
330	331	Taylor Clarence	21	M	W	Farm Hand			Illinois									/
		— Lucy	22	F	W	Keeping House			New York									
331	332	Stanley John	31	M	W	Farmer	7000	1000	Michigan									/
		— Lucy	28	F	W	Keeping House			"									
		— Mary	5	F	W				"									

6	No. of dwellings, 67	No. of white females, 19	No. of males, foreign born, 25	45000	5000	No. of females, 4	2
	" " families, 67	" " colored males, "	" " females, "				
	" " white males, 15	" " " females, "	" " blind, "				

801 -

4-10-1876

Emily P T Row bridge

Female - W

Bloomfield - B. P. face

Resided in Bloomfield, MI

{ Guy M Trowbridge
Emily F Trowbridge

Birth Place
NY

Unknown

Date recorded.

4-5-1877

Book - 2

Pg - 54

Wardwell
6-28-06

Chapter 13 - Historic Preservation

HISTORIC PRESERVATION

1. PURPOSE

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

(Rev. 11/17/03)

2. DEFINITIONS

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

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

(12/22/05)

- H. HISTORIC DISTRICT: In accordance with Act 169, Public Acts of 1970, the term "Historic District" shall mean an area or group of areas not necessarily having contiguous boundaries, created by the City for the purposes of this Chapter. This shall include any historical or cultural site or structure (including significant trees or other plant life located thereon) of particular historic or cultural significance to the City of Troy, the State of Michigan, or the U.S.A., where cultural, political, spiritual, economic or social history of the community, state or nation is reflected or exemplified with historic personages or with important events in local, state, or national history, or which embody the distinguishing characteristics of an architectural specimen, inherently valuable for a representation of a period, or style or method of construction, or a notable work of construction, or a notable work of a master designer or architect whose individual genius

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influenced his age.

- I. HISTORIC LANDMARK: Any structure, site, object, feature, or open space that is significant in the history, architecture, archaeology, engineering, or culture of this city, state, or of the United States. A landmark is a historic district as defined in this section which contains only one (1) resource.
- J. HISTORIC RESOURCE: A structure, site, object, feature, or open space that is significant in the history, architecture, archaeology, engineering, or culture of this city, state, or of the United States.
- K. NOTICE TO PROCEED: Authorization to perform work that does not qualify for a COA but may legally be accomplished following criteria set forth in this ordinance.
- L. OPEN SPACE: Undeveloped land, a naturally landscaped area, or a formal or man-made landscaped area that provides a connective link or a buffer between other resources.
- M. ORDINARY MAINTENANCE: Keeping a resource unimpaired and in good condition through ongoing minor intervention to the exterior of a resource. Ordinary maintenance does not change the exterior appearance of the resource except through the elimination of the usual and expected effects of weathering. Ordinary maintenance does not constitute work for purposes of this act.
- N. PROPOSED HISTORIC DISTRICT: An area or group of areas, not necessarily having contiguous boundaries, that has delineated boundaries and that is under review by a committee or a standing committee for the purpose of making a recommendation as to whether it should be established as a historic district or added to an established historic district.
- O. REPAIR: To restore a decayed or damaged resource to a good or sound condition by any process. A repair that changes the external appearance of a resource constitutes an alteration for purposes of this act.
- P. RESOURCE: A building, structure, site, object, feature or open space located within a historic district, or described as a historic landmark.
- Q. SMOKE ALARM: A single-station or multiple-station alarm responsive to smoke and not connected to a system. As used in this ordinance "single-station alarm" means an assembly incorporating a detector, the control equipment, and the alarm sounding device into a single unit, operated from a power supply either in the unit or obtained at the point of installation. "Multiple-station alarm" means two or more single-station alarms that are capable of interconnection such that actuation of one alarm causes all integrated separate audible alarms to operate.

(12/22/05)

- R. WORK: Construction, addition, alteration, repair, moving, excavation or demolition.

(Renumbered 12/22/05)

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

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

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

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

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

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

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

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

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

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

Former Stone School, 3995 South Boulevard (Tax ID: 88-20-06-101-001) T2N, R11E, SEC 6 W 165 FT OF N 264 FT OF NW FRC ¼ EXC

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PART TAKEN FOR HWY DESC AS BEG AT NW SEC COR, TH ELY 91 FT ALG SEC LINE, TH SWLY TO PT IN W SEC LINE DIST OF 91 FT SLY FROM BEG, TH NLY 91 FT ALG SEC LINE TO BEG 0.90 A

Beach Road Cemetery (Tax ID: 88-20-07-451-001) T2N, R11E, SEC 7 N 147 FT OF 167 FT OF SW ¼ OF SE ¼ 0.57A

5875 Livernois (Tax ID: 88-20-09-232-005) T2N, R11E, SEC 3, 4, 9, & 10 SUPERVISORS PLAT NO. 7 LOT 13

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

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

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

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

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

160 East Square Lake Road (Tax ID: 88-20-10-101-043) T2N, R11E, SEC 10 PART OF NW ¼ BEG AT PT DIST N 00-14-00 W 33 FT FROM NE COR OF LOT 23 OF 'SUPERVISOR'S PLAT NO 7', TH S 89-43-00 E 145 FT, TH S 00-14-00 E 300 FT, TH N 89-43-00 W 145 FT, TH N 00-14-00 W 300 FT TO BEG 1 A

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

Sylvan Glen Clubhouse, 5725 Rochester Road (Tax ID: 88-20-10-200-001) T2N, R11E, SEC 10 NE ¼ 160 A

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

Hill House, 4320 John R (Tax ID: 88-20-13-303-014) T2N, R11E, SEC

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13 PART OF SW ¼ BEG AT PT DIST N 00-49-43 E 1544.71 FT FROM SW SEC COR, TH S 89-10-17 E 220 FT, TH N 00-49-43 E 200 FT, TH N 89-10-17 W 220 FT, TH S 00-49-43 W 200 FT TO BEG EXC W 50 FT TAKEN FOR RD 0.77 A

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

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

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

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

4800 Beach (Tax ID: 88-20-18-203-011) T2N, R11E, SEC 18 PART OF NW ¼ OF NE ¼ BEG AT PT DIST S 02-48-55 E 945.50 FT & N 89-05-05 E 43 FT FROM N ¼ COR, TH N 89-05-05 E 152.73 FT, TH ALG CURVE CONCAVE SLY, RAD 250 FT, CHORD BEARS S 85-09-38 E 50.14 FT, DIST OF 50.22 FT, TH S 79-24-20 E 13.04 FT, TH S 02-48-55 E 203.88, TH S 87-11-05 W 215 FT, TH N 02-48-55 W 218.65 FT TO BEG 1.06 A

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

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

839 W. Wattles (Tax ID: 88-20-21-101-024) T2N, R11E, SEC 21 PART OF NW ¼ BEG AT PT DIST S 89-58-00 E 535.00 FT FROM NW SEC

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COR, TH S 89-58-00 E 287.00 FT, TH S 00-13-00 W 607.22 FT, TH N 89-58-00 W 287.00 FT, TH N 00-13-00 E 607.22 FT TO BEG EXC N 245 FT OF W 150 FT THEREOF, ALSO EXC N 60 FT TAKEN FOR RD 2.97 A

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

(Rev. 12/22/05)

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

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

Perrin Cemetery (Coolidge) (Tax ID: 88-20-32-152-002) T2N, R11E, SEC 32 PART OF W ½ BEG AT W ¼ COR, TH N 00-03-00 E 165 FT, TH E 140 FT, TH S 00-03-00 W 165 FT, TH S 88-44-30 E 25 FT, TH S 01-06-30 W 67.5 FT, TH N 88-31-00 W 165 FT, TH N 00-03-00 E 66 FT TO BEG 0.78

(Rev. 01/09/06)

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

(Rev. 11/17/03)

4. HISTORIC DISTRICT COMMISSION

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

(Rev. 12/22/05)

5. DUTIES AND POWERS OF THE COMMISSION

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

- A. The Commission shall have authority to conduct an ongoing survey to identify historically and architecturally significant properties, structures and areas that exemplify the cultural, social, economic, political, or architectural history of the nation, state or city. The Commission may use the Michigan Historical Site Survey form as a guide, and accept the work of interested volunteers. Such Site Surveys should be kept as a part of the permanent records of the Commission, at a place designated by the Commission.
- B. It shall be the duty of this Commission to review all applications for permits required by City ordinance concerning construction, alteration, repair, moving or demolition of the exterior features of a historic resource. Plans for any work in the historic resources comprising the Troy Museum and Historic Village may be submitted based on a three-year plan based on Department of Interior Preservation briefs but without detailed specifications. For purposes of this Chapter, the historic resources of the Troy Museum

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and Historic Village shall include, but are not limited to, those Historic Districts established in Section 3 of this Chapter and listed as Old City Hall, Caswell House, Poppleton School, Old Troy Church, and Parsonage. It is the intent of this section that the Commission shall be lenient in its judgment of plans for a new construction or for alteration or demolition of historic resources of little historic value, except where such construction, alteration or demolition would seriously impair the historic value and character of the resource and the surrounding resources and area. A permit shall not be issued and proposed work shall not proceed until the Commission has acted on the application by issuing a certificate of appropriateness or a notice to proceed.

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

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

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

- C. In those situations where the Commission finds the proposed work adversely affects the exterior of a resource the Commission considers valuable to the city, state or nation, and the Commission determines that the alteration or loss of that resource will adversely affect the public purpose of the city, state or nation, the Commission shall attempt to establish with the owner of the resource an economically feasible plan for preservation of the resource.
- D. Work within a historic district shall be permitted through the issuance of a notice to proceed by the Commission if any of the following conditions prevail and if the proposed work can be demonstrated by a finding of the Commission to be necessary to substantially improve or correct any of the following conditions:
 1. The resource constitutes a hazard to the safety of the public or to the structure's occupants.
 2. The resource is a deterrent to a major improvement program that will be of substantial benefit to the community and the applicant proposing the work has obtained all necessary planning and zoning approvals, financing, and

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environmental clearances.

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

(Rev. 11/17/03)

6. RULES OF THE COMMISSION

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

(Rev. 11/17/03)

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

(Rev. 11/17/03)

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

(Rev. 11/17/03)

- D. The Commission shall keep a record, which shall be open to public view, of its

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

(Rev. 09/25/78)

7. PROCEDURES FOR REVIEW OF PLANS

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

If the requested permit is denied by the Commission, the Director of Building and Zoning shall disapprove the application.

- F. The failure of the Commission to approve, conditionally approve or disapprove of such plans within sixty (60) days from the date of application for the building permit, unless otherwise mutually agreed upon by the applicant and the Commission, shall be deemed to constitute approval and the Director of Building and Zoning shall proceed to process the application without regard to a certificate of appropriateness or notice to proceed from the Commission.
- G. After a building permit is granted, the Director of Building and Zoning or his or her representative shall inspect the construction or alteration in accordance with the procedures established by the Building Department of the City of Troy.
- H. In cases where approval of demolition is granted for reasons other than public health or

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safety, the certificate of appropriateness or notice to proceed shall not become effective until sixty (60) days after the date of issuance, in order to provide a period of time within which it may be possible to relieve a hardship or transfer the property to another owner who will retain the resource. At the discretion of the Commission, this waiting period may be waived.

- I. If the Commission grants a permit for demolition, it may notify the Troy Historical Commission so that that body may consult with the owner about obtaining anything of historical significance from the property.
- J. If an applicant seeks immediate approval to alter, repair, move or demolish a resource to prevent an imminent hazard to the safety of the public or a structure's occupants, the Chair of the Commission shall call a special meeting as early as possible, in compliance with the Open Meetings Act, to make a decision on the applicant's request.
- K. Upon a finding by the commission that a historic resource within an historic district, subject to its review and approval, is threatened by demolition by neglect, the commission may do either of the following:
 - 1. The commission may require the owner of the resource to repair all conditions contributing to the demolition by neglect.
 - 2. If the owner does not make repairs within a reasonable time, the commission or agents may enter the property and make such repairs as are necessary to prevent demolition by neglect. The cost of the work shall be charged to the owner and may be levied by the city as a special assessment against the property. The commission or its agents may enter the property for purposes of this section upon obtaining an order from the circuit court.
- L. The Historic District Commission shall not issue a certificate of appropriateness or notice to proceed unless an applicant certifies in the application that the property where the work will be undertaken has, or will have before the proposed project completion date, a fire alarm system or a smoke alarm complying with the requirements of the State Construction Code Act, MCL 125.1501 *et seq.* as amended.

(Rev. & Renumbered: 12/22/05)

8. DEMOLITION OR MOVING HISTORIC RESOURCES

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

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

- 1. The resource is a deterrent to a major improvement program which will be of substantial benefit to the community;
- 2. Retention of the resource would cause undue financial hardship to the owner; or

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3. Retention of the resource would not be in the interest of the majority of the community.

(Rev. 11/17/03)

9. PROPOSED HISTORIC DISTRICT

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

(Rev. 11/17/03)

10. EMERGENCY MORATORIUM

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

(Rev. 11/17/03)

11. YARD VARIANCES

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

(Rev. 11/17/03)

12. EXCEPTIONS

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

(Rev. 11/17/03)

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13. APPEALS

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

(Rev. 11/17/03)

14. ESTABLISHMENT, MODIFICATION OR ELIMINATION OF A HISTORIC DISTRICT

A. Establishment of Historic District Study Committee

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

B. Duties of the Historic District Study Committee

1. The Historic District Study Committee shall do all of the following:
 - a. Conduct a photographic inventory of resources within each proposed historic district, following procedures established or approved by the Michigan Department of History, Arts, and Libraries.
 - b. Conduct basic research of each proposed historic district and the historic resources located within that District;
 - c. Determine the total number of historic and non-historic resources within a proposed historic district and the percentage of historic resources of that total. In evaluating the significance of the historic resources, the Committee shall be guided by the selection criteria for evaluation issued by the Secretary of the Interior for inclusion of resources in the National Register of Historic Places, as set forth in 36 CFR part 60.
 - d. Prepare a preliminary Historic District Study Committee report that addresses at a minimum all of the following:
 - i. The charge of the Committee;
 - ii. The composition of the Committee membership;
 - iii. The historic district or districts studied;
 - iv. The boundaries for each proposed historic district in writing and on maps;

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- v. The history of each proposed historic district;
 - vi. The significance of each district as a whole, as well as a sufficient number of individual resources to fully represent the variety of resources found within the district, relative to the evaluation criteria.
 - e. Transmit copies of the preliminary report for review to City Council, the Planning Commission, the Historic District Commission, the Michigan Department of History, Arts and Libraries, the Michigan Historical Commission and the State Historic Preservation Review Board.
 - f. Make copies of the preliminary report available to the public.
2. The City Council may prescribe the time for preparation and transmittal of the preliminary report if the Council deems it in the public interest to do so.
3. Not less than sixty (60) calendar days after the transmittal of the preliminary report, the Study Committee shall hold a public hearing. Public notice of the time, date, and place of the hearing shall be given in the manner required by the Open Meetings Act, 1976 PA 267, MCL 15.261, et seq. Written notice shall be mailed by first class mail not less than fourteen (14) calendar days before the hearing to the owners of properties within the proposed historic district, as listed on the tax rolls of the City of Troy.
4. The Committee shall have no other powers, express or implied, beyond those listed in this section, except as may be otherwise expressly authorized by ordinance or resolution of City Council.

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

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

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

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3. At any time after expiration of the time limits set in or prescribed by City Council pursuant to this section for the Historic District Study Committee to act, the City Council may, in its discretion, proceed to introduce and pass or reject an ordinance as described in the immediately preceding paragraph 2.

D. Elimination of Districts

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

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

E. Availability

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

(Rev. 11/17/03)

15. ENFORCEMENT: VIOLATIONS

- A. After issuance of a certificate of appropriateness or notice to proceed or if a violation of this article is suspected, the city's designated representative may from time to time inspect the exterior of properties covered by this article.
- B. The enforcement of this ordinance shall be the responsibility of this Historic District Commission, in conjunction with the Director of Building and Zoning of the city. A person, individual, partnership, firm, corporation, organization, institution or agency of government that violates this act is responsible for committing a Municipal Civil Infraction subject to the provisions of Chapter 100 of the Code for the City of Troy. Each day a violation continues is a separate Municipal Civil Infraction Violation. Sanctions for violation shall include a fine of not more than \$500, costs, damages and injunctive orders as authorized by Chapter 100.

(Rev. 03/01/06)

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

(Rev. 11/17/03)



TO: Members of Historic District Study Committee
FROM: Lori Grigg Bluhm, City Attorney *LG*
Allan T. Motzny, Assistant City Attorney *AM*
DATE: March 14, 2006
SUBJECT: Request to Eliminate Historic District at 2955 Quail Run

Charlene Harris-Freeman has initiated a request to remove her property, located at 2955 Quail Run, as a designated historic district under Chapter 13 of the Troy City Code. In support of her request, she alleges that there were defective procedures in the creation of the initial historic designation. For the reasons stated below, it is our opinion that this is not a legally tenable position that would, by itself, justify removal of the historic district designation.

The previous correspondence of November 26, 2003, discusses the historic designations under Chapter 13, which is included, with attachments, instead of repeating the material in this memo. According to this correspondence, the Troy City Council designated the property at 2955 Quail Run as a historic district on February 13, 1984. Ms. Harris-Freeman challenges that the failure to appoint an independent historic district study committee prior to this designation was procedurally flawed. This would be true under the current version of the state law (MCL 399.201 et. seq.), which has been amended. However, under the 1984 version of the law, there was no explicit requirement to appoint an independent study committee to perform the necessary studies before a property could be designated as a local historic district. Under Troy's ordinance, Chapter 13, the Historic District Commission was authorized to act as a study committee, which it did. This was not in direct conflict with the governing state statute.

The minutes from the February 13, 1984 Troy City Council meeting, as well as the minutes from the November 11, 1983 Planning Commission Meeting, verify that all other requirements of Troy's Ordinance, Chapter 13, as well as section 3 of the state statute (Local Historic Districts Act) were satisfied in the designation of 2955 Quail Run, known as the "Trowbridge House" or the "Strawberry Hill Farm," as a historic district. The information set forth on the "Building-Structure Inventory Form" reveals that the Historic District Commission conducted the required studies and research, and reported on the historical significance of the buildings, structures, features, sites, objects, and surroundings in the local unit. Additionally, the City Council held a public hearing prior to establishing the property as a local historic district. Although today's version of the law requires a public hearing before an independent historic district study committee, members of the public were given an opportunity to provide comments on proposed historic district designations prior to the final action by City Council in 1984. At a minimum, both the spirit and intent of the law were satisfied by Troy's process.

Ms. Harris-Freeman also erroneously relies on the current version of the state statute in challenging the historic district designation. Under the current version of the statute, the historic district designation must be recorded with the Oakland County Register of Deeds. With the recent amendments to Chapter 13, this recordation was recently accomplished. However, the 1984 version of the law did not expressly require recording with the Oakland County Register of Deeds.

As such, it is our opinion that the procedure followed upon the initial designation was in compliance with both state and local law.

Under the provisions of Section 14 (d) of Chapter 13, the Historic District Study Committee is required to carefully examine Ms. Harris-Freeman's arguments to determine whether any of the following apply, which may justify removal of the property as a designated local historic district:

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

Please let us know if you should have any questions.

September 27, 2006

Carl and Charlene Harris-Freeman
2955 Quail Run Drive
Troy, Michigan 48098

Re: Troy Zoning Matter

Dear Carl and Charlene:

Following is a copy of the memorandum that I prepared for you and which you presented to the Troy Historic District Study Committee regarding the delisting of your house as a single resource historic district.

BACKGROUND

Charlene Harris-Freeman (the "Petitioner") is the current owner of the house and property located at 2955 Quail Run, Troy, Michigan (the "House" or "Property"). In 1984, the City designated the Property as a historic district allegedly under the authority of the Local Historic Districts Act, MCL 399.201, et seq. ("LHDA"). The City designated the Property for its alleged association to Stephen V. R. Trowbridge ("Trowbridge"), an early settler of Troy Township, who originally owned the entire Northwest ¼ and part of the Southwest ¼ of section 18. According to land and tax parcel records, Trowbridge obtained the approximately 203 acres under an 1821 land patent from the U.S. government and a deed from his brother, who also obtained his portion of the Northwest 1/4 of Section 18 under a U.S. patent. The City claimed when it created the historic district that Trowbridge built the existing house, around 1830. The City had no proof that Trowbridge built the House or the year in which it was built. In the past, there were several different structures on the land including a barn, stables, outbuildings and other unknown structures. The City's history of the site sheds no light on who built the structures, including the House, when they were built, when they were removed and who removed them.

The Petitioner has discovered from her and her husband's own extensive and thorough research, as more fully discussed later in this memo that Trowbridge could not have built or resided in the existing House. The facts demonstrate that the Trowbridge family likely sold all the land by the late 1800's. The purchasers of the land began platting and otherwise splitting up the estate in the late 19th and early 20th centuries leaving the existing house on a small fraction of the existing estate in a platted subdivision.

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According to the provisions of the Local Historic Districts Act, MCL 399.214 (“LHDA”), the Petitioner first requested on July 31, 2003 that the Historic District Study Committee (“Committee”) recommend that the City Council eliminate the Quail Run Historic District (“Quail Run”) from the City of Troy Historic District Ordinance. Under the LHDA, a city may eliminate a historic district if: 1) it no longer has the physical features that justified the creation of the district; 2) the historic district is not significant in the way the city had originally designated it, or 3) the city used defective procedures to establish the district. MCL 399.214(i)-(iii). The fulfillment of any one of these criteria justifies eliminating a historic district.

The City should formally eliminate the Quail Run district because it never met the criteria for a historic district, it did not have the physical features to justify the designation, and the City clearly used improper procedures when designating the property in 1984.

Technically, there is no district to eliminate because the City never legally established the purported district as fully discussed below.

I. The City Used Defective Procedures When It Purported to Establish the Quail Run District

The City has no inherent authority to regulate property based upon its alleged historic value, but gets that authority from the LHDA. *Draprop Corp. v Ann Arbor*, 247 Mich App 410, 421, n6 (2001). The LHDA mandates specific procedures for establishing a historic district. The City failed to follow these mandatory procedures and consequently never legally established the purported Quail Run district.

The City’s first fatal mistake is that the City Council never appointed a historic district study committee to recommend the establishment of the District. The LHDA, since its inception in 1970, has always required that a city council appoint the historic district study committee to establish a historic district. The City’s historic district ordinance in effect in 1983-84 failed to incorporate this mandatory provision from the LHDA and instead purported to authorize the Historic District Commission (“HDC”) to recommend the establishment of historic districts. The HDC and Study Committee are two distinct bodies and the LHDA imparts no authority to the HDC to establish historic districts. The HDC has never had any power or authority to recommend the establishment of a historic district and its attempt to do so is *ultra vires* and therefore invalid.¹

¹ The agency that administers the LHDA has also opined that the HDC cannot serve as the study committee. See “A Guide to Michigan Local Historic Districts Act, Michigan Historic Preservation Network and Michigan Bureau of History (1992). Amy Arnold, who oversees local historic districts for the Michigan Historic Preservation Office has also confirmed that “A historic district commission has never had the authority to establish local historic districts”... A historic district commission cannot designate a local historic district and never could. “ (EXH)

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Although, the City's failure to appoint a historic district study committee alone invalidates the Quail Run district, the City also failed to follow several other crucial procedures when it wrongly designated the Quail Run district.

The LHDA also requires that the study committee conduct research regarding the areas that it proposes for establishment as a historic district and then prepare a preliminary report with its recommendation whether to establish a district. The Committee must transmit the preliminary report to the local planning commission, the Michigan Historic Commission, and the State Historic Advisory Council for their review and recommendation.

Instead of appointing a study committee to conduct the research and make the required recommendation, the City's records reveal that a single member of the HDC, Dorothy Scott ("Scott"), filled out a document entitled "Building-Structure inventory form" (the "Form") in which she made unsupported representations regarding the history and significance of the Quail Run property. Importantly, no evidence exists that Scott or the HDC submitted the Form to the Michigan Historic Commission and the State Historic Advisory Council as plainly mandated under the LHDA.² It is also a stretch to characterize the Form as the preliminary report required under the LHDA.

The LHDA further provides that the study committee must hold a public hearing that complies with the Open Meetings Act, MCL 15.261, et seq. 60 days after transmitting the preliminary report to the appropriate bodies. It is indisputable that the third major procedural error that the City committed when purporting to form the Quail Run district is that the Committee, which did not even exist, failed to hold the required public hearing at the required time. The purpose of waiting more than 60 days to hold the committee meeting is to give the reviewing bodies a chance to comment on the preliminary report before the Committee holds its required public hearing.

According to City records, on October 5, 1983, the Troy Historic District Commission held a meeting at which four out of eight members voted to pass a resolution that "the new site survey on the Trowbridge House, 2955 Quail Run, Troy, Michigan 48084, be submitted to the City Council for consideration as a historic district." There were apparently eight members on the HDC, but four were absent. The HDC did not conduct any other business that evening because of the lack of a quorum. The chair called the meeting to order at 7:45 p.m. and adjourned it at 7:49 p.m. It appears, therefore, that the HDC spent a total of 4 minutes on the resolution to recommend Quail Run as a historic district. There is also no proof that the meeting was a public hearing held in compliance with the open meetings act or that the HDC held the hearing 60 days after transmitting the preliminary report to the appropriate reviewing bodies.

² According to the Petitioner's research, the State has no record of Scott's Form. (Exh)

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The HDC, in fact, transmitted its *ultra vires* recommendation to create the historic district to the Planning Commission after rather than before holding its hearing, as required under the LHDA. The Planning Commission apparently considered the HDC's invalid resolution at their regular meeting of November 8, 1983. Former Planning Director, Lawrence Keisling, wrote a memo to former City Manager, Frank Gerstenecker, informing him that the Planning Commission had no problem with the designation and had passed a resolution to recommend to the City Council that it designate Quail Run as a historic district. The memo contains no discussion regarding the basis for, or merit of, designating the House as a historic district.

The City Council held a public hearing on February 13, 1984 at which it considered the recommendation for designating the House as a historic district. Under the clear terms of the LHDA, the study committee must submit its final report to the planning commission and the city council before the city council acts on a recommendation to enact an ordinance to establish a historic district. Even if the HDC could have substituted for the study committee, which it clearly could not, it also failed to prepare and transmit the final report to the City Council. Moreover, the minutes from the meeting reflect that the City Council passed a resolution to adopt an ordinance to designate the Quail Run House as a historic district without any substantive discussion concerning the merits of forming a district.

It is clear, therefore, that the City's procedures for designation of the House as a historic district were completely defective as follows:

- The City failed to appoint a study committee;
- Instead of appointing a study committee, the City, contrary to law, purported to authorize the HDC to make recommendations on the formation of historic districts;
- The HDC, which had no power to act, further failed to prepare a factually accurate preliminary study;
- The HDC then failed to transmit the "preliminary report" to the proper state authorities;
- The HDC failed to submit the preliminary report to the planning commission before holding its defective hearing;
- The HDC also failed to hold the required public hearing at the proper time and passed the resolution to recommend the historic district without any substantive discussion or even a quorum; and

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- The HDC also failed to prepare and submit a final report to the City Council before it enacted the purported ordinance establishing the historic district.

In *Draprop, supra*, the Court cautioned that a city must follow the statutory requirements of the LHDA and act within its ambit, in order to create a valid historic district. The Court reasoned that the legislature required strict conformance with the LHDA to balance the protection of individual property rights with the aims of historic preservation. *Id.* at 416. The Court held, “[a]lthough the LHDA gives local government the authority to regulate private property for historic preservation purposes, such authority must be exercised in keeping with the mechanisms set forth in the act to maintain the careful balance between public and private interests.” *Id.*

The Michigan Supreme Court has also held in a different but analogous situation, that the failure to enact a zoning ordinance according to the legislatively mandated procedures can result in the invalidation of the ordinance regardless of the passage of time between enactment and the challenge to the procedural defects. *Castle Investment Co. v. City of Detroit*, 471 Mich 904 (2004); See also *Village of Lincoln v. Viking Energy of Lincoln*, Supreme Court #127144 (January 27, 2006).

The LHDA provides that the city council may eliminate a historic district when the local unit has created it contrary to the required procedures. The City’s argument that it complied with the Act “in spirit” is both erroneous and unavailing because the LHDA requires strict rather than substantial performance to create a valid district. Moreover, the City’s designation was so riddled with fatal errors that it was void *ab initio* and the purported district simply does not exist.

II. No Factual Foundation Exists to Support the Alleged Significance of the Purported Historic District

The City not only failed to follow the mandated procedures in its invalid attempt to create the Quail Run district but there was never any legal basis to designate the House as a historic district.

First, under the LHDA, as it existed in 1984, there was no statutory basis to create a single resource historic district. The *Draprop* court held contrary to the Michigan State Historic Preservation Office’s (“MSHPO”) opinion that the most recent amendments to the definition of “historic district” in the LHDA do not permit single resource districts, per se. A discontinuous historic district may contain a single historic resource, but that historic resource must be connected to other resources, if not geographically, then in other required ways to form a valid historic district.

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Even if the MSHPO were correct that it is lawful to designate single resources as a historic district, the Quail Run house does not fit the MSHPO's criteria for a single resource historic district. The MSHPO has opined that a qualified single resource district must meet the criteria for designation under the National Register of Historic Places. To meet the national standards for inclusion in the Register, a qualified single resource must be an outstanding example of architecture, such as a Frank Lloyd Wright house, or the home of a nationally prominent person. See "Local Historic Districts in Michigan," State Historic Preservation Office, p.20.

Even if a district may contain a single resource, therefore, the Quail Run House does not meet the stringent criteria for designation. First, although Trowbridge has roots in the history of Troy Township, that lineage or association alone is not sufficient to meet the criteria for a single resource district under the National Register criteria. More importantly, there is no proof whatsoever that Stephen V. R. Trowbridge built or ever occupied the existing House. Scott claimed that Trowbridge allegedly built the house in approximately 1830, but the Petitioners have undisputable evidence that Trowbridge could not have built the house in 1830 and that whoever built the House did not construct it until at least 1880-1895. This was long after any Trowbridge lived on the land let alone in the House.

Stephen Trowbridge died in 1859. The land and tax parcel records show that Guy Maxwell Trowbridge, the son of Stephen and his wife Elizabeth, who died in the 1870's, obtained title to the land around 1861-1862. According to census data, Guy Maxwell Trowbridge moved from Troy to Pontiac between 1870 and 1880. Although the land records are incomplete, they show that Trowbridge sold 40 acres of the estate to Beach, which deed someone recorded in 1878, after Trowbridge's death. The land records do not show when Trowbridge sold the balance of the land and to whom, but in 1890 persons other than Trowbridge began transferring title to the remaining approximately 168 acres. A Troy Township tax parcel map dated 1896 shows that Frederick Joy owned the remaining 168 acres. The tax parcel maps from 1872 to 1916 also show various structures on the site, whose number changed between the 1872, 1896, 1906 and 1916 maps. There are blueprints dating from 1916, which show that the owner of the House at that time, Alexander Copland, made extensive renovations and additions to it.

There is no evidence demonstrating who built the original structure, but the House itself reveals that nobody could have built it until shortly before Copland made his changes to the structure in 1916.

The Petitioners contacted Robert McKay, who is a historic architect with the State Historic Preservation Office. Mr. McKay opined that the house likely was not built until the 1880's or later based upon the architectural style of the house and the materials used in the construction of the house. The style of the house is classic Colonial Revival, which was not built in Michigan until the late 1880's. Most significant is that the House was constructed with wire nails, which were not manufactured until 1880 and were not used widely until the middle 1880's. McKay also cited other factors that dated the house to the 1880's or later such as "the use of

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single species standard dimension lumber; sawn lath to support the plaster; and continuous balloon framing from the foundation to the attic. McKay commented that despite the length of time that the Detroit area had been settled in the 1830's these types of off site manufactured building products would have been in very short supply if available at all. McKay also mentioned other historic architectural facts in discussions with the Petitioners that date the house much later than 1830. These facts include: there are no hand hewn beams typical of construction up to the 1880's; the windows are double sash, which is indicative of the late 1800's to early 1900's; the fireplaces are designed for coal, which dates to the post civil war era; and the sub-flooring is on a diagonal, which is a building method that was not used until the very late 1800's. McKay concluded based on the evidence that construction of the House more likely dates to between 1885 and 1895.

The Petitioners also obtained an opinion from Historic Architect, Gerald J. Yurk, AIA, who inspected the House, the method of construction and materials incorporated in the structure and also concluded that the House likely was constructed from the 1870's to the 1880's. (EXH)

There is no proof therefore that the House has any relationship to Stephen Trowbridge. The only connection to Trowbridge is that the House is situated on a small fraction of the land that Trowbridge once owned in 1821, but as shown below, that unremarkable and irrelevant fact also applies to the many modern houses located within the Northwest $\frac{1}{4}$ and part of the Southwest $\frac{1}{4}$ of section 18 in modern day Troy.

III. The Site Has Never Had the Appropriate Physical Features To Enable the Establishment of a District

The original Trowbridge Estate contained approximately 200 acres. The land title records show that Trowbridge's immediate heirs and descendants recorded in 1876 the sale of 40 acres of the original estate to Beach. By 1872, G. M. Trowbridge, had title to the remaining approximately 160 acres, which he had disposed of by at least 1896.

In the early 1900's, the owners of the land further split the remaining acreage into a 100-acre and 68-acre parcel. Alexander Copland purchased the 100-acre parcel in 1915 and Justin Bradway purchased the 68-acre parcel in the same year. Beginning in the 1920's, developers platted and further divided the 68 acres. In the 1940's and 50's, the platting and splits continued with the development of the 100 acres that Copland purchased.

In 1978, the owners of the House and the remaining approximately 30 acres, which was once part of the Copland 100 acres, sold most of the land for the development of the Strawberry Hill and Strawberry Hill I subdivisions. The developers included the House in the first recorded Strawberry Hill plat.

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After all these changes to the land and surrounding area over the last many years, the setting of the House no longer recalls a definable time in history that provides insight into Troy's past heritage as a farming community when it was first settled by persons such as Stephen Trowbridge. The House, while lovely, is located on a lot that has no visual connection to the original Trowbridge estate of which no pictorial history even exists to document the alleged historic value of the Quail Run Property. When the City in 1983-84 made its failed attempt to designate the Property, it was already located in a modern subdivision and the prior owners had already removed the outbuildings and barn. The physical setting of the House, therefore, long ago lost all integrity in the way of feeling or association and has no identifiable history to communicate. The continued designation of the House, therefore, is invalid.

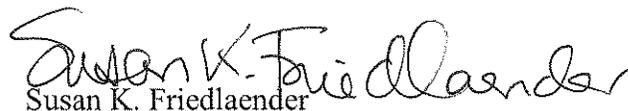
If the City wants to honor the location, it could petition for a state historic marker, but the House does not meet the criteria for designation as a historic district.

CONCLUSION

The City should eliminate the Quail Run House as a purported historic district because there is absolutely no justification to designate the Property as historically significant. The designation is, in any event, void because the City utterly failed to designate the House according to the mandated procedures. The Petitioner, therefore, urges the City to eliminate the district and remove the cloud of the invalid designation from the property.

Very truly yours,

HONIGMAN MILLER SCHWARTZ AND COHN LLP


Susan K. Friedlaender

OAKLAND.1172081.1

dcfreemanad5728@sbcglobal.net

From: "Bob Christensen" <ChristensenRO@michigan.gov>
To: "Carl Freeman" <cfreeman@sun.science.wayne.edu>
Sent: Wednesday, March 22, 2006 4:34 PM
Subject: Re: home qualificaion for national historic register

Vinyl shutters, asphalt shingles, and the chimney repairs, while not appropriate, seem like minor stuff, but vinyl siding is more of a drawback. Synthetic siding doesn't necessarily disqualify it, but is a strike against eligibility (siding was not obvious in the pictures). We look at the overall historic significance and then evaluate the integrity in relation to how important the place is -- in general, the more important, if for reasons other than the architecture, the more flexibility there might be on the integrity issues. We're trying to look at the whole picture, how important the place is and whether enough historic character is left from the important period of its history to reflect that history.

I don't know enough yet whether to drop Trowbridge. If something directly associated with his brother Charles were still around, that would be a big deal because Charles was a big deal. Stephen I just don't know without more info.

In relation to architecture, you indicate you have plans for the early 20th-C renovations. How closely does today's house, aside from the changes you've mentioned, reflect what shows in the plans? If an architect or firm is listed, who is it? These things will help some with an evaluation of that aspect of the possible significance.

>>> "Carl Freeman" <cfreeman@sun.science.wayne.edu> 3/22/2006 3:02 PM >>>

Bob,
Dear Bob,

Thank you so much for taking the time to review the materials we sent. You have raised a number of very good questions and I agree that any meeting tomorrow would be premature. I will endeavor to answer your questions before requesting another meeting. I do have some additional questions:

- 1) Wouldn't the vinyl siding, vinyl shutters, asphalt shingles preclude national designation? When Williams owned the home the siding and shutters were wood and the shingles were cedar? One of the chimney's was repaired in the 70's not in the style of the other earlier period, do these disqualify the home?
- 2) Would you abandoned trying to link the home to Trowbridge as the historic figure?

In terms of significant historic figures we always have the wrong Trowbridge S.V.R.'s brother Charles was Mayor of Detroit and played a major role in Southeastern Michigan-- had a Great Lakes freighters named after him, knew Gov. Cass well etc. S. V. R. was the smaller fiddle in that generation. In the next generation, Guy Maxwell Trowbridge also did not play a prominent role in Michigan or Troy in particular. He moved to Bloomfield Hills after selling the farm. I have searched high and low for information on Alexander Copland, and found nothing. However, you are correct, Copland did the majority of the renovations. We know this because we have the blueprints

from his architect. It is not clear that Copland even lived in the house. It appears to me, that Copland used the big house for the farm hands. The whole first floor seemed to be set up for dining and moving a large group of people through. As near as I can tell, Perry Williams raised horses, played polo, farmed. Neither husband nor wife, in this case, played major civic nor cultural role. have attached a photo of the chimney.

Many thanks for all of your help

Carl

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

From: Bob Christensen
Date: 03/22/06 12:10:49
To: Carl Freeman
Subject: Re: home qualificaiton for national historic register

I understand that your issues are concerning the local historic districting. My role here will be to review your property against the criteria for listing in the National Register of Historic Places. You'll need to speak to Amy Arnold concerning questions you have about the local historic districting process -- she's the authority/expert on that, I'm not.

The inventory forms you emailed and faxed me state that the original part of the house was built as the residence for Stephen Van Rensselaer Trowbridge around 1830 and that additions were made in 1906 and 1916 while the property was owned by Alexander Copland. The historic and current photos you provided show a large 2-story side-gable main section with two extensions at one of the narrow ends. The historic photos don't show the detail clearly but the extensive porches appear to be Colonial Revival alterations presumably from the early twentieth century. I note that in the two historic photos the 1st and 2nd-story windows at each end of the facade in the main section are grouped together, with a pair of windows with wall section between them at each end of the facade on each floor. The windows, at least on the front side, are now placed in groups of two, side-by-side -- a common Colonial Revival feature in the early 20th C. The large chimney stacks at each end of the main section and dormers also appear to be alterations adding to the Colonial Revival styling.

We currently have no site file information for your house and no copy of a local study committee report on file; thus the only information we have is what you provided yesterday. Before we can evaluate whether the house appears to meet the national register criteria, we would need copies of source material that provides documentation of the house's history. What documentation is there for when Trowbridge purchased the land and for the date of construction? Are there accounts of Trowbridge's life or other early history accounts in history books or elsewhere that make mention of

the house and date of construction? Are there tax records that provide support for the early 1830s date of construction (these would be with the city or county or, more likely, at an archival repository such as the regional ones at Oakland University or the Bentley at U-M or the Archives of Michigan here in Lansing)? It is possible, even likely, that a smaller and more simple house might have been replaced some years later with a more impressive building. In sum, what is the actual evidence, documentary and structural, that the house dates back to Trowbridge's lifetime?

The information makes the blanket statement that "Later owners do not have historic significance." In evaluating significance, we always need to know something about subsequent owners who owned it for long periods of time during the period more than fifty years ago. Who were Guy Maxwell Trowbridge, Alexander Copland, and Perry Williams? Just because somebody way back when focused on Trowbridge doesn't mean none of the later owners were important, too.

The house's historical significance (if it has any) could relate to the association with one or more of the owners and/or to the architecture. I don't see anything in the photos that absolutely militates against the house being eligible for the national register based entirely on its architecture (the louver is really minor in the overall context). As it stands today, from what I can see from the photos, the house seems a pretty interesting example of the Colonial Revival of the early 20th C. Exterior and interior changes done in the early 20th C. would not reduce the "integrity," in that event. If the entire significance is the association with Trowbridge, those changes become important ones that detract from the house's looking like it did when T lived there. If later owners, especially Copland, who presumably had much of the "colonialization" done, are part of the house's significance the alterations don't detract from the house being eligible.

So -- the bottom line at the moment is that I can't give you anything like a definitive opinion on whether the house is national register-eligible without a lot more info than I currently have. I see no point in us meeting about this tomorrow. I can't help you with your issues concerning the local districting. And I can't offer you even an opinion about eligibility at this point.

>>> "Carl Freeman" <cfreeman@sun.science.wayne.edu> 3/21/2006 3:10 PM >>>
Bob,

Thank you so much for taking the time to talk and meet with me. Attached please find a word document with photos. The document relates to our home, which is known as the Trowbridge house. We will fax you the documents that the City used to designate the house. What you have here is a bit more information. The older pictures were scanned from a collection of the grandson of Perry Williams. Perry purchased the house in 1936 from the second family, (Alexander Copland) to own the home. Copland bought it from the Trowbridges in 1885. I have included two recent photos as well.

The significance of the home is its association with S. V. R. Trowbridge.

S. V. R. came to Michigan in the 1820's and settled in Troy. He served in the second and third territorial council. He was the supervisory of Troy-- I believe four times. He also served in the State a few times. By all accounts he was a good citizen in the community and highly respected.

We believe our home should not be designated because it:

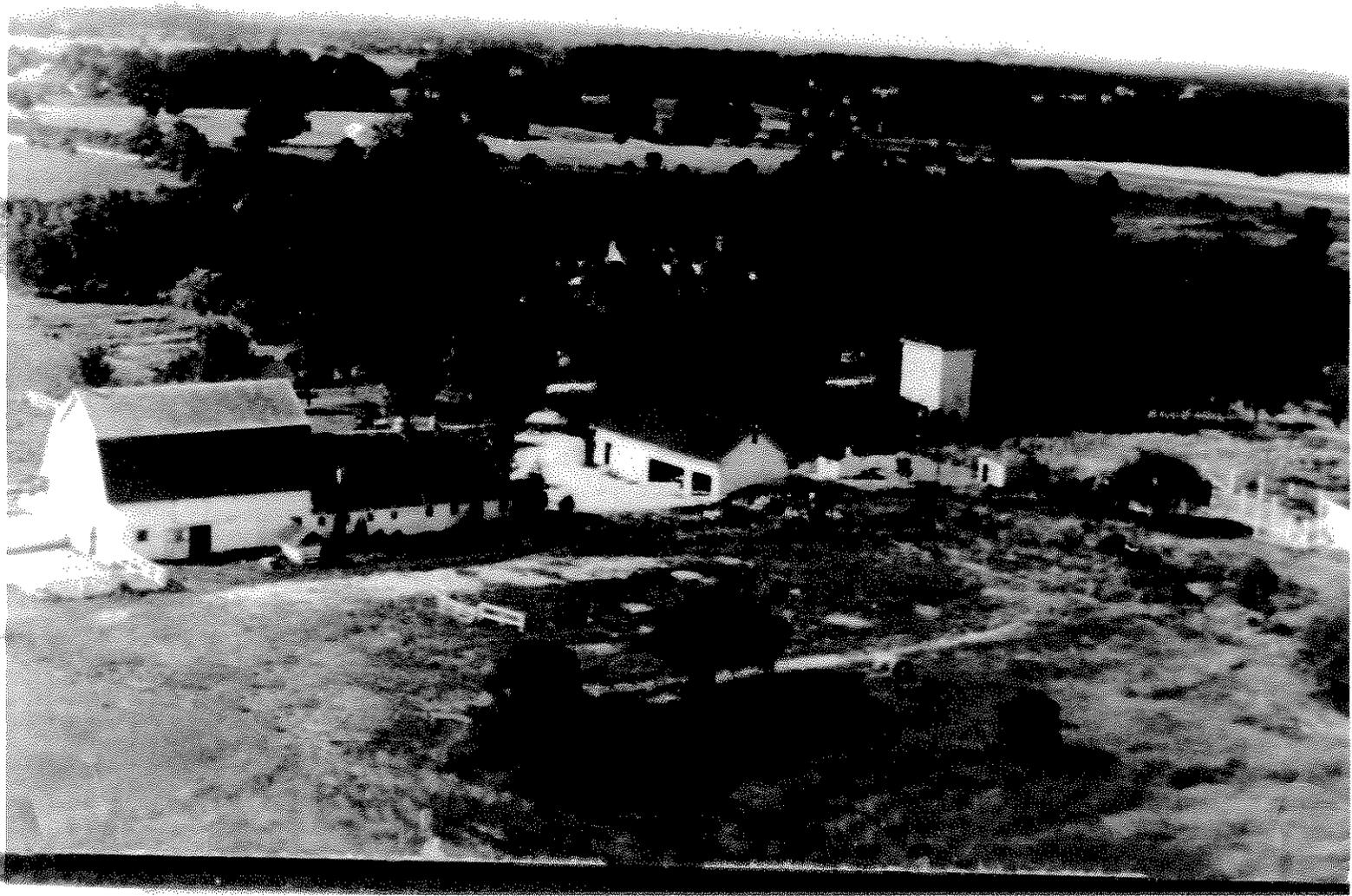
- 1) Was designated without study by a historic district study committee;
- 2) Is not in a multiple resource district (the closest related buildings are miles away and the current structure is surrounded by subdivisions);
- 3) Cannot be a single resource district unless it qualifies for inclusion on the National Register of Historic Places--hence our requests of you;
- 4) Lacks integrity as specified by the Sec. of Interior. Specifically, the roof and siding have been replaced; the chimney's have been repaired improperly; all the out-buildings have been razed, the interior has been reconfigured from Trowbridge's time; the home was built over three periods (1831, 1906, 1916). Now the kitchen is in the newest portion of the house; the shutters are now vinyl.

However, the above notwithstanding. If our home does qualify then we probably will seek National Designation.

Thank you for your time and efforts

Sincerely,

Carl Freeman

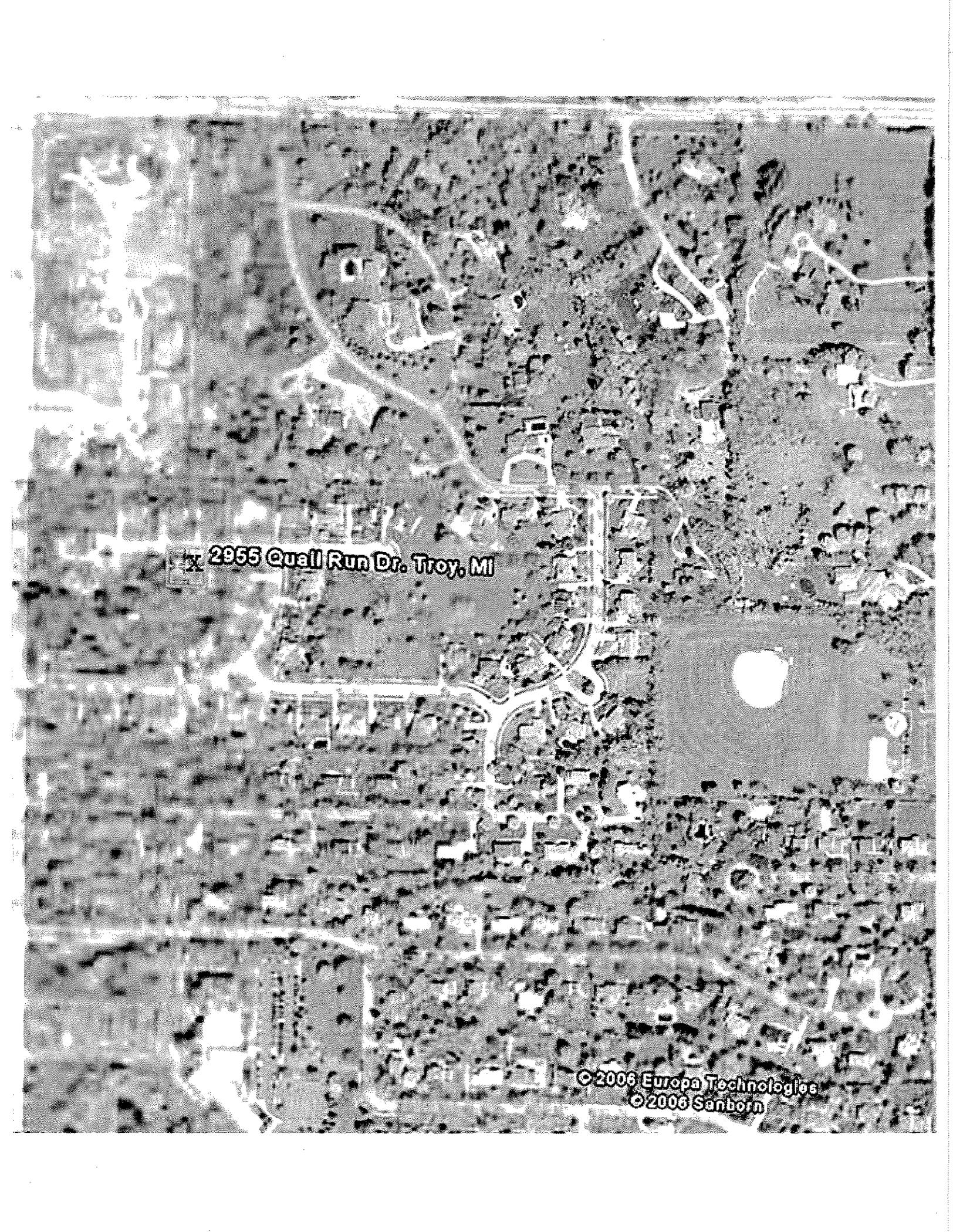








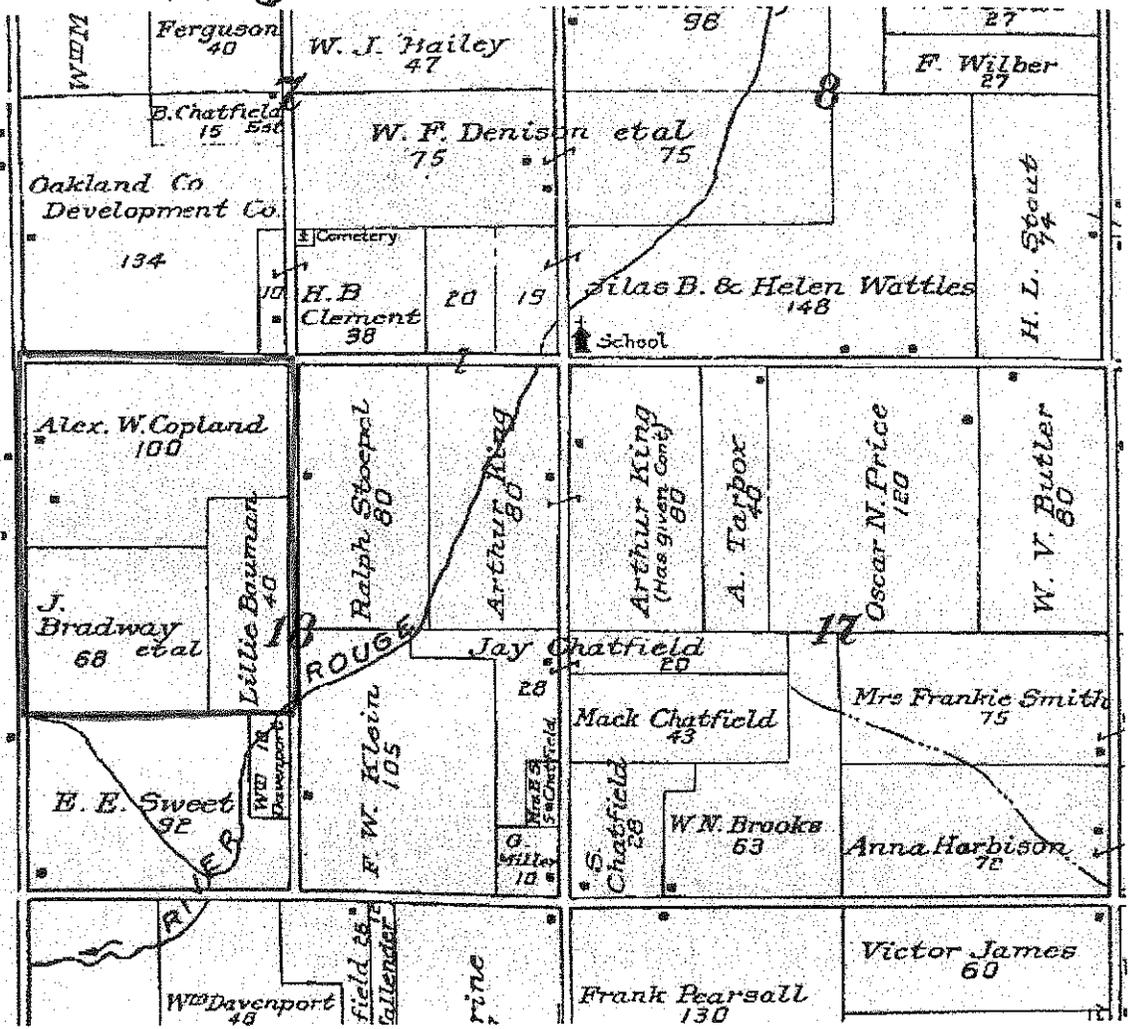




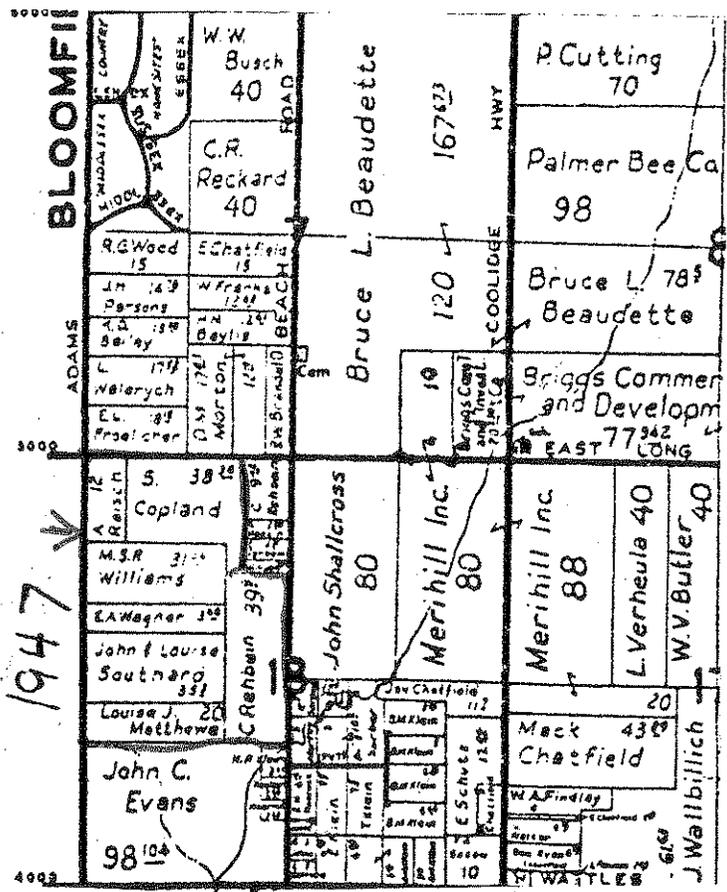
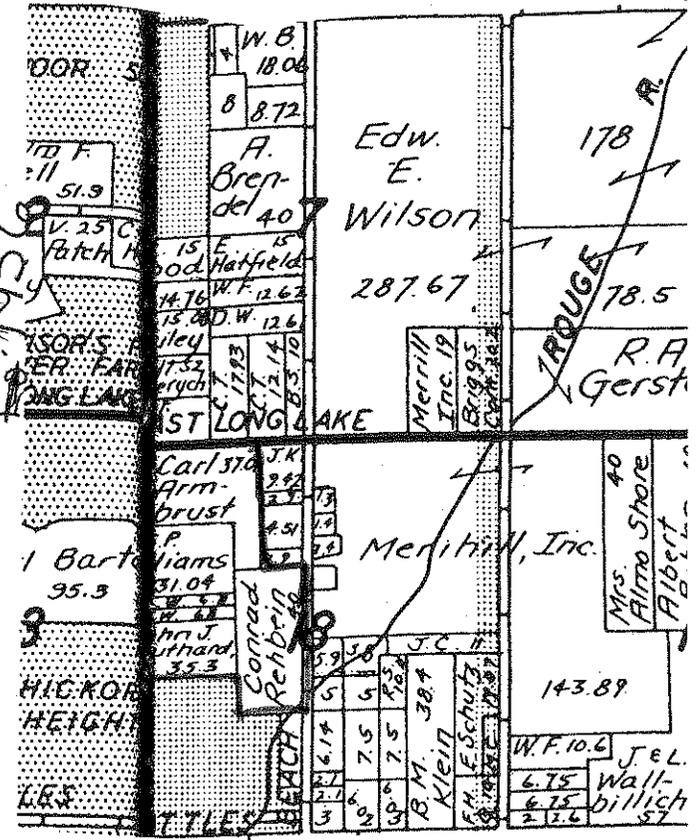
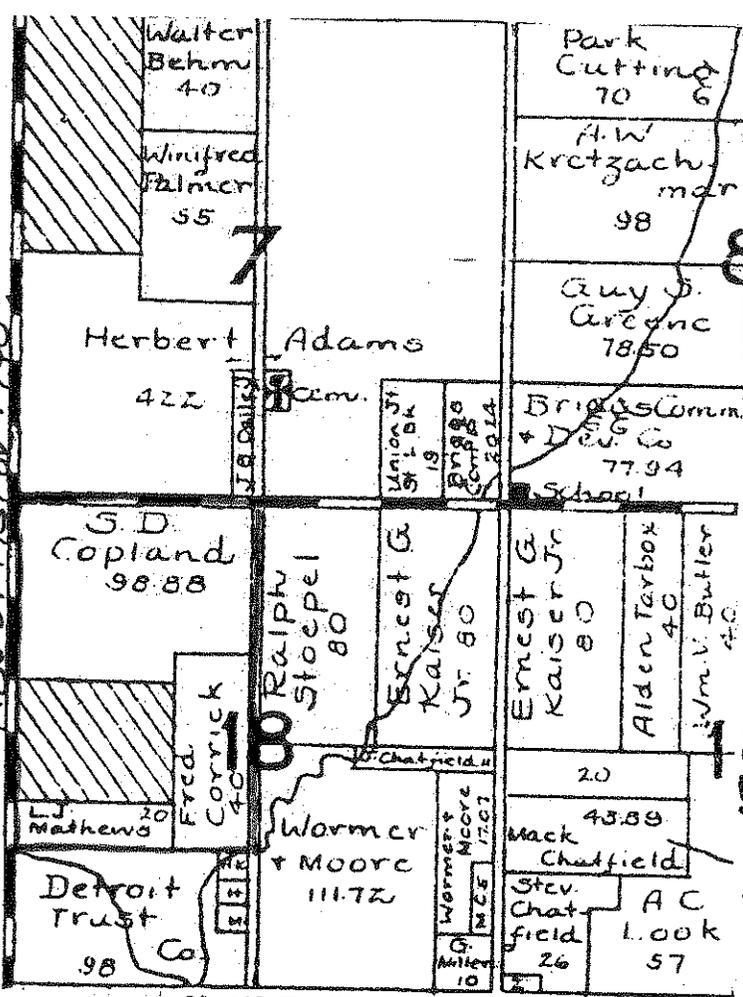
2955 Quall Run Dr. Troy, MI

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1916



1930 or 1937 or 1940



1947

Family History:

Pertinent information concerning the history of your family and its origin, contributions to the community, hobbies, marriages, occupation, special honors, and anything else you wish to be remembered for future historians. Use no more than four pages, typewritten. Standard size pictures may be included.

STEPHEN V. R. TROWBRIDGE ^{"Strawberry Hill"}

Calhoun

Member of the Legislative Council from Oakland County, 1828; and Senator from the Third District, 1839-41, and from the Sixth District, 1842. Was born at Albany, N. Y., July 4, 1794. He was married to Elizabeth Conkling at Horseheads, N. Y., in 1815, and came to Michigan in the fall of 1821. He settled for life on a farm, purchased of government, in Troy, Oakland County. He was the first Supervisor of Troy in 1827, and held that position in 1828, and four terms afterwards. His home was headquarters for early emigrants coming to Troy. His services for the town and State were of a high order, and he identified himself with every project calculated to benefit society. The family of eleven children imitated his example. Among them were Charles A., a New York merchant; Rowland E., long in Congress; William P., professor in Yale College; General Luther S., of Detroit; and Guy M., [redacted]. One of the daughters was the wife of Rev. Mr. Goodell, long a distinguished missionary in Turkey. He helped organize the Presbyterian Church in Troy, and was an elder. He was always a staunch friend of temperance, and an active Christian. In politics he was a Whig and Republican. He died Mar. 1, 1859.

XX Guy M. Trowbridge remained under the parental roof until he reached his majority. He then settled upon a farm in Troy, which he managed for about four years, and then removed to the old homestead of his father after the latter's death and continued farming there for twenty-one years. His marriage took place October 16, 1855. He was then united with Miss Emily Ostrander, daughter of Simcon

and Hannah (Fellows) Ostrander, whose home was in New York State on the banks of the Hudson. Mrs. Trowbridge was born in Columbia County, N. Y. In 1885 Mr. Trowbridge sold the farm in Troy and removed to Pontiac, and purchased his present farm of one hundred and seventeen acres, situated within the corporate limits of the city. Here he has a good brick residence and excellent outbuildings, all desirably situated.

Three children have blessed the union of Mr. and Mrs. Trowbridge, namely: Carrie C., who is the wife of Gordon Benedict; Louis O., a salesman for a marble works; and Emily P., still a school girl. Mr. Trowbridge served as Supervisor of Troy Township for several years. He was appointed Deputy United States Collector of Internal Revenue for the First District of Michigan with headquarters at Pontiac. During the time his brother was Collector. Politically, he is a staunch Republican, casting his first Presidential vote for John C. Fremont and his last for Benjamin Harrison. He has been a member of the Presbyterian Church since 1860, and Elder in the same and serves as Superintendent in the Sunday-school.

1891

past nine years, and in the meetings of the Council shows an interest in the lasting good of the city. Politically he is a Democrat, and he and his wife have their religious home in the Presbyterian Church.



GUY M. TROWBRIDGE makes his home in Pontiac, Mich., and was born in the township of Troy, Oakland County, January 31, 1834. He is the son of Stephen V. R. and Elizabeth (Conklin) Trowbridge. The father was a native of Albany N. Y., where he was born July 4, 1794. The mother was born at Horseheads, near Elmira, N. Y., May 22, 1797. The Trowbridge family were early settlers of Central New York. The parents of our subject were married January 25, 1815, and made their home at Horseheads for about six years.

It was in 1821, that Stephen Trowbridge and his wife established their new home in Troy Township, Oakland County, Mich. Stephen had come in the previous fall and walked all the way from Horseheads through Canada to Detroit, Mich. Here he had hoped to find a brother, C. C. Trowbridge, who had made his home here in 1818, but on reaching Detroit, he found that his brother had gone East on horseback through Canada and they had missed one another on the way. He came out to Oakland County and looked about and bought eighty acres of land from the Government. He then returned East and transported his family to Buffalo where they took passage on a vessel, which was called "Walking in the Water." On this they made their voyage to Detroit and thence to Oakland by ox-team. The first twelve miles out of Detroit passed through a black swamp. The load was heavy and the teams stuck in the mud. Mrs. Trowbridge descended from the wagon and with her baby boy in her arms walked for eight miles. At one time while the teams stuck fast in the mire a stranger came along and found Mrs. Trowbridge sitting by the roadside with a baby in her arms and a little one at her knee. The stranger asked, "are you not discouraged? She said, "Oh, no, not much, I think we will get through all right." The family found

on their farm a log house 14x14 feet. Here they were sheltered until a more comfortable home could be erected.

Surrounded by Indians and with but few white neighbors Mr. Trowbridge went to work to clear the little farm. He improved it and added to it until he had two hundred and ninety acres in a fine condition. Besides general farming he carried on stock-raising, as the range for cattle was at that time extensive and the Indians kept the underbrush well burned off. Game was plentiful and the family was well supplied with wild meat. Wild turkey abounded and fishing was good. Mr. Trowbridge died in March, 1859, and his wife survived until 1873. They were the parents of eleven children, all of whom lived to establish families of their own.

Stephen V. R. Trowbridge was an adherent to the Whig party and yet a particular friend of Gov. Cass. He was Supervisor for a number of years and was a member of the Territorial Legislature. He was appointed by Gov. Cass to handle the annual payments which were made to the Indians. President Taylor appointed him Mineral Agent of the Lake Superior Mines, which position he occupied for three years. He and his wife were members of the first Presbyterian Church organized in this county, in which he was for many years an Elder. The names of his eleven children are: Julia C., Mrs. Charles Hastings; Charles A., deceased, was a merchant in New York City; Elizabeth, Mrs. Caleb Hammil; Roland E., deceased; Kate, widow of Rev. Edwin Goodell—they were missionaries to Turkey; Edmund, deceased; William P., Professor of Mathematics in Columbia College; Tillman C., deceased, was a missionary to Turkey; Guy M.; Luther S., an attorney at Detroit; and Augusta S., wife of William S. Albertson, a merchant at Duluth, Minn.

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There are six great-grandchildren of
Stephen U. R. Trowbridge, who are also
grandchildren of Guy Maxwell Trowbridge of
"Strawberry Hill" Living Now:
Children of Emily Trowbridge Gail.

1. Dorothy, Mrs. Lance C. Minor of Birmingham
2. Maxwell Trowbridge Gail of Bloomfield Hills
3. Stephen Trowbridge Gail of Indian Village, Detroit
4. William Henry Gail of Lapeer, Michigan
Daughter of Carrie Trowbridge Benedict:
↓
5. Pauline, Mrs. Stephen Tallman, of W. Orange, N.J.
Daughter of Lewis Trowbridge;
6. Marguerite, Mrs. Robert S. Allen of Lubbock, Tex.
' and their children

1. a. Lance C. Minor, Jr - married Barbara Round
- b. William G. Minor - married Betty Kaye Aldred
- c. Emily Gail Minor - married Douglas W. Roberts

2. & 4. See another pp.

5. a. Gordon Benedict - Marian

6. a. Robert Allen - Annis

 b. Richard Allen - Keith

 c. Stephen Allen - Tommye

The many children of the
fine parents and grandparents
above are growing up knowing that
character counts more than possessions
and to be is more important than to have

Sigt. to name - the Stephen U. K. Trowbridge family of Strawberry Hill, Troy;

Top Row:

- 7 Tillman Conkling (1831-1888)
married Margaret Riggs - 1861
- 8 Guy Maxwell (1834-1900)-
married Emily Ostrander - 1855
- 4 Katherine Jones (1823-)
married Reverend Edwin Goodell 1855
- 1 Charles Augustus (1817-1889)
married Mrs. Adelaide (Rose) Sayre 1873
- 3 Rowland Eberzes (1821-1881)
married Mary A. Satterlee - 1851

Lower Row:

- 5 Edmund (1825-1873)
married Cornelia A. Lyau - 1852
- 2. Elizabeth Frances (1819-)
married Caleb Hammill - 1842
- ✓ Elizabeth Conkling (1797-1873)
- ✓ Stephen U. R. Trowbridge (1794-1859)] (parents married
- 6 William Pettit (1828-1892)
married Lucy Parkman 1857
- 9 Luther Stephen (1836-1912)
married Julia Buel - 1862
- 10 Trowbridge Hastings
son of Julia Conkling (1815-)
married Charles Hastings - 1857
- 11 Augusta Sibley (1842-)
married Wm. S. Albertson - 1870

Bottom

Year	#	Twp Supervisor	Twp Clerk	Trustee 1	Trustee2	Twp Assessor 1	Twp Assessor 2	Twp Assessor 3
1860	60	Smith, Josephus	Buttolph, John					
1861	61	Mathews, J. W/Whitney	Buttolph, John					
1862	62	Smith, Josephus	Conley, Stephen G/J					
1863	63	Cone, William	Buttolph, John					
1864	64	Smith, Josephus	Buttolph, John					
1865	65	Cone, William	Buttolph, John					
1866	66	Smith, Josephus	Buttolph, John					
1867	67	Clark, Gurden G.	Smith, Hiram					
1868	68	Clark, Gurden G.	Smith, Hiram					
1869	69	Clark, Gurden G.	Smith, Hiram					
1870	70	Trowbridge, Guy M.	Smith, Hiram					
1871	71	Trowbridge, Guy M.	Smith, Josephus					
1872	72	Trowbridge, Guy M.						
1873	73	Smith, Josephus	Bailey, Adams					
1874	74	Smith, Josephus	Bailey, Adams					
1875	75	Smith, Josephus	Bailey/Bayley, Adam					
1876	76	Smith, Josephus	Buttolph, Dwight					
1877	77	Smith, Josephus	Buttolph, Dwight					
1878	78	Smith, Josephus	Buttolph, Dwight					
1879	79	Smith, Josephus	Buttolph, Dwight					
1880	80	Smith, Josephus	Buttolph, Dwight					
1881	81	Smith, Josephus	Buttolph, Dwight					
1882	82	Smith, Josephus	Buttolph, Dwight					
1883	83	Smith, Josephus	Buttolph, Dwight					

Year	Poor Direct/Over 2	School Superint	School Commis	School Insp 1	School Insp 2	School Insp 3
1860				Smith, Josephus		
1861				Stout, William H.		
1862				Stone, W. Jay		
1863				Shutes, Montgomery		
1864				Stone, W. Jay		
1865				Wooden, Theodore (S.)	Shutes, Montgomery	
1866				Jones, Major (M. G.)	Perry, John W.	
1867				Adams, Albert		
1868						
1869				Morse, George P.		
1870						
1871				Bayley, Adams		
1872				Morse, George P.		
1873				Denison, Daniel A.	Jones, Major (M. G.)	
1874				Gibbs, Galucia	Buttolph, Dwight	
1875				Trowbridge, Guy M.		
1876				Trowbridge, Guy M.		
1877		Shutes, Montgomery		Phelps, William (H.)		
1878		Shutes, Montgomery				
1879		Shutes, Montgomery		Gibbs, Galucia		
1880		Shutes, Montgomery		Hill, Elisha	Page, Benjamin	
1881		Shutes, Montgomery		Gibbs, Galucia		
1882				Gibbs, Galucia	Jones, Major (M. G.)	
1883				Jones, Major (M. G.)		

Year	Constable 1	Constable 2	Constable 3	Constable 4	Just of P 1
1860	Boyd, John	Butler, Daniel (B.)	Perry, John W.	Voorhes, Frederick	Phelps, William H.
1861	Boyd, John	Jennings, Perry	Norton, John M.	Bristol, J. Stevens	Daniel(Is), Benjamin
1862	Boyd, John	Morse, George P.	Norton, John M.	Russell, John	Page, Benjamin
1863	Boyd, John	Brooks, Eli	Crombie, Robert	Norton, John M.	Trowbridge, Guy M.
1864	Crombie, Robert	Eldred, Theodore	Mitchell, Pearl L.		Phelps, William H.
1865	Crombie, William	Mitchell, Pearl L.	Smith, Josephus		Smith, Hiram
1866	Dennison, George J.	Mitchell, Pearl L.	Wattles, Silas B.		Page, Benjamin
1867	Brooks, Eli	Clark, Erastus M.	Mitchell, Pearl L.	Short, Hezekiah	Trowbridge, Guy M.
1868	Boyd, John	Dennison, George J.	Crombie, William	Eldred, Theodore	Phelps, William H.
1869	Bigham, James S.	Brooks, Eli	Clark, Gurden J.	Page, Henry L.	Clark, Gurden G.
1870	Dennison, George J.	Eldred, Theodore	Martin, William H.	Voorhes, Frederick	Page, Benjamin
1871	Eldred, Theodore	Smith, Josephus			Shutes, Montgomery
1872	Boyd, Samuel (T.)	Butler, Daniel	Dennison, George J.	Smith, Josephus	Phelps, William H.
1873	Boyd, Samuel (T.)	Butler, Daniel	Butler, Samuel		Smith, Josephus
1874	Becker, R. Wesley	Butler, Daniel	Daniels, John B.	Hendrickson, George H.	Page, Benjamin
1875	Clark, Erastus M.	Crombie, Robert	Helmes, Oscar		Shutes, Montgomery
1876	Boyd, John	Brown, William	Clark, Erastus M.	Lamb, John Sr.	Phelps, William H.
1877	Boyd, John	Clark, Erastus M.	Lamb, John Sr.	Pallister, William	Smith, Josephus
1878	Boyd, John	Eldred, Theodore	Lamb, John Sr.	Smith, Josephus	Page, Benjamin
1879	Boyd, John	Brown, Emet (Emmet)	Dennison, George J.	Lamb, John Sr.	Gibbs, Galucia
1880	Boyd, John	Cutting, Frank D.	Lamb, John Sr.	Strong, William	Jones, Major (M. G.)
1881	Becker, Henry	Bigham, James S.	Cutting, Frank D.	Lamb, John Sr.	Smith, Josephus
1882	Brown, William	Burroughs/Burrows, Andrew J.	Lamb, John Sr.	Smith, Lewis (G.)	Page, Benjamin
1883	Fay, George	Lamb, John Sr.	Leonard, Mason W.	Robbins, Sylvester	Gibbs, Galucia

Year	Just of P 2	Just of P 3	Just of P 4	Treasurer	Board of Heath
1860	Goodman, William			Perry, John W.	
1861				Bristol, Sterling	
1862	Daniel, Benjamin	Denison, William A.	Phelps, William	Boyd, John	
1863	Trowbridge, Guy M.			Brooks, Eli	
1864				Mitchell, Pearl L.	
1865				Harris, Bradner	
1866				Dennison, George J.	
1867	Trowbridge, Guy M.			Mitchell, Pearl L.	
1868	Shutes, Montgomery				
1869				Brooks, Eli	
1870				Martin, William H.	
1871				Butler, Daniel	
1872	Hill, Elisha			Dennison, George J.	
1873				Butler, Daniel	
1874	Smith, Josephus			Butler, Daniel	
1875				Clark, Erastus M.	
1876				Clark, Erastus M.	
1877				Boyd, John	
1878	Smith, Josephus			Boyd, John	
1879				Boyd, John	
1880				Boyd, John	
1881				Cutting, Frank D.	
1882				Boyd, John	
1883	Hadsell, Charles (E.)			Boyd, John	



You searched for **Alexander Copland** from 1880 - 1950

Detroit, Michigan Directory, 1890 Record

about Henry B; Alexander W Copland

Name:	Henry B; Alexander W Copland
Location 1:	59-61 Woodbridge e corner Randolph
Business Name:	Detroit Cracker Co
Occupation:	Cracker and Biscuit Mnfrs
Year:	1890, 1891
City:	Detroit
State:	MI

Refine your search of the Detroit, Michigan Directory, 1890

Source Information:

Ancestry.com. *Detroit, Michigan Directory, 1890* [database online]. Provo, UT: MyFamily.com, Inc., 2000. Original data: *Detroit City Directory, 1890*. Detroit, MI: R. L. Polk and Co., 1890.

|||||
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You searched for **Alexander Copland** from 1880 - 1950

Detroit, Michigan Directory, 1890 Record

about Elizabeth Copland (widow Alexander W)

Name:	Elizabeth Copland (widow Alexander W)
Location 2:	Grosse Isle, Mich
Year:	1890, 1891
City:	Detroit
State:	MI

Refine your search of the Detroit, Michigan Directory, 1890

Source Information:

Ancestry.com. *Detroit, Michigan Directory, 1890* [database online]. Provo, UT: MyFamily.com, Inc., 2000. Original data: *Detroit City Directory, 1890*. Detroit, MI: R. L. Polk and Co., 1890.



To: The Mayor & City Council
From: Phil Nelson, City Manager
Subject: Ethics Information
Date: October 17, 2006

At the request of Councilmember Lambert, staff has gathered a considerable amount of information concerning governmental ethics. Attached are copies of the Birmingham Ethics Ordinance, and ethics principles and guidelines developed by the Josephson Institute Government Ethics Center.

In 2005, Legal staff did an extensive amount of research on what other Michigan cities have done concerning ordinances or policies. Staff did not provide copies of the Power Point presentation due to the length of the slide show. If the Council wants to review the information, staff can have the materials available during your study session.

After you review the attached information, and you have questions, please contact the City Attorney or me at your convenience.

PROPOSED
ETHICS PRINCIPLES AND GUIDELINES

The City of Troy recognizes the following principles and guidelines, as espoused by the Josephson Institute Government Ethics Center, which are reiterated with permission, and adopted by the City of Troy.

I. **PUBLIC OFFICE AS A PUBLIC TRUST.**

Public servants should treat their office as a public trust, only using the powers and resources of public office to advance public interests, and not to attain personal benefits or pursue any other private interest incompatible with the public good.

A. Pursuit of Public Interests.

In treating their office as a public trust, public servants, whatever their role, should diligently and in good faith pursue the public interest to the best of their ability and subordinate self-interest to the public good.

B. Ensuring Public Respect.

In treating their office as a public trust, public servants should act so as to ensure the reality and perception that government is conducted according to the highest principles of democracy with honesty, integrity and a concern for justice and is, therefore, worthy of respect, trust, and support.

1. *Avoiding Impropriety.* Public servants should maintain public trust in government by avoiding acts that place personal or private interests above pursuit of the public interest.
2. *Avoiding Appearances of Impropriety.* Public servants should avoid conduct that tends to undermine public trust by creating in the minds of reasonable impartial observers the perception that government office has been used improperly.

C. Formulation of Public Policy.

Persons with the responsibility for making public policy and laws should place the public interest over all other considerations.

1. *Elected Officials Should Make Policy.* In a representative democracy, public interest should be determined and translated into policies and programs by or under the direction of elected officials who are ultimately accountable to the public.
2. *Dealing With Conflicting Loyalties.* In pursuing the public interest, public servants should put loyalty to democratic principles and to the broadest public good above loyalty to political party, their constituencies and individuals.
3. *Ranking Loyalty Obligations.* When allocating public funds and formulating general public policies, elected officials should evaluate information objectively and decide what is best for the public as a whole, not just a narrow constituency.
4. *Organizational vs. Personal Loyalties.* Public servants with supervisory authority should safeguard and protect the public interest, the reputation of government and the integrity and efficiency of their department, even at the cost of injuring a superior, colleague, or friend.
5. *Protection of Minority Rights.* It is in the overall public interest that the will of the majority is tempered by a commitment to consider and protect the rights and advance the interests of minorities, especially those that are not sufficiently represented in the normal decision making process.

D. Implementation of Policy.

Public administrators and executives should interpret and implement policies and laws in good faith and energetically pursue the goals of policy and lawmakers.

1. *Subordination of Personal Views.* Public servants charged with the administration of policies and laws should do so as equitable, efficiently, and economically as possible, regardless of their personal views.

2. *Dealing With Policy Disagreements.* Public servants who find that their personal convictions are irreconcilably incompatible with lawful policies should openly state their conflict and, in some cases, withdraw from the administration of such policies.
3. *Whistle Blowing: Disclosure of Unlawful or Improper Policies or Actions.* Public servants who have a good faith belief that the public interest requires the disclosure of governmental policies or actions thought to be unlawful or improper should reveal their information to appropriate authorities.
4. *Leaking.* Except in matters of great public importance where identifying oneself as the source of information would involve unreasonable personal risks, public servants should not secretly reveal confidential matters or allege improprieties.

E. Personal Gain From the Performance of Public Duties.

Except for official compensation, public servants should neither seek nor accept any form of payment, gratuity or other personal benefit relating to the performance of their responsibilities.

1. *Performance of Duty.* Public servants should neither seek nor accept any form of personal benefit for the performance of their duty to deal with a matter promptly, efficiently or fairly or for the exercise of appropriate but discretionary representational authority.
2. *Accessibility of Elected Officials.* Elected officials should assure that constituents and others who may be affected by public policies have a fair and equal opportunity to express their concerns, grievances, and ideas without regard to their willingness or ability to provide personal benefits or political support to the official.
3. *Personal Benefits Should Never Appear to Be Necessary.* Public servants should not engage in any conduct which could create in the mind of a reasonable observer the belief that persons will receive better or

different service if they provide personal benefits or political support to a government official.

F. Use of Public Employees for Personal Benefit.

Public servants should not use public employees on government time for private benefit.

1. *Subordinate's Responsibility To Say No.* Public employees should refuse to perform improper personal tasks on government time.

G. Use of Government Property for Personal Benefit. A public servant should not use government property or facilities for private benefit.

H. Use of Title or Prestige for Personal Benefit.

Public servants should not use, nor allow others to use, the authority, title, or prestige of public office for the attainment of private financial, social or political benefits in any manner that is inconsistent with public interests.

1. *Use For Commercial Purposes.* Public servants should not permit their names or official titles to be used by a nonpublic enterprise in any manner that would lead reasonable observers to believe that those who deal with the enterprise may receive special treatment or advantages as a result of a formal association with the public servant.
2. *Exploitive Fees.* The present or former holder of a high public office that carries with it substantial prestige should not appear to sell the stature of the office by accepting sums that create a general perception that the office has been exploited for private gain.
3. *Use For Private Advantage.* Public servants should not use official letterhead or refer to their public position as a means of inducing or intimidating persons to resolve disputes more favorably, provide preferential treatment, or give free tickets, discounts, favors or other advantages.

I. Use of Public Powers for Political Advance.

A public servant should not use the resources, prerogatives and powers of office primarily to advance political interests.

1. *Use of Public Employees.* A public servant should not seek to use public employees, on government time, to assist in political party activities, campaigning, fund raising, or other partisan or personal political activities.
2. *Use of Public Facilities.* A public servant should not conduct nor allow campaign and fund raising activities on government premises nor use government resources for these purposes.
3. *Use of Public Authority.* A public servant should not use public authority primarily to achieve personal political advantage or favorable press coverage.

J. Use of Campaign Funds for Private Benefit.

Public servants to run for office should use campaign funds only for expenses directly relating to campaigning (e.g. salaries, consultant fees, travel, printing, media, polling, communication with voters and constituents) and not for personal or other political purposes.

1. *Improper Expenditures.* Campaign funds should not be used to supplement personal income or enhance a personal life style.
2. *Loans.* Candidates should not borrow from campaign funds nor loan them to any other person, whether or not interest is paid.
3. *Disclosure About the Use of Funds.* Public servants to raise campaign funds with the intent or known possibility that they will be used for a purpose other than direct campaign expenses relating to a current election should disclose their intent to the donor in order to avoid any possibility of raising money under false pretenses.

II. PRINCIPLES OF INDEPENDENT OBJECTIVE JUDGMENT.

Public servants should employ independent objective judgment in performing their duties, deciding all matters on the merits, free from conflicts of interest and both real and apparent improper influences.

A. Conflicts of Interest.

Public servants should safeguard their ability to make independent, objective, fair and impartial judgments by scrupulously avoiding financial, social and political relationships and transactions that may compromise or give the appearance of compromising their objectivity, independence or honesty.

1. *Disclosure of Financial Conflicts of Interest.* Public servants should safeguard their ability to make independent, objective, fair and impartial judgments by scrupulously avoiding financial, social and political relationships and transactions that may compromise or give the appearance of compromising on their objectivity, independence or honesty.
2. *Avoidance of Financial Conflicts.* Public servants should make all reasonable efforts to avoid transactions that may compromise or give the appearance of compromising their objectivity, independence or honesty.
3. *Benefits Intended to Influence.* Public servants should not accept benefits of any sort under circumstances in which it could be reasonably inferred that the benefit was intended to influence them in the performance of their public responsibilities.
4. *Duty to Report Improper Offers.* When the possibility of improper motive requires refusal of a gratuity, the official should firmly warn the person about bribery laws and improper influence; if the attempt to unduly influence is clear, the matter should be reported to law enforcement authorities.

5. *Appearance of Undue Influence.* Regardless of the actual intent of the provider or recipient, public servants should not accept benefits of any sort under circumstances that would create in the mind of a reasonable observer the belief the benefit may influence them in the performance of their public responsibilities.
- a. *Earned income from persons directly affected by actions or decisions.* Public servants should avoid engaging in financial relationships that might reasonably be construed to affect their judgment or actions, especially from lobbyists or other persons who are unlikely to be affected directly by their actions or decisions.
 - b. *Gratuities from persons directly affected by actions or decisions.* Public servants should refuse to accept any gratuities that may reasonably be construed to affect their judgment or actions, especially from lobbyists or other persons who are likely to be affected directly by their actions or decisions.
 - c. *Campaign contributions from persons directly affected by decisions.* Public servants should be cautious about accepting campaign contributions that may reasonably be construed to affect their judgment or actions, especially from other lobbyists or other persons who are likely to be affected by their decisions.
 - d. *Personal relationships with persons directly affected by decisions.* Public servants should be cautious about accepting campaign contributions that may reasonably be construed to affect their judgment or actions, especially from lobbyists who are likely to be affected directly by their decisions.

B. Recusal and Disqualification.

Public servants should not take any public action under circumstances where, due to a conflict in interests, they are not certain that they can do so fairly and objectively.

C. Bias or Favoritism.

Public servants should exercise the powers and prerogatives of office fairly without prejudice or favoritism. It is improper to use public authority to reward relatives, friends or political supporters or to hinder or punish enemies and opponents.

D. Intervening on Behalf of Constituents and Friends.

Public officials should be extremely cautious about directly or indirectly intervening with normal decision making, investigatory, or adjudicative processes of governmental bodies on behalf of constituents or friends, since such intervention can threaten the ability of government administrators to exercise independent objective judgment on the merits.

1. *General Rule.* Generally, intervention on behalf of constituents or friends is proper only if it is strictly limited to assuring fairness of the procedures and the intervener consciously avoids seeking to unduly influence the decision making process.
2. *Those who intervene* should firmly, explicitly and unambiguously convey their limited purpose to reduce the possibility of direct or indirect pressure on administrators that could reasonably appear to influence the substantive decision.

III. **PRINCIPLE OF ACCOUNTABILITY.**

Public servants should assure that government is conducted openly, efficiently, equitably and honorably in a manner that permits the citizenry to make informed judgments and hold government officials accountable.

A. Oversight.

Public servants should assure that those to whom they have delegated public power, including their staffs and administrative agencies, carry out their responsibilities efficiently, equitably and ethically.

B. Openness.

Public servants should exercise the authority of their offices openly so that the public is informed about governmental decisions and the citizenry can hold them accountable for their actions.

C. Duty to Improve the System.

Public servants who believe that a law or policy is not achieving its intended purpose, is creating unintended harms, or is wasteful or inefficient, should take affirmative steps to improve procedures in a way that will increase the fairness and quality of government services and assure that policies are implemented equitably, efficiently and economically.

1. *Making Changes.* Public servants should take whatever actions they can to correct problems, streamline procedures and improve services. Where desirable changes exceed authority, public servants should promptly and forcefully recommend reform to the appropriate person or body.
2. *Supervisor's Duty.* In order to encourage a broad sense of responsibility for both the results and methods of government action, supervisors should develop a working environment that fosters constructive criticism and creative problem solving.

D. Self- Policing.

Public servants should maintain the integrity and trustworthiness of government by taking whatever steps are necessary, including reporting improper conduct to appropriate authorities, to prevent the unlawful or unethical use of public position, authority or resources.

IV. PRINCIPLE OF DEMOCRATIC LEADERSHIP.

Public servants should honor and respect the principles and spirit of representative democracy and set a positive example of good citizenship by scrupulously observing the letter and spirit of laws and rules.

A. Obeying All Laws.

Public servants have a special obligation to obey all laws and regulations.

B. Artifices and Schemes.

Public servants should not engage in artifices and schemes to exploit loopholes or ambiguities in the law in a way that undermines their spirit and purpose.

C. Integrity of the Process.

In using procedural rules, public servants should maintain the integrity, fairness and efficiency of the process by honoring the substance and spirit of the rules and by refraining from conduct which undermines the principles of representative democracy.

D. Use of Leadership Power.

Legislative leaders and committee chairs should use their leadership powers only in a manner consistent with representative democracy.

E. Civil Disobedience.

In rare cases, a public servant may exercise the prerogative of conscientious objection by disobeying the law. In such cases, the illegal behavior should be open and the official should be willing to bear the appropriate legal and political consequences.

V. PRINCIPLE OF RESPECTABILITY AND FITNESS FOR PUBLIC OFFICE.

Public servants should safeguard public confidence in the integrity of government by being honest, fair, caring and respectful and by

avoiding conduct creating the appearance of impropriety of which is otherwise unbecoming a public official.

A. Fitness of Public Office.

Public servants should conduct their professional and personal lives so as to reveal character traits, attitudes, and judgments that are worthy of honor and respect and demonstrate fitness for public office.

1. *Honesty.* Public servants should be scrupulously honest, avoiding any form of lying, deception, deviousness, hypocrisy, and cheating in their professional and personal lives.
2. *Integrity.* A public servant should reflect personal integrity in all matters, placing principle over expediency and demonstrating courage of convictions.
3. *Private Personal Conduct.* Public servants should avoid engaging in any conduct that is likely to bring discredit on themselves and the governmental bodies in which they serve.

B. Campaigning.

Those seeking public office should conduct their campaign in a way that aids the citizenry to make an informed choice on appropriate criteria and which casts credit on government and the election process.

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City Government

City Government » Boards and Commissions » Board of Ethics

Ethics Board Ordinance

 [Printer Friendly](#)

CITY OF BIRMINGHAM

ORDINANCE NO. 1819

AN ORDINANCE TO AMEND CHAPTER 2, ADMINISTRATION, OF THE CITY CODE OF THE CITY OF BIRMINGHAM, TO REVISE SECTION 2-324 A. CONFLICT OF INTEREST – GENERAL, SUBSECTION IX, AND SECTION 2-325, VIOLATION, ENFORCEMENT AND ADVISORY OPINIONS, SUBSECTION B, FUNCTIONS OF THE BOARD OF ETHICS, OF THE CITY OF BIRMINGHAM ETHICS ORDINANCE

THE CITY OF BIRMINGHAM ORDAINS:

Chapter 2, Administration, of the Birmingham City Code is hereby amended as follows:

Article IX, Sections 2-320 through 2-326 are hereby added to read as follows:

SECTION 2-320. PUBLIC POLICY.

Public office and employment are public trusts. For government to operate properly, each City official, employee, or advisor must earn and honor the public trust by integrity and conduct.

The City of Birmingham hereby declares that all City officials and employees must avoid conflicts between their private interests and the public interest. Public officials and employees must:

- ▶ City Codes and Ordinances
- ▶ Elected Officials
- ▼ **Boards and Commissions**
 - ▶ Board and Commission Opportunities
 - ▶ Ad Hoc Barnum Property Committee
 - ▶ Ad Hoc Joint Venture Committee
 - ▶ Advisory Parking Committee
 - ▶ Architectural Review Committee
 - ▶ Barnum Center Steering
 - ▶ Birmingham Area Cable Board
 - ▶ Board of Review
 - ▶ Board of Zoning Appeals
 - ▶ Brownfield Redevelopment Authority
 - ▶ City Commission
 - ▶ Design Review Board
 - ▼ **Board of Ethics**
 - ▶ Current Agenda
 - ▶ Minutes
 - ▶ **Ethics Board Ordinance**
 - ▶ Advisory Opinions
 - ▶ Complaints
 - ▶ General Investment Committee
 - ▶ HDDRC
 - ▶ HDSC
 - ▶ Historic District Commission
 - ▶ Historical Board
 - ▶ Housing Board of Appeals
 - ▶ Library Board
 - ▶ Parks & Rec Board
 - ▶ Planning Board
 - ▶ Principal Shopping District
 - ▶ Public Arts Board
 - ▶ Retirement Board
 - ▶ Retiree Health Care

- ▶ Traffic & Safety Board
- ▶ City Departments
- ▶ City Organizational Chart
- ▶ Telephone Directory

- Be independent, impartial and responsible to the people;
- Make governmental decisions and policy in the proper governmental channels;
- Not use public office for personal gain.

To enhance public trust, the City of Birmingham must provide its officials and employees with adequate guidelines for separating their roles as private citizens from their roles as public servants.

This Code sets minimum standards of ethical conduct for all City officials and employees, elected or appointed, paid or unpaid. It proscribes actions incompatible with the public interest and directs disclosure of private financial or other interests in matters affecting the City.

SECTION 2-321. RESPONSIBILITIES OF PUBLIC OFFICE.

City officials and employees are bound to uphold the Constitution of the United States and the Constitution of the State of Michigan and to carry out impartially and comply with the laws of the nation, state, and the City of Birmingham. City officials and employees must not exceed their authority or breach the law or ask others to do so. City officials and employees are bound to observe in their official acts the highest standards of morality and to discharge the duties of their offices faithfully, regardless of personal consideration, recognizing that their conduct in both their official and private affairs should be above reproach.

All City officials and employees shall safeguard public confidence by being honest, fair and respectful of all persons and property with whom they have contact, by maintaining non-partisanship in all official acts, and by avoiding conduct which may tend to undermine respect for City officials and employees and for the City as an institution.

SECTION 2-322. DEFINITIONS, AS USED IN THIS CODE.

- I. "City official or employee" means a person elected, appointed or otherwise serving in

any capacity with the City of Birmingham in any position established by the City Charter or by City Ordinance which involves the exercise of a public power, trust or duty. The term includes all officials and employees of the City, whether or not they receive compensation, including consultants and persons who serve on advisory boards and commissions. The term does not include election inspectors and student representatives appointed to City boards or commissions.

"Consultant" means a person who gives professional advice or services regarding matters in the field of his or her special knowledge or training.

- II. "Compensation" means any money, property, thing of value or benefit conferred upon or received by any person in return for services rendered or to be rendered to himself or herself or any other party.
- III. "Financial interest" means any interest in money, property or thing of value or benefit.
- IV. "Immediate family" means a City official or employee, his or her spouse, parents or children.
- V. "Official duties" or "official action" means a decision, recommendation, approval, disapproval or other action or failure to act, which involves the use of discretionary authority.
- VI. "Personal interest" means an interest arising from blood or marriage relationships or any business association.
- VII. "Private gain" means any interest or benefit, in any form, received by a City employee or official.
- VIII. "Substantial" shall mean considerable in quantity or significantly great.

SECTION 2-323. INTENTION OF CODE.

It is the intention of Section 2-324 below that City officials and employees avoid any action, whether or not specifically prohibited by Section 2-324, which might result in, or create the

appearance of:

- I. Using public employment or office for private gain;
- II. Giving or accepting preferential treatment, including the use of City property or information, to or from any organization or person;
- III. Losing complete independence or impartiality of action;
- IV. Making a City decision outside official channels; or
- V. Affecting adversely the confidence of the public or the integrity of the City government.

The Code of Ethics is intended to be preventative and not punitive. It should not be construed to interfere with or abrogate in any way the provisions of any Federal or State Statutes, the Birmingham City Charter, the City of Birmingham Ordinances, or any rights and/or remedies guaranteed under a collective bargaining agreement.

This declaration of policy is not intended to apply to contributions to political campaigns, which are governed by State Law.

SECTION 2-324. A CODE OF ETHICS IS HEREBY PROMULGATED AS FOLLOWS:

A. CONFLICT OF INTEREST -- GENERAL.

- I. No official or employee of the City of Birmingham shall divulge to any unauthorized person, confidential information acquired in the course of employment in advance of the time prescribed for its authorized release to the public.
- II. No official or employee of the City of Birmingham shall represent his or her personal opinion as that of the City.

- III. Every official or employee of the City of Birmingham shall use personnel resources, property and funds under his or her official care and control solely in accordance with prescribed constitutional, statutory and regulatory procedures and not for personal gain or benefit.
- IV. No official or employee of the City of Birmingham shall directly or indirectly, solicit or accept any gift or loan of money, goods, services or other thing of value for the benefit of any person or organization, other than the City, which tends to influence the manner in which the official or employee or any other official or employee performs his or her official duties.

Gratuities do not include fees for speeches or published works on legislative subjects and, except in connection therewith reimbursement for expenses for actual expenditures for travel, and reasonable subsistence, for which no payment or reimbursement is made by the City of Birmingham, invitations to such events as ground breakings, grand openings, charitable or civic events, or inconsequential gifts from established friends.

- V. No official or employee of the City of Birmingham shall engage in a business transaction in which he or she may profit because of his or her official position or authority or benefit financially from confidential information which he or she has obtained or may obtain by reason of such position or authority.
- VI. No official or employee of the City of Birmingham shall engage in or accept employment or render services for any private or public interest when that employment or service is incompatible or in conflict with the discharge of his or her official duties or when that employment may tend to impair his or her independence of judgment or action in the performance of his or her official duties.

This section shall not prohibit a part-time elected or appointed City official from engaging in private employment or business on his or her own time as a private citizen and where City business is not involved, subject to his or her disclosing such private employment or business on the public record for any matter on which he or she may be called upon to act in his or her official capacity, in accordance with Section 5 B below. He or she shall refrain from voting upon or otherwise participating in debate on any such matter.

- VII. No official or employee of the City of Birmingham shall participate, as an agent or representative of the City, in the negotiation or execution of contracts, granting of subsidies, fixing of rates, issuance of permits or certificates, or other regulation or supervision, relating to any business entity in which he or she has, directly or indirectly, a financial or personal interest.

VIII. No official or employee of the City of Birmingham shall use, or attempt to use, his or her official position to secure, request or grant unreasonably any special consideration, privilege, exemption, advantage, contract or preferential treatment for himself, herself, or others, beyond that which is available to every other citizen.

IX. It is recognized that various boards and committees are part of the plan of government for the City of Birmingham. As such, it is further recognized that by virtue of the various requirements for membership of the Board, a member may be placed in the position of participating in a decision that may directly or indirectly affect his or her financial or personal interests. Therefore, those members of the various boards and committees in the City of Birmingham, as they may be established from time to time, may participate in such decisions provided that they act:

- i) In furtherance of the public good;
- ii) In compliance with the duties of their respective boards; and,
- iii) In a manner consistent with subpart VIII of this Section.

X. Determination of Conflict of Interest.

A conflict of interest exists if:

- A) The City official or employee has any financial or personal interest, beyond ownership of his or her place of residence, in the outcome of a matter currently before that City official or employee, or is associated as owner, member, partner, officer, employee, broker or stockholder in an enterprise that will be affected by the outcome of such matter, and such interest is or may be adverse to the public interest in the proper performance of said official's or employee's governmental duties, or;
- B) The City official or employee has reason to believe or expect that he or she will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of his or her official activity, or;
- C) The public official has any other prohibited interest as defined by Michigan statutes relating to conflicts of interest.

XI Subsequent Conflict of Interest.

No official or employee of the City of Birmingham shall acquire any financial interest in or accept any employment concerning any project which has been granted approval by the City or any commission, board, department or employee thereof within one year of the official's or employee's participation in any manner in considering or recommending the approval or disapproval of said project.

B. FULL DISCLOSURE.

I. Responsibility to Disclose.

It shall be the responsibility of the official or employee to disclose the full nature and extent of his or her direct or indirect financial or personal interest in a matter before him or her.

No official or employee of the City of Birmingham shall participate, as an agent or representative of the City, in approving, disapproving, voting, abstaining from voting, recommending or otherwise acting upon any matter in which he or she has directly or indirectly a financial or personal interest. The official or employee shall, in such circumstances, recuse himself or herself from the matter before him or her.

II. Disclosure of Conflict of Interest and Disqualification.

A. Any City official or employee who has a conflict of interest, as defined herein, in any matter before the City shall disclose such fact on the appropriate record of the City prior to discussion or action thereon and shall refrain from participating in any discussion, voting or action thereon, as follows, provided that such exceptions shall be observed as are permitted by law:

(I) A City Commissioner shall disclose any conflict of interest and the nature and extent of such interest on the record of the City Commission;

- (II) A member of any City board, commission or committee shall disclose any conflict of interest and the nature and extent of such interest on the records of said board, commission or committee;
 - (III) A City employee who has a financial or other interest in a matter before the City Commission or any City board, commission or committee and who participates in discussion with, or gives an official opinion to the City Commission, or to such other City board, commission or committee relating to such matter, shall disclose on the records of the City Commission or such other City board, commission or committee, as the case may be, any conflict of interest and the nature and extent of such interest.
 - (IV) Otherwise, any appointed City official or employee shall address such a disclosure to the supervisory head of his or her department, and any elected City official shall address such a disclosure to the general public.
- B. If a City official, commissioner or employee who has a conflict of interest, as defined herein, in any matter before the City, and who discloses that conflict on the appropriate records but who refuses to refrain from discussion, deliberation or voting thereon, the matter under consideration shall be immediately referred to the Board of Ethics for a final determination as to the conflict in question and whether the official, commissioner or employee must refrain from discussion, deliberation, action or voting thereon.
 - C. Within twenty (20) days after election, employment, appointment, or the effective date of this ordinance, or any change in the facts set forth in the City official's or employee's previously filed Disclosure Statement, each City official and employee shall file with the City clerk an Affidavit and Disclosure Statement. The City clerk shall provide each City official or employee with the required Affidavit and Disclosure Statement form immediately upon his or her election, employment or appointment. The Affidavit and Disclosure Statement does not apply to part-time and temporary employees of the City of Birmingham. Additionally, the disclosure requirements on this section do not apply to regular full-time employees below the level of assistant department head, except at the discretion of the City Manager.
 - D. The effective date for this ordinance shall be July 21, 2003.

SECTION 2-325. VIOLATION, ENFORCEMENT AND ADVISORY OPINIONS.

A. Board of Ethics.

- (I) The City Commission shall appoint a Board of Ethics, consisting of three members, as an advisory body for the purpose of interpreting this Code of Ethics.
- (II) The initial three members of the Board of Ethics shall be appointed for one-, two-, and three-year terms of office respectively, which shall begin on July 1, 2003. If appointed prior to July 1st, they shall begin their terms of office immediately and their terms shall include the additional time prior to July 1st. Terms of office shall expire on June 30th of the respective years.

Thereafter, all members shall be appointed to three-year terms, beginning July 1, so that only one member's term expires each year. A member shall hold office until his or her successor is appointed. The City Commission shall fill a vacancy by an appointment for the unexpired term only.

- (III) The Board of Ethics shall be made up of residents of the City who have legal, administrative or other desirable qualifications.
 - a) The members of the Board of Ethics shall serve without compensation, and shall not be elected officials, persons appointed to elective office, full-time appointed officials or City employees, nor shall they be currently serving on any other City board or commission.
 - b) The Board shall select its own presiding officer from among its members.
 - c) The Board shall establish such procedures it deems necessary or appropriate to perform its functions as set forth in this ordinance.

B. Functions of the Board of Ethics.

When there is a question or a complaint as to the applicability of any provision of this Code to a particular situation, that question or complaint shall be directed to the Board of Ethics. It shall then be the function of the Board of Ethics to conduct hearings and/or issue an advisory opinion, as applicable.

(I) Hearings.

The Board of Ethics shall follow the following hearing procedure:

- a) The Board shall, within seven days after any matter is brought to its attention, set a date certain for hearing said matter.
- b) The Board shall, at least twenty-eight days before the hearing date, send notice of such hearing, accompanied by a copy of the complaint of the alleged breach of this Code of Ethics, to any person requested to appear before them, by certified mail, return receipt requested, to addressee only.
- c) Any person requested to appear before a Board of Ethics hearing may request one extension for a period not to exceed twenty-eight days. Extensions thereafter will be granted only under extreme circumstances.
- d) Any person requested to appear before a Board of Ethics hearing may be accompanied by his or her attorney.
- e) All hearings at which any person shall be requested to appear shall be subject to the Open Meetings Act.
- f) All findings of Board hearings shall be published in permanent form and communicated to the City Commission and the public, subject to the requirements of the Open Meetings Act.

(II) Advisory Opinions.

All advisory opinions so issued shall also be published in permanent form and communicated to the City Commission and the public, subject to the requirements of the Open Meetings Act.

(III) After the Board of Ethics' advisory opinions and/or hearing findings have been published:

(a) The City Commission shall be responsible for imposing any sanction for a violation of this code on one of its members or any person appointed by the Commission to any City Board.

(b) If it becomes necessary to seek the removal of a City official after the Board of Ethics' advisory opinion and/or hearing findings, the City shall follow the requirements for removal of a public official in accordance with the laws of the State of Michigan.

(c) The City Manager shall be responsible for imposing any discipline for a violation of this code on any employee of the City.

Section 2-326 AFFIDAVIT AND DISCLOSURE STATEMENT

Immediately following an election, employment or appointment of a City official or employee, the City clerk shall provide the individual with an Affidavit and Disclosure Statement form. Within twenty days after election, appointment, employment or any change in the facts set forth in the City official's or employee's previously filed Affidavit and Disclosure Statement, all City officials or employees shall file with the City clerk an Affidavit and Disclosure Statement including the following:

A. A disclosure statement responding in detail to the following questions:

1. To the best of your knowledge, do you or any members of your immediate family own any interest in real property located within the City of Birmingham, in land contiguous to the City of Birmingham, or in any area covered by a 425 Agreement to which the City of Birmingham is party?

2. If your answer to question 1 is affirmative, to the best of your knowledge state the following information for each such interest owned:
 - (a) The nature of your interest in the real property;
 - (b) The location of the real property (for improved property, provide the street address; for unimproved property state its location in relation to existing streets), and;
 - (c) The property's permanent real estate tax identification number.

3. To the best of your knowledge, do you or members of your immediate family own five percent (5%) or more of any business entity located in the City of Birmingham?

4. If your answer to question 3 is in the affirmative, state the following, to the best of your knowledge:
 - (a) The name of the entity;
 - (b) The address of the entity;
 - (c) The nature of your relationship to the entity, and;
 - (d) The date relationship commenced.

5. To the best of your knowledge, do you or any members of your immediate family have any direct financial or business relationships with any supplier, service provider or contractor of the City of Birmingham from which you or they derive direct compensation or financial benefit that is not reported in the prior answers.

6. To the best of your knowledge, have you or any members of your immediate family given or received any gifts, other than from immediate family members, the value of which exceeds \$50.00, within the last year, or since the effective date of this code, whichever time period is shorter, to or from any person or business or other legal entity doing business with the City, other than legal campaign contributions? If so, list the names and addresses of each donor or donee of each such gift and the date upon which it was made and the nature of the gift.

- B. An affidavit in which the City official or employee states: "I have read and I understand the Code of Ethics of the City of Birmingham and, to the best of my knowledge, I am not in conflict with its provisions."

Dated:

Subscribed and sworn to before me this ____ day of _____,
20__.

Notary Public

_____ County, Michigan

My Commission Expires:

ORDAINED this 12TH day of January, 2004. Effective upon publication.

Donald F. Carney Jr., Mayor

Nancy M. Weiss, City Clerk

I, Nancy M. Weiss, City Clerk of the City of Birmingham, do hereby certify that the foregoing ordinance was passed by the commission of the City of Birmingham, Michigan at a regular meeting held January 12, 2004 and that a summary was published January 18, 2004.

Nancy M. Weiss, City Clerk

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